

As Reported by the Committee of Conference

131st General Assembly

Regular Session

2015-2016

Am. Sub. H. B. No. 64

Representative Smith, R.

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

A B I L L

To amend sections 1.05, 9.312, 9.333, 9.83, 9.833,	1
9.90, 9.901, 102.02, 102.022, 103.412, 105.41,	2
109.57, 109.572, 109.77, 109.79, 113.06, 113.07,	3
118.023, 118.04, 119.04, 119.12, 121.03, 121.04,	4
121.22, 121.36, 121.372, 121.40, 122.17, 122.171,	5
122.174, 122.175, 122.177, 122.64, 122.68, 122.85,	6
122.87, 122.942, 122.95, 122.951, 123.10, 123.28,	7
123.281, 124.11, 124.14, 124.15, 124.152, 124.181,	8
124.34, 124.382, 124.392, 125.02, 125.04, 125.041,	9
125.05, 125.07, 125.08, 125.081, 125.082, 125.10,	10
125.11, 125.112, 125.13, 125.27, 125.28, 125.31,	11
125.36, 125.38, 125.39, 125.42, 125.43, 125.45,	12
125.49, 125.51, 125.58, 125.601, 125.607, 125.609,	13
125.76, 125.901, 126.32, 128.021, 128.40, 128.54,	14
128.55, 128.57, 131.09, 131.15, 131.34, 131.35,	15
131.43, 131.44, 133.01, 133.04, 133.05, 133.07,	16
133.34, 135.01, 135.04, 135.14, 135.144, 135.145,	17
135.18, 135.181, 135.35, 135.353, 135.354, 135.37,	18

135.74, 140.01, 141.04, 145.114, 145.116, 145.56,	19
145.571, 149.04, 149.43, 153.08, 153.70, 156.01,	20
156.02, 156.04, 167.06, 173.47, 173.48, 173.522,	21
173.523, 173.543, 173.544, 173.545, 174.02,	22
187.03, 191.04, 191.06, 305.31, 306.35, 319.63,	23
321.24, 323.13, 325.03, 325.04, 325.06, 325.08,	24
325.09, 325.10, 325.11, 325.14, 325.15, 339.06,	25
340.03, 340.034, 340.04, 340.05, 340.07, 340.12,	26
340.15, 341.34, 343.01, 349.01, 349.03, 349.04,	27
349.06, 349.07, 349.14, 355.02, 355.03, 355.04,	28
505.101, 505.24, 505.701, 505.86, 507.09, 507.11,	29
517.07, 517.15, 717.01, 718.01, 718.04, 718.05,	30
718.07, 718.37, 731.59, 737.41, 742.114, 742.116,	31
742.462, 742.47, 759.36, 901.08, 901.21, 901.22,	32
902.01, 903.01, 903.03, 903.07, 903.082, 903.09,	33
903.10, 903.11, 903.12, 903.13, 903.16, 903.17,	34
903.25, 905.31, 905.323, 918.41, 931.01, 931.02,	35
941.14, 953.22, 955.12, 955.121, 955.14, 955.15,	36
955.20, 955.27, 991.03, 1306.20, 1309.528,	37
1332.25, 1347.08, 1349.04, 1501.01, 1501.011,	38
1501.022, 1501.04, 1503.99, 1505.10, 1506.01,	39
1509.01, 1509.06, 1509.11, 1509.23, 1509.27,	40
1509.28, 1509.33, 1511.02, 1511.021, 1511.022,	41
1511.03, 1511.05, 1511.071, 1511.10, 1511.11,	42
1513.07, 1513.16, 1514.06, 1514.08, 1514.13,	43
1514.40, 1514.42, 1514.47, 1515.01, 1515.02,	44
1515.05, 1515.07, 1515.08, 1515.081, 1515.09,	45
1515.091, 1515.092, 1515.093, 1515.10, 1515.11,	46
1515.13, 1515.14, 1515.16, 1515.17, 1515.18,	47
1515.183, 1515.19, 1515.191, 1515.21, 1515.211,	48
1515.22, 1515.23, 1515.24, 1515.28, 1515.29,	49
1521.03, 1521.031, 1521.04, 1521.05, 1521.06,	50
1521.061, 1521.062, 1521.063, 1521.064, 1521.07,	51

1521.10, 1521.11, 1521.12, 1521.13, 1521.14,	52
1521.15, 1521.16, 1521.18, 1521.19, 1522.03,	53
1522.05, 1522.11, 1522.12, 1522.13, 1522.131,	54
1522.15, 1522.16, 1522.17, 1522.18, 1522.20,	55
1522.21, 1523.01, 1523.02, 1523.03, 1523.04,	56
1523.05, 1523.06, 1523.07, 1523.08, 1523.09,	57
1523.10, 1523.11, 1523.12, 1523.13, 1523.14,	58
1523.15, 1523.16, 1523.17, 1523.18, 1523.19,	59
1523.20, 1531.35, 1548.11, 1561.04, 1707.01,	60
1707.14, 1711.15, 1711.16, 1713.02, 1713.03,	61
1713.031, 1713.04, 1713.05, 1713.06, 1713.09,	62
1713.25, 1724.04, 1739.02, 1739.03, 1739.05,	63
1739.07, 1739.12, 1739.13, 1739.20, 1739.21,	64
1751.18, 1751.65, 1776.82, 2106.19, 2109.301,	65
2113.35, 2151.011, 2151.3514, 2151.421, 2301.03,	66
2305.231, 2919.21, 2923.129, 2925.03, 2929.13,	67
2929.18, 2929.20, 2935.33, 2951.041, 2953.25,	68
2967.14, 2967.193, 2969.14, 2981.12, 2981.13,	69
3105.171, 3109.13, 3109.14, 3109.16, 3109.17,	70
3119.27, 3121.03, 3301.078, 3301.0711, 3301.0712,	71
3301.52, 3301.53, 3301.541, 3301.55, 3301.56,	72
3301.57, 3301.58, 3301.922, 3301.923, 3302.02,	73
3302.03, 3302.036, 3302.05, 3302.15, 3305.052,	74
3305.08, 3305.21, 3307.152, 3307.154, 3307.371,	75
3307.41, 3309.157, 3309.159, 3309.66, 3309.671,	76
3310.03, 3310.09, 3310.14, 3310.41, 3310.522,	77
3310.56, 3311.19, 3313.375, 3313.41, 3313.411,	78
3313.603, 3313.608, 3313.6010, 3313.612, 3313.614,	79
3313.615, 3313.617, 3313.674, 3313.68, 3313.72,	80
3313.902, 3313.975, 3313.976, 3313.981, 3314.02,	81
3314.03, 3314.05, 3314.06, 3314.08, 3314.091,	82
3314.38, 3315.08, 3317.01, 3317.013, 3317.014,	83
3317.016, 3317.017, 3317.02, 3317.021, 3317.022,	84

3317.0212, 3317.0213, 3317.0217, 3317.051,	85
3317.06, 3317.16, 3317.161, 3317.23, 3317.231,	86
3317.24, 3318.02, 3318.024, 3318.054, 3318.30,	87
3318.40, 3319.114, 3319.22, 3319.223, 3319.303,	88
3319.51, 3319.61, 3323.13, 3326.10, 3326.11,	89
3326.32, 3326.33, 3326.50, 3327.01, 3327.02,	90
3328.24, 3332.10, 3333.01, 3333.011, 3333.021,	91
3333.03, 3333.031, 3333.032, 3333.04, 3333.041,	92
3333.042, 3333.043, 3333.044, 3333.045, 3333.047,	93
3333.048, 3333.049, 3333.0410, 3333.0411,	94
3333.0412, 3333.0413, 3333.05, 3333.06, 3333.07,	95
3333.071, 3333.08, 3333.09, 3333.10, 3333.11,	96
3333.12, 3333.121, 3333.122, 3333.123, 3333.124,	97
3333.13, 3333.14, 3333.15, 3333.16, 3333.161,	98
3333.162, 3333.163, 3333.164, 3333.17, 3333.171,	99
3333.18, 3333.19, 3333.20, 3333.21, 3333.22,	100
3333.23, 3333.25, 3333.26, 3333.28, 3333.29,	101
3333.30, 3333.31, 3333.33, 3333.34, 3333.342,	102
3333.35, 3333.36, 3333.37, 3333.372, 3333.373,	103
3333.374, 3333.375, 3333.39, 3333.391, 3333.392,	104
3333.43, 3333.44, 3333.50, 3333.55, 3333.58,	105
3333.59, 3333.61, 3333.611, 3333.612, 3333.613,	106
3333.62, 3333.63, 3333.64, 3333.65, 3333.66,	107
3333.67, 3333.68, 3333.69, 3333.71, 3333.72,	108
3333.73, 3333.731, 3333.74, 3333.75, 3333.76,	109
3333.77, 3333.78, 3333.79, 3333.82, 3333.83,	110
3333.84, 3333.86, 3333.87, 3333.90, 3333.91,	111
3334.08, 3335.02, 3335.09, 3337.10, 3345.022,	112
3345.05, 3345.06, 3345.061, 3345.32, 3345.421,	113
3345.45, 3345.48, 3345.50, 3345.51, 3345.54,	114
3345.692, 3345.70, 3345.72, 3345.73, 3345.74,	115
3345.75, 3345.76, 3345.81, 3345.86, 3354.01,	116
3365.02, 3365.07, 3365.15, 3501.01, 3501.12,	117

3501.17, 3599.03, 3701.023, 3701.045, 3701.344,	118
3701.501, 3701.60, 3701.65, 3702.304, 3702.74,	119
3702.91, 3704.05, 3704.14, 3705.08, 3709.03,	120
3709.05, 3709.07, 3709.41, 3714.051, 3714.07,	121
3714.073, 3714.08, 3714.09, 3718.03, 3734.01,	122
3734.02, 3734.021, 3734.029, 3734.07, 3734.50,	123
3734.551, 3734.57, 3734.822, 3734.901, 3736.03,	124
3736.05, 3736.06, 3737.17, 3737.84, 3743.07,	125
3743.20, 3743.44, 3743.45, 3743.63, 3743.65,	126
3743.75, 3745.015, 3745.11, 3745.70, 3750.081,	127
3750.13, 3769.03, 3769.08, 3769.083, 3769.087,	128
3769.089, 3769.101, 3770.01, 3770.03, 3770.05,	129
3770.07, 3772.02, 3772.03, 3772.99, 3773.33,	130
3773.41, 3773.42, 3781.10, 3794.07, 3901.491,	131
3903.81, 3905.33, 3905.481, 3929.86, 3959.01,	132
3959.12, 4115.03, 4117.01, 4117.10, 4121.03,	133
4121.121, 4123.322, 4301.12, 4301.43, 4301.61,	134
4301.639, 4303.181, 4303.182, 4303.184, 4501.01,	135
4501.21, 4503.181, 4503.535, 4503.77, 4503.78,	136
4505.06, 4507.21, 4511.191, 4513.611, 4513.67,	137
4519.10, 4707.02, 4715.18, 4723.06, 4723.08,	138
4723.482, 4723.50, 4723.88, 4725.40, 4725.411,	139
4725.51, 4729.51, 4729.53, 4729.541, 4729.56,	140
4729.80, 4729.82, 4729.84, 4729.86, 4730.14,	141
4730.25, 4731.07, 4731.141, 4731.15, 4731.22,	142
4731.222, 4731.225, 4731.24, 4731.26, 4731.281,	143
4731.282, 4731.293, 4731.295, 4731.296, 4731.297,	144
4731.299, 4731.41, 4732.10, 4735.06, 4735.13,	145
4735.141, 4736.12, 4741.03, 4741.11, 4741.12,	146
4741.17, 4741.19, 4741.22, 4741.31, 4760.02,	147
4760.03, 4760.031, 4760.032, 4760.04, 4760.05,	148
4760.06, 4760.13, 4760.131, 4760.132, 4760.15,	149
4760.16, 4760.18, 4762.06, 4762.13, 4763.01,	150

4763.07, 4774.06, 4774.13, 4778.06, 4778.14,	151
4905.71, 4905.81, 4909.161, 4923.04, 4927.01,	152
4927.02, 4927.07, 4927.11, 4927.15, 4928.54,	153
4928.55, 4929.164, 5101.073, 5101.54, 5101.60,	154
5101.61, 5101.611, 5101.62, 5101.69, 5101.71,	155
5101.72, 5101.91, 5101.92, 5101.98, 5101.99,	156
5103.02, 5104.01, 5104.013, 5104.015, 5104.016,	157
5104.017, 5104.018, 5104.03, 5104.036, 5104.04,	158
5104.09, 5104.30, 5104.31, 5104.34, 5104.37,	159
5104.38, 5104.99, 5107.05, 5107.64, 5115.04,	160
5119.01, 5119.10, 5119.11, 5119.161, 5119.18,	161
5119.186, 5119.21, 5119.23, 5119.25, 5119.28,	162
5119.31, 5119.33, 5119.34, 5119.341, 5119.36,	163
5119.361, 5119.365, 5119.41, 5119.44, 5119.61,	164
5119.94, 5119.99, 5120.112, 5120.135, 5120.28,	165
5120.38, 5120.381, 5120.382, 5122.31, 5122.36,	166
5123.032, 5123.033, 5123.08, 5123.16, 5123.161,	167
5123.162, 5123.163, 5123.164, 5123.166, 5123.167,	168
5123.169, 5123.19, 5123.196, 5123.198, 5123.86,	169
5124.101, 5124.15, 5124.33, 5124.60, 5124.61,	170
5124.67, 5126.042, 5126.0510, 5126.15, 5126.201,	171
5139.02, 5139.03, 5139.50, 5147.07, 5160.37,	172
5162.01, 5162.11, 5162.12, 5162.13, 5162.36,	173
5162.361, 5162.363, 5163.03, 5163.06, 5163.21,	174
5163.30, 5163.33, 5164.01, 5164.38, 5164.57,	175
5165.15, 5165.151, 5165.152, 5165.157, 5165.16,	176
5165.17, 5165.19, 5165.192, 5165.23, 5166.01,	177
5166.16, 5167.03, 5168.01, 5168.06, 5168.07,	178
5168.10, 5168.11, 5168.23, 5168.26, 5168.40,	179
5168.44, 5168.45, 5168.47, 5168.48, 5168.49,	180
5168.53, 5168.60, 5168.63, 5168.64, 5168.67,	181
5301.68, 5301.69, 5501.73, 5505.068, 5505.0610,	182
5505.22, 5505.261, 5513.01, 5537.05, 5575.01,	183

5703.057, 5703.21, 5703.36, 5705.19, 5705.194,	184
5705.21, 5705.212, 5705.214, 5705.34, 5709.17,	185
5709.62, 5709.63, 5709.632, 5709.67, 5709.73,	186
5713.30, 5715.01, 5715.39, 5725.22, 5725.33,	187
5725.98, 5726.01, 5726.50, 5726.54, 5727.031,	188
5727.06, 5727.11, 5727.111, 5727.15, 5727.75,	189
5727.80, 5727.81, 5727.811, 5727.84, 5727.85,	190
5727.86, 5729.16, 5729.98, 5733.0610, 5733.58,	191
5736.01, 5736.02, 5736.50, 5739.01, 5739.02,	192
5739.026, 5739.029, 5739.09, 5739.101, 5739.102,	193
5739.103, 5739.13, 5741.01, 5741.03, 5741.12,	194
5741.17, 5743.02, 5743.05, 5743.32, 5747.01,	195
5747.02, 5747.05, 5747.055, 5747.058, 5747.08,	196
5747.113, 5747.21, 5747.37, 5747.50, 5747.51,	197
5747.53, 5747.71, 5747.98, 5751.01, 5751.02,	198
5751.20, 5751.21, 5751.22, 5751.50, 5902.02,	199
5903.12, 5904.01, 5910.08, 5919.341, 6101.16,	200
6109.21, 6109.30, 6111.01, 6111.02, 6111.027,	201
6111.03, 6111.04, 6111.044, 6111.12, 6111.30,	202
6111.44, 6111.99, and 6131.23; to amend, for the	203
purpose of adopting new section numbers as	204
indicated in parentheses, sections 1511.02	205
(939.02), 1511.021 (939.03), 1511.022 (939.04),	206
1511.03 (939.06), 1511.05 (939.05), 1511.071	207
(939.10), 1511.10 (939.08), 1511.11 (939.09),	208
1515.01 (940.01), 1515.02 (940.02), 1515.03	209
(940.03), 1515.05 (940.04), 1515.07 (940.05),	210
1515.08 (940.06), 1515.081 (940.07), 1515.09	211
(940.08), 1515.091 (940.09), 1515.092 (940.10),	212
1515.093 (940.11), 1515.10 (940.12), 1515.11	213
(940.13), 1515.13 (940.14), 1515.14 (940.15),	214
1515.15 (940.16), 1515.16 (940.17), 1515.17	215
(940.18), 1515.18 (940.19), 1515.181 (940.20),	216

1515.182 (940.21), 1515.183 (940.22), 1515.184 217
(940.23), 1515.185 (940.24), 1515.19 (940.25), 218
1515.191 (940.26), 1515.192 (940.27), 1515.193 219
(940.28), 1515.21 (940.29), 1515.211 (940.30), 220
1515.22 (940.31), 1515.23 (940.32), 1515.24 221
(940.33), 1515.28 (940.34), 1515.29 (940.35), 222
3333.031 (3333.012), 5123.1610 (5123.1611), and 223
5101.98 (5902.05); to enact new sections 124.183, 224
2323.44, 3109.171, 3109.172, 5123.1610, and 225
5165.25 and sections 5.2298, 9.318, 9.483, 101.60, 226
103.42, 103.44, 103.45, 103.46, 103.47, 103.48, 227
103.49, 103.50, 109.747, 111.31, 117.54, 118.041, 228
122.641, 124.29, 125.035, 125.061, 131.025, 229
133.083, 135.182, 135.731, 153.83, 167.041, 230
169.051, 173.548, 174.09, 307.679, 339.061, 231
340.035, 503.55, 503.56, 503.57, 505.1010, 232
517.073, 715.014, 743.50, 939.01, 939.07, 1503.50, 233
1503.51, 1503.52, 1503.53, 1503.54, 1503.55, 234
1509.231, 1509.232, 1521.20, 1739.141, 3109.173, 235
3109.174, 3109.175, 3109.176, 3109.177, 3109.178, 236
3109.179, 3115.101, 3115.102, 3115.103, 3115.104, 237
3115.105, 3115.201, 3115.202, 3115.203, 3115.204, 238
3115.205, 3115.206, 3115.207, 3115.208, 3115.209, 239
3115.210, 3115.211, 3115.301, 3115.302, 3115.303, 240
3115.304, 3115.305, 3115.306, 3115.307, 3115.308, 241
3115.309, 3115.310, 3115.311, 3115.312, 3115.313, 242
3115.314, 3115.315, 3115.316, 3115.317, 3115.318, 243
3115.319, 3115.401, 3115.402, 3115.501, 3115.502, 244
3115.503, 3115.504, 3115.505, 3115.506, 3115.507, 245
3115.601, 3115.602, 3115.603, 3115.604, 3115.605, 246
3115.606, 3115.607, 3115.608, 3115.609, 3115.610, 247
3115.611, 3115.612, 3115.613, 3115.614, 3115.615, 248
3115.616, 3115.701, 3115.702, 3115.703, 3115.704, 249

3115.705, 3115.706, 3115.707, 3115.708, 3115.709,	250
3115.710, 3115.711, 3115.712, 3115.713, 3115.801,	251
3115.802, 3115.901, 3115.902, 3115.903, 3304.171,	252
3305.062, 3311.191, 3311.221, 3313.413, 3313.619,	253
3313.6110, 3313.721, 3314.085, 3317.018, 3317.019,	254
3317.0215, 3317.0216, 3317.0218, 3317.26, 3318.71,	255
3319.113, 3319.271, 3319.323, 3319.67, 3326.101,	256
3326.41, 3333.165, 3333.70, 3333.92, 3335.361,	257
3345.311, 3345.35, 3345.38, 3345.39, 3345.46,	258
3345.47, 3365.034, 3365.14, 3701.139, 3701.142,	259
3701.602, 3701.70, 3701.701, 3701.702, 3701.703,	260
3701.834, 3701.95, 3702.309, 3702.3010, 3705.231,	261
3707.57, 3734.061, 3734.49, 3781.106, 3901.052,	262
3901.241, 3959.111, 4113.81, 4141.432, 4301.243,	263
4301.83, 4503.581, 4503.771, 4503.86, 4511.0915,	264
4582.56, 4730.252, 4731.071, 4731.62, 4731.74,	265
4760.133, 4762.133, 4765.161, 4765.361, 4774.133,	266
4778.141, 4923.041, 4927.10, 4927.101, 4928.541,	267
4928.542, 4928.543, 4928.544, 4928.581, 4928.582,	268
4928.583, 5101.072, 5101.612, 5101.621, 5101.622,	269
5101.691, 5101.692, 5103.50, 5103.51, 5103.52,	270
5103.53, 5103.54, 5103.55, 5104.042, 5104.29,	271
5120.035, 5120.037, 5123.376, 5123.621, 5124.155,	272
5124.68, 5124.69, 5124.70, 5160.401, 5162.365,	273
5163.04, 5164.78, 5164.912, 5166.161, 5166.24,	274
5166.32, 5166.33, 5166.40, 5166.401, 5166.402,	275
5166.403, 5166.404, 5166.405, 5166.406, 5166.407,	276
5166.408, 5166.409, 5167.04, 5167.15, 5167.16,	277
5167.17, 5167.32, 5167.33, 5502.132, 5703.361,	278
5703.85, 5705.2112, 5709.92, 5709.93, 5709.94,	279
5727.09, 5739.213, 5747.502, 5913.12, 5913.13,	280
5913.14, 6111.051, 6117.021, 6301.16, and 6301.17;	281
to repeal sections 103.132, 111.181, 122.26,	282

122.952, 124.183, 125.021, 125.022, 125.023, 283
125.03, 125.051, 125.06, 125.17, 125.32, 125.37, 284
125.47, 125.48, 125.50, 125.52, 125.53, 125.54, 285
125.55, 125.57, 125.68, 125.833, 125.91, 125.92, 286
125.93, 125.96, 125.98, 149.13, 183.26, 901.61, 287
901.62, 901.63, 901.64, 903.04, 955.29, 955.30, 288
955.32, 955.35, 955.351, 955.36, 955.37, 955.38, 289
1511.01, 1511.04, 1511.06, 1511.07, 1511.08, 290
1511.99, 2323.44, 3109.171, 3109.172, 3109.18, 291
3115.01, 3115.02, 3115.03, 3115.031, 3115.04, 292
3115.05, 3115.06, 3115.07, 3115.08, 3115.09, 293
3115.10, 3115.11, 3115.12, 3115.13, 3115.14, 294
3115.15, 3115.16, 3115.17, 3115.18, 3115.19, 295
3115.20, 3115.21, 3115.22, 3115.23, 3115.24, 296
3115.25, 3115.26, 3115.27, 3115.28, 3115.29, 297
3115.30, 3115.31, 3115.32, 3115.33, 3115.34, 298
3115.35, 3115.36, 3115.37, 3115.38, 3115.39, 299
3115.40, 3115.41, 3115.42, 3115.43, 3115.44, 300
3115.45, 3115.46, 3115.47, 3115.48, 3115.49, 301
3115.50, 3115.51, 3115.52, 3115.53, 3115.54, 302
3115.55, 3115.56, 3115.57, 3115.58, 3115.59, 303
3301.92, 3301.921, 3313.473, 3318.33, 3326.29, 304
3337.11, 3734.51, 3736.04, 3769.086, 3770.061, 305
4731.283, 4741.09, 5104.012, 5104.037, 5119.411, 306
5163.08, 5165.25, 5165.26, 5168.12, and 5739.212 307
of the Revised Code; to amend Section 755.40 of 308
Sub. H.B. 53 of the 131st General Assembly, to 309
amend Sections 125.10, 125.11, and 733.40 of Am. 310
Sub. H.B. 59 of the 130th General Assembly, to 311
amend Section 745.10 of Am. Sub. H.B. 483 of the 312
130th General Assembly, to amend Section 10 of Am. 313
Sub. H.B. 487 of the 130th General Assembly, to 314
amend Sections 207.70, 207.200, 213.20, 215.10, 315

221.20, 235.10, 245.10, and 259.10 of Am. H.B. 497 316
of the 130th General Assembly, to amend Sections 317
221.10, 223.10, 223.40, and 239.10 of Am. H.B. 497 318
of the 130th General Assembly, as subsequently 319
amended, to amend Section 2 of Am. Sub. S.B. 1 of 320
the 130th General Assembly, to amend Section 9 of 321
Am. Sub. H.B. 386 of the 129th General Assembly, 322
as subsequently amended, to amend Section 7 of 323
Sub. H.B. 532 of the 129th General Assembly, to 324
amend Section 5 of Am. Sub. S.B. 314 of the 129th 325
General Assembly, to amend Section 4 of Sub. S.B. 326
171 of the 128th General Assembly, as subsequently 327
amended, and to amend Section 20.15 of H.B. 215 of 328
the 122nd General Assembly; to repeal Sections 329
701.10 and 701.61 of Am. Sub. H.B. 59 of the 130th 330
General Assembly, Section 13 of Sub. H.B. 477 of 331
the 130th General Assembly, Sections 551.10 and 332
733.20 of Am. Sub. H.B. 483 of the 130th General 333
Assembly, Section 5 of Am. Sub. H.B. 486 of the 334
130th General Assembly, and Section 13 of Am. Sub. 335
H.B. 487 of the 130th General Assembly; to amend 336
section 118.023 of the Revised Code as amended by 337
this act to terminate certain of its amendments by 338
this act two years after their effective date; to 339
amend the versions of sections 340.01, 340.03, 340
340.15, and 5119.21 of the Revised Code that are 341
scheduled to take effect September 15, 2016, to 342
continue the provisions of this act on and after 343
the effective date, to amend the version of 344
section 4501.01 of the Revised Code that is 345
scheduled to take effect January 1, 2017, to 346
continue the provisions of this act on and after 347
the effective date, to make operating 348

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

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

Section 101.01. That sections 1.05, 9.312, 9.333, 9.83, 360
9.833, 9.90, 9.901, 102.02, 102.022, 103.412, 105.41, 109.57, 361
109.572, 109.77, 109.79, 113.06, 113.07, 118.023, 118.04, 119.04, 362
119.12, 121.03, 121.04, 121.22, 121.36, 121.372, 121.40, 122.17, 363
122.171, 122.174, 122.175, 122.177, 122.64, 122.68, 122.85, 364
122.87, 122.942, 122.95, 122.951, 123.10, 123.28, 123.281, 124.11, 365
124.14, 124.15, 124.152, 124.181, 124.34, 124.382, 124.392, 366
125.02, 125.04, 125.041, 125.05, 125.07, 125.08, 125.081, 125.082, 367
125.10, 125.11, 125.112, 125.13, 125.27, 125.28, 125.31, 125.36, 368
125.38, 125.39, 125.42, 125.43, 125.45, 125.49, 125.51, 125.58, 369
125.601, 125.607, 125.609, 125.76, 125.901, 126.32, 128.021, 370
128.40, 128.54, 128.55, 128.57, 131.09, 131.15, 131.34, 131.35, 371
131.43, 131.44, 133.01, 133.04, 133.05, 133.07, 133.34, 135.01, 372
135.04, 135.14, 135.144, 135.145, 135.18, 135.181, 135.35, 373
135.353, 135.354, 135.37, 135.74, 140.01, 141.04, 145.114, 374
145.116, 145.56, 145.571, 149.04, 149.43, 153.08, 153.70, 156.01, 375
156.02, 156.04, 167.06, 173.47, 173.48, 173.522, 173.523, 173.543, 376
173.544, 173.545, 174.02, 187.03, 191.04, 191.06, 305.31, 306.35, 377
319.63, 321.24, 323.13, 325.03, 325.04, 325.06, 325.08, 325.09, 378

325.10, 325.11, 325.14, 325.15, 339.06, 340.03, 340.034, 340.04,	379
340.05, 340.07, 340.12, 340.15, 341.34, 343.01, 349.01, 349.03,	380
349.04, 349.06, 349.07, 349.14, 355.02, 355.03, 355.04, 505.101,	381
505.24, 505.701, 505.86, 507.09, 507.11, 517.07, 517.15, 717.01,	382
718.01, 718.04, 718.05, 718.07, 718.37, 731.59, 737.41, 742.114,	383
742.116, 742.462, 742.47, 759.36, 901.08, 901.21, 901.22, 902.01,	384
903.01, 903.03, 903.07, 903.082, 903.09, 903.10, 903.11, 903.12,	385
903.13, 903.16, 903.17, 903.25, 905.31, 905.323, 918.41, 931.01,	386
931.02, 941.14, 953.22, 955.12, 955.121, 955.14, 955.15, 955.20,	387
955.27, 991.03, 1306.20, 1309.528, 1332.25, 1347.08, 1349.04,	388
1501.01, 1501.011, 1501.022, 1501.04, 1503.99, 1505.10, 1506.01,	389
1509.01, 1509.06, 1509.11, 1509.23, 1509.27, 1509.28, 1509.33,	390
1511.02, 1511.021, 1511.022, 1511.03, 1511.05, 1511.071, 1511.10,	391
1511.11, 1513.07, 1513.16, 1514.06, 1514.08, 1514.13, 1514.40,	392
1514.42, 1514.47, 1515.01, 1515.02, 1515.05, 1515.07, 1515.08,	393
1515.081, 1515.09, 1515.091, 1515.092, 1515.093, 1515.10, 1515.11,	394
1515.13, 1515.14, 1515.16, 1515.17, 1515.18, 1515.183, 1515.19,	395
1515.191, 1515.21, 1515.211, 1515.22, 1515.23, 1515.24, 1515.28,	396
1515.29, 1521.03, 1521.031, 1521.04, 1521.05, 1521.06, 1521.061,	397
1521.062, 1521.063, 1521.064, 1521.07, 1521.10, 1521.11, 1521.12,	398
1521.13, 1521.14, 1521.15, 1521.16, 1521.18, 1521.19, 1522.03,	399
1522.05, 1522.11, 1522.12, 1522.13, 1522.131, 1522.15, 1522.16,	400
1522.17, 1522.18, 1522.20, 1522.21, 1523.01, 1523.02, 1523.03,	401
1523.04, 1523.05, 1523.06, 1523.07, 1523.08, 1523.09, 1523.10,	402
1523.11, 1523.12, 1523.13, 1523.14, 1523.15, 1523.16, 1523.17,	403
1523.18, 1523.19, 1523.20, 1531.35, 1548.11, 1561.04, 1707.01,	404
1707.14, 1711.15, 1711.16, 1713.02, 1713.03, 1713.031, 1713.04,	405
1713.05, 1713.06, 1713.09, 1713.25, 1724.04, 1739.02, 1739.03,	406
1739.05, 1739.07, 1739.12, 1739.13, 1739.20, 1739.21, 1751.18,	407
1751.65, 1776.82, 2106.19, 2109.301, 2113.35, 2151.011, 2151.3514,	408
2151.421, 2301.03, 2305.231, 2919.21, 2923.129, 2925.03, 2929.13,	409
2929.18, 2929.20, 2935.33, 2951.041, 2953.25, 2967.14, 2967.193,	410

2969.14, 2981.12, 2981.13, 3105.171, 3109.13, 3109.14, 3109.16, 411
3109.17, 3119.27, 3121.03, 3301.078, 3301.0711, 3301.0712, 412
3301.52, 3301.53, 3301.541, 3301.55, 3301.56, 3301.57, 3301.58, 413
3301.922, 3301.923, 3302.02, 3302.03, 3302.036, 3302.05, 3302.15, 414
3305.052, 3305.08, 3305.21, 3307.152, 3307.154, 3307.371, 3307.41, 415
3309.157, 3309.159, 3309.66, 3309.671, 3310.03, 3310.09, 3310.14, 416
3310.41, 3310.522, 3310.56, 3311.19, 3313.375, 3313.41, 3313.411, 417
3313.603, 3313.608, 3313.6010, 3313.612, 3313.614, 3313.615, 418
3313.617, 3313.674, 3313.68, 3313.72, 3313.902, 3313.975, 419
3313.976, 3313.981, 3314.02, 3314.03, 3314.05, 3314.06, 3314.08, 420
3314.091, 3314.38, 3315.08, 3317.01, 3317.013, 3317.014, 3317.016, 421
3317.017, 3317.02, 3317.021, 3317.022, 3317.0212, 3317.0213, 422
3317.0217, 3317.051, 3317.06, 3317.16, 3317.161, 3317.23, 423
3317.231, 3317.24, 3318.02, 3318.024, 3318.054, 3318.30, 3318.40, 424
3319.114, 3319.22, 3319.223, 3319.303, 3319.51, 3319.61, 3323.13, 425
3326.10, 3326.11, 3326.32, 3326.33, 3326.50, 3327.01, 3327.02, 426
3328.24, 3332.10, 3333.01, 3333.011, 3333.021, 3333.03, 3333.031, 427
3333.032, 3333.04, 3333.041, 3333.042, 3333.043, 3333.044, 428
3333.045, 3333.047, 3333.048, 3333.049, 3333.0410, 3333.0411, 429
3333.0412, 3333.0413, 3333.05, 3333.06, 3333.07, 3333.071, 430
3333.08, 3333.09, 3333.10, 3333.11, 3333.12, 3333.121, 3333.122, 431
3333.123, 3333.124, 3333.13, 3333.14, 3333.15, 3333.16, 3333.161, 432
3333.162, 3333.163, 3333.164, 3333.17, 3333.171, 3333.18, 3333.19, 433
3333.20, 3333.21, 3333.22, 3333.23, 3333.25, 3333.26, 3333.28, 434
3333.29, 3333.30, 3333.31, 3333.33, 3333.34, 3333.342, 3333.35, 435
3333.36, 3333.37, 3333.372, 3333.373, 3333.374, 3333.375, 3333.39, 436
3333.391, 3333.392, 3333.43, 3333.44, 3333.50, 3333.55, 3333.58, 437
3333.59, 3333.61, 3333.611, 3333.612, 3333.613, 3333.62, 3333.63, 438
3333.64, 3333.65, 3333.66, 3333.67, 3333.68, 3333.69, 3333.71, 439
3333.72, 3333.73, 3333.731, 3333.74, 3333.75, 3333.76, 3333.77, 440
3333.78, 3333.79, 3333.82, 3333.83, 3333.84, 3333.86, 3333.87, 441
3333.90, 3333.91, 3334.08, 3335.02, 3335.09, 3337.10, 3345.022, 442

3345.05, 3345.06, 3345.061, 3345.32, 3345.421, 3345.45, 3345.48, 443
3345.50, 3345.51, 3345.54, 3345.692, 3345.70, 3345.72, 3345.73, 444
3345.74, 3345.75, 3345.76, 3345.81, 3345.86, 3354.01, 3365.02, 445
3365.07, 3365.15, 3501.01, 3501.12, 3501.17, 3599.03, 3701.023, 446
3701.045, 3701.344, 3701.501, 3701.60, 3701.65, 3702.304, 3702.74, 447
3702.91, 3704.05, 3704.14, 3705.08, 3709.03, 3709.05, 3709.07, 448
3709.41, 3714.051, 3714.07, 3714.073, 3714.08, 3714.09, 3718.03, 449
3734.01, 3734.02, 3734.021, 3734.029, 3734.07, 3734.50, 3734.551, 450
3734.57, 3734.822, 3734.901, 3736.03, 3736.05, 3736.06, 3737.17, 451
3737.84, 3743.07, 3743.20, 3743.44, 3743.45, 3743.63, 3743.65, 452
3743.75, 3745.015, 3745.11, 3745.70, 3750.081, 3750.13, 3769.03, 453
3769.08, 3769.083, 3769.087, 3769.089, 3769.101, 3770.01, 3770.03, 454
3770.05, 3770.07, 3772.02, 3772.03, 3772.99, 3773.33, 3773.41, 455
3773.42, 3781.10, 3794.07, 3901.491, 3903.81, 3905.33, 3905.481, 456
3929.86, 3959.01, 3959.12, 4115.03, 4117.01, 4117.10, 4121.03, 457
4121.121, 4123.322, 4301.12, 4301.43, 4301.61, 4301.639, 4303.181, 458
4303.182, 4303.184, 4501.21, 4503.181, 4503.535, 4503.77, 4503.78, 459
4505.06, 4507.21, 4511.191, 4513.611, 4513.67, 4519.10, 4707.02, 460
4715.18, 4723.06, 4723.08, 4723.482, 4723.50, 4723.88, 4725.40, 461
4725.411, 4725.51, 4729.51, 4729.53, 4729.541, 4729.56, 4729.80, 462
4729.82, 4729.84, 4729.86, 4730.14, 4730.25, 4731.07, 4731.141, 463
4731.15, 4731.22, 4731.222, 4731.225, 4731.24, 4731.26, 4731.281, 464
4731.282, 4731.293, 4731.295, 4731.296, 4731.297, 4731.299, 465
4731.41, 4732.10, 4735.06, 4735.13, 4735.141, 4736.12, 4741.03, 466
4741.11, 4741.12, 4741.17, 4741.19, 4741.22, 4741.31, 4760.02, 467
4760.03, 4760.031, 4760.032, 4760.04, 4760.05, 4760.06, 4760.13, 468
4760.131, 4760.132, 4760.15, 4760.16, 4760.18, 4762.06, 4762.13, 469
4763.01, 4763.07, 4774.06, 4774.13, 4778.06, 4778.14, 4905.71, 470
4905.81, 4909.161, 4923.04, 4927.01, 4927.02, 4927.07, 4927.11, 471
4927.15, 4928.54, 4928.55, 4929.164, 5101.073, 5101.54, 5101.60, 472
5101.61, 5101.611, 5101.62, 5101.69, 5101.71, 5101.72, 5101.91, 473
5101.92, 5101.98, 5101.99, 5103.02, 5104.01, 5104.013, 5104.015, 474

5104.016, 5104.017, 5104.018, 5104.03, 5104.036, 5104.04, 5104.09,	475
5104.30, 5104.31, 5104.34, 5104.37, 5104.38, 5104.99, 5107.05,	476
5107.64, 5115.04, 5119.01, 5119.10, 5119.11, 5119.161, 5119.18,	477
5119.186, 5119.21, 5119.23, 5119.25, 5119.28, 5119.31, 5119.33,	478
5119.34, 5119.341, 5119.36, 5119.361, 5119.365, 5119.41, 5119.44,	479
5119.61, 5119.94, 5119.99, 5120.112, 5120.135, 5120.28, 5120.38,	480
5120.381, 5120.382, 5122.31, 5122.36, 5123.032, 5123.033, 5123.08,	481
5123.16, 5123.161, 5123.162, 5123.163, 5123.164, 5123.166,	482
5123.167, 5123.169, 5123.19, 5123.196, 5123.198, 5123.86,	483
5124.101, 5124.15, 5124.33, 5124.60, 5124.61, 5124.67, 5126.042,	484
5126.0510, 5126.15, 5126.201, 5139.02, 5139.03, 5139.50, 5147.07,	485
5160.37, 5162.01, 5162.11, 5162.12, 5162.13, 5162.36, 5162.361,	486
5162.363, 5163.03, 5163.06, 5163.21, 5163.30, 5163.33, 5164.01,	487
5164.38, 5164.57, 5165.15, 5165.151, 5165.152, 5165.157, 5165.16,	488
5165.17, 5165.19, 5165.192, 5165.23, 5166.01, 5166.16, 5167.03,	489
5168.01, 5168.06, 5168.07, 5168.10, 5168.11, 5168.23, 5168.26,	490
5168.40, 5168.44, 5168.45, 5168.47, 5168.48, 5168.49, 5168.53,	491
5168.60, 5168.63, 5168.64, 5168.67, 5301.68, 5301.69, 5501.73,	492
5505.068, 5505.0610, 5505.22, 5505.261, 5513.01, 5537.05, 5575.01,	493
5703.057, 5703.21, 5703.36, 5705.19, 5705.194, 5705.21, 5705.212,	494
5705.214, 5705.34, 5709.17, 5709.62, 5709.63, 5709.632, 5709.67,	495
5709.73, 5713.30, 5715.01, 5715.39, 5725.22, 5725.33, 5725.98,	496
5726.01, 5726.50, 5126.54, 5727.031, 5727.06, 5727.11, 5727.111,	497
5727.15, 5727.75, 5727.80, 5727.81, 5727.811, 5727.84, 5727.85,	498
5727.86, 5729.16, 5729.98, 5733.0610, 5733.58, 5736.01, 5736.02,	499
5736.50, 5739.01, 5739.02, 5739.026, 5739.029, 5739.09, 5739.101,	500
5739.102, 5739.103, 5739.13, 5741.01, 5741.03, 5741.12, 5741.17,	501
5743.02, 5743.05, 5743.32, 5747.01, 5747.02, 5747.05, 5747.055,	502
5747.058, 5747.08, 5747.113, 5747.21, 5747.37, 5747.50, 5747.51,	503
5747.53, 5747.71, 5747.98, 5751.01, 5751.02, 5751.20, 5751.21,	504
5751.22, 5751.50, 5902.02, 5903.12, 5904.01, 5910.08, 5919.341,	505
6101.16, 6109.21, 6109.30, 6111.01, 6111.02, 6111.027, 6111.03,	506

6111.04, 6111.044, 6111.12, 6111.30, 6111.44, 6111.99, and 6131.23 507
be amended; sections 1511.02 (939.02), 1511.021 (939.03), 1511.022 508
(939.04), 1511.03 (939.06), 1511.05 (939.05), 1511.071 (939.10), 509
1511.10 (939.08), 1511.11 (939.09), 1515.01 (940.01), 1515.02 510
(940.02), 1515.03 (940.03), 1515.05 (940.04), 1515.07 (940.05), 511
1515.08 (940.06), 1515.081 (940.07), 1515.09 (940.08), 1515.091 512
(940.09), 1515.092 (940.10), 1515.093 (940.11), 1515.10 (940.12), 513
1515.11 (940.13), 1515.13 (940.14), 1515.14 (940.15), 1515.15 514
(940.16), 1515.16 (940.17), 1515.17 (940.18), 1515.18 (940.19), 515
1515.181 (940.20), 1515.182 (940.21), 1515.183 (940.22), 1515.184 516
(940.23), 1515.185 (940.24), 1515.19 (940.25), 1515.191 (940.26), 517
1515.192 (940.27), 1515.193 (940.28), 1515.21 (940.29), 1515.211 518
(940.30), 1515.22 (940.31), 1515.23 (940.32), 1515.24 (940.33), 519
1515.28 (940.34), 1515.29 (940.35), 3333.031 (3333.012), 5123.1610 520
(5123.1611), and 5101.98 (5902.05) be amended for the purpose of 521
adopting new section numbers as indicated in parentheses; new 522
sections 124.183, 2323.44, 3109.171, 3109.172, 5123.1610, and 523
5165.25 and sections 5.2298, 9.318, 9.483, 101.60, 103.42, 103.44, 524
103.45, 103.46, 103.47, 103.48, 103.49, 103.50, 109.747, 111.31, 525
117.54, 118.041, 122.641, 124.29, 125.035, 125.061, 131.025, 526
133.083, 135.182, 135.731, 153.83, 167.041, 169.051, 173.548, 527
174.09, 307.679, 339.061, 340.035, 503.55, 503.56, 503.57, 528
505.1010, 517.073, 715.014, 743.50, 939.01, 939.07, 1503.50, 529
1503.51, 1503.52, 1503.53, 1503.54, 1503.55, 1509.231, 1509.232, 530
1521.20, 1739.141, 3109.173, 3109.174, 3109.175, 3109.176, 531
3109.177, 3109.178, 3109.179, 3115.101, 3115.102, 3115.103, 532
3115.104, 3115.105, 3115.201, 3115.202, 3115.203, 3115.204, 533
3115.205, 3115.206, 3115.207, 3115.208, 3115.209, 3115.210, 534
3115.211, 3115.301, 3115.302, 3115.303, 3115.304, 3115.305, 535
3115.306, 3115.307, 3115.308, 3115.309, 3115.310, 3115.311, 536
3115.312, 3115.313, 3115.314, 3115.315, 3115.316, 3115.317, 537
3115.318, 3115.319, 3115.401, 3115.402, 3115.501, 3115.502, 538

3115.503, 3115.504, 3115.505, 3115.506, 3115.507, 3115.601, 539
3115.602, 3115.603, 3115.604, 3115.605, 3115.606, 3115.607, 540
3115.608, 3115.609, 3115.610, 3115.611, 3115.612, 3115.613, 541
3115.614, 3115.615, 3115.616, 3115.701, 3115.702, 3115.703, 542
3115.704, 3115.705, 3115.706, 3115.707, 3115.708, 3115.709, 543
3115.710, 3115.711, 3115.712, 3115.713, 3115.801, 3115.802, 544
3115.901, 3115.902, 3115.903, 3304.171, 3305.062, 3311.191, 545
3311.221, 3313.413, 3313.619, 3313.6110, 3313.721, 3314.085, 546
3317.018, 3317.019, 3317.0215, 3317.0216, 3317.0218, 3317.26, 547
3318.71, 3319.113, 3319.271, 3319.323, 3319.67, 3326.101, 3326.41, 548
3333.165, 3333.70, 3333.92, 3335.361, 3345.311, 3345.35, 3345.38, 549
3345.39, 3345.46, 3345.47, 3365.034, 3365.14, 3701.139, 3701.142, 550
3701.602, 3701.70, 3701.701, 3701.702, 3701.703, 3701.834, 551
3701.95, 3702.309, 3702.3010, 3705.231, 3707.57, 3734.061, 552
3734.49, 3781.106, 3901.052, 3901.241, 3959.111, 4113.81, 553
4141.432, 4301.243, 4301.83, 4503.581, 4503.771, 4503.86, 554
4511.0915, 4582.56, 4730.252, 4731.071, 4731.62, 4731.74, 555
4760.133, 4762.133, 4765.161, 4765.361, 4774.133, 4778.141, 556
4923.041, 4927.10, 4927.101, 4928.541, 4928.542, 4928.543, 557
4928.544, 4928.581, 4928.582, 4928.583, 5101.072, 5101.612, 558
5101.621, 5101.622, 5101.691, 5101.692, 5103.50, 5103.51, 5103.52, 559
5103.53, 5103.54, 5103.55, 5104.042, 5104.29, 5120.035, 5120.037, 560
5123.376, 5123.621, 5124.155, 5124.68, 5124.69, 5124.70, 5160.401, 561
5162.365, 5163.04, 5164.78, 5164.912, 5166.161, 5166.24, 5166.32, 562
5166.33, 5166.40, 5166.401, 5166.402, 5166.403, 5166.404, 563
5166.405, 5166.406, 5166.407, 5166.408, 5166.409, 5167.04, 564
5167.15, 5167.16, 5167.17, 5167.32, 5167.33, 5502.132, 5703.361, 565
5703.85, 5705.2112, 5709.92, 5709.93, 5709.94, 5727.09, 5739.213, 566
5747.502, 5913.12, 5913.13, 5913.14, 6111.051, 6117.021, 6301.16, 567
and 6301.17 of the Revised Code be enacted to read as follows: 568

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Veteran-friendly business enterprise" means a sole 663
proprietorship, association, partnership, corporation, limited 664
liability company, or joint venture that meets veteran employment 665
standards established by the director of administrative services 666
and the director of transportation under this section. 667

(B) The director of administrative services and the director 668
of transportation shall establish and maintain the 669
veteran-friendly business procurement program. The director of 670
administrative services shall adopt rules to administer the 671
program for all state agencies except the department of 672
transportation, and the director of transportation shall adopt 673
rules to administer the program for the department of 674
transportation. The rules shall be adopted under Chapter 119. of 675
the Revised Code. The rules, as adopted separately by but with the 676
greatest degree of consistency possible between the two directors, 677
shall do all of the following: 678

(1) Establish criteria, based on the percentage of an 679
applicant's employees who are veterans, that qualifies an 680
applicant for certification as a veteran-friendly business 681
enterprise; 682

(2) Establish procedures by which a sole proprietorship, 683
association, partnership, corporation, limited liability company, 684
or joint venture may apply for certification as a veteran-friendly 685
business enterprise; 686

(3) Establish procedures for certifying a sole 687
proprietorship, association, partnership, corporation, limited 688
liability company, or joint venture as a veteran-friendly business 689
enterprise; 690

(4) Establish standards for determining when a 691
veteran-friendly business enterprise no longer qualifies for 692
certification as a veteran-friendly business enterprise; 693

(5) Establish procedures, to be used by state agencies or the 694
department of transportation, for the evaluation and ranking of 695
proposals, which provide preference or bonus points to each 696
certified veteran-friendly business enterprise that submits a bid 697
or other proposal for a contract with the state or an agency of 698
the state other than the department of transportation, or with the 699
department of transportation, for the rendering of services, or 700
the supplying of materials, or for the construction, demolition, 701
alteration, repair, or reconstruction of any public building, 702
structure, highway, or other improvement; 703

(6) Implement an outreach program to educate potential 704
participants about the veteran-friendly business procurement 705
program; and 706

(7) Establish a process for monitoring overall performance of 707
the veteran-friendly business procurement program. 708

Sec. 9.333. (A) No public authority shall enter into a 709
construction management contract with a construction manager 710
unless the construction manager provides a letter of credit 711
pursuant to Chapter 1305. of the Revised Code, a surety bond 712
pursuant to sections 153.54 and 153.57 of the Revised Code, a 713
certified check or cashier's check in an amount equal to the value 714
of the construction management contract for the project, or 715
provides other reasonable financial assurance of a nature and in 716
an amount satisfactory to the public authority. The public 717
authority may waive this requirement for good cause. 718

(B) Before construction begins pursuant to a construction 719
management contract with a construction manager at risk, the 720
construction manager at risk shall provide a surety bond to the 721
public authority in accordance with rules adopted by the executive 722
director of ~~administrative services~~ the Ohio facilities 723
construction commission under Chapter 119. of the Revised Code. 724

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

relative exposure and loss experience. 911

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Less use of the medicaid program. 1692

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

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

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

(B) JMOC may do all of the following: 1701

(1) Plan, advertise, organize, and conduct forums, 1702
conferences, and other meetings at which representatives of state 1703
agencies and other individuals having expertise in the medicaid 1704
program may participate to increase knowledge and understanding 1705
of, and to develop and propose improvements in, the medicaid 1706
program; 1707

(2) Prepare and issue reports on the medicaid program; 1708

(3) Solicit written comments on, and conduct public hearings 1709
at which persons may offer verbal comments on, drafts of its 1710
reports. 1711

Sec. 103.42. (A) During the period beginning July 1, 2015, 1712
and ending June 30, 2018, the joint medicaid oversight committee 1713
on a quarterly basis shall monitor the actions of the department 1714
of medicaid under section 5167.04 of the Revised Code in preparing 1715
to implement and implementing inclusion of alcohol, drug 1716
addiction, and mental health services covered by medicaid in the 1717
care management system established under section 5167.03 of the 1718
Revised Code. 1719

(B)(1) The committee shall review any proposal by the 1720
department to include all or part of the services in all or part 1721
of the system before January 1, 2018. In conducting its review, 1722
the committee shall consider all of the following for each service 1723
to be included: 1724

(a) The proposed timeline for including the service; 1725

(b) Any issues related to medicaid recipients' access to the 1726
service; 1727

(c) The adequacy of the network of providers of the service; 1728

(d) Payment levels for the service. 1729

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 103.47. The joint education oversight committee may 1789

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

this section; 2197

(b) The style and number of the case; 2198

(c) The date of arrest, offense, summons, or arraignment; 2199

(d) The date that the person was convicted of or pleaded 2200
guilty to the offense, adjudicated a delinquent child for 2201
committing the act that would be a felony or an offense of 2202
violence if committed by an adult, found not guilty of the 2203
offense, or found not to be a delinquent child for committing an 2204
act that would be a felony or an offense of violence if committed 2205
by an adult, the date of an entry dismissing the charge, an entry 2206
declaring a mistrial of the offense in which the person is 2207
discharged, an entry finding that the person or child is not 2208
competent to stand trial, or an entry of a nolle prosequi, or the 2209
date of any other determination that constitutes final resolution 2210
of the case; 2211

(e) A statement of the original charge with the section of 2212
the Revised Code that was alleged to be violated; 2213

(f) If the person or child was convicted, pleaded guilty, or 2214
was adjudicated a delinquent child, the sentence or terms of 2215
probation imposed or any other disposition of the offender or the 2216
delinquent child. 2217

If the offense involved the disarming of a law enforcement 2218
officer or an attempt to disarm a law enforcement officer, the 2219
clerk shall clearly state that fact in the summary, and the 2220
superintendent shall ensure that a clear statement of that fact is 2221
placed in the bureau's records. 2222

(3) The superintendent shall cooperate with and assist 2223
sheriffs, chiefs of police, and other law enforcement officers in 2224
the establishment of a complete system of criminal identification 2225
and in obtaining fingerprints and other means of identification of 2226
all persons arrested on a charge of a felony, any crime 2227

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

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

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

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

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

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

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

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

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

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

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

(D)(1) The following are not public records under section 2324
149.43 of the Revised Code: 2325

(a) Information and materials furnished to the superintendent 2326
pursuant to division (A) of this section; 2327

(b) Information, data, and statistics gathered or 2328
disseminated through the Ohio law enforcement gateway pursuant to 2329
division (C)(1) of this section; 2330

(c) Information and materials furnished to any board or 2331
person under division (F) or (G) of this section. 2332

(2) The superintendent or the superintendent's designee shall 2333
gather and retain information so furnished under division (A) of 2334
this section that pertains to the offense and delinquency history 2335
of a person who has been convicted of, pleaded guilty to, or been 2336
adjudicated a delinquent child for committing a sexually oriented 2337
offense or a child-victim oriented offense for the purposes 2338
described in division (C)(2) of this section. 2339

(E)(1) The attorney general shall adopt rules, in accordance 2340
with Chapter 119. of the Revised Code and subject to division 2341
(E)(2) of this section, setting forth the procedure by which a 2342
person may receive or release information gathered by the 2343
superintendent pursuant to division (A) of this section. A 2344
reasonable fee may be charged for this service. If a temporary 2345
employment service submits a request for a determination of 2346
whether a person the service plans to refer to an employment 2347
position has been convicted of or pleaded guilty to an offense 2348
listed or described in division (A)(1), (2), or (3) of section 2349
109.572 of the Revised Code, the request shall be treated as a 2350
single request and only one fee shall be charged. 2351

(2) Except as otherwise provided in this division or division 2352
(E)(3) or (4) of this section, a rule adopted under division 2353
(E)(1) of this section may provide only for the release of 2354

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(J) As used in this section: 2573

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

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

Revised Code. 2579

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

determine whether any information exists that indicates that the 2737
person who is the subject of the request has been convicted of or 2738
pleaded guilty to any of the following: 2739

(a) A violation of section 2151.421, 2903.01, 2903.02, 2740
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2741
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2742
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2743
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2744
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2745
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2746
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2747
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2748
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2749
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2750
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2751
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2752
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 2753
Revised Code, felonious sexual penetration in violation of former 2754
section 2907.12 of the Revised Code, a violation of section 2755
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2756
violation of section 2919.23 of the Revised Code that would have 2757
been a violation of section 2905.04 of the Revised Code as it 2758
existed prior to July 1, 1996, had the violation been committed 2759
prior to that date, a violation of section 2925.11 of the Revised 2760
Code that is not a minor drug possession offense, a violation of 2761
section 2923.02 or 2923.03 of the Revised Code that relates to a 2762
crime specified in this division, or a second violation of section 2763
4511.19 of the Revised Code within five years of the date of 2764
application for licensure or certification. 2765

(b) A violation of an existing or former law of this state, 2766
any other state, or the United States that is substantially 2767
equivalent to any of the offenses or violations described in 2768

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section 2953.32 of the Revised Code; 2930

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) As used in this section: 3036

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

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

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

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

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

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

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

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

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

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

(2) Identifying and understanding companion animal behavior; 3073

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

(4) Avoiding a companion animal attack; 3076

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

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

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

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

(2) "Companion animal" has the same meaning as in section 3084
959.131 of the Revised Code. 3085

(B)(1) Notwithstanding any general, special, or local law or 3086
charter to the contrary, and except as otherwise provided in this 3087
section, no person shall receive an original appointment on a 3088
permanent basis as any of the following unless the person 3089
previously has been awarded a certificate by the executive 3090
director of the Ohio peace officer training commission attesting 3091
to the person's satisfactory completion of an approved state, 3092
county, municipal, or department of natural resources peace 3093
officer basic training program: 3094

(a) A peace officer of any county, township, municipal 3095
corporation, regional transit authority, or metropolitan housing 3096
authority; 3097

(b) A natural resources law enforcement staff officer, park 3098
officer, forest officer, preserve officer, wildlife officer, or 3099
state watercraft officer of the department of natural resources; 3100

(c) An employee of a park district under section 511.232 or 3101
1545.13 of the Revised Code; 3102

(d) An employee of a conservancy district who is designated 3103
pursuant to section 6101.75 of the Revised Code; 3104

(e) A state university law enforcement officer; 3105

(f) A special police officer employed by the department of 3106
mental health and addiction services pursuant to section 5119.08 3107
of the Revised Code or the department of developmental 3108
disabilities pursuant to section 5123.13 of the Revised Code; 3109

(g) An enforcement agent of the department of public safety 3110
whom the director of public safety designates under section 3111
5502.14 of the Revised Code; 3112

(h) A special police officer employed by a port authority 3113

under section 4582.04 or 4582.28 of the Revised Code; 3114

(i) A special police officer employed by a municipal 3115
corporation at a municipal airport, or other municipal air 3116
navigation facility, that has scheduled operations, as defined in 3117
section 119.3 of Title 14 of the Code of Federal Regulations, 14 3118
C.F.R. 119.3, as amended, and that is required to be under a 3119
security program and is governed by aviation security rules of the 3120
transportation security administration of the United States 3121
department of transportation as provided in Parts 1542. and 1544. 3122
of Title 49 of the Code of Federal Regulations, as amended; 3123

(j) A gaming agent employed under section 3772.03 of the 3124
Revised Code. 3125

(2) Every person who is appointed on a temporary basis or for 3126
a probationary term or on other than a permanent basis as any of 3127
the following shall forfeit the appointed position unless the 3128
person previously has completed satisfactorily or, within the time 3129
prescribed by rules adopted by the attorney general pursuant to 3130
section 109.74 of the Revised Code, satisfactorily completes a 3131
state, county, municipal, or department of natural resources peace 3132
officer basic training program for temporary or probationary 3133
officers and is awarded a certificate by the director attesting to 3134
the satisfactory completion of the program: 3135

(a) A peace officer of any county, township, municipal 3136
corporation, regional transit authority, or metropolitan housing 3137
authority; 3138

(b) A natural resources law enforcement staff officer, park 3139
officer, forest officer, preserve officer, wildlife officer, or 3140
state watercraft officer of the department of natural resources; 3141

(c) An employee of a park district under section 511.232 or 3142
1545.13 of the Revised Code; 3143

(d) An employee of a conservancy district who is designated 3144

pursuant to section 6101.75 of the Revised Code; 3145

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) As used in this section: 3466

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) The director of budget and management; 3977

(B) The director of commerce; 3978

(C) The director of transportation; 3979

(D) The director of agriculture; 3980

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

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

(G) The director of public safety; 3983

(H) The superintendent of insurance; 3984

(I) The director of development services; 3985

(J) The tax commissioner; 3986

(K) The director of administrative services; 3987

(L) The director of natural resources; 3988

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

(N) The director of developmental disabilities; 3990

(O) The director of health; 3991

(P) The director of youth services; 3992

(Q) The director of rehabilitation and correction; 3993

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

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

(1) "Public body" means any of the following: 4053

(a) Any board, commission, committee, council, or similar 4054
decision-making body of a state agency, institution, or authority, 4055
and any legislative authority or board, commission, committee, 4056
council, agency, authority, or similar decision-making body of any 4057
county, township, municipal corporation, school district, or other 4058
political subdivision or local public institution; 4059

(b) Any committee or subcommittee of a body described in 4060
division (B)(1)(a) of this section; 4061

(c) A court of jurisdiction of a sanitary district organized 4062
wholly for the purpose of providing a water supply for domestic, 4063
municipal, and public use when meeting for the purpose of the 4064
appointment, removal, or reappointment of a member of the board of 4065
directors of such a district pursuant to section 6115.10 of the 4066
Revised Code, if applicable, or for any other matter related to 4067
such a district other than litigation involving the district. As 4068
used in division (B)(1)(c) of this section, "court of 4069
jurisdiction" has the same meaning as "court" in section 6115.01 4070
of the Revised Code. 4071

(2) "Meeting" means any prearranged discussion of the public 4072
business of the public body by a majority of its members. 4073

(3) "Regulated individual" means either of the following: 4074

(a) A student in a state or local public educational 4075
institution; 4076

(b) A person who is, voluntarily or involuntarily, an inmate, 4077
patient, or resident of a state or local institution because of 4078
criminal behavior, mental illness or retardation, disease, 4079
disability, age, or other condition requiring custodial care. 4080

(4) "Public office" has the same meaning as in section 4081
149.011 of the Revised Code. 4082

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

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

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

(1) A grand jury;

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

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

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

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

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

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

a license or certificate without a prior hearing pursuant to 4113
division (B) of section 4723.281 of the Revised Code; 4114

(8) The state board of pharmacy when determining whether to 4115
suspend a license without a prior hearing pursuant to division (D) 4116
of section 4729.16 of the Revised Code; 4117

(9) The state chiropractic board when determining whether to 4118
suspend a license without a hearing pursuant to section 4734.37 of 4119
the Revised Code; 4120

(10) The executive committee of the emergency response 4121
commission when determining whether to issue an enforcement order 4122
or request that a civil action, civil penalty action, or criminal 4123
action be brought to enforce Chapter 3750. of the Revised Code; 4124

(11) The board of directors of the nonprofit corporation 4125
formed under section 187.01 of the Revised Code or any committee 4126
thereof, and the board of directors of any subsidiary of that 4127
corporation or a committee thereof; 4128

(12) An audit conference conducted by the audit staff of the 4129
department of job and family services with officials of the public 4130
office that is the subject of that audit under section 5101.37 of 4131
the Revised Code; 4132

(13) The occupational therapy section of the occupational 4133
therapy, physical therapy, and athletic trainers board when 4134
determining whether to suspend a license or limited permit without 4135
a hearing pursuant to division (D) of section 4755.11 of the 4136
Revised Code; 4137

(14) The physical therapy section of the occupational 4138
therapy, physical therapy, and athletic trainers board when 4139
determining whether to suspend a license without a hearing 4140
pursuant to division (E) of section 4755.47 of the Revised Code; 4141

(15) The athletic trainers section of the occupational 4142

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

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

(1) Marketing plans; 4155

(2) Specific business strategy; 4156

(3) Production techniques and trade secrets; 4157

(4) Financial projections; 4158

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of the following: 4299

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

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

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

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

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

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

(a) Interviewing an applicant for financial assistance under 4329

sections 5901.01 to 5901.15 of the Revised Code; 4330

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

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

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

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

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

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

mental impairment. 4360

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

relative to fiscal matters: 4612

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

employment and strengthening the economy of this state; 4737

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

taxes due from insurance companies. 5145

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the amount to be refunded. 5428

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

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

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

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

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

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

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

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

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

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

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

(0)(1) As used in division (0) of this section: 5511

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

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

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

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

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

(3) Except as provided in division (0)(4) of this section, 5528
for reporting periods ending in 2015 and thereafter for taxpayers 5529
subject to eligible agreements, the tax credit authority shall 5530
adjust the income tax revenue reported on the taxpayer's annual 5531
report by multiplying the withholding adjustment factor by the 5532
taxpayer's income tax revenue and doing one of the following: 5533

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

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

(4) Division (0)(3) of this section shall not apply unless 5542
all of the following apply with respect to the eligible agreement: 5543

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

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

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

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

applicable commitments described in divisions (0)(4)(a) to (c) of 5552
this section in a reporting period does not disqualify the 5553
taxpayer for the adjustment under division (0) of this section for 5554
an ensuing reporting period. 5555

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

consecutive calendar years. 5612

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

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

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

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

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

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

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

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

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

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

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

(4) Receiving the exemption is a major factor in the 5675
applicant's decision to begin, continue with, or complete the 5676
capital investment project. 5677

(E) An agreement entered into under this section shall 5678
include all of the following: 5679

(1) A detailed description of the capital investment project 5680
that is the subject of the agreement, including the amount of the 5681
investment, the period over which the investment has been or is 5682
being made, the annual compensation to be paid by each taxpayer 5683
subject to the agreement to its employees at the project site, and 5684
the anticipated amount of income taxes to be withheld from 5685
employee compensation pursuant to section 5747.06 of the Revised 5686
Code. 5687

(2) The percentage of the exemption from the taxes imposed 5688
under Chapters 5739. and 5741. of the Revised Code for the 5689
computer data center equipment used or to be used at the eligible 5690
computer data center, the length of time the computer data center 5691
equipment will be exempted, and the first date on which the 5692
exemption applies. 5693

(3) A requirement that the computer data center remain an 5694
eligible computer data center during the term of the agreement and 5695
that the applicant maintain operations at the eligible computer 5696
data center during that term. An applicant does not violate the 5697
requirement described in division (E)(3) of this section if the 5698
applicant ceases operations at the eligible computer data center 5699
during the term of the agreement but resumes those operations 5700
within eighteen months after the date of cessation. The agreement 5701
shall provide that, in such a case, the applicant and any other 5702
taxpayer that operates a computer data center business at the 5703
project site shall not claim the tax exemption authorized in the 5704
agreement for any purchase of computer data center equipment made 5705
during the period in which the applicant did not maintain 5706

operations at the eligible computer data center. 5707

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 122.177. (A) As used in this section: 5875

(1) "Business" means a sole proprietorship, a corporation for 5876
profit, or a pass-through entity as defined in section 5733.04 of 5877
the Revised Code. 5878

(2) "Career exploration internship" means a paid employment 5879
relationship between a student intern and a business in which the 5880
student intern acquires education, instruction, and experience 5881
relevant to the student intern's career aspirations. 5882

(3) "Student intern" means an individual who, at the time the 5883
business applies for a grant under division (B) of this section, 5884
meets both of the following criteria: 5885

(a) The individual is entitled to attend school in this 5886
state. 5887

(b) The individual is either between sixteen and eighteen 5888
years of age or is enrolled in grade eleven or twelve. 5889

(B) There is hereby created in the development services 5890
agency the career exploration internship program to award grants 5891
to businesses that employ a student intern in a career exploration 5892
internship. To qualify for a grant under the program, the career 5893
exploration internship shall be at least twenty weeks in duration 5894
and include at least two hundred hours of paid work and 5895
instruction in this state. To obtain a grant, the business shall 5896
apply to the development services agency before the starting date 5897

of the career exploration internship. The application shall 5898
include all of the following: 5899

(1) A brief description of the career exploration internship; 5900

(2) A signed statement by the student intern briefly 5901
describing the student intern's career aspirations and how the 5902
student intern believes this career exploration internship may 5903
help achieve those aspirations; 5904

(3) A signed statement by a principal or guidance counselor 5905
at the student intern's school or, in the case of a home schooled 5906
student, an individual responsible for administering instruction 5907
to the student intern, acknowledging that the employment 5908
opportunity qualifies as a career exploration internship and 5909
expressing intent to advise the student intern as provided in 5910
division (E) of this section; 5911

(4) The name, address, and telephone number of the business; 5912

(5) Any other information required by the development 5913
services agency. 5914

(C)(1) The development services agency shall review and make 5915
a determination with respect to each application submitted under 5916
division (B) of this section in the order in which the application 5917
is received. The agency shall not approve any application under 5918
this section that is received by the agency ~~more than three years~~ 5919
~~after the effective date of H.B. 107 of the 130th general assembly~~ 5920
~~later than June 25, 2017,~~ or that was submitted by a business that 5921
does not have substantial operations in this state. The agency may 5922
not otherwise deny an application unless the application is 5923
incomplete, the proposed employment relationship does not qualify 5924
as a career exploration internship for which a grant may be 5925
awarded under this section, the business is ineligible to receive 5926
a grant under division (D)(1) of this section, or the agency 5927
determines that approving the application would cause the amount 5928

that could be awarded to exceed the amount of money in the career 5929
exploration internship fund. 5930

(2) The agency shall send written notice of its determination 5931
to the applicant within thirty days after receiving the 5932
application. If the agency determines that the application shall 5933
not be approved, the notice shall include the reasons for such 5934
determination. 5935

(3) The agency's determination is final and may not be 5936
appealed for any reason. A business may submit a new or amended 5937
application under division (B) of this section at any time before 5938
or after receiving notice under division (C)(2) of this section. 5939

(D)(1) In any calendar year, the development services agency 5940
shall not award grants under this section to any business that has 5941
received grants for three career exploration internships in that 5942
calendar year. The agency shall not award a grant to a business 5943
unless the agency receives a report from the business within 5944
thirty days after the end of the career exploration internship or 5945
thirteen months after the approval of the application, whichever 5946
comes first, that includes all of the following: 5947

(a) The date the student intern began the internship; 5948

(b) The date the internship ended or a statement that the 5949
student will continue to be employed by the business; 5950

(c) The total number of hours during the internship that the 5951
student intern was employed by the business; 5952

(d) The total wages paid by the business to the student 5953
intern during the internship; 5954

(e) A signed statement by the student intern briefly 5955
describing the duties performed during the internship and the 5956
skills and experiences gained throughout the internship; 5957

(f) Any other information required by the agency. 5958

(2) If the agency receives the report and determines that it contains all of the information and the statement required by division (D)(1) of this section and that the career exploration internship described in the report complies with all the provisions of this section, the agency shall award a grant to the business. The amount of the grant shall equal the lesser of the following:

(a) Fifty per cent of the wages paid by the business to the student intern for the first twelve months following the date the application was approved;

(b) Five thousand dollars.

(E) The student intern and the principal, guidance counselor, or other qualified individual who signed the statement described in division (B)(3) of this section shall meet at least once in the thirty days following the end of the career exploration internship or in the thirteenth month following the start of the career exploration internship, whichever comes first. The purpose of the meeting is to discuss the student intern's experiences during the career exploration internship, consider the practical applications of these experiences to the student intern's career aspirations, and to establish or confirm goals for the student intern. If practicable, the meeting shall be in person. Otherwise, the meeting may be conducted over the telephone.

(F) A business that receives a grant under this section may submit a new application under division (B) of this section for another career exploration internship with the same student intern. Such an application does not have to include the statements otherwise required by divisions (B)(2) and (3) of this section.

(G) Annually, ~~before on the seventh first day of January~~ August until the ~~January of the third year that follows the year~~

~~that includes the effective date of H.B. 107 of the 130th general~~ 5990
~~assembly~~ August 2017, the development services agency shall 5991
compile a report indicating the number of career exploration 5992
internships approved by the agency under this section, the 5993
statements issued by the student interns under divisions (B)(2) 5994
and (D)(1)(e) of this section, the number of student interns that 5995
continued employment with the business after the termination of 5996
the career exploration internship, and the total amount of grants 5997
awarded under this section. The report shall not disclose any 5998
student interns' personally identifiable information. The agency 5999
shall provide copies of the report to the governor, the speaker 6000
and minority leader of the house of representatives, and the 6001
president and minority leader of the senate. 6002

(H) The development services agency may adopt rules necessary 6003
to administer this section in accordance with Chapter 119. of the 6004
Revised Code. 6005

(I) The career exploration internship fund is hereby created 6006
in the state treasury. The fund shall consist of a portion of the 6007
proceeds from the upfront license fees paid for the casino 6008
facilities authorized under Section 6(C) of Article XV, Ohio 6009
Constitution. Money in the fund shall be used by the development 6010
services agency to provide grants under this section. 6011

Sec. 122.64. (A) There is hereby established in the 6012
development services agency a business services division. The 6013
division shall be supervised by a deputy director appointed by the 6014
director of development services. 6015

The division is responsible for the administration of the 6016
state economic development financing programs established pursuant 6017
to sections 122.17 and 122.18, sections 122.39 and 122.41 to 6018
122.62, and Chapter 166. of the Revised Code. 6019

(B) The director of development services shall: 6020

(1) Receive applications for assistance pursuant to sections 6021
122.39 and 122.41 to 122.62 and Chapter 166. of the Revised Code. 6022
The director shall process the applications. 6023

(2) With the approval of the director of administrative 6024
services, establish salary schedules for employees of the various 6025
positions of employment with the division and assign the various 6026
positions to those salary schedules; 6027

(3) Employ and fix the compensation of financial consultants, 6028
appraisers, consulting engineers, superintendents, managers, 6029
construction and accounting experts, attorneys, and other agents 6030
for the assistance programs authorized pursuant to sections 122.17 6031
and 122.18, sections 122.39 and 122.41 to 122.62, and Chapter 166. 6032
of the Revised Code as are necessary; 6033

(4) Supervise the administrative operations of the division; 6034

(5) On or before the first day of ~~August~~ October in each 6035
year, make an annual report of the activities and operations under 6036
assistance programs authorized pursuant to sections 122.39 and 6037
122.41 to 122.62 and Chapter 166. of the Revised Code for the 6038
preceding fiscal year to the governor and the general assembly. 6039
Each such report shall set forth a complete operating and 6040
financial statement covering such activities and operations during 6041
the year in accordance with generally accepted accounting 6042
principles and shall be audited by a certified public accountant. 6043
The director of development services shall transmit a copy of the 6044
audited financial report to the office of budget and management. 6045

Sec. 122.641. (A)(1) There is hereby created the lakes in 6046
economic distress revolving loan program to assist businesses and 6047
other entities that are adversely affected due to economic 6048
circumstances that result in the declaration of a lake as an area 6049
under economic distress by the director of natural resources under 6050
division (A)(2) of this section. The director of development 6051

services shall administer the program. 6052

(2) The director of natural resources shall do both of the 6053
following: 6054

(a) Declare a lake as an area under economic distress. The 6055
director shall declare a lake as an area under economic distress 6056
based solely on environmental or safety issues, including the 6057
closure of a dam for safety reasons. 6058

(b) Subsequently declare a lake as an area no longer under 6059
economic distress when the environmental or safety issues, as 6060
applicable, have been resolved. 6061

(B) There is hereby created in the state treasury the lakes 6062
in economic distress revolving loan fund. The fund shall consist 6063
of money appropriated to it, all payments of principal and 6064
interest on loans made from the fund, and all investment earnings 6065
on money in the fund. The director of development services shall 6066
use money in the fund to make loans under this section, provided 6067
that the loans shall be zero interest loans during the time that 6068
an applicable lake has been declared an area under economic 6069
distress under division (A)(2)(a) of this section. 6070

(C) The director shall adopt rules in accordance with Chapter 6071
119. of the Revised that do both of the following: 6072

(1) Establish requirements and procedures for the making of 6073
loans under this section, including all of the following: 6074

(a) Eligibility criteria; 6075

(b) Application procedures; 6076

(c) Criteria for approval or disapproval of loans, including 6077
a stipulation that an applicant must demonstrate that the loan 6078
will help to achieve long-term economic stability in the area; 6079

(d) Criteria for repayment of the loans, including the 6080
establishment of an interest rate that does not exceed two points 6081

less than prime after an applicable lake has been declared as an 6082
area no longer under economic distress under division (A)(2)(b) of 6083
this section. 6084

(2) Establish any other provisions necessary to administer 6085
this section. 6086

(D) In administering the program, the director shall assist 6087
businesses and other entities in determining the amount of loans 6088
needed. 6089

Sec. 122.68. The community services division shall: 6090

(A) Administer all federal funds appropriated to the state 6091
from the "Community Services Block Grant Act," 95 Stat. 511, 42 6092
U.S.C.A. 9901, and comply with requirements imposed by that act in 6093
its application for, and administration of, the funds; 6094

(B) Designate community action agencies to receive community 6095
services block grant funds; 6096

(C) ~~Disburse (1) Subject to division (C)(2) of this section,~~ 6097
~~disburse at least ninety-five ninety-one per cent or such other~~ 6098
~~higher maximum amount as may from time to time be designated by~~ 6099
~~congress~~ of the funds received in the state from the "Community 6100
Services Block Grant Act" to community action agencies that comply 6101
with the requirements of section 122.69 of the Revised Code and 6102
migrant and seasonal farm worker organizations that are not 6103
designated community action agencies but which provide the 6104
services described in division (B)(1) of section 122.69 of the 6105
Revised Code; 6106

(2) Disburse at least four and one-half per cent of the funds 6107
received in the state from the "Community Services Block Grant 6108
Act" to one or more nonprofit organizations to which both of the 6109
following apply: 6110

(a) The organization or organizations were incorporated under 6111

the laws of this state before January 1, 2015. 6112

(b) The primary purpose of the organization or organizations 6113
is to provide training and technical assistance to community 6114
action agencies that comply with the requirements of section 6115
122.69 of the Revised Code. 6116

(D) Provide technical assistance to community action agencies 6117
to improve program planning, development, and administration; 6118

(E) Conduct yearly performance assessments, according to 6119
criteria determined by development services agency rule, to 6120
determine whether community action agencies are in compliance with 6121
section 122.69 of the Revised Code; 6122

(F) Annually prepare and submit to the United States 6123
secretary of health and human services, the governor, the 6124
president of the Ohio senate, and the speaker of the Ohio house of 6125
representatives, a comprehensive report that includes: 6126

(1) Certification that all community action agencies 6127
designated to receive funds from the "Community Services Block 6128
Grant Act" are in compliance with section 122.69 of the Revised 6129
Code; 6130

(2) A program plan for the next federal fiscal year that has 6131
been made available for public inspection and that details how 6132
community services block grant funds will be disbursed and used 6133
during that fiscal year; 6134

(3) Information detailing how funds were expended for the 6135
current fiscal year; 6136

(4) An audit of community services block grant expenditures 6137
for the preceding federal fiscal year that is conducted in 6138
accordance with generally accepted accounting principles by an 6139
independent auditing firm that has no connection with any 6140
community action agency receiving community services block grant 6141

funds or with any employee of the division. 6142

(G) Serve as a statewide advocate for social and economic 6143
opportunities for low-income persons. 6144

Sec. 122.85. (A) As used in this section and in sections 6145
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 6146

(1) "Tax credit-eligible production" means a motion picture 6147
production certified by the director of development services under 6148
division (B) of this section as qualifying the motion picture 6149
company for a tax credit under section 5726.55, 5733.59, 5747.66, 6150
or 5751.54 of the Revised Code. 6151

(2) "Certificate owner" means a motion picture company to 6152
which a tax credit certificate is issued. 6153

(3) "Motion picture company" means an individual, 6154
corporation, partnership, limited liability company, or other form 6155
of business association producing a motion picture. 6156

(4) "Eligible production expenditures" means expenditures 6157
made after June 30, 2009, for goods or services purchased and 6158
consumed in this state by a motion picture company directly for 6159
the production of a tax credit-eligible production. 6160

"Eligible production expenditures" includes, but is not 6161
limited to, expenditures for resident and nonresident cast and 6162
crew wages, accommodations, costs of set construction and 6163
operations, editing and related services, photography, sound 6164
synchronization, lighting, wardrobe, makeup and accessories, film 6165
processing, transfer, sound mixing, special and visual effects, 6166
music, location fees, and the purchase or rental of facilities and 6167
equipment. 6168

(5) "Motion picture" means entertainment content created in 6169
whole or in part within this state for distribution or exhibition 6170
to the general public, including, but not limited to, 6171

feature-length films; documentaries; long-form, specials, 6172
miniseries, series, and interstitial television programming; 6173
interactive web sites; sound recordings; videos; music videos; 6174
interactive television; interactive games; video games; 6175
commercials; any format of digital media; and any trailer, pilot, 6176
video teaser, or demo created primarily to stimulate the sale, 6177
marketing, promotion, or exploitation of future investment in 6178
either a product or a motion picture by any means and media in any 6179
digital media format, film, or videotape, provided the motion 6180
picture qualifies as a motion picture. "Motion picture" does not 6181
include any television program created primarily as news, weather, 6182
or financial market reports, a production featuring current events 6183
or sporting events, an awards show or other gala event, a 6184
production whose sole purpose is fundraising, a long-form 6185
production that primarily markets a product or service or in-house 6186
corporate advertising or other similar productions, a production 6187
for purposes of political advocacy, or any production for which 6188
records are required to be maintained under 18 U.S.C. 2257 with 6189
respect to sexually explicit content. 6190

(B) For the purpose of encouraging and developing a strong 6191
film industry in this state, the director of development services 6192
may certify a motion picture produced by a motion picture company 6193
as a tax credit-eligible production. In the case of a television 6194
series, the director may certify the production of each episode of 6195
the series as a separate tax credit-eligible production. A motion 6196
picture company shall apply for certification of a motion picture 6197
as a tax credit-eligible production on a form and in the manner 6198
prescribed by the director. Each application shall include the 6199
following information: 6200

(1) The name and telephone number of the motion picture 6201
production company; 6202

(2) The name and telephone number of the company's contact 6203

person; 6204

(3) A list of the first preproduction date through the last 6205
production date in Ohio; 6206

(4) The Ohio production office address and telephone number; 6207

(5) The total production budget of the motion picture; 6208

(6) The total budgeted eligible production expenditures and 6209
the percentage that amount is of the total production budget of 6210
the motion picture; 6211

(7) The total percentage of the motion picture being shot in 6212
Ohio; 6213

(8) The level of employment of cast and crew who reside in 6214
Ohio; 6215

(9) A synopsis of the script; 6216

(10) The shooting script; 6217

(11) A creative elements list that includes the names of the 6218
principal cast and crew and the producer and director; 6219

(12) Documentation of financial ability to undertake and 6220
complete the motion picture; 6221

(13) Estimated value of the tax credit based upon total 6222
budgeted eligible production expenditures; 6223

(14) Any other information considered necessary by the 6224
director. 6225

Within ninety days after certification of a motion picture as 6226
a tax credit-eligible production, and any time thereafter upon the 6227
~~director of development services'~~ request of the director of 6228
development services, the motion picture company shall present to 6229
the director sufficient evidence of reviewable progress. If the 6230
motion picture company fails to present sufficient evidence, the 6231
director may rescind the certification. Upon rescission, the 6232

director shall notify the applicant that the certification has 6233
been rescinded. Nothing in this section prohibits an applicant 6234
whose tax credit-eligible production certification has been 6235
rescinded from submitting a subsequent application for 6236
certification. 6237

(C)(1) A motion picture company whose motion picture has been 6238
certified as a tax credit-eligible production may apply to the 6239
director of development services on or after July 1, 2009, for a 6240
refundable credit against the tax imposed by section 5726.02, 6241
5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 6242
consultation with the tax commissioner shall prescribe the form 6243
and manner of the application and the information or documentation 6244
required to be submitted with the application. 6245

The credit is determined as follows: 6246

(a) If the total budgeted eligible production expenditures 6247
stated in the application submitted under division (B) of this 6248
section or the actual eligible production expenditures as finally 6249
determined under division (D) of this section, whichever is least, 6250
is less than or equal to three hundred thousand dollars, no credit 6251
is allowed; 6252

(b) If the total budgeted eligible production expenditures 6253
stated in the application submitted under division (B) of this 6254
section or the actual eligible production expenditures as finally 6255
determined under division (D) of this section, whichever is least, 6256
is greater than three hundred thousand dollars, the credit equals 6257
the sum of the following, subject to the limitation in division 6258
(C)(4) of this section: 6259

(i) Twenty-five per cent of the least of such budgeted or 6260
actual eligible expenditure amounts excluding budgeted or actual 6261
eligible expenditures for resident cast and crew wages; 6262

(ii) Thirty-five per cent of budgeted or actual eligible 6263

expenditures for resident cast and crew wages. 6264

(2) Except as provided in division (C)(4) of this section, if 6265
the director of development services approves a motion picture 6266
company's application for a credit, the director shall issue a tax 6267
credit certificate to the company. The director in consultation 6268
with the tax commissioner shall prescribe the form and manner of 6269
issuing certificates. The director shall assign a unique 6270
identifying number to each tax credit certificate and shall record 6271
the certificate in a register devised and maintained by the 6272
director for that purpose. The certificate shall state the amount 6273
of the eligible production expenditures on which the credit is 6274
based and the amount of the credit. Upon the issuance of a 6275
certificate, the director shall certify to the tax commissioner 6276
the name of the applicant, the amount of eligible production 6277
expenditures shown on the certificate, and any other information 6278
required by the rules adopted to administer this section. 6279

(3) The amount of eligible production expenditures for which 6280
a tax credit may be claimed is subject to inspection and 6281
examination by the tax commissioner or employees of the 6282
commissioner under section 5703.19 of the Revised Code and any 6283
other applicable law. Once the eligible production expenditures 6284
are finally determined under section 5703.19 of the Revised Code 6285
and division (D) of this section, the credit amount is not subject 6286
to adjustment unless the director determines an error was 6287
committed in the computation of the credit amount. 6288

(4) No tax credit certificate may be issued before the 6289
completion of the tax credit-eligible production. Not more than 6290
forty million dollars of tax credit may be allowed per fiscal 6291
biennium beginning on or after July 1, 2011, and not more than 6292
twenty million dollars may be allowed in the first year of the 6293
biennium. At any time, not more than five million dollars of tax 6294
credit may be allowed per tax credit-eligible production. 6295

(D) A motion picture company whose motion picture has been 6296
certified as a tax credit-eligible production shall engage, at the 6297
company's expense, an independent certified public accountant to 6298
examine the company's production expenditures to identify the 6299
expenditures that qualify as eligible production expenditures. The 6300
certified public accountant shall issue a report to the company 6301
and to the director of development services certifying the 6302
company's eligible production expenditures and any other 6303
information required by the director. Upon receiving and examining 6304
the report, the director may disallow any expenditure the director 6305
determines is not an eligible production expenditure. If the 6306
director disallows an expenditure, the director shall issue a 6307
written notice to the motion picture production company stating 6308
that the expenditure is disallowed and the reason for the 6309
disallowance. Upon examination of the report and disallowance of 6310
any expenditures, the director shall determine finally the lesser 6311
of the total budgeted eligible production expenditures stated in 6312
the application submitted under division (B) of this section or 6313
the actual eligible production expenditures for the purpose of 6314
computing the amount of the credit. 6315

(E) No credit shall be allowed under section 5726.55, 6316
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 6317
director has reviewed the report and made the determination 6318
prescribed by division (D) of this section. 6319

(F) This state reserves the right to refuse the use of this 6320
state's name in the credits of any tax credit-eligible motion 6321
picture production. 6322

(G)(1) The director of development services in consultation 6323
with the tax commissioner shall adopt rules for the administration 6324
of this section, including rules setting forth and governing the 6325
criteria for determining whether a motion picture production is a 6326
tax credit-eligible production; activities that constitute the 6327

production of a motion picture; reporting sufficient evidence of 6328
reviewable progress; expenditures that qualify as eligible 6329
production expenditures; a competitive process for approving 6330
credits; and consideration of geographic distribution of credits. 6331
The rules shall be adopted under Chapter 119. of the Revised Code. 6332

(2) The director may require a reasonable application fee to 6333
cover administrative costs of the tax credit program. The fees 6334
collected shall be credited to the ~~motion picture tax credit~~ 6335
~~program operating~~ business assistance fund, ~~which is hereby~~ 6336
created in the ~~state treasury~~ section 122.174 of the Revised Code. 6337
~~The motion picture tax credit program operating fund shall consist~~ 6338
~~of all~~ All grants, gifts, fees, and contributions made to the 6339
director for marketing and promotion of the motion picture 6340
industry within this state shall also be credited to the fund. The 6341
director shall use money in the fund to pay expenses related to 6342
the administration of the Ohio film office and the credit 6343
authorized by this section and sections 5726.55-, 5733.59, 6344
5747.66, and 5751.54 of the Revised Code. 6345

Sec. 122.87. As used in sections 122.87 to 122.90 of the 6346
Revised Code: 6347

(A) "Surety company" means a company that is authorized by 6348
the department of insurance to issue bonds as surety. 6349

(B) "Minority business" means any of the following 6350
occupations: 6351

(1) Minority construction contractor; 6352

(2) Minority seller; 6353

(3) Minority service vendor. 6354

(C) "Minority construction contractor" means a person who is 6355
both a construction contractor and an owner of a minority business 6356
enterprise certified under division (B) of section 123.151 of the 6357

Revised Code. 6358

(D) "Minority seller" means a person who is both a seller of 6359
goods and an owner of a minority business enterprise listed on the 6360
special minority business enterprise bid notification list under 6361
~~division (B)~~ of section 125.08 of the Revised Code. 6362

(E) "Minority service vendor" means a person who is both a 6363
vendor of services and an owner of a minority business enterprise 6364
listed on the special minority business enterprise bid 6365
notification list under ~~division (B)~~ of section 125.08 of the 6366
Revised Code. 6367

(F) "Minority business enterprise" has the meaning given in 6368
section 122.71 of the Revised Code. 6369

(G) "EDGE business enterprise" means a sole proprietorship, 6370
association, partnership, corporation, limited liability 6371
corporation, or joint venture certified as a participant in the 6372
encouraging diversity, growth, and equity program by the director 6373
of administrative services under section 123.152 of the Revised 6374
Code. 6375

Sec. 122.942. ~~(A)~~ The director of development services shall, 6376
with respect to each project for which a loan, grant, tax credit, 6377
or other state-funded financial assistance is awarded by the 6378
development services agency, make all of the following information 6379
available to the public within thirty days after the agency enters 6380
into a contract with the recipient: 6381

~~(A)(1)~~ A summary of the project that includes all of the 6382
following: 6383

~~(1)(a)~~ A breakdown of the sources of the funds for each 6384
aspect of the project, such as state or federal programs, the 6385
operating company or entity itself, or any private financing, and 6386
a complete description of how each type of funds is to be used; 6387

~~(2)~~ <u>(b)</u> The total amount of assistance awarded;	6388
~~(3)~~ <u>(c)</u> A brief description of the project;	6389
~~(4)~~ <u>(d)</u> The following information regarding the project:	6390
~~(a)~~ <u>(i)</u> The operating company or entity that is awarded the assistance;	6391 6392
~~(b)~~ <u>(ii)</u> The products or services provided by the operating company or entity;	6393 6394
~~(c)~~ <u>(iii)</u> The number of new jobs, at-risk jobs, and retained jobs anticipated; the hourly wages and hourly benefits of those jobs; and the dollar amount of assistance per job affected.	6395 6396 6397
~~(5)~~ <u>(e)</u> The strengths and weaknesses of the project;	6398
~~(6)~~ <u>(f)</u> The location of the project, the location of the operating company or entity, and whether relocation is involved;	6399 6400
~~(7)~~ <u>(g)</u> The Ohio house district and Ohio senate district in which the project is located;	6401 6402
~~(8)~~ <u>(h)</u> The payment terms and conditions of the assistance awarded;	6403 6404
~~(9)~~ <u>(i)</u> The collateral or security required;	6405
~~(10)~~ <u>(j)</u> The recommendation of the staff assigned to the project.	6406 6407
~~(B)~~ <u>(2)</u> A comprehensive report that provides a description of the operating company or entity; all relevant information regarding the project; an analysis of the operating company or entity and the goods or services it provides; the explicit terms of any collateral or security required; and the reasoning behind the staffs' recommendation.	6408 6409 6410 6411 6412 6413
~~(C)~~ <u>(3)</u> Any other relevant information the controlling board may request, or the director may consider necessary to more fully describe the details of the assistance or the operating company or	6414 6415 6416

entity, that is provided before the controlling board approves the 6417
assistance. 6418

(B)(1) As used in this division, "tax incentive" means any 6419
exemption, either in whole or in part, of the income, goods, 6420
services, or property of a taxpayer from the effect of taxes 6421
levied by or under the Revised Code. "Tax incentive" includes, but 6422
is not limited to, tax exemptions, deferrals, exclusions, 6423
allowances, credits, deductions, reimbursements, and preferential 6424
tax rates. 6425

(2) The director of development services shall estimate the 6426
total revenue that will be forgone by the state as a result of 6427
each tax incentive approved by the tax credit authority created 6428
under section 122.17 of the Revised Code. The estimate shall be 6429
based on the monetary value of the tax incentive and not on 6430
potential economic growth. The director shall make each estimate, 6431
along with the name and address of the taxpayer that will receive 6432
the tax incentive, available to the public within thirty days 6433
after the date the tax incentive is approved by the tax credit 6434
authority. 6435

Nothing in this division precludes the director of 6436
development services from making other information regarding tax 6437
incentives available to the public unless disclosure of such 6438
information is prohibited by any other section of the Revised 6439
Code. 6440

(3) The director may adopt rules in accordance with Chapter 6441
119. of the Revised Code to effectuate this division. 6442

(C) Nothing in this section shall be construed as requiring 6443
the disclosure of information that is not a public record under 6444
section 149.43 of the Revised Code. 6445

Sec. 122.95. As used in sections ~~122.95~~ to ~~122.952~~ this 6446

section and section 122.951 of the Revised Code: 6447

(A) "Commercial or industrial areas" means areas zoned either 6448
commercial or industrial by the local zoning authority or an area 6449
not zoned, but in which there is located one or more commercial or 6450
industrial activities. 6451

(B) "Eligible county" means any of the following: 6452

(1) A county designated as being in the "Appalachian region" 6453
under the "Appalachian Regional Development Act of 1965," 79 Stat. 6454
5, 40 U.S.C. App. 403; 6455

(2) A county that is a "distressed area" as defined in 6456
section 122.16 of the Revised Code; 6457

(3) A county that within the previous calendar year has had a 6458
job loss numbering two hundred or more of which one hundred or 6459
more are manufacturing-related as reported in the notices prepared 6460
by the department of job and family services pursuant to the 6461
"Worker Adjustment and Retraining Notification Act," 102 Stat. 890 6462
(1988), 29 U.S.C. 2101 et seq., as amended. 6463

Sec. 122.951. (A) If the director of development services 6464
determines that a grant ~~from the industrial site improvement fund~~ 6465
may create new jobs or preserve existing jobs and employment 6466
opportunities in an eligible county, the director may grant up to 6467
seven hundred fifty thousand dollars ~~from the fund~~ to the eligible 6468
county for the purpose of acquiring commercial or industrial land 6469
or buildings and making improvements to commercial or industrial 6470
areas within the eligible county, including, but not limited to: 6471

(1) Expanding, remodeling, renovating, and modernizing 6472
buildings, structures, and other improvements; 6473

(2) Remediating environmentally contaminated property on 6474
which hazardous substances exist under conditions that have caused 6475

or would cause the property to be identified as contaminated by 6476
the Ohio or United States environmental protection agency; and 6477

(3) Infrastructure improvements, including, but not limited 6478
to, site preparation, including building demolition and removal; 6479
streets, roads, bridges, and traffic control devices; parking lots 6480
and facilities; water and sewer lines and treatment plants; gas, 6481
electric, and telecommunications, including broadband, hook-ups; 6482
and water and railway access improvements. 6483

A grant awarded under this section shall provide not more 6484
than seventy-five per cent of the estimated total cost of the 6485
project for which an application is submitted under this section. 6486
In addition, not more than ten per cent of the amount of the grant 6487
shall be used to pay the costs of professional services related to 6488
the project. 6489

(B) An eligible county may apply to the director for a grant 6490
under this section in the form and manner prescribed by the 6491
director. The eligible county shall include on the application all 6492
information required by the director. The application shall 6493
require the eligible county to provide a detailed description of 6494
how the eligible county would use a grant to improve commercial or 6495
industrial areas within the eligible county, and to specify how a 6496
grant will lead to the creation of new jobs or the preservation of 6497
existing jobs and employment opportunities in the eligible county. 6498
The eligible county shall specify in the application the amount of 6499
the grant for which the eligible county is applying. 6500

~~(C) An eligible county that receives a grant under this 6501~~
~~section is not eligible for any additional grants from the 6502~~
~~industrial site improvement fund in the fiscal year in which the 6503~~
~~grant is received and in the subsequent fiscal year. 6504~~

~~(D)~~ An eligible county may designate a port authority, 6505
community improvement corporation as defined in section 122.71 of 6506

the Revised Code, or other economic development entity that is 6507
located in the county to apply for a grant under this section. If 6508
a port authority, community improvement corporation, or other 6509
economic development entity is so designated, references to an 6510
eligible county in this section include references to the 6511
authority, corporation, or other entity. 6512

Sec. 123.10. (A) As used in this section and section 123.11 6513
of the Revised Code, "public exigency" means an injury or 6514
obstruction that occurs in any public works of the state 6515
~~maintained by the director of administrative services~~ and that 6516
materially impairs its immediate use or places in jeopardy 6517
property adjacent to it; an immediate danger of such an injury or 6518
obstruction; or an injury or obstruction, or an immediate danger 6519
of an injury or obstruction, that occurs in any public works of 6520
the state ~~maintained by the director of administrative services~~ 6521
and that materially impairs its immediate use or places in 6522
jeopardy property adjacent to it. 6523

(B) When a declaration of public exigency is issued pursuant 6524
to division (C) of this section, the Ohio facilities construction 6525
commission shall enter into contracts with proper persons for the 6526
performance of labor, the furnishing of materials, or the 6527
construction of any structures and buildings necessary to the 6528
maintenance, control, and management of the public works of the 6529
state or any part of those public works. Any contracts awarded for 6530
the work performed pursuant to the declaration of a public 6531
exigency may be awarded without competitive bidding or selection 6532
as set forth in Chapter 153. of the Revised Code. 6533

(C) The executive director of the Ohio facilities 6534
construction commission may issue a declaration of a public 6535
exigency on the executive director's own initiative or upon the 6536
request of the director of any state agency, a state institution 6537

of higher education as defined in division (A)(1) of section 6538
3345.12 of the Revised Code, or any other state instrumentality. 6539
The executive director's declaration shall identify the specific 6540
injury, obstruction, or danger that is the subject of the 6541
declaration and shall set forth a dollar limitation for the 6542
repair, removal, or prevention of that exigency under the 6543
declaration. 6544

Before any project to repair, remove, or prevent a public 6545
exigency under the executive director's declaration may begin, the 6546
executive director shall send notice of the project, in writing, 6547
to the director of budget and management and to the members of the 6548
controlling board. That notice shall detail the project to be 6549
undertaken to address the public exigency and shall include a copy 6550
of the executive director's declaration that establishes the 6551
monetary limitations on that project. 6552

Sec. 123.28. As used in this section and in section 123.281 6553
of the Revised Code: 6554

(A) "Culture" means any of the following: 6555

(1) Visual, musical, dramatic, graphic, design, and other 6556
arts, including, but not limited to, architecture, dance, 6557
literature, motion pictures, music, painting, photography, 6558
sculpture, and theater, and the provision of training or education 6559
in these arts; 6560

(2) The presentation or making available, in museums or other 6561
indoor or outdoor facilities, of principles of science and their 6562
development, use, or application in business, industry, or 6563
commerce or of the history, heritage, development, presentation, 6564
and uses of the arts described in division (A)(1) of this section 6565
and of transportation; 6566

(3) The preservation, presentation, or making available of 6567

features of archaeological, architectural, environmental, or 6568
historical interest or significance in a state historical facility 6569
or a local historical facility. 6570

(B) "Cultural organization" means either of the following: 6571

(1) A governmental agency or Ohio nonprofit corporation, 6572
including the Ohio historical society, that provides programs or 6573
activities in areas directly concerned with culture; 6574

(2) A regional arts and cultural district as defined in 6575
section 3381.01 of the Revised Code. 6576

(C) "Cultural project" means all or any portion of an Ohio 6577
cultural facility for which the general assembly has made an 6578
appropriation or has specifically authorized the spending of money 6579
or the making of rental payments relating to the financing of 6580
construction. 6581

(D) "Cooperative ~~contract~~ use agreement" means a contract 6582
between the Ohio facilities construction commission and a cultural 6583
organization providing the terms and conditions of the cooperative 6584
use of an Ohio cultural facility. 6585

(E) "Costs of operation" means amounts required to manage an 6586
Ohio cultural facility that are incurred following the completion 6587
of construction of its cultural project, provided that both of the 6588
following apply: 6589

(1) Those amounts either: 6590

(a) Have been committed to a fund dedicated to that purpose; 6591

(b) Equal the principal of any endowment fund, the income 6592
from which is dedicated to that purpose. 6593

(2) The commission and the cultural organization have 6594
executed an agreement with respect to either of those funds. 6595

(F) "Governmental agency" means a state agency, a state 6596
institution of higher education as defined in section 3345.12 of 6597

the Revised Code, a municipal corporation, county, township, or 6598
school district, a port authority created under Chapter 4582. of 6599
the Revised Code, any other political subdivision or special 6600
district in this state established by or pursuant to law, or any 6601
combination of these entities; except where otherwise indicated, 6602
the United States or any department, division, or agency of the 6603
United States, or any agency, commission, or authority established 6604
pursuant to an interstate compact or agreement. 6605

(G) "Local contributions" means the value of an asset 6606
provided by or on behalf of a cultural organization from sources 6607
other than the state, the value and nature of which shall be 6608
approved by the Ohio facilities construction commission, in its 6609
sole discretion. "Local contributions" may include the value of 6610
the site where a cultural project is to be constructed. All "local 6611
contributions," except a contribution attributable to such a site, 6612
shall be for the costs of construction of a cultural project or 6613
the creation or expansion of an endowment for the costs of 6614
operation of a cultural facility. 6615

(H) "Local historical facility" means a site or facility, 6616
other than a state historical facility, of archaeological, 6617
architectural, environmental, or historical interest or 6618
significance, or a facility, including a storage facility, 6619
appurtenant to the operations of such a site or facility, that is 6620
owned by a cultural organization and is used for or in connection 6621
with cultural activities, including the presentation or making 6622
available of culture to the public. 6623

(I) "Manage," "operate," or "management" means the provision 6624
of, or the exercise of control over the provision of, activities: 6625

(1) Relating to culture for an Ohio cultural facility, 6626
including as applicable, but not limited to, providing for 6627
displays, exhibitions, specimens, and models; booking of artists, 6628
performances, or presentations; scheduling; and hiring or 6629

contracting for directors, curators, technical and scientific 6630
staff, ushers, stage managers, and others directly related to the 6631
cultural activities in the facility; but not including general 6632
building services; 6633

(2) Relating to sports and athletic events for an Ohio sports 6634
facility, including as applicable, but not limited to, providing 6635
for booking of athletes, teams, and events; scheduling; and hiring 6636
or contracting for staff, ushers, managers, and others directly 6637
related to the sports and athletic events in the facility; but not 6638
including general building services. 6639

(J) "Ohio cultural facility" means any of the following: 6640

(1) The theaters located in the state office tower at 77 6641
South High street in Columbus; 6642

(2) Any cultural facility in this state that is managed 6643
directly by, or is subject to a cooperative use or management 6644
~~contract~~ agreement with, the Ohio facilities construction 6645
commission. 6646

(3) A state historical facility or a local historical 6647
facility. 6648

(K) "Construction" includes acquisition, including 6649
acquisition by lease-purchase, demolition, reconstruction, 6650
alteration, renovation, remodeling, enlargement, improvement, site 6651
improvements, and related equipping and furnishing. 6652

(L) "State historical facility" means a site or facility that 6653
has all of the following characteristics: 6654

(1) It is created, supervised, operated, protected, 6655
maintained, and promoted by the Ohio historical society pursuant 6656
to the society's performance of public functions under sections 6657
149.30 and 149.302 of the Revised Code. 6658

(2) Its title must reside wholly or in part with the state, 6659

the society, or both the state and the society. 6660

(3) It is managed directly by or is subject to a cooperative 6661
use or management ~~contract~~ agreement with the Ohio facilities 6662
construction commission and is used for or in connection with 6663
cultural activities, including the presentation or making 6664
available of culture to the public. 6665

(M) "Ohio sports facility" means all or a portion of a 6666
stadium, arena, tennis facility, motorsports complex, or other 6667
capital facility in this state. A primary purpose of the facility 6668
shall be to provide a site or venue for the presentation to the 6669
public of motorsports events, professional tennis tournaments, or 6670
events of one or more major or minor league professional athletic 6671
or sports teams that are associated with the state or with a city 6672
or region of the state. The facility shall be, in the case of a 6673
motorsports complex, owned by the state or governmental agency, or 6674
in all other instances, owned by or located on real property owned 6675
by the state or a governmental agency, and includes all parking 6676
facilities, walkways, and other auxiliary facilities, equipment, 6677
furnishings, and real and personal property and interests and 6678
rights therein, that may be appropriate for or used for or in 6679
connection with the facility or its operation, for capital costs 6680
of which state funds are spent pursuant to this section and 6681
section 123.281 of the Revised Code. A facility constructed as an 6682
Ohio sports facility may be both an Ohio cultural facility and an 6683
Ohio sports facility. 6684

(N) "Motorsports" means sporting events in which motor 6685
vehicles are driven on a clearly demarcated tracked surface. 6686

Sec. 123.281. (A) The Ohio facilities construction commission 6687
shall provide for the construction of a cultural project in 6688
conformity with Chapter 153. of the Revised Code, except for 6689
construction services provided on behalf of the state by a 6690

governmental agency or a cultural organization in accordance with 6691
divisions (B) and (C) of this section. 6692

(B) In order for a governmental agency or a cultural 6693
organization to provide construction services on behalf of the 6694
state for a cultural project, other than a state historical 6695
facility, for which the general assembly has made an appropriation 6696
or specifically authorized the spending of money or the making of 6697
rental payments relating to the financing of the construction, the 6698
governmental agency or cultural organization shall submit to the 6699
Ohio facilities construction commission a cooperative use 6700
agreement that includes, but is not limited to, provisions that: 6701

(1) Specify how the proposed project will support culture,~~as~~ 6702
~~defined in section 123.28 of the Revised Code;~~ 6703

(2) Specify that the governmental agency or cultural 6704
organization has local contributions amounting to not less than 6705
fifty per cent of the total state funding for the cultural 6706
project; 6707

(3) Specify that the funds shall be used only for 6708
construction,~~as defined in section 123.28 of the Revised Code;~~ 6709

(4) Identify the facility to be constructed, renovated, 6710
remodeled, or improved; 6711

(5) Specify that the project scope meets the intent and 6712
purpose of the project appropriation and that the project can be 6713
completed and ready ~~for full occupancy~~ to support culture without 6714
exceeding appropriated funds; 6715

(6) Specify that the governmental agency or cultural 6716
organization shall hold the Ohio facilities construction 6717
commission harmless from all liability for the operation and 6718
maintenance costs of the facility; 6719

(7) Specify that the agreement or any actions taken under it 6720

are not subject to ~~Chapters~~ Chapter 123. or 153. of the Revised 6721
Code, except for ~~section~~ sections 123.20, 123.201, 123.21, 123.28, 6722
123.281, and 153.011 of the Revised Code, and are subject to 6723
Chapter 4115. of the Revised Code; and 6724

(8) Provide that amendments to the agreement shall require 6725
the approval of the Ohio facilities construction commission. 6726

(C) In order for a cultural organization to provide 6727
construction services on behalf of the state for a state 6728
historical facility for which the general assembly has made an 6729
appropriation or specifically authorized the spending of money or 6730
the making of rental payments relating to the financing of the 6731
construction, the cultural organization shall submit to the Ohio 6732
facilities construction commission a cooperative use agreement 6733
that includes, but is not limited to, provisions that: 6734

(1) Specify how the proposed project will support culture, ~~as~~ 6735
~~defined in section 123.28 of the Revised Code;~~ 6736

(2) Specify that the funds shall be used only for 6737
~~construction, as defined in section 123.28 of the Revised Code;~~ 6738

(3) Specify that not more than three per cent of the funds 6739
may be used by the cultural organization to administer the 6740
project; 6741

(4) Identify the facility to be constructed, renovated, 6742
remodeled, or improved; 6743

~~(4)~~(5) Specify that the project scope meets the intent and 6744
purpose of the project appropriation and that the project can be 6745
completed and ready ~~for full occupancy~~ to support culture without 6746
exceeding appropriated funds; 6747

~~(5)~~(6) Specify that the cultural organization shall hold the 6748
Ohio facilities construction commission harmless from all 6749
liability for the operation and maintenance costs of the facility; 6750

~~(6)~~(7) Specify that the agreement or any actions taken under
it are not subject to ~~Chapters~~ Chapter 123., 153., or 4115. of the
Revised Code, except for sections 123.20, 123.201, 123.21, 123.28,
and 123.281 of the Revised Code; and

~~(7)~~(8) Provide that amendments to the agreement shall require
the approval of the Ohio facilities construction commission.

(D) For an Ohio sports facility that is financed in part by
obligations issued under Chapter 154. of the Revised Code,
construction services shall be provided on behalf of the state by
or at the direction of the governmental agency or nonprofit
corporation that will own or be responsible for the management of
the facility. Any construction services to be provided by a
governmental agency or nonprofit corporation shall be specified in
a cooperative use agreement between the Ohio facilities
construction commission and the governmental agency or nonprofit
corporation. The agreement and any actions taken under it are not
subject to Chapter 123. or 153. of the Revised Code, except for
sections 123.20, 123.201, 123.21, 123.28, 123.281, and 153.011 of
the Revised Code, and are subject to Chapter 4115. of the Revised
Code.

(E) State funds shall not be used to pay or reimburse more
than fifteen per cent of the initial estimated construction cost
of an Ohio sports facility, excluding any site acquisition cost,
and no state funds, including any state bond proceeds, shall be
spent on any Ohio sports facility under this chapter unless, with
respect to that facility, all of the following apply:

(1) The Ohio facilities construction commission has received
a financial and development plan satisfactory to it, and provision
has been made, by agreement or otherwise, satisfactory to the
commission, for a contribution amounting to not less than
eighty-five per cent of the total estimated construction cost of
the facility, excluding any site acquisition cost, from sources

other than the state. 6783

(2) The general assembly has specifically authorized the 6784
spending of money on, or made an appropriation for, the 6785
construction of the facility, or for rental payments relating to 6786
state financing of all or a portion of the costs of constructing 6787
the facility. Authorization to spend money, or an appropriation, 6788
for planning or determining the feasibility of or need for the 6789
facility does not constitute authorization to spend money on, or 6790
an appropriation for, costs of constructing the facility. 6791

(3) If state bond proceeds are being used for the Ohio sports 6792
facility, the state or a governmental agency owns or has 6793
sufficient property interests in the facility or in the site of 6794
the facility or in the portion or portions of the facility 6795
financed from proceeds of state bonds, which may include, but is 6796
not limited to, the right to use or to require the use of the 6797
facility for the presentation of sport and athletic events to the 6798
public at the facility. 6799

~~(E)~~(F) In addition to the requirements of division ~~(D)~~(E) of 6800
this section, no state funds, including any state bond proceeds, 6801
shall be spent on any Ohio sports facility that is a motorsports 6802
complex, unless, with respect to that facility, both of the 6803
following apply: 6804

(1) Motorsports events shall be presented at the facility 6805
pursuant to a lease entered into with the owner of the facility. 6806
The term of the lease shall be for a period of not less than the 6807
greater of the useful life of the portion of the facility financed 6808
from proceeds of state bonds as determined using the guidelines 6809
for maximum maturities as provided under divisions (B) and (C) of 6810
section 133.20 of the Revised Code, or the period of time 6811
remaining to the date of payment or provision for payment of 6812
outstanding state bonds allocable to costs of the facility, all as 6813
determined by the director of budget and management and certified 6814

by the executive director of the Ohio facilities construction 6815
commission and to the treasurer of state. 6816

(2) Any motorsports organization that commits to using the 6817
facility for an established period of time shall give the 6818
political subdivision in which the facility is located not less 6819
than six months' advance notice if the organization intends to 6820
cease utilizing the facility prior to the expiration of that 6821
established period. Such a motorsports organization shall be 6822
liable to the state for any state funds used on the construction 6823
costs of the facility. 6824

~~(F)~~(G) In addition to the requirements of division ~~(D)~~(E) of 6825
this section, no state bond proceeds shall be spent on any Ohio 6826
sports facility that is a tennis facility, unless the owner or 6827
manager of the facility provides contractual commitments from a 6828
national or international professional tennis organization in a 6829
form acceptable to the Ohio facilities construction commission 6830
that assures that one or more sanctioned professional tennis 6831
events will be presented at the facility during each year that the 6832
bonds remain outstanding. 6833

Sec. 124.11. The civil service of the state and the several 6834
counties, cities, civil service townships, city health districts, 6835
general health districts, and city school districts of the state 6836
shall be divided into the unclassified service and the classified 6837
service. 6838

(A) The unclassified service shall comprise the following 6839
positions, which shall not be included in the classified service, 6840
and which shall be exempt from all examinations required by this 6841
chapter: 6842

(1) All officers elected by popular vote or persons appointed 6843
to fill vacancies in those offices; 6844

(2) All election officers as defined in section 3501.01 of the Revised Code; 6845
6846

(3)(a) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent; 6847
6848
6849

(b) The heads of all departments appointed by a board of county commissioners; 6850
6851

(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district; 6852
6853
6854
6855

Except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service. 6856
6857
6858
6859

(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors; 6860
6861
6862

(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties; 6863
6864
6865

(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department; 6866
6867
6868

(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system, 6869
6870
6871
6872
6873
6874

colleges, and universities; 6875

(b) The library staff of any library in the state supported 6876
wholly or in part at public expense. 6877

(8) Four clerical and administrative support employees for 6878
each of the elective state officers, four clerical and 6879
administrative support employees for each board of county 6880
commissioners and one such employee for each county commissioner, 6881
and four clerical and administrative support employees for other 6882
elective officers and each of the principal appointive executive 6883
officers, boards, or commissions, except for civil service 6884
commissions, that are authorized to appoint such clerical and 6885
administrative support employees; 6886

(9) The deputies and assistants of state agencies authorized 6887
to act for and on behalf of the agency, or holding a fiduciary or 6888
administrative relation to that agency and those persons employed 6889
by and directly responsible to elected county officials or a 6890
county administrator and holding a fiduciary or administrative 6891
relationship to such elected county officials or county 6892
administrator, and the employees of such county officials whose 6893
fitness would be impracticable to determine by competitive 6894
examination, provided that division (A)(9) of this section shall 6895
not affect those persons in county employment in the classified 6896
service as of September 19, 1961. Nothing in division (A)(9) of 6897
this section applies to any position in a county department of job 6898
and family services created pursuant to Chapter 329. of the 6899
Revised Code. 6900

(10) Bailiffs, constables, official stenographers, and 6901
commissioners of courts of record, deputies of clerks of the 6902
courts of common pleas who supervise or who handle public moneys 6903
or secured documents, and such officers and employees of courts of 6904
record and such deputies of clerks of the courts of common pleas 6905
as the appointing authority finds it impracticable to determine 6906

their fitness by competitive examination; 6907

(11) Assistants to the attorney general, special counsel 6908
appointed or employed by the attorney general, assistants to 6909
county prosecuting attorneys, and assistants to city directors of 6910
law; 6911

(12) Such teachers and employees in the agricultural 6912
experiment stations; such students in normal schools, colleges, 6913
and universities of the state who are employed by the state or a 6914
political subdivision of the state in student or intern 6915
classifications; and such unskilled labor positions as the 6916
director of administrative services, with respect to positions in 6917
the service of the state, or any municipal civil service 6918
commission may find it impracticable to include in the competitive 6919
classified service; provided such exemptions shall be by order of 6920
the commission or the director, duly entered on the record of the 6921
commission or the director with the reasons for each such 6922
exemption; 6923

(13) Any physician or dentist who is a full-time employee of 6924
the department of mental health and addiction services, the 6925
department of developmental disabilities, or an institution under 6926
the jurisdiction of either department; and physicians who are in 6927
residency programs at the institutions; 6928

(14) Up to twenty positions at each institution under the 6929
jurisdiction of the department of mental health and addiction 6930
services or the department of developmental disabilities that the 6931
department director determines to be primarily administrative or 6932
managerial; and up to fifteen positions in any division of either 6933
department, excluding administrative assistants to the director 6934
and division chiefs, which are within the immediate staff of a 6935
division chief and which the director determines to be primarily 6936
and distinctively administrative and managerial; 6937

- (15) Noncitizens of the United States employed by the state, 6938
or its counties or cities, as physicians or nurses who are duly 6939
licensed to practice their respective professions under the laws 6940
of this state, or medical assistants, in mental or chronic disease 6941
hospitals, or institutions; 6942
- (16) Employees of the governor's office; 6943
- (17) Fire chiefs and chiefs of police in civil service 6944
townships appointed by boards of township trustees under section 6945
505.38 or 505.49 of the Revised Code; 6946
- (18) Executive directors, deputy directors, and program 6947
directors employed by boards of alcohol, drug addiction, and 6948
mental health services under Chapter 340. of the Revised Code, and 6949
secretaries of the executive directors, deputy directors, and 6950
program directors; 6951
- (19) Superintendents, and management employees as defined in 6952
section 5126.20 of the Revised Code, of county boards of 6953
developmental disabilities; 6954
- (20) Physicians, nurses, and other employees of a county 6955
hospital who are appointed pursuant to sections 339.03 and 339.06 6956
of the Revised Code; 6957
- (21) The executive director of the state medical board, who 6958
is appointed pursuant to division (B) of section 4731.05 of the 6959
Revised Code; 6960
- (22) County directors of job and family services as provided 6961
in section 329.02 of the Revised Code and administrators appointed 6962
under section 329.021 of the Revised Code; 6963
- (23) A director of economic development who is hired pursuant 6964
to division (A) of section 307.07 of the Revised Code; 6965
- (24) Chiefs of construction and compliance, of operations and 6966
maintenance, of worker protection, and of licensing and 6967

certification in the division of industrial compliance in the 6968
department of commerce; 6969

(25) The executive director of a county transit system 6970
appointed under division (A) of section 306.04 of the Revised 6971
Code; 6972

(26) Up to five positions at each of the administrative 6973
departments listed in section 121.02 of the Revised Code and at 6974
the department of taxation, department of the adjutant general, 6975
department of education, Ohio board of regents, bureau of workers' 6976
compensation, industrial commission, state lottery commission, 6977
opportunities for Ohioans with disabilities agency, and public 6978
utilities commission of Ohio that the head of that administrative 6979
department or of that other state agency determines to be involved 6980
in policy development and implementation. The head of the 6981
administrative department or other state agency shall set the 6982
compensation for employees in these positions at a rate that is 6983
not less than the minimum compensation specified in pay range 41 6984
but not more than the maximum compensation specified in pay range 6985
47 of salary schedule E-2 in section 124.152 of the Revised Code. 6986
The authority to establish positions in the unclassified service 6987
under division (A)(26) of this section is in addition to and does 6988
not limit any other authority that an administrative department or 6989
state agency has under the Revised Code to establish positions, 6990
appoint employees, or set compensation. 6991

(27) Employees of the department of agriculture employed 6992
under section 901.09 of the Revised Code; 6993

(28) For cities, counties, civil service townships, city 6994
health districts, general health districts, and city school 6995
districts, the deputies and assistants of elective or principal 6996
executive officers authorized to act for and in the place of their 6997
principals or holding a fiduciary relation to their principals; 6998

(29) Employees who receive intermittent or temporary	6999
appointments under division (B) of section 124.30 of the Revised	7000
Code;	7001
(30) Employees appointed to administrative staff positions	7002
for which an appointing authority is given specific statutory	7003
authority to set compensation;	7004
(31) Employees appointed to highway patrol cadet or highway	7005
patrol cadet candidate classifications;	7006
(32) Employees placed in the unclassified service by another	7007
section of the Revised Code.	7008
(B) The classified service shall comprise all persons in the	7009
employ of the state and the several counties, cities, city health	7010
districts, general health districts, and city school districts of	7011
the state, not specifically included in the unclassified service.	7012
Upon the creation by the board of trustees of a civil service	7013
township civil service commission, the classified service shall	7014
also comprise, except as otherwise provided in division (A)(17) or	7015
(C) of this section, all persons in the employ of a civil service	7016
township police or fire department having ten or more full-time	7017
paid employees. The classified service consists of two classes,	7018
which shall be designated as the competitive class and the	7019
unskilled labor class.	7020
(1) The competitive class shall include all positions and	7021
employments in the state and the counties, cities, city health	7022
districts, general health districts, and city school districts of	7023
the state, and, upon the creation by the board of trustees of a	7024
civil service township of a township civil service commission, all	7025
positions in a civil service township police or fire department	7026
having ten or more full-time paid employees, for which it is	7027
practicable to determine the merit and fitness of applicants by	7028
competitive examinations. Appointments shall be made to, or	7029

employment shall be given in, all positions in the competitive 7030
class that are not filled by promotion, reinstatement, transfer, 7031
or reduction, as provided in this chapter, and the rules of the 7032
director of administrative services, by appointment from those 7033
certified to the appointing officer in accordance with this 7034
chapter. 7035

(2) The unskilled labor class shall include ordinary 7036
unskilled laborers. Vacancies in the labor class for positions in 7037
service of the state shall be filled by appointment from lists of 7038
applicants registered by the director or the director's designee. 7039
Vacancies in the labor class for all other positions shall be 7040
filled by appointment from lists of applicants registered by a 7041
commission. The director or the commission, as applicable, by 7042
rule, shall require an applicant for registration in the labor 7043
class to furnish evidence or take tests as the director or 7044
commission considers proper with respect to age, residence, 7045
physical condition, ability to labor, honesty, sobriety, industry, 7046
capacity, and experience in the work or employment for which 7047
application is made. Laborers who fulfill the requirements shall 7048
be placed on the eligible list for the kind of labor or employment 7049
sought, and preference shall be given in employment in accordance 7050
with the rating received from that evidence or in those tests. 7051
Upon the request of an appointing officer, stating the kind of 7052
labor needed, the pay and probable length of employment, and the 7053
number to be employed, the director or commission, as applicable, 7054
shall certify from the highest on the list double the number to be 7055
employed; from this number, the appointing officer shall appoint 7056
the number actually needed for the particular work. If more than 7057
one applicant receives the same rating, priority in time of 7058
application shall determine the order in which their names shall 7059
be certified for appointment. 7060

(C) A municipal or civil service township civil service 7061

commission may place volunteer firefighters who are paid on a 7062
fee-for-service basis in either the classified or the unclassified 7063
civil service. 7064

(D)(1) This division does not apply to persons in the 7065
unclassified service who have the right to resume positions in the 7066
classified service under sections 4121.121, 5119.18, 5120.38, 7067
5120.381, 5120.382, 5123.08, and 5139.02, ~~and 5501.19~~ of the 7068
Revised Code or to cities, counties, or political subdivisions of 7069
the state. 7070

(2) A person who holds a position in the classified service 7071
of the state and who is appointed to a position in the 7072
unclassified service shall retain the right to resume the position 7073
and status held by the person in the classified service 7074
immediately prior to the person's appointment to the position in 7075
the unclassified service, regardless of the number of positions 7076
the person held in the unclassified service. An employee's right 7077
to resume a position in the classified service may only be 7078
exercised when an appointing authority demotes the employee to a 7079
pay range lower than the employee's current pay range or revokes 7080
the employee's appointment to the unclassified service and any of 7081
the following apply: 7082

(a) That person held a certified position prior to July 1, 7083
2007, in the classified service within the appointing authority's 7084
agency; ~~or~~ 7085

(b) That person held a permanent position on or after July 1, 7086
2007, in the classified service within the appointing authority's 7087
agency, and was appointed to the position in the unclassified 7088
service prior to January 1, 2016; 7089

(c) That person held a permanent position on or after January 7090
1, 2016, in the classified service within the appointing 7091
authority's agency, and is within five years from the effective 7092

date of the person's appointment in the unclassified service. 7093

(3) An employee forfeits the right to resume a position in 7094
the classified service when: 7095

(a) The employee is removed from the position in the 7096
unclassified service due to incompetence, inefficiency, 7097
dishonesty, drunkenness, immoral conduct, insubordination, 7098
discourteous treatment of the public, neglect of duty, violation 7099
of this chapter or the rules of the director of administrative 7100
services, any other failure of good behavior, any other acts of 7101
misfeasance, malfeasance, or nonfeasance in office, or conviction 7102
of a felony; or 7103

(b) Upon transfer to a different agency. 7104

(4) Reinstatement to a position in the classified service 7105
shall be to a position substantially equal to that position in the 7106
classified service held previously, as certified by the director 7107
of administrative services. If the position the person previously 7108
held in the classified service has been placed in the unclassified 7109
service or is otherwise unavailable, the person shall be appointed 7110
to a position in the classified service within the appointing 7111
authority's agency that the director of administrative services 7112
certifies is comparable in compensation to the position the person 7113
previously held in the classified service. Service in the position 7114
in the unclassified service shall be counted as service in the 7115
position in the classified service held by the person immediately 7116
prior to the person's appointment to the position in the 7117
unclassified service. When a person is reinstated to a position in 7118
the classified service as provided in this division, the person is 7119
entitled to all rights, status, and benefits accruing to the 7120
position in the classified service during the person's time of 7121
service in the position in the unclassified service. 7122

Sec. 124.14. (A)(1) The director of administrative services 7123

shall establish, and may modify or rescind, ~~by rule,~~ a job 7124
classification plan for all positions, offices, and employments in 7125
the service of the state. The director shall group jobs within a 7126
classification so that the positions are similar enough in duties 7127
and responsibilities to be described by the same title, to have 7128
the same pay assigned with equity, and to have the same 7129
qualifications for selection applied. The director shall, ~~by rule,~~ 7130
assign a classification title to each classification within the 7131
classification plan. However, the director shall consider in 7132
establishing classifications, including classifications with 7133
parenthetical titles, and assigning pay ranges such factors as 7134
duties performed only on one shift, special skills in short supply 7135
in the labor market, recruitment problems, separation rates, 7136
comparative salary rates, the amount of training required, and 7137
other conditions affecting employment. The director shall describe 7138
the duties and responsibilities of the class, establish the 7139
qualifications for being employed in each position in the class, 7140
and file with the secretary of state a copy of specifications for 7141
all of the classifications. The director shall file new, 7142
additional, or revised specifications with the secretary of state 7143
before they are used. 7144

The director shall, ~~by rule,~~ assign each classification, 7145
either on a statewide basis or in particular counties or state 7146
institutions, to a pay range established under section 124.15 or 7147
section 124.152 of the Revised Code. The director may assign a 7148
classification to a pay range on a temporary basis for a period of 7149
six months. The director may establish, ~~by rule adopted under~~ 7150
~~Chapter 119. of the Revised Code,~~ experimental classification 7151
plans for some or all employees paid directly by warrant of the 7152
director of budget and management. The rule Any such experimental 7153
classification plan shall include specifications for each 7154
classification within the plan and shall specifically address 7155
compensation ranges, and methods for advancing within the ranges, 7156

for the classifications, which may be assigned to pay ranges other 7157
than the pay ranges established under section 124.15 or 124.152 of 7158
the Revised Code. 7159

(2) The director of administrative services may reassign to a 7160
proper classification those positions that have been assigned to 7161
an improper classification. If the compensation of an employee in 7162
such a reassigned position exceeds the maximum rate of pay for the 7163
employee's new classification, the employee shall be placed in pay 7164
step X and shall not receive an increase in compensation until the 7165
maximum rate of pay for that classification exceeds the employee's 7166
compensation. 7167

(3) The director may reassign an exempt employee, as defined 7168
in section 124.152 of the Revised Code, to a bargaining unit 7169
classification if the director determines that the bargaining unit 7170
classification is the proper classification for that employee. 7171
Notwithstanding Chapter 4117. of the Revised Code or instruments 7172
and contracts negotiated under it, these placements are at the 7173
director's discretion. 7174

(4) The director shall, ~~by rule,~~ assign related 7175
classifications, which form a career progression, to a 7176
classification series. The director shall, ~~by rule,~~ assign each 7177
classification in the classification plan a five-digit number, the 7178
first four digits of which shall denote the classification series 7179
to which the classification is assigned. When a career progression 7180
encompasses more than ten classifications, the director shall, ~~by~~ 7181
~~rule,~~ identify the additional classifications belonging to a 7182
classification series. The additional classifications shall be 7183
part of the classification series, notwithstanding the fact that 7184
the first four digits of the number assigned to the additional 7185
classifications do not correspond to the first four digits of the 7186
numbers assigned to other classifications in the classification 7187
series. 7188

(B) Division (A) of this section and sections 124.15 and 7189
124.152 of the Revised Code do not apply to the following persons, 7190
positions, offices, and employments: 7191

(1) Elected officials; 7192

(2) Legislative employees, employees of the legislative 7193
service commission, employees in the office of the governor, 7194
employees who are in the unclassified civil service and exempt 7195
from collective bargaining coverage in the office of the secretary 7196
of state, auditor of state, treasurer of state, and attorney 7197
general, and employees of the supreme court; 7198

(3) Any position for which the authority to determine 7199
compensation is given by law to another individual or entity; 7200

(4) Employees of the bureau of workers' compensation whose 7201
compensation the administrator of workers' compensation 7202
establishes under division (B) of section 4121.121 of the Revised 7203
Code. 7204

(C) The director may employ a consulting agency to aid and 7205
assist the director in carrying out this section. 7206

(D)(1) When the director proposes to modify a classification 7207
or the assignment of classes to appropriate pay ranges, the 7208
director shall ~~send written notice of the proposed rule to~~ notify 7209
the appointing authorities of the affected employees ~~thirty days~~ 7210
~~before a hearing on implementing the proposed rule modification.~~ 7211
The director's notice shall include the effective date of the 7212
modification. The appointing authorities shall notify the affected 7213
employees regarding the ~~proposed rule modification.~~ The director 7214
~~also shall send those appointing authorities notice of any final~~ 7215
~~rule that is adopted within ten days after adoption.~~ 7216

(2) When the director proposes to reclassify any employee in 7217
the service of the state so that the employee is adversely 7218
affected, the director shall give to the employee affected and to 7219

the employee's appointing authority a written notice setting forth 7220
the proposed new classification, pay range, and salary. Upon the 7221
request of any classified employee in the service of the state who 7222
is not serving in a probationary period, the director shall 7223
perform a job audit to review the classification of the employee's 7224
position to determine whether the position is properly classified. 7225
The director shall give to the employee affected and to the 7226
employee's appointing authority a written notice of the director's 7227
determination whether or not to reclassify the position or to 7228
reassign the employee to another classification. An employee or 7229
appointing authority desiring a hearing shall file a written 7230
request for the hearing with the state personnel board of review 7231
within thirty days after receiving the notice. The board shall set 7232
the matter for a hearing and notify the employee and appointing 7233
authority of the time and place of the hearing. The employee, the 7234
appointing authority, or any authorized representative of the 7235
employee who wishes to submit facts for the consideration of the 7236
board shall be afforded reasonable opportunity to do so. After the 7237
hearing, the board shall consider anew the reclassification and 7238
may order the reclassification of the employee and require the 7239
director to assign the employee to such appropriate classification 7240
as the facts and evidence warrant. As provided in division (A)(1) 7241
of section 124.03 of the Revised Code, the board may determine the 7242
most appropriate classification for the position of any employee 7243
coming before the board, with or without a job audit. The board 7244
shall disallow any reclassification or reassignment classification 7245
of any employee when it finds that changes have been made in the 7246
duties and responsibilities of any particular employee for 7247
political, religious, or other unjust reasons. 7248

(E)(1) Employees of each county department of job and family 7249
services shall be paid a salary or wage established by the board 7250
of county commissioners. The provisions of section 124.18 of the 7251
Revised Code concerning the standard work week apply to employees 7252

of county departments of job and family services. A board of 7253
county commissioners may do either of the following: 7254

(a) Notwithstanding any other section of the Revised Code, 7255
supplement the sick leave, vacation leave, personal leave, and 7256
other benefits of any employee of the county department of job and 7257
family services of that county, if the employee is eligible for 7258
the supplement under a written policy providing for the 7259
supplement; 7260

(b) Notwithstanding any other section of the Revised Code, 7261
establish alternative schedules of sick leave, vacation leave, 7262
personal leave, or other benefits for employees not inconsistent 7263
with the provisions of a collective bargaining agreement covering 7264
the affected employees. 7265

(2) Division (E)(1) of this section does not apply to 7266
employees for whom the state employment relations board 7267
establishes appropriate bargaining units pursuant to section 7268
4117.06 of the Revised Code, except in either of the following 7269
situations: 7270

(a) The employees for whom the state employment relations 7271
board establishes appropriate bargaining units elect no 7272
representative in a board-conducted representation election. 7273

(b) After the state employment relations board establishes 7274
appropriate bargaining units for such employees, all employee 7275
organizations withdraw from a representation election. 7276

(F)(1) Notwithstanding any contrary provision of sections 7277
124.01 to 124.64 of the Revised Code, the board of trustees of 7278
each state university or college, as defined in section 3345.12 of 7279
the Revised Code, shall carry out all matters of governance 7280
involving the officers and employees of the university or college, 7281
including, but not limited to, the powers, duties, and functions 7282
of the department of administrative services and the director of 7283

administrative services specified in this chapter. Officers and 7284
employees of a state university or college shall have the right of 7285
appeal to the state personnel board of review as provided in this 7286
chapter. 7287

(2) Each board of trustees shall adopt rules under section 7288
111.15 of the Revised Code to carry out the matters of governance 7289
described in division (F)(1) of this section. Until the board of 7290
trustees adopts those rules, a state university or college shall 7291
continue to operate pursuant to the applicable rules adopted by 7292
the director of administrative services under this chapter. 7293

(G)(1) Each board of county commissioners may, by a 7294
resolution adopted by a majority of its members, establish a 7295
county personnel department to exercise the powers, duties, and 7296
functions specified in division (G) of this section. As used in 7297
division (G) of this section, "county personnel department" means 7298
a county personnel department established by a board of county 7299
commissioners under division (G)(1) of this section. 7300

(2)(a) Each board of county commissioners, by a resolution 7301
adopted by a majority of its members, may designate the county 7302
personnel department of the county to exercise the powers, duties, 7303
and functions specified in sections 124.01 to 124.64 and Chapter 7304
325. of the Revised Code with regard to employees in the service 7305
of the county, except for the powers and duties of the state 7306
personnel board of review, which powers and duties shall not be 7307
construed as having been modified or diminished in any manner by 7308
division (G)(2) of this section, with respect to the employees for 7309
whom the board of county commissioners is the appointing authority 7310
or co-appointing authority. 7311

(b) Nothing in division (G)(2) of this section shall be 7312
construed to limit the right of any employee who possesses the 7313
right of appeal to the state personnel board of review to continue 7314
to possess that right of appeal. 7315

(c) Any board of county commissioners that has established a county personnel department may contract with the department of administrative services, in accordance with division (H) of this section, another political subdivision, or an appropriate public or private entity to provide competitive testing services or other appropriate services.

(3) After the county personnel department of a county has been established as described in division (G)(2) of this section, any elected official, board, agency, or other appointing authority of that county, upon written notification to the county personnel department, may elect to use the services and facilities of the county personnel department. Upon receipt of the notification by the county personnel department, the county personnel department shall exercise the powers, duties, and functions as described in division (G)(2) of this section with respect to the employees of that elected official, board, agency, or other appointing authority.

(4) Each board of county commissioners, by a resolution adopted by a majority of its members, may disband the county personnel department.

(5) Any elected official, board, agency, or appointing authority of a county may end its involvement with a county personnel department upon actual receipt by the department of a certified copy of the notification that contains the decision to no longer participate.

(6) A county personnel department, in carrying out its duties, shall adhere to merit system principles with regard to employees of county departments of job and family services, child support enforcement agencies, and public child welfare agencies so that there is no threatened loss of federal funding for these agencies, and the county is financially liable to the state for any loss of federal funds due to the action or inaction of the

county personnel department. 7348

(H) County agencies may contract with the department of 7349
administrative services for any human resources services, 7350
including, but not limited to, establishment and modification of 7351
job classification plans, competitive testing services, and 7352
periodic audits and reviews of the county's uniform application of 7353
the powers, duties, and functions specified in sections 124.01 to 7354
124.64 and Chapter 325. of the Revised Code with regard to 7355
employees in the service of the county. Nothing in this division 7356
modifies the powers and duties of the state personnel board of 7357
review with respect to employees in the service of the county. 7358
Nothing in this division limits the right of any employee who 7359
possesses the right of appeal to the state personnel board of 7360
review to continue to possess that right of appeal. 7361

(I) The director of administrative services shall establish 7362
the rate and method of compensation for all employees who are paid 7363
directly by warrant of the director of budget and management and 7364
who are serving in positions that the director of administrative 7365
services has determined impracticable to include in the state job 7366
classification plan. This division does not apply to elected 7367
officials, legislative employees, employees of the legislative 7368
service commission, employees who are in the unclassified civil 7369
service and exempt from collective bargaining coverage in the 7370
office of the secretary of state, auditor of state, treasurer of 7371
state, and attorney general, employees of the courts, employees of 7372
the bureau of workers' compensation whose compensation the 7373
administrator of workers' compensation establishes under division 7374
(B) of section 4121.121 of the Revised Code, or employees of an 7375
appointing authority authorized by law to fix the compensation of 7376
those employees. 7377

(J) The director of administrative services shall set the 7378
rate of compensation for all intermittent, seasonal, temporary, 7379

emergency, and casual employees in the service of the state who 7380
are not considered public employees under section 4117.01 of the 7381
Revised Code. Those employees are not entitled to receive employee 7382
benefits, unless otherwise required by law. This rate of 7383
compensation shall be equitable in terms of the rate of employees 7384
serving in the same or similar classifications. This division does 7385
not apply to elected officials, legislative employees, employees 7386
of the legislative service commission, employees who are in the 7387
unclassified civil service and exempt from collective bargaining 7388
coverage in the office of the secretary of state, auditor of 7389
state, treasurer of state, and attorney general, employees of the 7390
courts, employees of the bureau of workers' compensation whose 7391
compensation the administrator establishes under division (B) of 7392
section 4121.121 of the Revised Code, or employees of an 7393
appointing authority authorized by law to fix the compensation of 7394
those employees. 7395

Sec. 124.15. (A) Board and commission members appointed prior 7396
to July 1, 1991, shall be paid a salary or wage in accordance with 7397
the following schedules of rates: 7398

Schedule B 7399

Pay Ranges and Step Values 7400

Range		Step 1	Step 2	Step 3	Step 4	
23	Hourly	5.72	5.91	6.10	6.31	7401
	Annually	11897.60	12292.80	12688.00	13124.80	7402
		Step 5	Step 6			7403
	Hourly	6.52	6.75			7404
	Annually	13561.60	14040.00			7405
		Step 1	Step 2	Step 3	Step 4	7406
24	Hourly	6.00	6.20	6.41	6.63	7407
	Annually	12480.00	12896.00	13332.80	13790.40	7408
		Step 5	Step 6			7409
						7410

	Hourly	6.87	7.10			7411
	Annually	14289.60	14768.00			7412
		Step 1	Step 2	Step 3	Step 4	7413
25	Hourly	6.31	6.52	6.75	6.99	7414
	Annually	13124.80	13561.60	14040.00	14539.20	7415
		Step 5	Step 6			7416
	Hourly	7.23	7.41			7417
	Annually	15038.40	15412.80			7418
		Step 1	Step 2	Step 3	Step 4	7419
26	Hourly	6.63	6.87	7.10	7.32	7420
	Annually	13790.40	14289.60	14768.00	15225.60	7421
		Step 5	Step 6			7422
	Hourly	7.53	7.77			7423
	Annually	15662.40	16161.60			7424
		Step 1	Step 2	Step 3	Step 4	7425
27	Hourly	6.99	7.23	7.41	7.64	7426
	Annually	14534.20	15038.40	15412.80	15891.20	7427
		Step 5	Step 6	Step 7		7428
	Hourly	7.88	8.15	8.46		7429
	Annually	16390.40	16952.00	17596.80		7430
		Step 1	Step 2	Step 3	Step 4	7431
28	Hourly	7.41	7.64	7.88	8.15	7432
	Annually	15412.80	15891.20	16390.40	16952.00	7433
		Step 5	Step 6	Step 7		7434
	Hourly	8.46	8.79	9.15		7435
	Annually	17596.80	18283.20	19032.00		7436
		Step 1	Step 2	Step 3	Step 4	7437
29	Hourly	7.88	8.15	8.46	8.79	7438
	Annually	16390.40	16952.00	17596.80	18283.20	7439
		Step 5	Step 6	Step 7		7440
	Hourly	9.15	9.58	10.01		7441
	Annually	19032.00	19926.40	20820.80		7442
		Step 1	Step 2	Step 3	Step 4	7443

30	Hourly	8.46	8.79	9.15	9.58	7444
	Annually	17596.80	18283.20	19032.00	19926.40	7445
	Step 5		Step 6	Step 7		7446
	Hourly	10.01	10.46	10.99		7447
	Annually	20820.80	21756.80	22859.20		7448
31	Step 1		Step 2	Step 3	Step 4	7449
	Hourly	9.15	9.58	10.01	10.46	7450
	Annually	19032.00	19962.40	20820.80	21756.80	7451
	Step 5		Step 6	Step 7		7452
	Hourly	10.99	11.52	12.09		7453
32	Annually	22859.20	23961.60	25147.20		7454
	Step 1		Step 2	Step 3	Step 4	7455
	Hourly	10.01	10.46	10.99	11.52	7456
	Annually	20820.80	21756.80	22859.20	23961.60	7457
	Step 5		Step 6	Step 7	Step 8	7458
33	Hourly	12.09	12.68	13.29	13.94	7459
	Annually	25147.20	26374.40	27643.20	28995.20	7460
	Step 1		Step 2	Step 3	Step 4	7461
	Hourly	10.99	11.52	12.09	12.68	7462
	Annually	22859.20	23961.60	25147.20	26374.40	7463
34	Step 5		Step 6	Step 7	Step 8	7464
	Hourly	13.29	13.94	14.63	15.35	7465
	Annually	27643.20	28995.20	30430.40	31928.00	7466
	Step 1		Step 2	Step 3	Step 4	7467
	Hourly	12.09	12.68	13.29	13.94	7468
35	Annually	25147.20	26374.40	27643.20	28995.20	7469
	Step 5		Step 6	Step 7	Step 8	7470
	Hourly	14.63	15.35	16.11	16.91	7471
	Annually	30430.40	31928.00	33508.80	35172.80	7472
	Step 1		Step 2	Step 3	Step 4	7473
35	Hourly	13.29	13.94	14.63	15.35	7474
	Annually	27643.20	28995.20	30430.40	31928.00	7475
	Step 5		Step 6	Step 7	Step 8	7476

	Hourly	16.11	16.91	17.73	18.62	7477
	Annually	33508.80	35172.80	36878.40	38729.60	7478
		Step 1	Step 2	Step 3	Step 4	7479
36	Hourly	14.63	15.35	16.11	16.91	7480
	Annually	30430.40	31928.00	33508.80	35172.80	7481
		Step 5	Step 6	Step 7	Step 8	7482
	Hourly	17.73	18.62	19.54	20.51	7483
	Annually	36878.40	38729.60	40643.20	42660.80	7484
Schedule C						7485
Pay Range and Values						7486
Range		Minimum			Maximum	7487
41	Hourly	10.44			15.72	7488
	Annually	21715.20			32697.60	7489
42	Hourly	11.51			17.35	7490
	Annually	23940.80			36088.00	7491
43	Hourly	12.68			19.12	7492
	Annually	26374.40			39769.60	7493
44	Hourly	13.99			20.87	7494
	Annually	29099.20			43409.60	7495
45	Hourly	15.44			22.80	7496
	Annually	32115.20			47424.00	7497
46	Hourly	17.01			24.90	7498
	Annually	35380.80			51792.00	7499
47	Hourly	18.75			27.18	7500
	Annually	39000.00			56534.40	7501
48	Hourly	20.67			29.69	7502
	Annually	42993.60			61755.20	7503
49	Hourly	22.80			32.06	7504
	Annually	47424.00			66684.80	7505
(B) The pay schedule of all employees shall be on a biweekly						7506
basis, with amounts computed on an hourly basis.						7507
(C) Part-time employees shall be compensated on an hourly						7508

basis for time worked, at the rates shown in division (A) of this 7509
section or in section 124.152 of the Revised Code. 7510

(D) The salary and wage rates in division (A) of this section 7511
or in section 124.152 of the Revised Code represent base rates of 7512
compensation and may be augmented by the provisions of section 7513
124.181 of the Revised Code. In those cases where lodging, meals, 7514
laundry, or other personal services are furnished an employee in 7515
the service of the state, the actual costs or fair market value of 7516
the personal services shall be paid by the employee in such 7517
amounts and manner as determined by the director of administrative 7518
services and approved by the director of budget and management, 7519
and those personal services shall not be considered as a part of 7520
the employee's compensation. An appointing authority that appoints 7521
employees in the service of the state, with the approval of the 7522
director of administrative services and the director of budget and 7523
management, may establish payments to employees for uniforms, 7524
tools, equipment, and other requirements of the department and 7525
payments for the maintenance of them. 7526

The director of administrative services may review collective 7527
bargaining agreements entered into under Chapter 4117. of the 7528
Revised Code that cover employees in the service of the state and 7529
determine whether certain benefits or payments provided to the 7530
employees covered by those agreements should also be provided to 7531
employees in the service of the state who are exempt from 7532
collective bargaining coverage and are paid in accordance with 7533
section 124.152 of the Revised Code or are listed in division 7534
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 7535
the review, the director of administrative services, with the 7536
approval of the director of budget and management, may provide to 7537
some or all of these employees any payment or benefit, except for 7538
salary, contained in such a collective bargaining agreement even 7539
if it is similar to a payment or benefit already provided by law 7540

to some or all of these employees. Any payment or benefit so 7541
provided shall not exceed the highest level for that payment or 7542
benefit specified in such a collective bargaining agreement. The 7543
director of administrative services shall not provide, and the 7544
director of budget and management shall not approve, any payment 7545
or benefit to such an employee under this division unless the 7546
payment or benefit is provided pursuant to a collective bargaining 7547
agreement to a state employee who is in a position with similar 7548
duties as, is supervised by, or is employed by the same appointing 7549
authority as, the employee to whom the benefit or payment is to be 7550
provided. 7551

As used in this division, "payment or benefit already 7552
provided by law" includes, but is not limited to, bereavement, 7553
personal, vacation, administrative, and sick leave, disability 7554
benefits, holiday pay, and pay supplements provided under the 7555
Revised Code, but does not include wages or salary. 7556

(E) New employees paid in accordance with schedule B of 7557
division (A) of this section or schedule E-1 of section 124.152 of 7558
the Revised Code shall be employed at the minimum rate established 7559
for the range unless otherwise provided. Employees with 7560
qualifications that are beyond the minimum normally required for 7561
the position and that are determined by the director to be 7562
exceptional may be employed in, or may be transferred or promoted 7563
to, a position at an advanced step of the range. Further, in time 7564
of a serious labor market condition when it is relatively 7565
impossible to recruit employees at the minimum rate for a 7566
particular classification, the entrance rate may be set at an 7567
advanced step in the range by the director of administrative 7568
services. This rate may be limited to geographical regions of the 7569
state. Appointments made to an advanced step under the provision 7570
regarding exceptional qualifications shall not affect the step 7571
assignment of employees already serving. However, anytime the 7572

hiring rate of an entire classification is advanced to a higher 7573
step, all incumbents of that classification being paid at a step 7574
lower than that being used for hiring, shall be advanced beginning 7575
at the start of the first pay period thereafter to the new hiring 7576
rate, and any time accrued at the lower step will be used to 7577
calculate advancement to a succeeding step. If the hiring rate of 7578
a classification is increased for only a geographical region of 7579
the state, only incumbents who work in that geographical region 7580
shall be advanced to a higher step. When an employee in the 7581
unclassified service changes from one state position to another or 7582
is appointed to a position in the classified service, or if an 7583
employee in the classified service is appointed to a position in 7584
the unclassified service, the employee's salary or wage in the new 7585
position shall be determined in the same manner as if the employee 7586
were an employee in the classified service. When an employee in 7587
the unclassified service who is not eligible for step increases is 7588
appointed to a classification in the classified service under 7589
which step increases are provided, future step increases shall be 7590
based on the date on which the employee last received a pay 7591
increase. If the employee has not received an increase during the 7592
previous year, the date of the appointment to the classified 7593
service shall be used to determine the employee's annual step 7594
advancement eligibility date. In reassigning any employee to a 7595
classification resulting in a pay range increase or to a new pay 7596
range as a result of a promotion, an increase pay range 7597
adjustment, or other classification change resulting in a pay 7598
range increase, the director shall assign such employee to the 7599
step in the new pay range that will provide an increase of 7600
approximately four per cent if the new pay range can accommodate 7601
the increase. When an employee is being assigned to a 7602
classification or new pay range as the result of a class plan 7603
change, if the employee has completed a probationary period, the 7604
employee shall be placed in a step no lower than step two of the 7605

new pay range. If the employee has not completed a probationary 7606
period, the employee may be placed in step one of the new pay 7607
range. Such new salary or wage shall become effective on such date 7608
as the director determines. 7609

(F) If employment conditions and the urgency of the work 7610
require such action, the director of administrative services may, 7611
upon the application of a department head, authorize payment at 7612
any rate established within the range for the class of work, for 7613
work of a casual or intermittent nature or on a project basis. 7614
Payment at such rates shall not be made to the same individual for 7615
more than three calendar months in any one calendar year. Any such 7616
action shall be subject to the approval of the director of budget 7617
and management as to the availability of funds. This section and 7618
sections 124.14 and 124.152 of the Revised Code do not repeal any 7619
authority of any department or public official to contract with or 7620
fix the compensation of professional persons who may be employed 7621
temporarily for work of a casual nature or for work on a project 7622
basis. 7623

(G)(1) Except as provided in divisions (G)(2) and (3) of this 7624
section, each state employee paid in accordance with schedule B of 7625
this section or schedule E-1 of section 124.152 of the Revised 7626
Code shall be eligible for advancement to succeeding steps in the 7627
range for the employee's class or grade according to the schedule 7628
established in this division. Beginning on the first day of the 7629
pay period within which the employee completes the prescribed 7630
probationary period in the employee's classification with the 7631
state, each employee shall receive an automatic salary adjustment 7632
equivalent to the next higher step within the pay range for the 7633
employee's class or grade. 7634

Except as provided in divisions (G)(2) and (3) of this 7635
section, each employee paid in accordance with schedule E-1 of 7636
section 124.152 of the Revised Code shall be eligible to advance 7637

to the next higher step until the employee reaches the top step in the range for the employee's class or grade, if the employee has maintained satisfactory performance in accordance with criteria established by the employee's appointing authority. Those step advancements shall not occur more frequently than once in any twelve-month period.

When an employee is promoted, the step entry date shall be set to account for a probationary period. When an employee is reassigned to a higher pay range, the step entry date shall be set to allow an employee who is not at the highest step of the range to receive a step advancement one year from the reassignment date. Step advancement shall not be affected by demotion. A promoted employee shall advance to the next higher step of the pay range on the first day of the pay period in which the required probationary period is completed. Step advancement shall become effective at the beginning of the pay period within which the employee attains the necessary length of service. Time spent on authorized leave of absence shall be counted for this purpose.

If determined to be in the best interest of the state service, the director of administrative services may, either statewide or in selected agencies, adjust the dates on which annual step advancements are received by employees paid in accordance with schedule E-1 of section 124.152 of the Revised Code.

(2)(a) There shall be a moratorium on annual step advancements under division (G)(1) of this section beginning June 21, 2009, through June 20, 2011. Step advancements shall resume with the pay period beginning June 21, 2011. Upon the resumption of step advancements, there shall be no retroactive step advancements for the period the moratorium was in effect. The moratorium shall not affect an employee's performance evaluation schedule.

An employee who begins a probationary period before June 21, 2009, shall advance to the next step in the employee's pay range at the end of probation, and then become subject to the moratorium. An employee who is hired, promoted, or reassigned to a higher pay range between June 21, 2009, through June 20, 2011, shall not advance to the next step in the employee's pay range until the next anniversary of the employee's date of hire, promotion, or reassignment that occurs on or after June 21, 2011.

(b) The moratorium under division (G)(2)(a) of this section shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2009.

(3) Employees in intermittent positions shall be employed at the minimum rate established for the pay range for their classification and are not eligible for step advancements.

(H) Employees in appointive managerial or professional positions paid in accordance with schedule C of this section or schedule E-2 of section 124.152 of the Revised Code may be appointed at any rate within the appropriate pay range. This rate of pay may be adjusted higher or lower within the respective pay range at any time the appointing authority so desires as long as the adjustment is based on the employee's ability to successfully administer those duties assigned to the employee. Salary adjustments shall not be made more frequently than once in any six-month period under this provision to incumbents holding the same position and classification.

(I) When an employee is assigned to duty outside this state, the employee may be compensated, upon request of the department

head and with the approval of the director of administrative 7702
services, at a rate not to exceed fifty per cent in excess of the 7703
employee's current base rate for the period of time spent on that 7704
duty. 7705

(J) Unless compensation for members of a board or commission 7706
is otherwise specifically provided by law, the director of 7707
administrative services shall establish the rate and method of 7708
payment for members of boards and commissions pursuant to the pay 7709
schedules listed in section 124.152 of the Revised Code. 7710

(K) Regular full-time employees in positions assigned to 7711
classes within the instruction and education administration series 7712
under the ~~rules~~ job classification plans of the director of 7713
administrative services, except certificated employees on the 7714
instructional staff of the state school for the blind or the state 7715
school for the deaf, whose positions are scheduled to work on the 7716
basis of an academic year rather than a full calendar year, shall 7717
be paid according to the pay range assigned by ~~such rules~~ the 7718
applicable job classification plan, but only during those pay 7719
periods included in the academic year of the school where the 7720
employee is located. 7721

(1) Part-time or substitute teachers or those whose period of 7722
employment is other than the full academic year shall be 7723
compensated for the actual time worked at the rate established by 7724
this section. 7725

(2) Employees governed by this division are exempt from 7726
sections 124.13 and 124.19 of the Revised Code. 7727

(3) Length of service for the purpose of determining 7728
eligibility for step advancements as provided by division (G) of 7729
this section and for the purpose of determining eligibility for 7730
longevity pay supplements as provided by division (E) of section 7731
124.181 of the Revised Code shall be computed on the basis of one 7732

full year of service for the completion of each academic year. 7733

(L) The superintendent of the state school for the deaf and 7734
the superintendent of the state school for the blind shall, 7735
subject to the approval of the superintendent of public 7736
instruction, carry out both of the following: 7737

(1) Annually, between the first day of April and the last day 7738
of June, establish for the ensuing fiscal year a schedule of 7739
hourly rates for the compensation of each certificated employee on 7740
the instructional staff of that superintendent's respective school 7741
constructed as follows: 7742

(a) Determine for each level of training, experience, and 7743
other professional qualification for which an hourly rate is set 7744
forth in the current schedule, the per cent that rate is of the 7745
rate set forth in such schedule for a teacher with a bachelor's 7746
degree and no experience. If there is more than one such rate for 7747
such a teacher, the lowest rate shall be used to make the 7748
computation. 7749

(b) Determine which six city, local, and exempted village 7750
school districts with territory in Franklin county have in effect 7751
on, or have adopted by, the first day of April for the school year 7752
that begins on the ensuing first day of July, teacher salary 7753
schedules with the highest minimum salaries for a teacher with a 7754
bachelor's degree and no experience; 7755

(c) Divide the sum of such six highest minimum salaries by 7756
ten thousand five hundred sixty; 7757

(d) Multiply each per cent determined in division (L)(1)(a) 7758
of this section by the quotient obtained in division (L)(1)(c) of 7759
this section; 7760

(e) One hundred five per cent of each product thus obtained 7761
shall be the hourly rate for the corresponding level of training, 7762
experience, or other professional qualification in the schedule 7763

for the ensuing fiscal year. 7764

(2) Annually, assign each certificated employee on the 7765
instructional staff of the superintendent's respective school to 7766
an hourly rate on the schedule that is commensurate with the 7767
employee's training, experience, and other professional 7768
qualifications. 7769

If an employee is employed on the basis of an academic year, 7770
the employee's annual salary shall be calculated by multiplying 7771
the employee's assigned hourly rate times one thousand seven 7772
hundred sixty. If an employee is not employed on the basis of an 7773
academic year, the employee's annual salary shall be calculated in 7774
accordance with the following formula: 7775

(a) Multiply the number of days the employee is required to 7776
work pursuant to the employee's contract by eight; 7777

(b) Multiply the product of division (L)(2)(a) of this 7778
section by the employee's assigned hourly rate. 7779

Each employee shall be paid an annual salary in biweekly 7780
installments. The amount of each installment shall be calculated 7781
by dividing the employee's annual salary by the number of biweekly 7782
installments to be paid during the year. 7783

Sections 124.13 and 124.19 of the Revised Code do not apply 7784
to an employee who is paid under this division. 7785

As used in this division, "academic year" means the number of 7786
days in each school year that the schools are required to be open 7787
for instruction with pupils in attendance. Upon completing an 7788
academic year, an employee paid under this division shall be 7789
deemed to have completed one year of service. An employee paid 7790
under this division is eligible to receive a pay supplement under 7791
division (L)(1), (2), or (3) of section 124.181 of the Revised 7792
Code for which the employee qualifies, but is not eligible to 7793
receive a pay supplement under division (L)(4) or (5) of that 7794

section. An employee paid under this division is eligible to 7795
receive a pay supplement under division (L)(6) of section 124.181 7796
of the Revised Code for which the employee qualifies, except that 7797
the supplement is not limited to a maximum of five per cent of the 7798
employee's regular base salary in a calendar year. 7799

(M) Division (A) of this section does not apply to "exempt 7800
employees," as defined in section 124.152 of the Revised Code, who 7801
are paid under that section. 7802

Notwithstanding any other provisions of this chapter, when an 7803
employee transfers between bargaining units or transfers out of or 7804
into a bargaining unit, the director of administrative services 7805
shall establish the employee's compensation and adjust the maximum 7806
leave accrual schedule as the director deems equitable. 7807

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) 7808
and (3) of this section, each exempt employee shall be paid a 7809
salary or wage in accordance with schedule E-1 or schedule E-2 of 7810
division (B) of this section. 7811

(2) Each exempt employee who holds a position in the 7812
unclassified civil service pursuant to division (A)(26) or (30) of 7813
section 124.11 of the Revised Code may be paid a salary or wage in 7814
accordance with schedule E-1, schedule E-1 for step ~~seven~~ eight 7815
only, or schedule E-2 of division (B) or (C) of this section, as 7816
applicable. 7817

(3)(a) Except as provided in division (A)(3)(b) of this 7818
section, each exempt employee who was paid a salary or wage at 7819
step 7 in the employee's pay range on June 28, 2003, in accordance 7820
with the applicable schedule E-1 of former section 124.152 of the 7821
Revised Code and who continued to be so paid on June 29, 2003, 7822
shall be paid a salary or wage in the corresponding pay range in 7823
schedule E-1 for step ~~seven~~ eight only of division (C) of this 7824
section for as long as the employee remains in the position the 7825

employee held as of July 1, 2003. Such an employee is not eligible 7826
to be paid a salary or wage at step 7 in schedule E-1 for as long 7827
as the employee remains in the position the employee held as of 7828
July 1, 2003. 7829

(b) Except as provided in division (A)(3)(c) of this section, 7830
if an exempt employee who is being paid a salary or wage in 7831
accordance with schedule E-1 for step ~~seven~~ eight only of division 7832
(C) of this section moves to another position, the employee shall 7833
not receive a salary or wage for that position or any other 7834
position in the future in accordance with that schedule. 7835

(c) If an exempt employee who is being paid a salary or wage 7836
in accordance with schedule E-1 for step ~~seven~~ eight only of 7837
division (C) of this section moves to another position assigned to 7838
pay range 12 or above, the appointing authority may assign the 7839
employee to be paid a salary or wage in the appropriate pay range 7840
for that position in accordance with the schedule E-1 for step 7841
~~seven~~ eight only of division (C) of this section, provided that 7842
the appointing authority so notifies the director of 7843
administrative services in writing at the time the employee is 7844
appointed to that position. 7845

(B)(1) Beginning on the first day of the pay period that 7846
includes July 1, ~~2008~~ 2015, each exempt employee who must be paid 7847
in accordance with schedule E-1 or schedule E-2 of this section 7848
shall be paid a salary or wage in accordance with the following 7849
schedule of rates: 7850

Schedule E-1 7851

Pay Ranges and Step Values 7852

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	10.07	10.52	10.97	11.44			7855
	Annually	20946	21882	22818	23795			7856

2	Hourly	12.21	12.73	13.28	13.86			7857
	Annually	25397	26478	27622	28829			7858
3	Hourly	12.79	13.37	13.96	14.57			7859
	Annually	26603	27810	29037	30306			7860
4	Hourly	13.43	14.03	14.70	15.36			7861
	Annually	27934	29182	30576	31949			7862
5	Hourly	14.09	14.73	15.36	16.03			7863
	Annually	29307	30638	31949	33342			7864
6	Hourly	14.85	15.46	16.15	16.81			7865
	Annually	30888	32157	33592	34965			7866
7	Hourly	15.77	16.35	17.02	17.62	18.30		7867
	Annually	32802	34008	35402	36650	38064		7868
8	Hourly	16.66	17.40	18.15	18.97	19.78		7869
	Annually	34653	36192	37752	39458	41142		7870
9	Hourly	17.78	18.70	19.62	20.60	21.65		7871
	Annually	36982	38896	40810	42848	45032		7872
10	Hourly	19.19	20.23	21.32	22.55	23.76		7873
	Annually	39915	42078	44346	46904	49421		7874
11	Hourly	20.89	22.11	23.39	24.71	26.11		7875
	Annually	43451	45989	48651	51397	54309		7876
12	Hourly	23.04	24.34	25.65	27.07	28.58	30.13	7877
	Annually	47923	50627	53352	56306	59446	62670	7878
13	Hourly	25.40	26.80	28.27	29.78	31.45	33.16	7879
	Annually	52832	55744	58802	61942	65416	68973	7880
14	Hourly	27.93	29.51	31.10	32.80	34.65	36.59	7881
	Annually	58094	61381	64688	68224	72072	76107	7882
15	Hourly	30.68	32.41	34.24	36.12	38.13	40.22	7883
	Annually	63814	67413	71219	75130	79310	83658	7884
16	Hourly	33.83	35.71	37.67	39.79	41.98	44.38	7885
	Annually	70366	74277	78354	82763	87318	92310	7886
17	Hourly	37.28	39.34	41.54	43.83	46.27	48.86	7887
	Annually	77542	81827	86403	91166	96242	101629	7888
18	Hourly	41.08	43.36	45.80	48.31	50.99	53.84	7889

	Annually	85446	90189	95264	100485	106059	111987	7890	
Schedule E-2								7891	
	Range			Minimum			Maximum	7892	
41	Hourly			16.23			37.25	7893	
	Annually			33758			77480	7894	
42	Hourly			17.89			41.14	7895	
	Annually			37211			85571	7896	
43	Hourly			19.70			45.31	7897	
	Annually			40976			94245	7898	
44	Hourly			21.73			49.50	7899	
	Annually			45198			102960	7900	
45	Hourly			24.01			54.04	7901	
	Annually			49941			112403	7902	
46	Hourly			26.43			59.06	7903	
	Annually			54974			122845	7904	
47	Hourly			29.14			64.45	7905	
	Annually			60611			134056	7906	
48	Hourly			32.14			70.33	7907	
	Annually			66851			146286	7908	
49	Hourly			35.44			75.94	7909	
	Annually			73715			157955	7910	
		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	7911
Range								7912	
1	Hourly	10.32	10.78	11.24	11.73			7913	
	Annually	21466	22422	23379	24398			7914	
2	Hourly	12.52	13.05	13.61	14.21			7915	
	Annually	26042	27144	28309	29557			7916	
3	Hourly	13.11	13.70	14.31	14.93			7917	
	Annually	27269	28496	29765	31054			7918	
4	Hourly	13.77	14.38	15.07	15.74			7919	
	Annually	28642	29910	31346	32739			7920	
5	Hourly	14.44	15.10	15.74	16.43			7921	
	Annually	30035	31408	32739	34174			7922	

<u>6</u>	<u>Hourly</u>	<u>15.22</u>	<u>15.85</u>	<u>16.55</u>	<u>17.23</u>				7923
	<u>Annually</u>	<u>31658</u>	<u>32968</u>	<u>34424</u>	<u>35838</u>				7924
<u>7</u>	<u>Hourly</u>	<u>16.16</u>	<u>16.76</u>	<u>17.45</u>	<u>18.06</u>	<u>18.76</u>			7925
	<u>Annually</u>	<u>33613</u>	<u>34861</u>	<u>36296</u>	<u>37565</u>	<u>39021</u>			7926
<u>8</u>	<u>Hourly</u>	<u>17.08</u>	<u>17.84</u>	<u>18.60</u>	<u>19.44</u>	<u>20.37</u>			7927
	<u>Annually</u>	<u>35526</u>	<u>37107</u>	<u>38688</u>	<u>40435</u>	<u>42370</u>			7928
<u>9</u>	<u>Hourly</u>	<u>18.22</u>	<u>19.17</u>	<u>20.11</u>	<u>21.12</u>	<u>22.19</u>			7929
	<u>Annually</u>	<u>37898</u>	<u>39874</u>	<u>41829</u>	<u>43930</u>	<u>46155</u>			7930
<u>10</u>	<u>Hourly</u>	<u>19.67</u>	<u>20.74</u>	<u>21.85</u>	<u>23.11</u>	<u>24.35</u>			7931
	<u>Annually</u>	<u>40914</u>	<u>43139</u>	<u>45448</u>	<u>48069</u>	<u>50648</u>			7932
<u>11</u>	<u>Hourly</u>	<u>21.41</u>	<u>22.66</u>	<u>23.97</u>	<u>25.33</u>	<u>26.76</u>			7933
	<u>Annually</u>	<u>44533</u>	<u>47133</u>	<u>49858</u>	<u>52686</u>	<u>55661</u>			7934
<u>12</u>	<u>Hourly</u>	<u>23.62</u>	<u>24.95</u>	<u>26.29</u>	<u>27.75</u>	<u>29.29</u>	<u>30.88</u>	<u>33.66</u>	7935
	<u>Annually</u>	<u>49130</u>	<u>51896</u>	<u>54683</u>	<u>57720</u>	<u>60923</u>	<u>64230</u>	<u>70013</u>	7936
<u>13</u>	<u>Hourly</u>	<u>26.04</u>	<u>27.47</u>	<u>28.98</u>	<u>30.52</u>	<u>32.24</u>	<u>33.99</u>	<u>37.04</u>	7937
	<u>Annually</u>	<u>54163</u>	<u>57138</u>	<u>60278</u>	<u>63482</u>	<u>67059</u>	<u>70699</u>	<u>77043</u>	7938
<u>14</u>	<u>Hourly</u>	<u>28.63</u>	<u>30.25</u>	<u>31.88</u>	<u>33.62</u>	<u>35.52</u>	<u>37.50</u>	<u>40.88</u>	7939
	<u>Annually</u>	<u>59550</u>	<u>62920</u>	<u>66310</u>	<u>69930</u>	<u>73882</u>	<u>78000</u>	<u>85030</u>	7940
<u>15</u>	<u>Hourly</u>	<u>31.45</u>	<u>33.22</u>	<u>35.10</u>	<u>37.02</u>	<u>39.08</u>	<u>41.23</u>	<u>44.94</u>	7941
	<u>Annually</u>	<u>65416</u>	<u>69098</u>	<u>73008</u>	<u>77002</u>	<u>81286</u>	<u>85758</u>	<u>93475</u>	7942
<u>16</u>	<u>Hourly</u>	<u>34.68</u>	<u>36.60</u>	<u>38.61</u>	<u>40.78</u>	<u>43.03</u>	<u>45.49</u>	<u>49.58</u>	7943
	<u>Annually</u>	<u>72134</u>	<u>76128</u>	<u>80309</u>	<u>84822</u>	<u>89502</u>	<u>94619</u>	<u>103126</u>	7944
<u>17</u>	<u>Hourly</u>	<u>38.21</u>	<u>40.32</u>	<u>42.58</u>	<u>44.93</u>	<u>47.43</u>	<u>50.08</u>		7945
	<u>Annually</u>	<u>79477</u>	<u>83866</u>	<u>88566</u>	<u>93454</u>	<u>98654</u>	<u>104166</u>		7946
<u>18</u>	<u>Hourly</u>	<u>42.11</u>	<u>44.44</u>	<u>46.95</u>	<u>49.52</u>	<u>52.26</u>	<u>55.19</u>		7947
	<u>Annually</u>	<u>87589</u>	<u>92435</u>	<u>97656</u>	<u>103002</u>	<u>108701</u>	<u>114795</u>		7948

An employee who is being paid a salary or wage at step 6 on 7949
July 1, 2015, is eligible to move to step 7 beginning on the first 7950
day of the pay period that immediately follows July 1, 2015, if 7951
the employee has maintained satisfactory performance in accordance 7952
with the criteria established by the employee's appointing 7953
authority and the employee has not advanced a step within the 7954
twelve-month period immediately preceding the advancement to step 7955

7. 7956

Schedule E-2 7957

<u>Range</u>		<u>Minimum</u>	<u>Maximum</u>	7958
<u>41</u>	<u>Hourly</u>	<u>16.23</u>	<u>41.62</u>	7959
	<u>Annually</u>	<u>33758</u>	<u>86570</u>	7960
<u>42</u>	<u>Hourly</u>	<u>17.89</u>	<u>45.96</u>	7961
	<u>Annually</u>	<u>37211</u>	<u>95597</u>	7962
<u>43</u>	<u>Hourly</u>	<u>19.70</u>	<u>50.62</u>	7963
	<u>Annually</u>	<u>40976</u>	<u>105290</u>	7964
<u>44</u>	<u>Hourly</u>	<u>21.73</u>	<u>55.30</u>	7965
	<u>Annually</u>	<u>45198</u>	<u>115024</u>	7966
<u>45</u>	<u>Hourly</u>	<u>24.01</u>	<u>60.38</u>	7967
	<u>Annually</u>	<u>49941</u>	<u>137248</u>	7968
<u>46</u>	<u>Hourly</u>	<u>26.43</u>	<u>65.98</u>	7969
	<u>Annually</u>	<u>54974</u>	<u>137238</u>	7970
<u>47</u>	<u>Hourly</u>	<u>29.14</u>	<u>72.01</u>	7971
	<u>Annually</u>	<u>60611</u>	<u>149781</u>	7972
<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>78.58</u>	7973
	<u>Annually</u>	<u>66851</u>	<u>163446</u>	7974
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>84.84</u>	7975
	<u>Annually</u>	<u>73715</u>	<u>176467</u>	7976

(2) Beginning on the first day of the pay period that 7977
includes July 1, 2016, each exempt employee who must be paid in 7978
accordance with schedule E-1 or schedule E-2 of this section shall 7979
be paid a salary or wage in accordance with the following schedule 7980
of rates: 7981

Schedule E-1 7982

Pay Ranges and Step Values 7983

Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 7984

Range 7985

1 Hourly 10.58 11.05 11.52 12.02 7986

Annually 22006 22984 23962 25002 7987

<u>2</u>	Hourly	<u>12.83</u>	<u>13.38</u>	<u>13.95</u>	<u>14.57</u>				7988
	Annually	<u>26686</u>	<u>27830</u>	<u>29016</u>	<u>30306</u>				7989
<u>3</u>	Hourly	<u>13.44</u>	<u>14.04</u>	<u>14.67</u>	<u>15.30</u>				7990
	Annually	<u>27955</u>	<u>29203</u>	<u>30514</u>	<u>31824</u>				7991
<u>4</u>	Hourly	<u>14.11</u>	<u>14.74</u>	<u>15.45</u>	<u>16.13</u>				7992
	Annually	<u>29349</u>	<u>30659</u>	<u>32136</u>	<u>33550</u>				7993
<u>5</u>	Hourly	<u>14.80</u>	<u>15.48</u>	<u>16.13</u>	<u>16.84</u>				7994
	Annually	<u>30784</u>	<u>32198</u>	<u>33550</u>	<u>35027</u>				7995
<u>6</u>	Hourly	<u>15.60</u>	<u>16.25</u>	<u>16.96</u>	<u>17.66</u>				7996
	Annually	<u>32448</u>	<u>33800</u>	<u>35277</u>	<u>36733</u>				7997
<u>7</u>	Hourly	<u>16.56</u>	<u>17.18</u>	<u>17.89</u>	<u>18.51</u>	<u>19.23</u>			7998
	Annually	<u>34445</u>	<u>35734</u>	<u>37211</u>	<u>38501</u>	<u>39998</u>			7999
<u>8</u>	Hourly	<u>17.51</u>	<u>18.29</u>	<u>19.07</u>	<u>19.93</u>	<u>20.88</u>			8000
	Annually	<u>36421</u>	<u>38043</u>	<u>39666</u>	<u>41454</u>	<u>43430</u>			8001
<u>9</u>	Hourly	<u>18.68</u>	<u>19.65</u>	<u>20.61</u>	<u>21.65</u>	<u>22.74</u>			8002
	Annually	<u>38854</u>	<u>40872</u>	<u>42869</u>	<u>45032</u>	<u>47299</u>			8003
<u>10</u>	Hourly	<u>20.16</u>	<u>21.26</u>	<u>22.40</u>	<u>23.69</u>	<u>24.96</u>			8004
	Annually	<u>41933</u>	<u>44221</u>	<u>46592</u>	<u>49275</u>	<u>51917</u>			8005
<u>11</u>	Hourly	<u>21.95</u>	<u>23.23</u>	<u>24.57</u>	<u>25.96</u>	<u>27.43</u>			8006
	Annually	<u>45656</u>	<u>48318</u>	<u>51106</u>	<u>53997</u>	<u>57054</u>			8007
<u>12</u>	Hourly	<u>24.21</u>	<u>25.57</u>	<u>26.95</u>	<u>28.44</u>	<u>30.02</u>	<u>31.65</u>	<u>34.50</u>	8008
	Annually	<u>50357</u>	<u>53186</u>	<u>56056</u>	<u>59155</u>	<u>62442</u>	<u>65832</u>	<u>71760</u>	8009
<u>13</u>	Hourly	<u>26.69</u>	<u>28.16</u>	<u>29.70</u>	<u>31.28</u>	<u>33.05</u>	<u>34.84</u>	<u>37.97</u>	8010
	Annually	<u>55515</u>	<u>58573</u>	<u>61776</u>	<u>65062</u>	<u>68744</u>	<u>72467</u>	<u>78978</u>	8011
<u>14</u>	Hourly	<u>29.35</u>	<u>31.01</u>	<u>32.68</u>	<u>34.46</u>	<u>36.41</u>	<u>38.44</u>	<u>41.90</u>	8012
	Annually	<u>61048</u>	<u>64501</u>	<u>67974</u>	<u>71677</u>	<u>75733</u>	<u>79955</u>	<u>87152</u>	8013
<u>15</u>	Hourly	<u>32.24</u>	<u>34.05</u>	<u>35.98</u>	<u>37.95</u>	<u>40.06</u>	<u>42.26</u>	<u>46.06</u>	8014
	Annually	<u>67059</u>	<u>70824</u>	<u>74838</u>	<u>78936</u>	<u>83325</u>	<u>87901</u>	<u>95805</u>	8015
<u>16</u>	Hourly	<u>35.55</u>	<u>37.52</u>	<u>39.58</u>	<u>41.80</u>	<u>44.11</u>	<u>46.63</u>	<u>50.82</u>	8016
	Annually	<u>73944</u>	<u>78042</u>	<u>82326</u>	<u>86944</u>	<u>91749</u>	<u>96990</u>	<u>105706</u>	8017
<u>17</u>	Hourly	<u>39.17</u>	<u>41.33</u>	<u>43.64</u>	<u>46.05</u>	<u>48.62</u>	<u>51.33</u>		8018
	Annually	<u>81474</u>	<u>85966</u>	<u>90771</u>	<u>95784</u>	<u>101130</u>	<u>106766</u>		8019
<u>18</u>	Hourly	<u>43.16</u>	<u>45.55</u>	<u>48.12</u>	<u>50.76</u>	<u>53.57</u>	<u>56.57</u>		8020

<u>Annually</u>		<u>89773</u>	<u>94744</u>	<u>100090</u>	<u>105581</u>	<u>111426</u>	<u>117666</u>	8021
<u>Schedule E-2</u>								8022
<u>Range</u>						<u>Minimum</u>	<u>Maximum</u>	8023
<u>41</u>	<u>Hourly</u>					<u>16.23</u>	<u>42.66</u>	8024
	<u>Annually</u>					<u>33758</u>	<u>88733</u>	8025
<u>42</u>	<u>Hourly</u>					<u>17.89</u>	<u>47.11</u>	8026
	<u>Annually</u>					<u>37211</u>	<u>97989</u>	8027
<u>43</u>	<u>Hourly</u>					<u>19.70</u>	<u>51.89</u>	8028
	<u>Annually</u>					<u>40976</u>	<u>107931</u>	8029
<u>44</u>	<u>Hourly</u>					<u>21.73</u>	<u>56.68</u>	8030
	<u>Annually</u>					<u>45198</u>	<u>117894</u>	8031
<u>45</u>	<u>Hourly</u>					<u>24.01</u>	<u>61.89</u>	8032
	<u>Annually</u>					<u>49941</u>	<u>128731</u>	8033
<u>46</u>	<u>Hourly</u>					<u>26.43</u>	<u>67.63</u>	8034
	<u>Annually</u>					<u>54974</u>	<u>140670</u>	8035
<u>47</u>	<u>Hourly</u>					<u>29.14</u>	<u>73.81</u>	8036
	<u>Annually</u>					<u>60611</u>	<u>153525</u>	8037
<u>48</u>	<u>Hourly</u>					<u>32.14</u>	<u>80.54</u>	8038
	<u>Annually</u>					<u>66851</u>	<u>167523</u>	8039
<u>49</u>	<u>Hourly</u>					<u>35.44</u>	<u>86.96</u>	8040
	<u>Annually</u>					<u>73715</u>	<u>180877</u>	8041
<u>(3) Beginning on the first day of the pay period that</u>								8042
<u>includes July 1, 2017, each exempt employee who must be paid in</u>								8043
<u>accordance with schedule E-1 or schedule E-2 of this section shall</u>								8044
<u>be paid a salary or wage in accordance with the following schedule</u>								8045
<u>of rates:</u>								8046
<u>Schedule E-1</u>								8047
<u>Pay Ranges and Step Values</u>								8048
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	8049
<u>Range</u>								8050
<u>1</u>	<u>Hourly</u>	<u>10.84</u>	<u>11.33</u>	<u>11.81</u>	<u>12.32</u>			8051
	<u>Annually</u>	<u>22547</u>	<u>23566</u>	<u>24565</u>	<u>25626</u>			8052

<u>2</u>	Hourly	<u>13.15</u>	<u>13.71</u>	<u>14.30</u>	<u>14.93</u>				8053
	Annually	<u>27352</u>	<u>28517</u>	<u>29744</u>	<u>31054</u>				8054
<u>3</u>	Hourly	<u>13.78</u>	<u>14.39</u>	<u>15.04</u>	<u>15.68</u>				8055
	Annually	<u>28662</u>	<u>29931</u>	<u>31283</u>	<u>32614</u>				8056
<u>4</u>	Hourly	<u>14.46</u>	<u>15.11</u>	<u>15.84</u>	<u>16.53</u>				8057
	Annually	<u>30077</u>	<u>31429</u>	<u>32947</u>	<u>34382</u>				8058
<u>5</u>	Hourly	<u>15.17</u>	<u>15.87</u>	<u>16.53</u>	<u>17.26</u>				8059
	Annually	<u>31554</u>	<u>33010</u>	<u>34382</u>	<u>35901</u>				8060
<u>6</u>	Hourly	<u>15.99</u>	<u>16.66</u>	<u>17.38</u>	<u>18.10</u>				8061
	Annually	<u>33259</u>	<u>34653</u>	<u>36150</u>	<u>37648</u>				8062
<u>7</u>	Hourly	<u>16.97</u>	<u>17.61</u>	<u>18.34</u>	<u>18.97</u>	<u>19.71</u>			8063
	Annually	<u>35298</u>	<u>36629</u>	<u>38147</u>	<u>39458</u>	<u>40997</u>			8064
<u>8</u>	Hourly	<u>17.95</u>	<u>18.75</u>	<u>19.55</u>	<u>20.43</u>	<u>21.40</u>			8065
	Annually	<u>37336</u>	<u>39000</u>	<u>40664</u>	<u>42494</u>	<u>44512</u>			8066
<u>9</u>	Hourly	<u>19.15</u>	<u>20.14</u>	<u>21.13</u>	<u>22.19</u>	<u>23.31</u>			8067
	Annually	<u>39832</u>	<u>41891</u>	<u>43950</u>	<u>46155</u>	<u>48485</u>			8068
<u>10</u>	Hourly	<u>20.66</u>	<u>21.79</u>	<u>22.96</u>	<u>24.28</u>	<u>25.58</u>			8069
	Annually	<u>42973</u>	<u>45323</u>	<u>47757</u>	<u>50502</u>	<u>53206</u>			8070
<u>11</u>	Hourly	<u>22.50</u>	<u>23.81</u>	<u>25.18</u>	<u>26.61</u>	<u>28.12</u>			8071
	Annually	<u>46800</u>	<u>49525</u>	<u>52374</u>	<u>55349</u>	<u>58490</u>			8072
<u>12</u>	Hourly	<u>24.82</u>	<u>26.21</u>	<u>27.62</u>	<u>29.15</u>	<u>30.77</u>	<u>32.44</u>	<u>35.36</u>	8073
	Annually	<u>51626</u>	<u>54517</u>	<u>57450</u>	<u>60632</u>	<u>64002</u>	<u>67475</u>	<u>73549</u>	8074
<u>13</u>	Hourly	<u>27.36</u>	<u>28.86</u>	<u>30.44</u>	<u>32.06</u>	<u>33.88</u>	<u>35.71</u>	<u>38.92</u>	8075
	Annually	<u>56909</u>	<u>60029</u>	<u>63315</u>	<u>66685</u>	<u>70470</u>	<u>74277</u>	<u>80954</u>	8076
<u>14</u>	Hourly	<u>30.08</u>	<u>31.79</u>	<u>33.50</u>	<u>35.32</u>	<u>37.32</u>	<u>39.40</u>	<u>42.95</u>	8077
	Annually	<u>62566</u>	<u>66123</u>	<u>69680</u>	<u>73466</u>	<u>77626</u>	<u>81952</u>	<u>89336</u>	8078
<u>15</u>	Hourly	<u>33.05</u>	<u>34.90</u>	<u>36.88</u>	<u>38.90</u>	<u>41.06</u>	<u>43.32</u>	<u>47.21</u>	8079
	Annually	<u>68744</u>	<u>72592</u>	<u>76710</u>	<u>80912</u>	<u>85405</u>	<u>90106</u>	<u>98197</u>	8080
<u>16</u>	Hourly	<u>36.44</u>	<u>38.46</u>	<u>40.57</u>	<u>42.85</u>	<u>45.21</u>	<u>47.80</u>	<u>52.09</u>	8081
	Annually	<u>75795</u>	<u>79997</u>	<u>84386</u>	<u>89128</u>	<u>94037</u>	<u>99424</u>	<u>108347</u>	8082
<u>17</u>	Hourly	<u>40.15</u>	<u>42.36</u>	<u>44.73</u>	<u>47.20</u>	<u>49.84</u>	<u>52.61</u>		8083
	Annually	<u>83512</u>	<u>88109</u>	<u>93038</u>	<u>98176</u>	<u>103667</u>	<u>109429</u>		8084
<u>18</u>	Hourly	<u>44.24</u>	<u>46.69</u>	<u>49.32</u>	<u>52.03</u>	<u>54.91</u>	<u>57.98</u>		8085

<u>Annually 92019 97115 102586 108222 114213 120598</u>				8086
<u>Schedule E-2</u>				8087
<u>Range</u>		<u>Minimum</u>	<u>Maximum</u>	8088
<u>41</u>	<u>Hourly</u>	<u>16.23</u>	<u>43.73</u>	8089
	<u>Annually</u>	<u>33758</u>	<u>90958</u>	8090
<u>42</u>	<u>Hourly</u>	<u>17.89</u>	<u>48.29</u>	8091
	<u>Annually</u>	<u>37211</u>	<u>100443</u>	8092
<u>43</u>	<u>Hourly</u>	<u>19.70</u>	<u>53.19</u>	8093
	<u>Annually</u>	<u>40976</u>	<u>110635</u>	8094
<u>44</u>	<u>Hourly</u>	<u>21.73</u>	<u>58.10</u>	8095
	<u>Annually</u>	<u>45198</u>	<u>120848</u>	8096
<u>45</u>	<u>Hourly</u>	<u>24.01</u>	<u>63.44</u>	8097
	<u>Annually</u>	<u>49941</u>	<u>131955</u>	8098
<u>46</u>	<u>Hourly</u>	<u>26.43</u>	<u>69.32</u>	8099
	<u>Annually</u>	<u>54974</u>	<u>144186</u>	8100
<u>47</u>	<u>Hourly</u>	<u>29.14</u>	<u>75.66</u>	8101
	<u>Annually</u>	<u>60611</u>	<u>157373</u>	8102
<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>82.55</u>	8103
	<u>Annually</u>	<u>66851</u>	<u>171704</u>	8104
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>89.13</u>	8105
	<u>Annually</u>	<u>73715</u>	<u>185390</u>	8106
(C)(1) Beginning on the first day of the pay period that				8107
includes July 1, ~~2008~~ <u>2015</u> , each exempt employee who must be paid				8108
in accordance with salary schedule E-1 for step ~~seven~~ <u>eight</u> only				8109
shall be paid a salary or wage in accordance with the following				8110
schedule of rates:				8111
Schedule E-1 for Step ~~Seven~~ <u>Eight</u> Only				8112
Pay Ranges and Step Values				8113
Range				8114
12	Hourly	~~31.80~~ <u>32.60</u>		8115
	Annually	~~66144~~ <u>67808</u>		8116
13	Hourly	~~34.98~~ <u>35.85</u>		8117

	Annually	~~72758~~ <u>74568</u>	8118
14	Hourly	~~38.57~~ <u>39.53</u>	8119
	Annually	~~80226~~ <u>82222</u>	8120
15	Hourly	~~42.44~~ <u>43.50</u>	8121
	Annually	~~88275~~ <u>90480</u>	8122
16	Hourly	~~46.81~~ <u>47.98</u>	8123
	Annually	~~97365~~ <u>99798</u>	8124
17	Hourly	~~51.55~~ <u>52.84</u>	8125
	Annually	~~107224~~ <u>109907</u>	8126
18	Hourly	~~56.80~~ <u>58.22</u>	8127
	Annually	~~118144~~ <u>121098</u>	8128

(2) Beginning on the first day of the pay period that 8129
includes July 1, 2016, each exempt employee who must be paid in 8130
accordance with schedule E-1 for step eight only shall be paid a 8131
salary or wage in accordance with the following schedule of rates: 8132

Schedule E-1 for Step Eight Only 8133

Pay Ranges and Step Values 8134

<u>Range</u>			8135
<u>12</u>	<u>Hourly</u>	<u>33.42</u>	8136
	<u>Annually</u>	<u>69514</u>	8137
<u>13</u>	<u>Hourly</u>	<u>36.75</u>	8138
	<u>Annually</u>	<u>76440</u>	8139
<u>14</u>	<u>Hourly</u>	<u>40.52</u>	8140
	<u>Annually</u>	<u>84282</u>	8141
<u>15</u>	<u>Hourly</u>	<u>44.59</u>	8142
	<u>Annually</u>	<u>92747</u>	8143
<u>16</u>	<u>Hourly</u>	<u>49.18</u>	8144
	<u>Annually</u>	<u>102294</u>	8145
<u>17</u>	<u>Hourly</u>	<u>54.16</u>	8146
	<u>Annually</u>	<u>112653</u>	8147

<u>18</u>	<u>Hourly</u>	<u>59.68</u>	8148
	<u>Annually</u>	<u>124134</u>	8149

(3) Beginning on the first day of the pay period that 8150
includes July 1, 2017, each exempt employee who must be paid in 8151
accordance with schedule E-1 for step eight only shall be paid a 8152
salary or wage in accordance with the following schedule of rates: 8153

Schedule E-1 for Step Eight Only 8154

Pay Ranges and Step Values 8155

Range 8156

<u>12</u>	<u>Hourly</u>	<u>34.26</u>	8157
	<u>Annually</u>	<u>71261</u>	8158
<u>13</u>	<u>Hourly</u>	<u>37.67</u>	8159
	<u>Annually</u>	<u>78354</u>	8160
<u>14</u>	<u>Hourly</u>	<u>41.53</u>	8161
	<u>Annually</u>	<u>86382</u>	8162
<u>15</u>	<u>Hourly</u>	<u>45.70</u>	8163
	<u>Annually</u>	<u>95056</u>	8164
<u>16</u>	<u>Hourly</u>	<u>50.41</u>	8165
	<u>Annually</u>	<u>104853</u>	8166
<u>17</u>	<u>Hourly</u>	<u>55.51</u>	8167
	<u>Annually</u>	<u>115461</u>	8168
<u>18</u>	<u>Hourly</u>	<u>61.17</u>	8169
	<u>Annually</u>	<u>127234</u>	8170

(D) As used in this section, "exempt employee" means a 8171
permanent full-time or permanent part-time employee paid directly 8172
by warrant of the director of budget and management whose position 8173
is included in the job classification plan established under 8174
division (A) of section 124.14 of the Revised Code but who is not 8175
considered a public employee for the purposes of Chapter 4117. of 8176
the Revised Code. As used in this section, "exempt employee" also 8177
includes a permanent full-time or permanent part-time employee of 8178
the secretary of state, auditor of state, treasurer of state, or 8179

attorney general who has not been placed in an appropriate 8180
bargaining unit by the state employment relations board. 8181

Sec. 124.181. (A) Except as provided in divisions (M) and (P) 8182
of this section, any employee paid in accordance with schedule B 8183
of section 124.15 or schedule E-1 or schedule E-1 for step ~~seven~~ 8184
eight only of section 124.152 of the Revised Code is eligible for 8185
the pay supplements provided in this section upon application by 8186
the appointing authority substantiating the employee's 8187
qualifications for the supplement and with the approval of the 8188
director of administrative services except as provided in division 8189
(E) of this section. 8190

(B)(1) ~~Except as provided in section 124.183 of the Revised~~ 8191
~~Code, in~~ In computing any of the pay supplements provided in this 8192
section for an employee paid in accordance with schedule B of 8193
section 124.15 of the Revised Code, the classification salary base 8194
shall be the minimum hourly rate of the pay range, provided in 8195
that section, in which the employee is assigned at the time of 8196
computation. 8197

(2) ~~Except as provided in section 124.183 of the Revised~~ 8198
~~Code, in~~ In computing any of the pay supplements provided in this 8199
section for an employee paid in accordance with schedule E-1 of 8200
section 124.152 of the Revised Code, the classification salary 8201
base shall be the minimum hourly rate of the pay range, provided 8202
in that section, in which the employee is assigned at the time of 8203
computation. 8204

(3) ~~Except as provided in section 124.183 of the Revised~~ 8205
~~Code, in~~ In computing any of the pay supplements provided in this 8206
section for an employee paid in accordance with schedule E-1 for 8207
step ~~seven~~ eight only of section 124.152 of the Revised Code, the 8208
classification salary base shall be the minimum hourly rate in the 8209
corresponding pay range, provided in schedule E-1 of that section, 8210

to which the employee is assigned at the time of the computation. 8211

(C) The effective date of any pay supplement, except as 8212
provided in section 124.183 of the Revised Code or unless 8213
otherwise provided in this section, shall be determined by the 8214
director. 8215

(D) The director shall, by rule, establish standards 8216
regarding the administration of this section. 8217

(E)(1) Except as otherwise provided in this division, 8218
beginning on the first day of the pay period within which the 8219
employee completes five years of total service with the state 8220
government or any of its political subdivisions, each employee in 8221
positions paid in accordance with schedule B of section 124.15 of 8222
the Revised Code or in accordance with schedule E-1 or schedule 8223
E-1 for step ~~seven~~ eight only of section 124.152 of the Revised 8224
Code shall receive an automatic salary adjustment equivalent to 8225
two and one-half per cent of the classification salary base, to 8226
the nearest whole cent. Each employee shall receive thereafter an 8227
annual adjustment equivalent to one-half of one per cent of the 8228
employee's classification salary base, to the nearest whole cent, 8229
for each additional year of qualified employment until a maximum 8230
of ten per cent of the employee's classification salary base is 8231
reached. The granting of longevity adjustments shall not be 8232
affected by promotion, demotion, or other changes in 8233
classification held by the employee, nor by any change in pay 8234
range for the employee's class or grade. Longevity pay adjustments 8235
shall become effective at the beginning of the pay period within 8236
which the employee completes the necessary length of service, 8237
except that when an employee requests credit for prior service, 8238
the effective date of the prior service credit and of any 8239
longevity adjustment shall be the first day of the pay period 8240
following approval of the credit by the director of administrative 8241
services. No employee, other than an employee who submits proof of 8242

prior service within ninety days after the date of the employee's hiring, shall receive any longevity adjustment for the period prior to the director's approval of a prior service credit. Time spent on authorized leave of absence shall be counted for this purpose.

(2) An employee who has retired in accordance with the provisions of any retirement system offered by the state and who is employed by the state or any political subdivision of the state on or after June 24, 1987, shall not have prior service with the state or any political subdivision of the state counted for the purpose of determining the amount of the salary adjustment provided under this division.

(3) There shall be a moratorium on employees' receipt under this division of credit for service with the state government or any of its political subdivisions during the period from July 1, 2003, through June 30, 2005. In calculating the number of years of total service under this division, no credit shall be included for service during the moratorium. The moratorium shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2003.

If an employee is exempt from the moratorium, receives credit for a period of service during the moratorium, and takes a position with another entity in the state government or any of its political subdivisions, either during or after the moratorium, and if that entity's employees are or were subject to the moratorium, the employee shall continue to retain the credit. However, if the moratorium is in effect upon the taking of the new position, the

employee shall cease receiving additional credit as long as the 8275
employee is in the position, until the moratorium expires. 8276

(F) When an exceptional condition exists that creates a 8277
temporary or a permanent hazard for one or more positions in a 8278
class paid in accordance with schedule B of section 124.15 of the 8279
Revised Code or in accordance with schedule E-1 or schedule E-1 8280
for step ~~seven~~ eight only of section 124.152 of the Revised Code, 8281
a special hazard salary adjustment may be granted for the time the 8282
employee is subjected to the hazardous condition. All special 8283
hazard conditions shall be identified for each position and 8284
incidence from information submitted to the director on an 8285
appropriate form provided by the director and categorized into 8286
standard conditions of: some unusual hazard not common to the 8287
class; considerable unusual hazard not common to the class; and 8288
exceptional hazard not common to the class. 8289

(1) A hazardous salary adjustment of five per cent of the 8290
employee's classification salary base may be applied in the case 8291
of some unusual hazardous condition not common to the class for 8292
those hours worked, or a fraction of those hours worked, while the 8293
employee was subject to the unusual hazard condition. 8294

(2) A hazardous salary adjustment of seven and one-half per 8295
cent of the employee's classification salary base may be applied 8296
in the case of some considerable hazardous condition not common to 8297
the class for those hours worked, or a fraction of those hours 8298
worked, while the employee was subject to the considerable hazard 8299
condition. 8300

(3) A hazardous salary adjustment of ten per cent of the 8301
employee's classification salary base may be applied in the case 8302
of some exceptional hazardous condition not common to the class 8303
for those hours worked, or a fraction of those hours worked, when 8304
the employee was subject to the exceptional hazard condition. 8305

(4) Each claim for temporary hazard pay shall be submitted as 8306
a separate payment and shall be subject to an administrative audit 8307
by the director as to the extent and duration of the employee's 8308
exposure to the hazardous condition. 8309

(G) When a full-time employee whose salary or wage is paid 8310
directly by warrant of the director of budget and management and 8311
who also is eligible for overtime under the "Fair Labor Standards 8312
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 8313
ordered by the appointing authority to report back to work after 8314
termination of the employee's regular work schedule and the 8315
employee reports, the employee shall be paid for such time. The 8316
employee shall be entitled to four hours at the employee's total 8317
rate of pay or overtime compensation for the actual hours worked, 8318
whichever is greater. This division does not apply to work that is 8319
a continuation of or immediately preceding an employee's regular 8320
work schedule. 8321

(H) When a certain position or positions paid in accordance 8322
with schedule B of section 124.15 of the Revised Code or in 8323
accordance with schedule E-1 or schedule E-1 for step ~~seven~~ eight 8324
only of section 124.152 of the Revised Code require the ability to 8325
speak or write a language other than English, a special pay 8326
supplement may be granted to attract bilingual individuals, to 8327
encourage present employees to become proficient in other 8328
languages, or to retain qualified bilingual employees. The 8329
bilingual pay supplement provided in this division may be granted 8330
in the amount of five per cent of the employee's classification 8331
salary base for each required foreign language and shall remain in 8332
effect as long as the bilingual requirement exists. 8333

(I) The director of administrative services may establish a 8334
shift differential for employees. The differential shall be paid 8335
to employees in positions working in other than the regular or 8336
first shift. In those divisions or agencies where only one shift 8337

prevails, no shift differential shall be paid regardless of the 8338
hours of the day that are worked. The director and the appointing 8339
authority shall designate which positions shall be covered by this 8340
division. 8341

(J) ~~Whenever an employee is assigned to work~~ An appointing 8342
authority may assign an employee to work in a higher level 8343
position for a continuous period of more than two weeks but no 8344
more than two years ~~because of a vacancy, the.~~ The employee's pay 8345
~~may~~ shall be established at a rate that is approximately four per 8346
cent above the employee's current base rate for the period the 8347
employee occupies the position, provided that this temporary 8348
~~occupancy~~ assignment is approved by the director. Employees paid 8349
under this division shall continue to receive any of the pay 8350
supplements due them under other divisions of this section based 8351
on the step one base rate for their normal classification. 8352

(K) If a certain position, or positions, within a class paid 8353
in accordance with schedule B of section 124.15 of the Revised 8354
Code or in accordance with schedule E-1 or schedule E-1 for step 8355
~~seven~~ eight only of section 124.152 of the Revised Code are 8356
mandated by state or federal law or regulation or other regulatory 8357
agency or other certification authority to have special technical 8358
certification, registration, or licensing to perform the functions 8359
which are under the mandate, a special professional achievement 8360
pay supplement may be granted. This special professional 8361
achievement pay supplement shall not be granted when all 8362
incumbents in all positions in a class require a license as 8363
provided in the classification description published by the 8364
department of administrative services; to licensees where no 8365
special or extensive training is required; when certification is 8366
granted upon completion of a stipulated term of in-service 8367
training; when an appointing authority has required certification; 8368
or any other condition prescribed by the director. 8369

(1) Before this supplement may be applied, evidence as to the
requirement must be provided by the agency for each position
involved, and certification must be received from the director as
to the director's concurrence for each of the positions so
affected.

(2) The professional achievement pay supplement provided in
this division shall be granted in an amount up to ten per cent of
the employee's classification salary base and shall remain in
effect as long as the mandate exists.

(L) Those employees assigned to teaching supervisory,
principal, assistant principal, or superintendent positions who
have attained a higher educational level than a basic bachelor's
degree may receive an educational pay supplement to remain in
effect as long as the employee's assignment and classification
remain the same.

(1) An educational pay supplement of two and one-half per
cent of the employee's classification salary base may be applied
upon the achievement of a bachelor's degree plus twenty quarter
hours of postgraduate work.

(2) An educational pay supplement of an additional five per
cent of the employee's classification salary base may be applied
upon achievement of a master's degree.

(3) An educational pay supplement of an additional two and
one-half per cent of the employee's classification salary base may
be applied upon achievement of a master's degree plus thirty
quarter hours of postgraduate work.

(4) An educational pay supplement of five per cent of the
employee's classification salary base may be applied when the
employee is performing as a master teacher.

(5) An educational pay supplement of five per cent of the
employee's classification salary base may be applied when the

employee is performing as a special education teacher. 8401

(6) Those employees in teaching supervisory, principal, 8402
assistant principal, or superintendent positions who are 8403
responsible for specific extracurricular activity programs shall 8404
receive overtime pay for those hours worked in excess of their 8405
normal schedule, at their straight time hourly rate up to a 8406
maximum of five per cent of their regular base salary in any 8407
calendar year. 8408

(M)(1) A state agency, board, or commission may establish a 8409
supplementary compensation schedule for those licensed physicians 8410
employed by the agency, board, or commission in positions 8411
requiring a licensed physician. The supplementary compensation 8412
schedule, together with the compensation otherwise authorized by 8413
this chapter, shall provide for the total compensation for these 8414
employees to range appropriately, but not necessarily uniformly, 8415
for each classification title requiring a licensed physician, in 8416
accordance with a schedule approved by the state controlling 8417
board. The individual salary levels recommended for each such 8418
physician employed shall be approved by the director. 8419
Notwithstanding section 124.11 of the Revised Code, such personnel 8420
are in the unclassified civil service. 8421

(2) The director of administrative services may approve 8422
supplementary compensation for the director of health, if the 8423
director is a licensed physician, in accordance with a 8424
supplementary compensation schedule approved under division (M)(1) 8425
of this section or in accordance with another supplementary 8426
compensation schedule the director of administrative services 8427
considers appropriate. The supplementary compensation shall not 8428
exceed twenty per cent of the director of health's base rate of 8429
pay. 8430

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 8431
117.42, and 131.02 of the Revised Code, the state shall not 8432

institute any civil action to recover and shall not seek 8433
reimbursement for overpayments made in violation of division (E) 8434
of this section or division (C) of section 9.44 of the Revised 8435
Code for the period starting after June 24, 1987, and ending on 8436
October 31, 1993. 8437

(O) Employees of the office of the treasurer of state who are 8438
exempt from collective bargaining coverage may be granted a merit 8439
pay supplement of up to one and one-half per cent of their step 8440
rate. The rate at which this supplement is granted shall be based 8441
on performance standards established by the treasurer of state. 8442
Any supplements granted under this division shall be administered 8443
on an annual basis. 8444

(P) Intermittent employees appointed under section 124.30 of 8445
the Revised Code are not eligible for the pay supplements provided 8446
by this section. 8447

~~(Q) Employees of the office of the auditor of state who are 8448
exempt from collective bargaining and who are paid in accordance 8449
with schedule E-1 or in accordance with schedule E-1 for step 7 8450
only and are paid a salary or wage in accordance with the schedule 8451
of rates in division (B) or (C) of section 124.152 of the Revised 8452
Code shall receive a reduction of two per cent in their hourly and 8453
annual pay calculation beginning with the pay period that 8454
immediately follows July 1, 2009. 8455~~

Sec. 124.183. (A) As used in this section, "active payroll" 8456
means conditions under which an employee is in active pay status 8457
or eligible to receive pay for an approved leave of absence 8458
including, but not limited to, occupational injury leave, 8459
disability leave, or workers' compensation. 8460

(B)(1) Each full-time permanent employee paid under schedule 8461
E-1 or E-2 of section 124.152 of the Revised Code who is in active 8462
payroll status on July 1, 2015, and August 1, 2015, shall receive 8463

a one-time pay supplement of seven hundred and fifty dollars in 8464
the earnings statement the employee receives in the pay period 8465
that includes August 21, 2015. 8466

(2) Each full-time permanent employee who is in active 8467
payroll status on July 1, 2015, and August 1, 2015, who is exempt 8468
from collective bargaining, and who is not covered by division 8469
(B)(1) of this section shall receive a one-time pay supplement of 8470
seven hundred and fifty dollars in the earnings statement the 8471
employee receives in the pay period that includes August 21, 2015. 8472

(3) Each less than full-time employee paid under schedule E-1 8473
or E-2 of section 124.152 of the Revised Code who is in active 8474
payroll status on July 1, 2015, and August 1, 2015 shall receive a 8475
one-time pay supplement of three hundred and seventy-five dollars 8476
in the earnings statement the employee receives in the pay period 8477
that includes August 21, 2015. 8478

(4) An employee who is not in active payroll status on July 8479
1, 2015, and August 1, 2015, due to military leave or an absence 8480
taken under the Family and Medical Leave Act, 29 U.S.C. 2601 et 8481
seq., as amended, is eligible to receive the one-time pay 8482
supplement pursuant to the terms of this section. 8483

(C) Notwithstanding any provision of law to the contrary, a 8484
one-time pay supplement under this section shall not be subject to 8485
withholding for deposit into any state retirement system. 8486
Notwithstanding any provision of law to the contrary, a one-time 8487
pay supplement under this section shall not be used for 8488
calculation purposes in determining an employee's retirement 8489
benefits in any state retirement system. 8490

(D) This section does not apply to employees of the supreme 8491
court, the general assembly, the legislative service commission, 8492
the secretary of state, the auditor of state, the treasurer of 8493
state, or the attorney general unless the supreme court, the 8494

general assembly, the legislative service commission, the 8495
secretary of state, the auditor of state, the treasurer of state, 8496
or the attorney general decides that the employees of those 8497
respective entities should be eligible for the one-time pay 8498
supplement and notifies the director of administrative services in 8499
writing on or before July 10, 2015, of the decision to participate 8500
in the one-time pay supplement. 8501

Sec. 124.29. (A) Notwithstanding any provision of sections 8502
124.321 to 124.328 of the Revised Code to the contrary, if the 8503
operation of an appointing authority is dependent on funds from 8504
the federal government and those funds are not available or have 8505
not been received by the appointing authority, the director of 8506
administrative services may authorize an appointing authority to 8507
temporarily furlough an employee of the appointing authority. 8508

(B) The director shall adopt rules in accordance with Chapter 8509
119. of the Revised Code to implement this section. 8510

Sec. 124.34. (A) The tenure of every officer or employee in 8511
the classified service of the state and the counties, civil 8512
service townships, cities, city health districts, general health 8513
districts, and city school districts of the state, holding a 8514
position under this chapter, shall be during good behavior and 8515
efficient service. No officer or employee shall be reduced in pay 8516
or position, fined, suspended, or removed, or have the officer's 8517
or employee's longevity reduced or eliminated, except as provided 8518
in section 124.32 of the Revised Code, and for incompetency, 8519
inefficiency, unsatisfactory performance, dishonesty, drunkenness, 8520
immoral conduct, insubordination, discourteous treatment of the 8521
public, neglect of duty, violation of any policy or work rule of 8522
the officer's or employee's appointing authority, violation of 8523
this chapter or the rules of the director of administrative 8524
services or the commission, any other failure of good behavior, 8525

any other acts of misfeasance, malfeasance, or nonfeasance in 8526
office, or conviction of a felony. The denial of a one-time pay 8527
supplement or a bonus to an officer or employee is not a reduction 8528
in pay for purposes of this section. 8529

This section does not apply to any modifications or 8530
reductions in pay or work week authorized by ~~division (Q) of~~ 8531
~~section 124.181 or~~ section 124.392, 124.393, or 124.394 of the 8532
Revised Code. 8533

An appointing authority may require an employee who is 8534
suspended to report to work to serve the suspension. An employee 8535
serving a suspension in this manner shall continue to be 8536
compensated at the employee's regular rate of pay for hours 8537
worked. The disciplinary action shall be recorded in the 8538
employee's personnel file in the same manner as other disciplinary 8539
actions and has the same effect as a suspension without pay for 8540
the purpose of recording disciplinary actions. 8541

A finding by the appropriate ethics commission, based upon a 8542
preponderance of the evidence, that the facts alleged in a 8543
complaint under section 102.06 of the Revised Code constitute a 8544
violation of Chapter 102., section 2921.42, or section 2921.43 of 8545
the Revised Code may constitute grounds for dismissal. Failure to 8546
file a statement or falsely filing a statement required by section 8547
102.02 of the Revised Code may also constitute grounds for 8548
dismissal. The tenure of an employee in the career professional 8549
service of the department of transportation is subject to section 8550
5501.20 of the Revised Code. 8551

Conviction of a felony is a separate basis for reducing in 8552
pay or position, suspending, or removing an officer or employee, 8553
even if the officer or employee has already been reduced in pay or 8554
position, suspended, or removed for the same conduct that is the 8555
basis of the felony. An officer or employee may not appeal to the 8556
state personnel board of review or the commission any disciplinary 8557

action taken by an appointing authority as a result of the 8558
officer's or employee's conviction of a felony. If an officer or 8559
employee removed under this section is reinstated as a result of 8560
an appeal of the removal, any conviction of a felony that occurs 8561
during the pendency of the appeal is a basis for further 8562
disciplinary action under this section upon the officer's or 8563
employee's reinstatement. 8564

A person convicted of a felony immediately forfeits the 8565
person's status as a classified employee in any public employment 8566
on and after the date of the conviction for the felony. If an 8567
officer or employee is removed under this section as a result of 8568
being convicted of a felony or is subsequently convicted of a 8569
felony that involves the same conduct that was the basis for the 8570
removal, the officer or employee is barred from receiving any 8571
compensation after the removal notwithstanding any modification or 8572
disaffirmance of the removal, unless the conviction for the felony 8573
is subsequently reversed or annulled. 8574

Any person removed for conviction of a felony is entitled to 8575
a cash payment for any accrued but unused sick, personal, and 8576
vacation leave as authorized by law. If subsequently reemployed in 8577
the public sector, the person shall qualify for and accrue these 8578
forms of leave in the manner specified by law for a newly 8579
appointed employee and shall not be credited with prior public 8580
service for the purpose of receiving these forms of leave. 8581

As used in this division, "felony" means any of the 8582
following: 8583

(1) A felony that is an offense of violence as defined in 8584
section 2901.01 of the Revised Code; 8585

(2) A felony that is a felony drug abuse offense as defined 8586
in section 2925.01 of the Revised Code; 8587

(3) A felony under the laws of this or any other state or the 8588

United States that is a crime of moral turpitude; 8589

(4) A felony involving dishonesty, fraud, or theft; 8590

(5) A felony that is a violation of section 2921.05, 2921.32, 8591
or 2921.42 of the Revised Code. 8592

(B) In case of a reduction, a suspension of more than forty 8593
work hours in the case of an employee exempt from the payment of 8594
overtime compensation, a suspension of more than twenty-four work 8595
hours in the case of an employee required to be paid overtime 8596
compensation, a fine of more than forty hours' pay in the case of 8597
an employee exempt from the payment of overtime compensation, a 8598
fine of more than twenty-four hours' pay in the case of an 8599
employee required to be paid overtime compensation, or removal, 8600
except for the reduction or removal of a probationary employee, 8601
the appointing authority shall serve the employee with a copy of 8602
the order of reduction, fine, suspension, or removal, which order 8603
shall state the reasons for the action. 8604

Within ten days following the date on which the order is 8605
served or, in the case of an employee in the career professional 8606
service of the department of transportation, within ten days 8607
following the filing of a removal order, the employee, except as 8608
otherwise provided in this section, may file an appeal of the 8609
order in writing with the state personnel board of review or the 8610
commission. For purposes of this section, the date on which an 8611
order is served is the date of hand delivery of the order or the 8612
date of delivery of the order by certified United States mail, 8613
whichever occurs first. If an appeal is filed, the board or 8614
commission shall forthwith notify the appointing authority and 8615
shall hear, or appoint a trial board to hear, the appeal within 8616
thirty days from and after its filing with the board or 8617
commission. The board, commission, or trial board may affirm, 8618
disaffirm, or modify the judgment of the appointing authority. 8619
However, in an appeal of a removal order based upon a violation of 8620

a last chance agreement, the board, commission, or trial board may 8621
only determine if the employee violated the agreement and thus 8622
affirm or disaffirm the judgment of the appointing authority. 8623

In cases of removal or reduction in pay for disciplinary 8624
reasons, either the appointing authority or the officer or 8625
employee may appeal from the decision of the state personnel board 8626
of review or the commission, and any such appeal shall be to the 8627
court of common pleas of the county in which the appointing 8628
authority is located, or to the court of common pleas of Franklin 8629
county, as provided by section 119.12 of the Revised Code. 8630

(C) In the case of the suspension for any period of time, or 8631
a fine, demotion, or removal, of a chief of police, a chief of a 8632
fire department, or any member of the police or fire department of 8633
a city or civil service township, who is in the classified civil 8634
service, the appointing authority shall furnish the chief or 8635
member with a copy of the order of suspension, fine, demotion, or 8636
removal, which order shall state the reasons for the action. The 8637
order shall be filed with the municipal or civil service township 8638
civil service commission. Within ten days following the filing of 8639
the order, the chief or member may file an appeal, in writing, 8640
with the commission. If an appeal is filed, the commission shall 8641
forthwith notify the appointing authority and shall hear, or 8642
appoint a trial board to hear, the appeal within thirty days from 8643
and after its filing with the commission, and it may affirm, 8644
disaffirm, or modify the judgment of the appointing authority. An 8645
appeal on questions of law and fact may be had from the decision 8646
of the commission to the court of common pleas in the county in 8647
which the city or civil service township is situated. The appeal 8648
shall be taken within thirty days from the finding of the 8649
commission. 8650

(D) A violation of division (A)(7) of section 2907.03 of the 8651
Revised Code is grounds for termination of employment of a 8652

nonteaching employee under this section. 8653

(E) The director shall adopt a rule in accordance with 8654
Chapter 119. of the Revised Code to define the term 8655
"unsatisfactory performance" as it is used in this section with 8656
regard to employees in the service of the state. 8657

(F) As used in this section, "last chance agreement" means an 8658
agreement signed by both an appointing authority and an officer or 8659
employee of the appointing authority that describes the type of 8660
behavior or circumstances that, if it occurs, will automatically 8661
lead to removal of the officer or employee without the right of 8662
appeal to the state personnel board of review or the appropriate 8663
commission. 8664

Sec. 124.382. (A) As used in this section and sections 8665
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 8666

(1) "Pay period" means the fourteen-day period of time during 8667
which the payroll is accumulated, as determined by the director of 8668
administrative services. 8669

(2) "Active pay status" means the conditions under which an 8670
employee is eligible to receive pay, and includes, but is not 8671
limited to, vacation leave, sick leave, personal leave, 8672
bereavement leave, and administrative leave. 8673

(3) "No pay status" means the conditions under which an 8674
employee is ineligible to receive pay and includes, but is not 8675
limited to, leave without pay, leave of absence, and disability 8676
leave. 8677

(4) "Disability leave" means the leave granted pursuant to 8678
section 124.385 of the Revised Code. 8679

(5) "Full-time permanent employee" means an employee whose 8680
regular hours of duty total eighty hours in a pay period in a 8681
state agency and whose appointment is not for a limited period of 8682

time. 8683

(6) "Base rate of pay" means the rate of pay established 8684
under schedule B or C of section 124.15 of the Revised Code or 8685
under schedule E-1, schedule E-1 for step ~~seven~~ eight only, or 8686
schedule E-2 of section 124.152 of the Revised Code, plus any 8687
supplement provided under section 124.181 of the Revised Code, 8688
plus any supplements enacted into law which are added to schedule 8689
B or C of section 124.15 of the Revised Code or to schedule E-1, 8690
schedule E-1 for step ~~seven~~ eight only, or schedule E-2 of section 8691
124.152 of the Revised Code. 8692

(7) "Part-time permanent employee" means an employee whose 8693
regular hours of duty total less than eighty hours in a pay period 8694
in a state agency and whose appointment is not for a limited 8695
period of time. 8696

(B) Each full-time permanent and part-time permanent employee 8697
whose salary or wage is paid directly by warrant of the director 8698
of budget and management shall be credited with sick leave of 8699
three and one-tenth hours for each completed eighty hours of 8700
service, excluding overtime hours worked. Sick leave is not 8701
available for use until it appears on the employee's earning 8702
statement and the compensation described in the earning statement 8703
is available to the employee. 8704

(C) Any sick leave credit provided pursuant to division (B) 8705
of this section, remaining as of the last day of the pay period 8706
preceding the first paycheck the employee receives in December, 8707
shall be converted pursuant to section 124.383 of the Revised 8708
Code. 8709

(D) Employees may use sick leave, provided a credit balance 8710
is available, upon approval of the responsible administrative 8711
officer of the employing unit, for absence due to personal 8712
illness, pregnancy, injury, exposure to contagious disease that 8713

could be communicated to other employees, and illness, injury, or 8714
death in the employee's immediate family. When sick leave is used, 8715
it shall be deducted from the employee's credit on the basis of 8716
absence from previously scheduled work in such increments of an 8717
hour and at such a compensation rate as the director of 8718
administrative services determines. The appointing authority of 8719
each employing unit may require an employee to furnish a 8720
satisfactory, signed statement to justify the use of sick leave. 8721

If, after having utilized the credit provided by this 8722
section, an employee utilizes sick leave that was accumulated 8723
prior to November 15, 1981, compensation for such sick leave used 8724
shall be at a rate as the director determines. 8725

(E)(1) The previously accumulated sick leave balance of an 8726
employee who has been separated from the public service, for which 8727
separation payments pursuant to section 124.384 of the Revised 8728
Code have not been made, shall be placed to the employee's credit 8729
upon the employee's reemployment in the public service, if the 8730
reemployment takes place within ten years of the date on which the 8731
employee was last terminated from public service. 8732

(2) The previously accumulated sick leave balance of an 8733
employee who has separated from a school district shall be placed 8734
to the employee's credit upon the employee's appointment as an 8735
unclassified employee of the state department of education, if all 8736
of the following apply: 8737

(a) The employee accumulated the sick leave balance while 8738
employed by the school district. 8739

(b) The employee did not receive any separation payments for 8740
the sick leave balance. 8741

(c) The employee's employment with the department takes place 8742
within ten years after the date on which the employee separated 8743
from the school district. 8744

(F) An employee who transfers from one public agency to 8745
another shall be credited with the unused balance of the 8746
employee's accumulated sick leave. 8747

(G) The director of administrative services shall establish 8748
procedures to uniformly administer this section. No sick leave may 8749
be granted to a state employee upon or after the employee's 8750
retirement or termination of employment. 8751

(H) As used in this division, "active payroll" means 8752
conditions under which an employee is in active pay status or 8753
eligible to receive pay for an approved leave of absence, 8754
including, but not limited to, occupational injury leave, 8755
disability leave, or workers' compensation. 8756

(1) Employees who are in active payroll status on June 18, 8757
2011, shall receive a one-time credit of additional sick leave in 8758
the pay period that begins on July 1, 2011. Full-time employees 8759
shall receive the lesser of either a one-time credit of thirty-two 8760
hours of additional sick leave or a one-time credit of additional 8761
sick leave equivalent to half the hours of personal leave the 8762
employee lost during the moratorium established under either 8763
division (A) of section 124.386 of the Revised Code or pursuant to 8764
a rule of the director of administrative services. Part-time 8765
employees shall receive a one-time credit of sixteen hours of 8766
additional sick leave. 8767

(2) Employees who are not in active payroll status due to 8768
military leave or an absence taken in accordance with the federal 8769
"Family and Medical Leave Act" are eligible to receive the 8770
one-time additional sick leave credit. 8771

(3) The one-time additional sick leave credit does not apply 8772
to employees of the supreme court, general assembly, legislative 8773
service commission, secretary of state, auditor of state, 8774
treasurer of state, or attorney general unless the supreme court, 8775

general assembly, legislative service commission, secretary of 8776
state, auditor of state, treasurer of state, or attorney general 8777
participated in the moratorium under division (H) or (I) of 8778
section 124.386 of the Revised Code and notifies in writing the 8779
director of administrative services on or before June 1, 2011, of 8780
the decision to participate in the one-time additional sick leave 8781
credit. Written notice under this division shall be signed by the 8782
appointing authority for employees of the supreme court, general 8783
assembly, or legislative service commission, as the case may be. 8784

Sec. 124.392. (A) As used in this section: 8785

(1) "Exempt employee" has the same meaning as in section 8786
124.152 of the Revised Code. 8787

(2) "Fiscal emergency" means a fiscal emergency declared by 8788
the governor under section 126.05 of the Revised Code. 8789

(B) The director of administrative services may establish a 8790
voluntary cost savings program for exempt employees. 8791

(C) The director of administrative services shall establish a 8792
mandatory cost savings program applicable to exempt employees. 8793
Subject to division (C)(1) of this section, the program may 8794
include, but is not limited to, a loss of pay or loss of holiday 8795
pay as determined by the director. The program may be administered 8796
differently among exempt employees based on their classifications, 8797
appointment categories, appointing authorities, or other relevant 8798
distinctions. 8799

(1) Each full-time exempt employee shall participate in the 8800
program for a total of eighty hours of mandatory cost savings in 8801
both fiscal year 2010 and fiscal year 2011. Each part-time exempt 8802
employee shall participate in the program by not receiving holiday 8803
pay during both fiscal year 2010 and fiscal year 2011. Each 8804
employee of the secretary of state, auditor of state, treasurer of 8805

state, and attorney general shall participate in the program 8806
unless the secretary of state, auditor of state, treasurer of 8807
state, or attorney general decides to exempt the officer's 8808
employees from the program and so notifies the director of 8809
administrative services in writing on or before July 1, 2009. 8810

After July 1, 2009, the secretary of state, auditor of state, 8811
treasurer of state, or attorney general may decide to begin 8812
participation in the program for eighty hours or less and shall 8813
notify the director of administrative services in writing. The 8814
secretary of state, auditor of state, treasurer of state, or 8815
attorney general and the director shall mutually agree upon an 8816
implementation date. 8817

(2) After June 30, 2011, the director of administrative 8818
services, in consultation with the director of budget and 8819
management, may implement mandatory cost savings days applicable 8820
to exempt employees in the event of a fiscal emergency. Each 8821
employee of the secretary of state, auditor of state, treasurer of 8822
state, and attorney general shall participate in the mandatory 8823
cost savings days unless the secretary of state, auditor of state, 8824
treasurer of state, or attorney general decides to exempt the 8825
officer's employees from the mandatory cost savings days and so 8826
notifies the director of administrative services in the manner the 8827
director of administrative services prescribes by rule adopted 8828
under this section. 8829

(D) The director shall adopt rules in accordance with Chapter 8830
119. of the Revised Code to provide for the administration of the 8831
voluntary cost savings program and the mandatory cost savings 8832
program ~~and days~~. 8833

(E) Cost savings days provided pursuant to this section or by 8834
a labor-management contract or agreement shall be considered 8835
remuneration for purposes of section 4141.31 of the Revised Code. 8836

~~(F) The cost savings fund is hereby created in the state treasury. Savings accrued through employee participation in the mandatory cost savings program and in mandatory cost savings days shall be allocated to the fund. The fund may be used to pay employees who participated in the mandatory cost savings program or in mandatory cost savings days. Any investment earnings of the fund shall be credited to the fund.~~

Sec. 125.02. ~~Except as to the adjutant general for military supplies and services, the capital square review and advisory board, the general assembly, the judicial branch, and institutions administered by boards of trustees, the~~ (A) The department of administrative services may shall establish contracts for supplies and services, including telephone, other telecommunications, and computer services, for the use of state agencies, or and may establish such contracts for the use of any political subdivision as described in division (B) of section 125.04 of the Revised Code, except for the following:

(1) The adjutant general for military supplies and services;
(2) The general assembly;
(3) The judicial branch;
(4) State institutions of higher education;
(5) State elected officials as set forth in section 125.041 of the Revised Code;

(6) The capitol square review and advisory board.

~~The department~~ The entities set forth in divisions (A)(1) to (6) of this section may request the department of administrative services' assistance in the procurement of supplies and services for their respective offices and, upon the department's approval, may participate in contracts awarded by the department.

(B) For purchases under division (C) of section 125.05 of the

Revised Code, the department shall grant a state agency a release 8867
and permit to make the purchase if the department determines that 8868
it is not possible or advantageous for the department to make a 8869
purchase. 8870

(C) Upon request, the department may grant a blanket release 8871
and permit to a state agency for specific purchases. The 8872
department may grant the blanket release and permit for a fiscal 8873
year or for a biennium as determined by the director of 8874
administrative services. 8875

(D) The director of administrative services shall adopt rules 8876
regarding circumstances and criteria for obtaining a release and 8877
permit under this section. The director of administrative services 8878
shall prescribe uniform rules governing forms of specifications, 8879
advertisements for proposals, the opening of bids, the making of 8880
awards and contracts, and the purchase of supplies and performance 8881
of work. 8882

(E) The director may enter into cooperative purchasing 8883
agreements to purchase supplies or services with the following: 8884

(1) The entities set forth in divisions (A)(1) to (5) of this 8885
section; 8886

(2) One or more other states; 8887

(3) Groups of states; 8888

(4) The United States or any department, division, or agency 8889
of the United States; 8890

(5) Other purchasing consortia; 8891

(6) The department of transportation; or 8892

(7) Any political subdivision of this state described in 8893
division (B) of section 125.04 of the Revised Code. 8894

(F) The United States or any department, division, or agency 8895
of the United States, one or more other states, groups of states, 8896

other purchasing consortia, or any agency, commission, or 8897
authority established under an interstate compact or agreement may 8898
purchase supplies and services from contracts established by the 8899
department of administrative services. 8900

(G) Except as provided in section 125.04 of the Revised Code, 8901
the department of administrative services shall purchase any 8902
policy of insurance, including a surety or fidelity bond, covering 8903
officers or employees of a state agency, for which the annual 8904
premium is more than one thousand dollars and which the state may 8905
procure. The department shall purchase the insurance in conformity 8906
with sections 125.04 to 125.15 of the Revised Code. As used in 8907
this division, "annual premium" means the total premium for one 8908
year for one type of insurance regardless of the number of 8909
policies. 8910

Sec. 125.035. (A) Except as otherwise provided in the Revised 8911
Code, a state agency wanting to purchase supplies or services 8912
shall make the purchase subject to the requirements of an 8913
applicable first or second requisite procurement program described 8914
in this section, or obtain a determination from the department of 8915
administrative services that the purchase is not subject to a 8916
first or second requisite procurement program. State agencies 8917
shall submit a purchase request to the department of 8918
administrative services unless the department has determined the 8919
request does not require a review. The director of administrative 8920
services shall adopt rules under Chapter 119. of the Revised Code 8921
to provide for the manner of carrying out the function and the 8922
power and duties imposed upon and vested in the director by this 8923
section. 8924

(B) The following programs are first requisite procurement 8925
programs that shall be given preference in the following order in 8926
fulfilling a purchase request: 8927

<u>(1) Ohio penal industries within the department of</u>	8928
<u>rehabilitation and correction; and</u>	8929
<u>(2) Community rehabilitation programs administered by the</u>	8930
<u>department of administrative services under sections 125.601 to</u>	8931
<u>125.6012 of the Revised Code.</u>	8932
<u>(C) The following programs are second requisite procurement</u>	8933
<u>programs that may be able to fulfill the purchase request if the</u>	8934
<u>first requisite procurement programs are unable to do so:</u>	8935
<u>(1) Business enterprise program at the opportunities for</u>	8936
<u>Ohioans with disabilities agency as prescribed in sections 3304.28</u>	8937
<u>to 3304.33 of the Revised Code;</u>	8938
<u>(2) Office of information technology at the department of</u>	8939
<u>administrative services as established in section 125.18 of the</u>	8940
<u>Revised Code;</u>	8941
<u>(3) Office of state printing and mail services at the</u>	8942
<u>department of administrative services as prescribed in Chapter</u>	8943
<u>125. of the Revised Code;</u>	8944
<u>(4) Office of support services at the department of mental</u>	8945
<u>health as prescribed in section 5119.44 of the Revised Code;</u>	8946
<u>(5) Ohio facilities construction commission established in</u>	8947
<u>section 123.20 of the Revised Code; and</u>	8948
<u>(6) Any other program within, or administered by, a state</u>	8949
<u>agency that, by law, requires purchases to be made by, or with the</u>	8950
<u>approval of, the state agency.</u>	8951
<u>(D) Upon receipt of a purchase request, the department of</u>	8952
<u>administrative services shall provide the requesting agency a</u>	8953
<u>notification of receipt of the purchase request. The department</u>	8954
<u>then shall determine whether the request can be fulfilled through</u>	8955
<u>a first requisite procurement program. In making the</u>	8956
<u>determination, the department may consult with each of the first</u>	8957

requisite procurement programs. When the department has made its 8958
determination, it shall: 8959

(1) Direct the requesting agency to obtain the desired 8960
supplies or services through the proper first requisite 8961
procurement program; 8962

(2) Provide the agency with a waiver from the use of the 8963
applicable first requisite procurement programs under sections 8964
125.609 or 5147.07 of the Revised Code; or 8965

(3) Determine whether the purchase can be fulfilled through a 8966
second requisite procurement program under division (E) of this 8967
section. 8968

(E) In making the determination that a purchase is subject to 8969
a second requisite procurement program, the department shall 8970
identify potentially applicable programs and notify each program 8971
of the requested purchase. The notified second requisite 8972
procurement program shall respond to the department within two 8973
business days with regard to its ability to provide the requested 8974
purchase. If the second requisite procurement program can provide 8975
the requested purchase, the department shall direct the requesting 8976
agency to make the requested purchase from the appropriate second 8977
requisite procurement program. If the department has not received 8978
notification from a second requisite procurement program within 8979
two business days and the department has made the determination 8980
that the purchase is not subject to a second requisite procurement 8981
program, the department shall provide a waiver to the requesting 8982
agency. 8983

(F) Within five business days after receipt of a request, the 8984
department shall notify the requesting agency of its determination 8985
and provide any waiver under divisions (D) or (E) of this section. 8986
If the department fails to respond within five business days or 8987
fails to provide an explanation for any further delay within that 8988

time, the requesting agency may use direct purchasing authority to 8989
make the requested purchase, subject to the requirements of 8990
division (G) of this section and section 127.16 of the Revised 8991
Code. 8992

(G) As provided in sections 125.02 and 125.05 of the Revised 8993
Code and subject to such rules as the director of administrative 8994
services may adopt, the department may issue a release and permit 8995
to the agency to secure supplies or services. A release and permit 8996
shall specify the supplies or services to which it applies, the 8997
time during which it is operative, and the reason for its 8998
issuance. A release and permit for telephone, other 8999
telecommunications, and computer services shall be provided in 9000
accordance with section 125.18 of the Revised Code and shall 9001
specify the type of services to be rendered, the number and type 9002
of hardware to be used, and may specify the amount of such 9003
services to be performed. No requesting agency shall proceed with 9004
such purchase until it has received an approved release and permit 9005
from the director of administrative services or the director's 9006
designee. 9007

Sec. 125.04. ~~(A) Except as provided in division (D) of this~~ 9008
~~section, the department of administrative services shall determine~~ 9009
~~what supplies and services are purchased by or for state agencies.~~ 9010
~~Whenever the department of administrative services makes any~~ 9011
~~change or addition to the lists of supplies and services that it~~ 9012
~~determines to purchase for state agencies, it shall provide a list~~ 9013
~~to the agencies of the changes or additions.~~ Except for the 9014
requirements of division (B) of this section, section 125.092, and 9015
division (B) of section 125.11 of the Revised Code, sections 9016
125.04 to 125.08 and 125.09 to 125.15 of the Revised Code do not 9017
apply to or affect the educational state institutions of the state 9018
higher education. 9019

(B)(1) As used in this division: 9020

(a) "Chartered nonpublic school" has the same meaning as in 9021
section 3310.01 of the Revised Code. 9022

(b) "Emergency medical service organization" has the same 9023
meaning as in section 4765.01 of the Revised Code. 9024

(c) "Governmental agency" means a political subdivision or 9025
special district in this state established by or under law, or any 9026
combination of these entities; the United States or any 9027
department, division, or agency of the United States; one or more 9028
other states or groups of states; other purchasing consortia; and 9029
any agency, commission, or authority established under an 9030
interstate compact or agreement. 9031

(d) "Political subdivision" means any county, township, 9032
municipal corporation, school district, conservancy district, 9033
township park district, park district created under Chapter 1545. 9034
of the Revised Code, regional transit authority, regional airport 9035
authority, regional water and sewer district, or port authority. 9036
"Political subdivision" also includes any other political 9037
subdivision described in the Revised Code that has been approved 9038
by the department to participate in the department's contracts 9039
under this division. 9040

~~(d)~~(e) "Private fire company" has the same meaning as in 9041
section 9.60 of the Revised Code. 9042

(f) "State institution of higher education" has the meaning 9043
defined in section 3345.011 of the Revised Code. 9044

(2) Subject to division (C) of this section, the department 9045
of administrative services may permit a state institution of 9046
higher education, governmental agency, political subdivision, 9047
county board of elections, private fire company, private, 9048
nonprofit emergency medical service organization, or chartered 9049
nonpublic school to participate in contracts into which the 9050

department has entered for the purchase of supplies and services. 9051
The department may charge the entity a reasonable fee to cover the 9052
administrative costs the department incurs as a result of 9053
participation by the entity in such a purchase contract. 9054

A political subdivision desiring to participate in such 9055
purchase contracts shall file with the department a certified copy 9056
of an ordinance or resolution of the legislative authority or 9057
governing board of the political subdivision. The resolution or 9058
ordinance shall request that the political subdivision be 9059
authorized to participate in such contracts and shall agree that 9060
the political subdivision will be bound by such terms and 9061
conditions as the department prescribes and that it will directly 9062
pay the vendor under each purchase contract. A board of elections 9063
desiring to participate in such purchase contracts shall file with 9064
the purchasing authority a written request for inclusion in the 9065
program. A private fire company, private, nonprofit emergency 9066
medical service organization, or chartered nonpublic school 9067
desiring to participate in such purchase contracts shall file with 9068
the department a written request for inclusion in the program 9069
signed by the chief officer of the company, organization, or 9070
chartered nonpublic school. A governmental agency desiring to 9071
participate in such purchase contracts shall file with the 9072
department a written request for inclusion in the program. A state 9073
institution of higher education desiring to participate in such 9074
purchase contracts shall file with the department a certified copy 9075
of resolution of the board of trustees or similar authorizing 9076
body. The resolution shall request that the state institution of 9077
higher education be authorized to participate in such contracts. 9078

A request for inclusion shall include an agreement to be 9079
bound by such terms and conditions as the department prescribes 9080
and to make direct payments to the vendor under each purchase 9081
contract. 9082

The department shall include in its annual report, an 9083
estimate of the ~~cost it incurs by permitting purchases made by~~ 9084
state institutions of higher education, governmental agencies, 9085
political subdivisions, county boards of elections, private fire 9086
companies, private, nonprofit emergency medical service 9087
organizations, and chartered nonpublic schools ~~to participate in~~ 9088
from contracts pursuant to this division. The department may 9089
require such entities to file a report with the department, as 9090
often as it finds necessary, stating how many such contracts the 9091
entities participated in within a specified period of time, and 9092
any other information the department requires. 9093

(3) Purchases made by a political subdivision or a county 9094
board of elections under this division are exempt from any 9095
competitive selection procedures otherwise required by law. No 9096
political subdivision shall make any purchase under this division 9097
when bids have been received for such purchase by the subdivision, 9098
unless such purchase can be made upon the same terms, conditions, 9099
and specifications at a lower price under this division. 9100

(C) A political subdivision as defined in division (B) of 9101
this section or a county board of elections may purchase supplies 9102
or services from another party, including a political subdivision, 9103
instead of through participation in contracts described in 9104
division (B) of this section if the political subdivision or 9105
county board of elections can purchase those supplies or services 9106
from the other party upon equivalent terms, conditions, and 9107
specifications but at a lower price than it can through those 9108
contracts. Purchases that a political subdivision or county board 9109
of elections makes under this division are exempt from any 9110
competitive selection procedures otherwise required by law. A 9111
political subdivision or county board of elections that makes any 9112
purchase under this division shall maintain sufficient information 9113
regarding the purchase to verify that the political subdivision or 9114

county board of elections satisfied the conditions for making a 9115
purchase under this division. Nothing in this division restricts 9116
any action taken by a county or township as authorized by division 9117
(B)(1) of section 9.48 of the Revised Code. 9118

(D) This section does not apply to supplies or services 9119
~~required by the legislative or judicial branches, the capitol~~ 9120
~~square review and advisory board, the adjutant general for~~ 9121
~~military supplies and services, to supplies or services~~ purchased 9122
by a state agency directly as provided in ~~division (A), (B), or~~ 9123
~~(F)~~ of section 125.05 of the Revised Code, or to purchases of 9124
supplies or services for the emergency management agency as 9125
provided in section ~~125.023~~ 125.061 of the Revised Code. 9126

Sec. 125.041. (A) Nothing in sections 125.02, ~~125.03~~ 125.04 9127
to 125.08, 125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 9128
of the Revised Code shall be construed as limiting the attorney 9129
general, auditor of state, secretary of state, or treasurer of 9130
state in any of the following: 9131

~~(A)(1)~~ Purchases for less than the dollar amounts for the 9132
purchase of supplies or services determined ~~pursuant to division~~ 9133
~~(E)~~ of under section 125.05 of the Revised Code; 9134

~~(B)(2)~~ Purchases that equal or exceed the dollar amounts for 9135
the purchase of supplies or services determined ~~pursuant to~~ 9136
~~division (E)~~ of under section 125.05 of the Revised Code with the 9137
approval of the controlling board, if that approval is required by 9138
section 127.16 of the Revised Code; 9139

~~(C)(3)~~ The final determination of the nature or quantity 9140
making of any purchase of supplies or services ~~to be purchased~~ 9141
~~pursuant to under division (B)~~ of section ~~125.06~~ 125.02 or under 9142
division (G) of section 125.035 of the Revised Code; 9143

~~(D)(4)~~ The final determination and disposal of excess and 9144

surplus supplies; 9145

~~(E)(5)~~ The inventory of state property; 9146

~~(F)(6)~~ The purchase of printing; 9147

~~(G)(7)~~ Activities related to information technology 9148
development and use; 9149

~~(H)(8)~~ The fleet management program. 9150

(B) Nothing in this section shall be construed as preventing 9151
the attorney general, auditor of state, secretary of state, or 9152
treasurer of state from complying with or participating in any 9153
aspect of Chapter 125. of the Revised Code through the department 9154
of administrative services. 9155

Sec. 125.05. Except as provided in division ~~(F)(D)~~ of this 9156
section, no state agency shall purchase any supplies or services 9157
except as provided in divisions (A) to ~~(D)(C)~~ of this section. 9158

~~(A) Subject to division (E) of this section, a~~ A state agency 9159
may, without competitive selection, make any purchase of supplies 9160
or services that cost ~~twenty-five~~ less than fifty thousand dollars 9161
~~or less after complying with divisions (A) to (E) of section~~ 9162
125.035 of the Revised Code. The agency may make the purchase 9163
directly or may make the purchase from or through the department 9164
of administrative services, whichever the agency determines. The 9165
agency shall adopt written procedures consistent with the 9166
department's purchasing procedures and shall use those procedures 9167
when making purchases under this division. 9168

~~(B) Subject to division (E) of this section and in accordance~~ 9169
~~with section 125.051 of the Revised Code, a state agency may make~~ 9170
~~purchases of supplies and services that cost more than twenty-five~~ 9171
~~thousand dollars but less than fifty thousand dollars if the~~ 9172
~~purchases are made under the direction of an employee of the~~ 9173
~~agency who is certified by the department to make purchases and if~~ 9174

~~the purchases comply with the department's purchasing procedures.~~ 9175
Section 127.16 of the Revised Code does not apply to purchases 9176
made under this division. ~~Until the certification effective date~~ 9177
~~established by the department in rules adopted under section~~ 9178
~~125.051 of the Revised Code, state agencies may make purchases of~~ 9179
~~supplies and services that cost more than twenty-five thousand~~ 9180
~~dollars but less than fifty thousand dollars in the same manner as~~ 9181
~~provided in division (A) of this section.~~ 9182

(B) A state agency shall make purchases of supplies and 9183
services that cost fifty thousand dollars or more through the 9184
department of administrative services and the process provided in 9185
section 125.035 of the Revised Code, unless the department grants 9186
a waiver under divisions (D) or (E) of that section and a release 9187
and permit under division (G) of that section. 9188

~~(C) Subject to division (E) of this section, a state agency~~ 9189
~~wanting to purchase supplies or services that cost more than~~ 9190
~~twenty-five thousand dollars shall, unless otherwise authorized by~~ 9191
~~law, make the purchase from or through the department. The~~ 9192
~~department shall make the purchase by competitive selection. If~~ 9193
~~the director of administrative services determines that it is not~~ 9194
~~possible or not advantageous to the state for the department to~~ 9195
~~make the purchase, the department shall grant the agency a release~~ 9196
~~and permit under section 125.06 of the Revised Code to make the~~ 9197
~~purchase. Section 127.16 of the Revised Code does not apply to~~ 9198
~~purchases the department makes under this section.~~ 9199

~~(D)~~ An agency that has been granted a release and permit 9200
under division (G) of section 125.035 of the Revised Code to make 9201
a purchase may make the purchase without competitive selection if 9202
after making the purchase the cumulative purchase threshold as 9203
computed under division (E) of section 127.16 of the Revised Code 9204
would: 9205

(1) Be exceeded and the controlling board approves the 9206

purchase; 9207

(2) Not be exceeded and the department of administrative 9208
services approves the purchase. 9209

~~(E) Not later than the thirty-first day of January of each 9210
even-numbered year, the directors of administrative services and 9211
budget and management shall review and recommend to the general 9212
assembly, if necessary, adjustments to the amounts specified in 9213
divisions (A) to (C) of this section and division (B) of section 9214
127.16 of the Revised Code. 9215~~

~~(F)~~(D) If the department of education or the Ohio education 9216
computer network determines that it can purchase software services 9217
or supplies for specified school districts at a price less than 9218
the price for which the districts could purchase the same software 9219
services or supplies for themselves, the department or network 9220
shall certify that fact to the department of administrative 9221
services and, acting as an agent for the specified school 9222
districts, shall make that purchase without following the 9223
provisions in divisions (A) to (D) of this section. 9224

Sec. 125.061. (A) During the period of an emergency as 9225
defined in section 5502.21 of the Revised Code, the department of 9226
administrative services may suspend, for the emergency management 9227
agency established in section 5502.22 of the Revised Code or any 9228
other state agency participating in response and recovery 9229
activities as defined in section 5502.21 of the Revised Code, the 9230
purchasing and contracting requirements contained in Chapter 125. 9231
and any requirement of Chapter 153. of the Revised Code that 9232
otherwise would apply to the agency. The director of public safety 9233
or the executive director of the emergency management agency shall 9234
make the request for the suspension of these requirements to the 9235
department of administrative services concurrently with the 9236
request to the governor or the president of the United States for 9237

the declaration of an emergency. The governor also shall include 9238
in any proclamation the governor issues declaring an emergency 9239
language requesting the suspension of those requirements during 9240
the period of the emergency. 9241

(B) Before any purchase may be made under a suspension 9242
authorized by this section, the director of administrative 9243
services shall send notice of the suspension as approved under 9244
division (A) of this section to the director of budget and 9245
management and to the members of the controlling board. The notice 9246
shall provide details of the request for suspension and shall 9247
include a copy of the director's approval. 9248

(C) Purchases made by state agencies under this section are 9249
exempt from the requirements of section 127.16 of the Revised 9250
Code, except that state agencies making purchases under this 9251
section shall file a report with the president of the controlling 9252
board describing all such purchases made by the agency during the 9253
period covered by the emergency declaration. The report shall be 9254
filed within ninety days after the declaration expires. 9255

Sec. 125.07. (A) In accordance with rules the director shall 9256
adopt under Chapter 119. of the Revised Code, the director of 9257
administrative services may make purchases by competitive sealed 9258
bid. The competitive sealed bid, at a minimum, shall contain a 9259
detailed description of the supplies or services to be purchased, 9260
terms and conditions of the sale, and any other information the 9261
director considers to be necessary for the intended purchase. 9262
Competitive sealed bids shall be awarded as provided in section 9263
125.11 of the Revised Code. 9264

(B) The department of administrative services, in making a 9265
purchase by competitive ~~selection pursuant to division (C) of~~ 9266
~~section 125.05 of the Revised Code~~ sealed bid, shall give notice 9267

in the following manner: 9268

~~{A}(1)~~ The department shall advertise the intended purchases 9269
by notice ~~that is posted by mail or electronic means and that is~~ 9270
for the benefit of competing persons producing or dealing in the 9271
supplies or services to be purchased, ~~including, but not limited~~ 9272
~~to, the persons whose names appear on the appropriate list~~ 9273
~~provided for in section 125.08 of the Revised Code.~~ The notice may 9274
be in the form of the bid or proposal document or of a listing in 9275
a periodic bulletin, or in any other electronic form the director 9276
of administrative services considers appropriate to sufficiently 9277
notify ~~qualified~~ competing persons of the intended purchases. 9278

~~{B}(2)~~ The notice required under this division ~~{A} of this~~ 9279
section shall include the time and place where bids ~~or proposals~~ 9280
will be accepted and opened, or, when bids are made in a reverse 9281
auction, the time when bids will be accepted; the conditions under 9282
which bids ~~or proposals~~ will be received; the terms of the 9283
proposed purchases; and an itemized list of the supplies or 9284
services to be purchased and the estimated quantities or amounts 9285
of them. 9286

~~{C}(3)~~ The ~~posting of the~~ notice required under this division 9287
~~{A} of this section~~ shall be completed by posted the number of 9288
days ~~the director determines~~ preceding the day when the bids ~~or~~ 9289
~~proposals~~ will be opened or accepted that the director determines 9290
sufficient to enable interested bidders to prepare their bids. 9291

~~{D}~~ The department also shall maintain, in a public place in 9292
its office, a bulletin board upon which it shall post and maintain 9293
a copy of the notice required under division (A) of this section 9294
for at least the number of days the director determines under 9295
division (C) of this section preceding the day of the opening or 9296
acceptance of the bids or proposals. The failure to so 9297
additionally post the notice shall invalidate all proceedings had 9298
and any contract entered into pursuant to the proceedings. 9299

~~Sec. 125.08. (A) The department of administrative services~~ 9300
~~may divide the state into purchasing districts wherein supplies or~~ 9301
~~services are to be delivered and shall describe those districts on~~ 9302
~~all applications for the notification list provided for in this~~ 9303
~~section.~~ 9304

~~Any person may have that person's name and address, or the~~ 9305
~~name and address of an agent, placed on the competitive selection~~ 9306
~~notification list of the department of administrative services by~~ 9307
~~sending to the department the person's name and address, together~~ 9308
~~with a list of the supplies or services described in the manner~~ 9309
~~prescribed by the department produced or dealt in by the person~~ 9310
~~with a request for such listing, a list of the districts in which~~ 9311
~~the person desires to participate, and all other information the~~ 9312
~~director of administrative services may prescribe. Whenever any~~ 9313
~~name and address together with a list of the supplies or services~~ 9314
~~produced or dealt in is so listed, the department shall post~~ 9315
~~notice, as provided in division (A) of section 125.07 of the~~ 9316
~~Revised Code, for the benefit of the persons listed on the~~ 9317
~~notification list that are qualified Ohio business enterprises,~~ 9318
~~which shall include Ohio penal industries as defined by rule of~~ 9319
~~the director of administrative services, or have a significant~~ 9320
~~Ohio presence in this state's economy, except that, in those~~ 9321
~~circumstances in which the director considers it in the best~~ 9322
~~interest of this state, the director shall post notice, as~~ 9323
~~provided in division (A) of section 125.07 of the Revised Code,~~ 9324
~~for the benefit of all persons listed on the notification list.~~ 9325
~~The department need only provide competitive selection documents~~ 9326
~~for a proposed contract to persons who specifically request the~~ 9327
~~documents.~~ 9328

~~The director may remove a person from the notification list~~ 9329
~~and place the person on an inactive list if the person fails to~~ 9330
~~respond to any notices of proposed purchases that appear in four~~ 9331

~~consecutive bulletins or other forms of notification that list 9332
those notices. Upon written request to the director by the person 9333
so removed, the director may return the person to the notification 9334
list if the person provides sufficient evidence regarding intent 9335
to offer bids or proposals to the state. The director shall not 9336
remove any person from the list without notice to the person. The 9337
notice may be a part of the notices of proposed purchase. 9338~~

~~(B) Any person who is certified by the equal employment 9339
opportunity coordinator of the department of administrative 9340
services in accordance with the rules adopted under division 9341
(B)(1) of section 123.151 of the Revised Code as a minority 9342
business enterprise may have that person's name placed on a 9343
special minority business enterprise notification list to be used 9344
in connection with contracts awarded under section 125.081 of the 9345
Revised Code. The minority business enterprise notification list 9346
shall be used for bidding on contracts set aside for minority 9347
business enterprises only. In all other respects, the list shall 9348
be maintained and used in the same manner and according to the 9349
same procedures as the notification list provided for under 9350
division (A) of this section, except that a firm shall not be 9351
removed from the list unless the coordinator determines that the 9352
firm is no longer a minority business enterprise. A minority 9353
business enterprise may have its name placed on both the 9354
notification lists provided for in this section. 9355~~

~~(C) The director of administrative services may require an 9356
annual registration fee for the listings provided for in division 9357
(A) or (B) of this section. This fee shall not be more than ten 9358
dollars. The department may charge a fee for any compilation of 9359
descriptions of supplies or services. This fee shall be reasonable 9360
and shall not exceed the cost required to maintain the 9361
notification lists and provide for the distribution of the 9362
proposed purchase to the persons whose names appear on the lists. 9363~~

Sec. 125.081. (A) From the purchases that the department of 9364
administrative services is required by law to make through 9365
competitive selection, the director of administrative services 9366
shall select a number of such purchases, the aggregate value of 9367
which equals approximately fifteen per cent of the estimated total 9368
value of all such purchases to be made in the current fiscal year. 9369
The director shall set aside the purchases selected for 9370
competition only by minority business enterprises, as defined in 9371
division (E)(1) of section 122.71 of the Revised Code. The 9372
competitive selection procedures for such purchases set aside 9373
shall be the same as for all other purchases the department is 9374
required to make through competitive selection, except that only 9375
minority business enterprises certified by the equal employment 9376
opportunity coordinator of the department of administrative 9377
services in accordance with the rules adopted under division 9378
(B)(1) of section 123.151 of the Revised Code and listed by the 9379
director under ~~division (B)~~ of section 125.08 of the Revised Code 9380
shall be qualified to compete. 9381

(B) To the extent that any agency of the state, other than 9382
the department of administrative services, the legislative and 9383
judicial branches, boards of elections, and the adjutant general, 9384
is authorized to make purchases, the agency shall set aside a 9385
number of purchases, the aggregate value of which equals 9386
approximately fifteen per cent of the aggregate value of such 9387
purchases for the current fiscal year for competition by minority 9388
business enterprises only. The procedures for such purchases shall 9389
be the same as for all other such purchases made by the agency, 9390
except that only minority business enterprises certified by the 9391
equal employment opportunity coordinator in accordance with rules 9392
adopted under division (B)(1) of section 123.151 of the Revised 9393
Code shall be qualified to compete. 9394

(C) In the case of purchases set aside under division (A) or 9395

(B) of this section, if no bid is submitted by a minority business enterprise, the purchase shall be made according to usual procedures. The contracting agency shall from time to time set aside such additional purchases for which only minority business enterprises may compete, as are necessary to replace those purchases previously set aside for which no minority business enterprises bid and to ensure that, in any fiscal year, the aggregate amount of contracts awarded to minority business enterprises will equal approximately fifteen per cent of the total amount of contracts awarded by the agency.

(D) The provisions of this section shall not preclude any minority business enterprise from competing for any other state purchases that are not specifically set aside for minority business enterprises.

(E) No funds of any state agency shall be expended in any fiscal year for any purchase for which competitive selection is required, until the director of the department of administrative services certifies to the equal employment opportunity coordinator, the clerk of the senate, and the clerk of the house of representatives of the general assembly that approximately fifteen per cent of the aggregate amount of the projected expenditure for such purchases in the fiscal year has been set aside as provided for in this section.

(F) Any person who intentionally misrepresents self as owning, controlling, operating, or participating in a minority business enterprise for the purpose of obtaining contracts, subcontracts, or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.

Sec. 125.082. (A) When purchasing equipment, materials, or supplies, the general assembly; the offices of all elected state

officers; all departments, boards, offices, commissions, agencies, 9427
institutions, including, without limitation, state-supported 9428
institutions of higher education, and other instrumentalities of 9429
this state; the supreme court; all courts of appeals; and all 9430
courts of common pleas, may purchase recycled products in 9431
accordance with the ~~guidelines adopted under division (B) of this~~ 9432
~~section if the products are available and meet the performance~~ 9433
~~specifications of the procuring entities. Purchases of recycled~~ 9434
~~products shall comply with any rules adopted under division (C) of~~ 9435
~~this section by the director of administrative services.~~ 9436

(B) The director of administrative services shall adopt rules 9437
in accordance with Chapter 119. of the Revised Code establishing 9438
guidelines for the procurement of recycled products pursuant to 9439
division (A) of this section. ~~To the extent practicable, the~~ 9440
~~guidelines shall do all of the following:~~ 9441

~~(1) Be consistent with and substantially equivalent to any~~ 9442
~~relevant regulations adopted by the administrator of the United~~ 9443
~~States environmental protection agency pursuant to the "Resource~~ 9444
~~Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A.~~ 9445
~~6921, as amended;~~ 9446

~~(2) Establish the minimum percentage of recycled materials~~ 9447
~~the various products shall contain in order to be considered~~ 9448
~~"recycled" for the purposes of division (A) of this section;~~ 9449

~~(3) So far as practicable and economically feasible,~~ 9450
~~incorporate specifications for recycled-content materials to~~ 9451
~~promote the use and purchase of recycled products by state~~ 9452
~~agencies.~~ 9453

~~(C) The director may adopt rules in accordance with Chapter~~ 9454
~~119. of the Revised Code establishing a maximum percentage by~~ 9455
~~which the cost of recycled products purchased under division (A)~~ 9456
~~of this section may exceed the cost of comparable products made of~~ 9457

~~virgin materials.~~ 9458

~~(D) The department of administrative services and the 9459
environmental protection agency annually shall prepare and submit 9460
to the governor, president of the senate, and speaker of the house 9461
of representatives a report that describes, so far as practicable, 9462
the value and types of recycled products that are purchased with 9463
moneys disbursed from the state treasury by the general assembly; 9464
the offices of all elected state officers; and all departments, 9465
boards, offices, commissions, agencies, and institutions of this 9466
state. 9467~~

Sec. 125.10. (A) The department of administrative services 9468
may require that all competitive sealed bids, competitive sealed 9469
proposals, and bids received in a reverse auction be accompanied 9470
by a performance bond or other ~~cash surety~~ financial assurance 9471
acceptable to the director of administrative services, in the sum 9472
and with the sureties it prescribes, payable to the state, and 9473
conditioned that the person submitting the bid or proposal, if 9474
that person's bid or proposal is accepted, will faithfully execute 9475
the terms of the contract and promptly make deliveries of the 9476
supplies purchased. 9477

(B) A sealed copy of each competitive sealed bid or 9478
competitive sealed proposal shall be filed with the department 9479
prior to the time specified in the notice for opening of the bids 9480
or proposals. All competitive sealed bids and competitive sealed 9481
proposals shall be publicly opened in the office of the department 9482
at the time specified in the notice. A representative of the 9483
auditor of state shall be present at the opening of all 9484
competitive sealed bids and competitive sealed proposals, and 9485
shall certify the opening of each competitive sealed bid and 9486
competitive sealed proposal. No competitive sealed bid or 9487
competitive sealed proposal shall be considered valid unless it is 9488

so certified. 9489

Sec. 125.11. (A) Subject to division (B) of this section, 9490
contracts awarded pursuant to a reverse auction under section 9491
125.072 of the Revised Code or pursuant to competitive sealed 9492
bidding, including contracts awarded under section 125.081 of the 9493
Revised Code, shall be awarded to the lowest responsive and 9494
responsible bidder ~~on each item~~ in accordance with section 9.312 9495
of the Revised Code. When the contract is for meat products as 9496
defined in section 918.01 of the Revised Code or poultry products 9497
as defined in section 918.21 of the Revised Code, only those bids 9498
received from vendors ~~offering products from establishments on the~~ 9499
~~current list of meat and poultry vendors established and~~ 9500
~~maintained by the director of administrative services under~~ 9501
~~section 125.17 of the Revised Code~~ under inspection of the United 9502
States department of agriculture or who are licensed by the Ohio 9503
department of agriculture shall be eligible for acceptance. The 9504
department of administrative services may accept or reject any or 9505
all bids in whole or by items, except that when the contract is 9506
for services or products available from a qualified nonprofit 9507
agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 9508
4115.35 of the Revised Code, the contract shall be awarded to that 9509
agency. 9510

(B) Prior to awarding a contract under division (A) of this 9511
section, the department of administrative services or the state 9512
agency responsible for evaluating a contract for the purchase of 9513
products shall evaluate the bids received according to the 9514
criteria and procedures established pursuant to divisions (C)(1) 9515
and (2) of section 125.09 of the Revised Code for determining if a 9516
product is produced or mined in the United States and if a product 9517
is produced or mined in this state. The department or other state 9518
agency shall first ~~remove~~ consider bids that offer products that 9519
have ~~not~~ been or that will ~~not~~ be produced or mined in the United 9520

States. From among the remaining bids, the department or other 9521
state agency shall select the lowest responsive and responsible 9522
bid, in accordance with section 9.312 of the Revised Code, from 9523
among the bids that offer products that have been produced or 9524
mined in this state where sufficient competition can be generated 9525
within this state to ensure that compliance with these 9526
requirements will not result in an excessive price for the product 9527
or acquiring a disproportionately inferior product. 9528

(C) Division (B) of this section applies to contracts for 9529
which competitive bidding is waived by the controlling board. 9530

(D) Division (B) of this section does not apply to the 9531
purchase by the division of liquor control of spirituous liquor. 9532

(E) The director of administrative services shall publish in 9533
the form of a model act for use by counties, townships, municipal 9534
corporations, or any other political subdivision described in 9535
division (B) of section 125.04 of the Revised Code, a system of 9536
preferences for products mined and produced in this state and in 9537
the United States and for Ohio-based contractors. The model act 9538
shall reflect substantial equivalence to the system of preferences 9539
in purchasing and public improvement contracting procedures under 9540
which the state operates pursuant to this chapter and section 9541
153.012 of the Revised Code. To the maximum extent possible, 9542
consistent with the Ohio system of preferences in purchasing and 9543
public improvement contracting procedures, the model act shall 9544
incorporate all of the requirements of the federal "Buy America 9545
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 9546
the rules adopted under that act. 9547

Before and during the development and promulgation of the 9548
model act, the director shall consult with appropriate statewide 9549
organizations representing counties, townships, and municipal 9550
corporations so as to identify the special requirements and 9551
concerns these political subdivisions have in their purchasing and 9552

public improvement contracting procedures. The director shall 9553
promulgate the model act by rule adopted pursuant to Chapter 119. 9554
of the Revised Code and shall revise the act as necessary to 9555
reflect changes in this chapter or section 153.012 of the Revised 9556
Code. 9557

The director shall make available copies of the model act, 9558
supporting information, and technical assistance to any township, 9559
county, or municipal corporation wishing to incorporate the 9560
provisions of the act into its purchasing or public improvement 9561
contracting procedure. 9562

Sec. 125.112. (A) As used in this section: 9563

(1) "Agency" means a department created under section 121.02 9564
of the Revised Code. 9565

(2) "Entity" means, whether for profit or nonprofit, a 9566
corporation, association, partnership, limited liability company, 9567
sole proprietorship, or other business entity. "Entity" does not 9568
include an individual who receives state assistance that is not 9569
related to the individual's business. 9570

(3)(a) "State award" means a contract awarded by the state 9571
costing over twenty-five thousand dollars. 9572

(b) "State award" does not include compensation received as 9573
an employee of the state or any state financial assistance and 9574
expenditure received from the general assembly or any legislative 9575
agency, any court or judicial agency, the secretary of state, 9576
auditor of state, treasurer of state, or attorney general and 9577
their respective offices. 9578

(B) The department of administrative services shall establish 9579
and maintain a single searchable web site, accessible by the 9580
public at no cost, that includes all of the following information 9581
for each state award: 9582

(1) The name of the entity receiving the award; 9583

(2) The amount of the award; 9584

(3) Information on the award, the agency or other 9585
instrumentality of the state that is providing the award, and the 9586
commodity code; 9587

(4) Any other relevant information determined by the 9588
department of administrative services. 9589

(C) The department of administrative services may consult 9590
with other state agencies in the development, establishment, 9591
operation, and support of the web site required by division (B) of 9592
this section. State awards shall be posted on the web site within 9593
thirty days after being made. The department of administrative 9594
services shall provide an opportunity for public comment as to the 9595
utility of the web site required by division (B) of this section 9596
and any suggested improvements. 9597

(D) The web site required by division (B) of this section 9598
shall be fully operational not later than one year after ~~the~~ 9599
~~effective date of this section~~ December 30, 2008, and shall 9600
include information on state awards made in fiscal year 2008 and 9601
thereafter. It shall also provide an electronic link to the daily 9602
journals of the senate and house of representatives. 9603

(E) The director of administrative services shall submit to 9604
the general assembly an annual report regarding the implementation 9605
of the web site established pursuant to division (B) of this 9606
section. The report shall include data regarding the usage of the 9607
web site and any public comments on the utility of the site, 9608
including recommendations for improving data quality and 9609
collection. The director shall post each report on the web site. 9610

(F) Each agency awarding a grant to an entity in fiscal year 9611
2008 and thereafter shall establish and maintain a separate web 9612
site listing the name of the entity receiving each grant, the 9613

grant amount, information on each grant, and any other relevant 9614
information determined by the department of administrative 9615
services. Each agency shall provide the link to such a web site to 9616
the department of administrative services within a reasonable time 9617
after ~~the effective date of this section~~ December 30, 2008, and 9618
shall thereafter update its web site within thirty days of 9619
awarding a new grant. Not later than one year after ~~the effective~~ 9620
~~date of this section~~ December 30, 2008, the department of 9621
administrative services shall establish and maintain a separate 9622
web site, accessible to the public at no cost, which contains the 9623
links to the agency web sites required by this division. 9624

(G) ~~The~~ At the end of the closeout year, the attorney general 9625
shall ~~monitor the compliance of~~ determine the extent to which an 9626
entity has complied with the terms and conditions, including 9627
performance metrics, ~~if any,~~ of a state award for economic 9628
development received by that entity. As necessary, the agency that 9629
makes and administers the state award for economic development 9630
shall assist the attorney general with that ~~monitoring~~ 9631
determination. The attorney general shall submit to the general 9632
assembly pursuant to section 101.68 of the Revised Code an annual 9633
report regarding the level of compliance of each such ~~entities~~ 9634
entity with the terms and conditions, including ~~any~~ performance 9635
metrics, of their state awards for economic development. When the 9636
attorney general determines appropriate and to the extent that an 9637
entity that receives or has received a state award for economic 9638
development does not comply with a performance metric that is 9639
specified in the terms and conditions of the award, the attorney 9640
general shall pursue against and from that entity such remedies 9641
and recoveries as are available under law. For purposes of this 9642
division, "state Closeout year" means the calendar year by which 9643
an entity that receives a state award for economic development 9644
must comply with a performance metric specified in the terms and 9645
conditions of the award. "State award for economic development" 9646

means state financial assistance and expenditure in any of the 9647
following forms: grants, subgrants, loans, awards, cooperative 9648
agreements, or other similar and related forms of financial 9649
assistance and contracts, subcontracts, purchase orders, task 9650
orders, delivery orders, or other similar and related 9651
transactions. "State award for economic development" does not 9652
include compensation received as an employee of the state or any 9653
state financial assistance and expenditure received from the 9654
general assembly or any legislative agency, any court or judicial 9655
agency, the secretary of state, auditor of state, treasurer of 9656
state, or attorney general and their respective offices. 9657

(H) Nothing in this section shall be construed as requiring 9658
the disclosure of information that is not a public record under 9659
section 149.43 of the Revised Code. 9660

Sec. 125.13. (A) As used in this section: 9661

(1) "Emergency medical service organization" has the same 9662
meaning as in section 4765.01 of the Revised Code. 9663

(2) "Private fire company" has the same meaning as in section 9664
9.60 of the Revised Code. 9665

(B) ~~Except as otherwise provided in section 5139.03 of the~~ 9666
~~Revised Code, whenever~~ Whenever a state agency ~~determines that it~~ 9667
has excess or surplus supplies, it shall notify the director of 9668
administrative services. ~~Upon request by the director and on~~ On 9669
forms provided by the director, the state agency shall furnish to 9670
the director a list of ~~all those~~ its excess and surplus supplies 9671
~~and an appraisal of their value, including the location of the~~ 9672
~~supplies and whether the supplies are currently in the agency's~~ 9673
control. 9674

(C) ~~The~~ Upon receipt of notification and at no cost to the 9675
state agency, the director of administrative services shall make 9676

arrangements for their disposition and shall take immediate 9677
control of a state agency's excess and surplus supplies, except 9678
for the following excess and surplus supplies: 9679

(1) Excess or surplus supplies that have a value below the 9680
minimum value that the director establishes for excess and surplus 9681
supplies under division (F) of this section; 9682

(2) Excess or surplus supplies that the director has 9683
authorized an agency to donate to a ~~public entity~~ governmental 9684
agency, including, but not limited to, public schools and surplus 9685
computers and computer equipment transferred to a public school 9686
under division ~~(H)~~(G) of this section; 9687

(3) Excess or surplus supplies that an agency trades in as 9688
full or partial payment when purchasing a replacement item; 9689

(4) Hazardous property; 9690

(5) Excess or surplus supplies that the director has 9691
authorized to be part of an interagency transfer; 9692

(6) Excess or surplus supplies that are donated under 9693
division (H) of this section. 9694

(D) The director shall inventory excess and surplus supplies 9695
in the director's control and post on a public web site a list of 9696
the supplies available for acquisition. The director may have the 9697
supplies repaired. The director shall not charge a fee for the 9698
collection or transportation of excess and surplus supplies. 9699

(E) The director may do ~~either~~ any of the following: 9700

(1) Dispose of declared surplus or excess supplies in the 9701
director's control by sale, lease, donation, or transfer. If the 9702
director does so, the director shall dispose of those supplies in 9703
any of the following ~~order of priority~~ manners: 9704

(a) To state agencies or by interagency trade; 9705

(b) To state-supported or state-assisted institutions of 9706

higher education; 9707

(c) To tax-supported agencies, municipal corporations, or 9708
other political subdivisions of this state, private fire 9709
companies, or private, nonprofit emergency medical service 9710
organizations; 9711

(d) To nonpublic elementary and secondary schools chartered 9712
by the state board of education under section 3301.16 of the 9713
Revised Code; 9714

(e) To a nonprofit organization that is both exempt from 9715
federal income taxation under 26 U.S.C. 501(a) and (c)(3) and that 9716
receives funds from the state or has a contract with the state; 9717

(f) To the general public by auction, sealed bid, sale, or 9718
negotiation. 9719

(2) If the director has attempted to dispose of any declared 9720
surplus or excess motor vehicle that does not exceed four thousand 9721
five hundred dollars in value pursuant to divisions (E)(1)(a) to 9722
(c) of this section, donate the motor vehicle to a nonprofit 9723
organization exempt from federal income taxation pursuant to 26 9724
U.S.C. 501(a) and (c)(3) for the purpose of meeting the 9725
transportation needs of participants in the Ohio works first 9726
program established under Chapter 5107. of the Revised Code and 9727
participants in the prevention, retention, and contingency program 9728
established under Chapter 5108. of the Revised Code. The director 9729
may not donate a motor vehicle furnished to the state highway 9730
patrol to a nonprofit organization pursuant to this division. 9731

(F) The director may adopt rules governing the sale, lease, 9732
or transfer of surplus and excess supplies in the director's 9733
control by public auction, sealed bid, sale, or negotiation, 9734
except that no employee of the disposing agency shall be allowed 9735
to purchase, lease, or receive any such supplies. The director may 9736
dispose of declared surplus or excess supplies, including motor 9737

vehicles, in the director's control as the director determines 9738
proper if such supplies cannot be disposed of pursuant to division 9739
(E) of this section. The director shall by rule establish a 9740
minimum value for excess and surplus supplies and prescribe 9741
procedures for a state agency to follow in disposing of excess and 9742
surplus supplies in its control that have a value below the 9743
minimum value established by the director. 9744

~~(G) No state-supported or state-assisted institution of 9745
higher education, tax-supported agency, municipal corporation, or 9746
other political subdivision of this state, private fire company, 9747
or private, nonprofit emergency medical service organization shall 9748
sell, lease, or transfer excess or surplus supplies acquired under 9749
this section to private entities or the general public at a price 9750
greater than the price it originally paid for those supplies. 9751~~

~~(H)~~ The director of administrative services may authorize any 9752
state agency to transfer surplus computers and computer equipment 9753
that are not needed by other state agencies directly to an 9754
accredited public school within the state. The computers and 9755
computer equipment may be repaired or refurbished prior to 9756
transfer. The state agency may charge a service fee to the public 9757
schools for the property not to exceed the direct cost of 9758
repairing or refurbishing it. The state agency shall deposit such 9759
funds into the account used for repair or refurbishment. 9760

(H) Excess and surplus supplies of food shall be exempt from 9761
this section and may be donated directly to nonprofit food 9762
pantries and institutions without notification to the director of 9763
administrative services. 9764

Sec. 125.27. (A) There is hereby created in the state 9765
treasury the building improvement fund. The fund shall retain the 9766
interest earned. 9767

(B) The fund shall consist of any ~~payments made by intrastate~~ 9768

~~transfer voucher from the appropriation item for office building 9769~~
~~operating payments money transferred or deposited into the fund 9770~~
~~pursuant to section 125.28 of the Revised Code. 9771~~

(C) The fund shall be used for major maintenance or 9772
improvements required in the ~~James A. Rhodes or Frank J. Lausche 9773~~
~~state office tower, Toledo government center, Senator Oliver R. 9774~~
~~Ocasek government office building, and Vern Riffe center for 9775~~
~~government and the arts facilities maintained by the department of 9776~~
~~administrative services. 9777~~

Sec. 125.28. (A)(1) ~~Each state agency that is supported in 9778~~
~~whole or in part by nongeneral revenue fund money and that 9779~~
~~occupies space in the James A. Rhodes or Frank J. Lausche state 9780~~
~~office tower, Toledo government center, Senator Oliver R. Ocasek 9781~~
~~government office building, Vern Riffe center for government and 9782~~
~~the arts, capitol square, or governor's mansion shall reimburse 9783~~
~~the general revenue fund for the cost of occupying the space in 9784~~
~~the ratio that the occupied space in each facility attributable to 9785~~
~~the nongeneral revenue fund money bears to the total space 9786~~
~~occupied by the state agency in the facility. 9787~~

(2) ~~All agencies that occupy space in the old blind school or 9788~~
~~that occupy warehouse space in the general services facility shall 9789~~
~~reimburse the department of administrative services for the cost 9790~~
~~of occupying the space. The director of administrative services 9791~~
~~shall determine the amount of debt service, if any, to be charged 9792~~
~~to building tenants reimbursable cost of space in state-owned or 9793~~
~~state-leased facilities and shall collect reimbursements for it. 9794~~

(3) ~~Each agency that is supported in whole or in part by 9795~~
~~nongeneral revenue fund money and that occupies space in any other 9796~~
~~facility or facilities owned and maintained by the department of 9797~~
~~administrative services or space in the general services facility 9798~~
~~other than warehouse space shall reimburse the department for the 9799~~

~~cost of occupying the space, including debt service, if any, in 9800~~
~~the ratio that the occupied space in each facility attributable to 9801~~
~~the nongeneral revenue fund money bears to the total space 9802~~
~~occupied by the state agency in the facility that cost. 9803~~

(B) ~~The director of administrative services~~ may provide 9804
building maintenance services and minor construction project 9805
management services to any state agency and may collect 9806
reimbursements for the cost of providing those services. 9807

(C) All money collected by the department of administrative 9808
services for operating expenses of facilities owned or maintained 9809
by the department shall be deposited into the state treasury to 9810
the credit of the building management fund, which is hereby 9811
~~created, or to the credit of the building operation fund, which is 9812~~
~~hereby created~~. All money collected by the department for minor 9813
construction project management services shall be deposited into 9814
the state treasury to the credit of the minor construction project 9815
management fund, which is hereby created. All money collected for 9816
~~debt service depreciation and related costs~~ shall be deposited 9817
into the ~~general revenue~~ building improvement fund created under 9818
section 125.27 of the Revised Code or deposited into the building 9819
management fund and then transferred by the director of budget and 9820
management to the building improvement fund. 9821

~~(D) The director of administrative services shall determine 9822~~
~~the reimbursable cost of space in state-owned or state-leased 9823~~
~~facilities and shall collect reimbursements for that cost. 9824~~

Sec. 125.31. (A) The department of administrative services 9825
shall have supervision of all public printing except as follows: 9826

(1) Printing for the general assembly shall be the sole 9827
responsibility of the clerk of the senate and the clerk of the 9828
house of representatives unless the clerk of the senate or the 9829
clerk of the house of representatives chooses either of the 9830

options specified in section 101.523 or 101.524 of the Revised 9831
Code. 9832

(2) Printing for the Ohio arts council shall be under the 9833
supervision of the council. 9834

(3) Printing for the capitol square review and advisory board 9835
shall be under the supervision of the board. 9836

~~(4) Printing for the bureau of workers' compensation shall be 9837
under the supervision of the administrator of workers' 9838
compensation unless the administrator requests the department to 9839
supervise printing for the bureau. 9840~~

~~(5)~~ Printing for state-supported institutions of higher 9841
education shall be under the supervision of the department of 9842
purchasing of each such institution or the department or officer 9843
within each institution that performs the functions of a 9844
department of purchasing. 9845

(B) The department of administrative services shall 9846
determine, except as otherwise specifically provided by law, the 9847
number of copies to be printed of each publication or document, 9848
the source of reproduction, the manner of binding, quality of 9849
paper, the general kind, size, and spacing of type to be used in 9850
all reports, publications, bulletins, documents, or pamphlets 9851
printed at public expense. 9852

The department shall not use its authority to curtail the 9853
release of public information by any elected state official. 9854

(C) For the purposes of sections 125.31 to 125.76 of the 9855
Revised Code, all functions, powers, and duties assigned to the 9856
department of administrative services are considered to be 9857
assigned to the division of state printing within the department 9858
of administrative services. 9859

Sec. 125.36. If the department of administrative services is 9860

of the opinion that any bids or proposals should be rejected in 9861
the interest of the state, it may reject any or all bids or 9862
proposals and advertise the invitation to bid or the request for 9863
proposals a second time. If after the second advertisement for 9864
bids or proposals the department determines that any or all bids 9865
or proposals are not in the interest of the state, it may purchase 9866
the various ~~kinds of paper~~ printing goods and services required at 9867
the lowest price for which such ~~paper~~ printing goods and services 9868
can be obtained in the open market. 9869

Sec. 125.38. If ~~such a bond is~~ required by the department of 9870
administrative services, a bid or proposal for a term contract for 9871
~~paper~~ printing goods and services, including final printed 9872
product, shall be accompanied by a bond to the state, in a sum 9873
specified in the invitation to bid or request for proposals, 9874
executed by the ~~bidder~~ offeror, with either one corporate or two 9875
personal sureties, satisfactory to the department, conditioned for 9876
the performance of the contract awarded the ~~bidder~~ offeror, and 9877
for the payment to the state, by the ~~bidder~~ offeror, as liquidated 9878
damages, of any excess of cost over the bid or proposal of such 9879
~~bidder~~ offeror, which the state may be obliged to pay for such 9880
~~paper~~ printing goods and services by reason of the failure of the 9881
~~bidder~~ offeror to complete the contract. ~~This~~ A bid or proposal 9882
unaccompanied by such bond shall not be considered, and this 9883
shall be void if no contract is awarded to the ~~bidder, and no bid~~ 9884
~~unaccompanied by such bond shall be entertained by the department~~ 9885
offeror. 9886

Sec. 125.39. If the contractor fails to furnish ~~paper~~ 9887
printing goods and services according to the terms of the 9888
contract, the department of administrative services shall purchase 9889
the required ~~paper~~ printing goods and services on the open market 9890
after notifying the contractor in writing of such action, and the 9891

cost in excess of the contract shall be collected from the 9892
contractor or the posted bond, if a bond was provided. 9893

Sec. 125.42. (A) No agency, officer, board, or commission, 9894
except the clerk of the senate and the clerk of the house of 9895
representatives, shall print or cause to be printed at the public 9896
expense, any report, bulletin, document, or pamphlet, unless such 9897
report, bulletin, document, or pamphlet is first submitted to, and 9898
the printing thereof approved by, the department of administrative 9899
services. If ~~such~~ the department approves the printing, it shall 9900
determine the form of such printing and the number of copies. 9901

If such approval is given, the department shall cause the 9902
same to be printed and bound as provided by sections ~~125.47 to~~ 9903
~~125.56~~ 125.49, 125.51, and 125.56 of the Revised Code, except as 9904
otherwise provided by section 125.45 of the Revised Code; and when 9905
printed, such publications or forms shall be delivered to the 9906
ordering officer, board, commission, or department, or sold at a 9907
price not to exceed the total cost. 9908

(B) The department of administrative services annually shall 9909
set a maximum cost per page and a maximum total cost for the 9910
printing by any board, commission, council, or other public body 9911
of the state of any annual report or any other report that it is 9912
required by law to produce. No board, commission, council, or 9913
other public body of the state shall expend or incur the 9914
expenditure of any amount in excess of these maximum amounts 9915
without the prior approval of the department. This division does 9916
not apply to the general assembly or any court. 9917

Sec. 125.43. The department of administrative services shall 9918
~~examine and correct the proof sheets of the printing for the~~ 9919
~~state, and see that the work is~~ any printing services are executed 9920
in accordance with law, ~~and when necessary, prepare indexes for~~ 9921

~~the public documents.~~ The printing of all publications approved by 9922
the department of administrative services shall be ordered through 9923
it and it shall see that the number of copies ordered is received 9924
from the printer and delivered to the proper department. 9925

Sec. 125.45. (A) The department of administrative services 9926
shall maintain facilities to perform office reproduction services 9927
for all boards, commissions, or departments ~~except for the bureau~~ 9928
~~of workers' compensation.~~ Upon written application to the 9929
department of administrative services, permission may be granted 9930
to a board, commission, or department to perform such services 9931
outside the central facility and such permission shall state the 9932
extent of the services which the department, board, or commission 9933
shall perform. 9934

(B) Office reproduction services ~~using stencils, masters, or~~ 9935
~~plates~~ are restricted to duplicating equipment not larger than 9936
seventeen by twenty-two inches. Not to exceed five thousand press 9937
impressions shall be produced of any such order except that up to 9938
one thousand production copies may be produced of any item 9939
consisting of multiple pages and except that over five thousand, 9940
but not more than ten thousand, press impressions may be produced 9941
if the director of administrative services determines that there 9942
is an emergency due to the timing of service delivery or another 9943
factor that may cause financial hardship to the state. 9944

~~Nothing in this section precludes the bureau from entering~~ 9945
~~into a contract with the department of administrative services for~~ 9946
~~the department to perform office reproduction services for the~~ 9947
~~bureau.~~ 9948

(C) No state agency, other than the department of 9949
administrative services, shall perform printing or office 9950
reproduction services for political subdivisions. 9951

Sec. 125.49. Each bid or proposal for state printing shall 9952
state specifically the price at which the ~~bidder~~ offeror will 9953
undertake to ~~do provide~~ the ~~work~~ finished product as specified in 9954
the ~~classes of printing invitation to bid or request for~~ 9955
proposals, including the necessary binding covered by such bid or 9956
proposal. 9957

Sec. 125.51. After careful examination and computation of 9958
each ~~proposal~~ bid, within thirty days the department of 9959
administrative services shall award the contract for such printing 9960
to the lowest responsive and responsible bidder, in accordance 9961
with section 9.312 of the Revised Code, having proper facilities 9962
to ~~insure~~ ensure prompt performance of the work. No contract shall 9963
be awarded unless it contains an agreement for the completion of 9964
the work within the time fixed by the department, but the time so 9965
fixed may be extended by the department if deemed in the best 9966
interest of the state. 9967

Sec. 125.58. The department of administrative services shall 9968
promptly notify each successful ~~bidder~~ offeror of the acceptance 9969
of the ~~bidder's~~ offeror's bid or proposal for state printing. If 9970
such ~~bidder~~ offeror fails to execute the contract because of death 9971
or other cause, or if the ~~bidder~~ offeror fails to execute the work 9972
required by the contract in a proper manner and with reasonable 9973
promptness, or the contract is abandoned, or its execution is 9974
temporarily suspended, the department may enter into a contract 9975
with another person for the prompt execution of the work for the 9976
lowest price which may be obtained. Before any work is relet in 9977
consequence of the misconduct or default of the contractor, the 9978
department shall give the contractor written notice thereof. The 9979
department of administrative services may set a daily penalty 9980
charge for late orders, provided the penalty schedule and amount 9981

are stated in the invitation to bid or request for proposals for 9982
the printing. 9983

Sec. 125.601. ~~(A) Not later than July 1, 2007, the~~ The 9984
director of administrative services shall establish the office of 9985
procurement from community rehabilitation programs within the 9986
department of administrative services. The director shall 9987
designate an employee of the department to serve as administrator 9988
of the office. 9989

~~(B) Not later than July 1, 2007, the director shall abolish 9990
the state committee for the purchase of products and services 9991
provided by persons with severe disabilities in accordance with 9992
section 4115.36 of the Revised Code. 9993~~

Sec. 125.607. (A) Before purchasing any supply or service, a 9994
governmental ordering office shall determine, in compliance with 9995
section 125.035 of the Revised Code, whether the supply or service 9996
is on the procurement list maintained by the office of procurement 9997
from community rehabilitation programs. If the supply or service 9998
is on the list at an established fair market price, the government 9999
ordering office shall purchase it from the qualified nonprofit 10000
agency or approved agent at that price. 10001

(B) If the supply or service is on the procurement list but a 10002
fair market price has not been established, the government 10003
ordering office shall attempt to negotiate an agreement with one 10004
or more of the listed qualified nonprofit agencies or approved 10005
agents. The office of procurement from community rehabilitation 10006
programs may accept as fair market price an agreement negotiated 10007
between the government ordering office and a qualified nonprofit 10008
agency or approved agent. 10009

(C) If an agreement is not successfully negotiated, the 10010
office may establish a fair market price, or it may release a 10011

government ordering office from the requirements of this section. 10012

(D) A purchase under divisions (A) to (C) of this section is 10013
not subject to any competitive selection or competitive bidding 10014
requirements, notwithstanding any other provision of law. 10015

(E) The department of administrative services has the 10016
authority to structure or regulate competition among qualified 10017
nonprofit agencies for the overall benefit of the program. 10018

Sec. 125.609. ~~The office of procurement from community~~ 10019
~~rehabilitation programs~~ department of administrative services, on 10020
its own or pursuant to a request from a government ordering 10021
office, may release a government ordering office from compliance 10022
with sections 125.60 to 125.6012 of the Revised Code. If the 10023
~~office~~ department determines that compliance is not possible or 10024
not advantageous, or if conditions prescribed in rules as may be 10025
adopted under section 125.603 of the Revised Code for granting a 10026
release are met, the ~~office~~ department may grant a release. The 10027
release shall be in writing, and shall specify the supplies or 10028
services to which it applies, the period of time during which it 10029
is effective, and the reason for which it is granted. 10030

Sec. 125.76. All printing and binding for the state, not 10031
authorized by sections 125.43 to 125.71 or section 3345.10 of the 10032
Revised Code, except for maps and printing that is the sole 10033
responsibility of the clerk of the senate or the clerk of the 10034
house of representatives, shall be subject to such sections so far 10035
as practical, and whether provided for by law or resolution of the 10036
general assembly the department of administrative services shall 10037
advertise for bids or proposals and let contracts therefor as 10038
provided in such sections. 10039

Sec. 125.901. (A) There is hereby established the Ohio 10040
geographically referenced information program council within the 10041

department of administrative services to coordinate the property 10042
owned by the state. The department of administrative services 10043
shall provide administrative support for the council. 10044

(B) The council shall consist of the following fifteen 10045
members: 10046

(1) The state chief information officer, or the officer's 10047
designee, who shall serve as the council chair; 10048

(2) The director of ~~the department of~~ natural resources, or 10049
the director's designee; 10050

(3) The director of transportation, or the director's 10051
designee; 10052

(4) The director of environmental protection, or the 10053
director's designee; 10054

(5) The director of development services, or the director's 10055
designee; 10056

(6) The treasurer of state, or the treasurer of state's 10057
designee; 10058

~~(7) An individual appointed by the governor from the 10059
organization that represents the state's county auditors; 10060~~

~~(8) An individual appointed by the governor from the 10061
organization that represents the state's county commissioners; 10062~~

~~(9) An individual appointed by the governor from the 10063
organization that represents the state's county engineers; 10064~~

~~(10) An individual appointed by the governor from the 10065
organization that represents the state's regional councils; 10066~~

~~(11) Two individuals appointed by the governor from the 10067
organization that represents the state's municipal governments, 10068
one of whom shall represent a municipality with a population of 10069
fewer than one hundred thousand people and one of whom shall 10070~~

~~represent a municipality with a population of one hundred thousand~~	10071
~~or more people;~~	10072
~~(12) An individual appointed by the governor representing the~~	10073
~~interests of the regulated utilities in this state;~~	10074
~~(13) An individual appointed by the governor representing the~~	10075
~~interests of a public university;~~	10076
~~(14) The attorney general, or the attorney general's~~	10077
~~designee;~~	10078
<u>(8) The chancellor of higher education or the chancellor's</u>	10079
<u>designee;</u>	10080
<u>(9) The chief of the division of oil and gas resources</u>	10081
<u>management in the department of natural resources or the chief's</u>	10082
<u>designee;</u>	10083
<u>(10) The director of public safety or the director's</u>	10084
<u>designee;</u>	10085
<u>(11) The executive director of the county auditors'</u>	10086
<u>association or the executive director's designee;</u>	10087
<u>(12) The executive director of the county commissioners'</u>	10088
<u>association or the executive director's designee;</u>	10089
<u>(13) The executive director of the county engineers'</u>	10090
<u>association or the executive director's designee;</u>	10091
<u>(14) The executive director of the Ohio municipal league or</u>	10092
<u>the executive director's designee;</u>	10093
<u>(15) The executive director of the Ohio townships association</u>	10094
<u>or the executive director's designee.</u>	10095
~~(C) The governor shall make initial appointments for the~~	10096
~~members as provided in this section within a reasonable time. The~~	10097
~~members appointed to the council by the governor pursuant to this~~	10098
~~section shall serve two-year terms, with each term ending on the~~	10099

~~same day of the same month as did the term that it succeeds. The~~ 10100
~~chair of the council shall appoint a new member to fill any~~ 10101
~~vacancy created by a member appointed by the governor before the~~ 10102
~~expiration of that member's term. Otherwise, vacancies shall be~~ 10103
~~filled in the same manner as provided in division (B) of this~~ 10104
~~section. Any member appointed to fill a vacancy occurring prior to~~ 10105
~~the expiration date of the term for which a predecessor was~~ 10106
~~appointed shall hold office as a member for the remainder of that~~ 10107
~~term. A member shall continue in office subsequent to the~~ 10108
~~expiration date of the member's term until the member's successor~~ 10109
~~takes office or until a period of sixty days has elapsed,~~ 10110
~~whichever occurs first. All members may be reappointed~~ 10111
Members of 10111
the council shall serve without compensation. 10112

Sec. 126.32. (A) Any officer of any state agency may 10113
authorize reimbursement for travel, including the costs of 10114
transportation, for lodging, and for meals to any person who is 10115
interviewing for a position that is classified in pay range 13 or 10116
above in schedule E-1 or schedule E-1 for step ~~seven~~ eight only, 10117
or is classified in schedule E-2, of section 124.152 of the 10118
Revised Code. 10119

(B) If a person is appointed to a position listed in section 10120
121.03 of the Revised Code, to the position of chairperson of the 10121
industrial commission, adjutant general, chancellor of the Ohio 10122
board of regents, superintendent of public instruction, 10123
chairperson of the public utilities commission of Ohio, or 10124
director of the state lottery commission, to a position holding a 10125
fiduciary relationship to the governor, to a position of an 10126
appointing authority of the department of mental health and 10127
addiction services, developmental disabilities, or rehabilitation 10128
and correction, to a position of superintendent in the department 10129
of youth services, or to a position under section 122.05 of the 10130
Revised Code, and if that appointment requires a permanent change 10131

of residence, the appropriate state agency may reimburse the 10132
person for the person's actual and necessary expenses, including 10133
the cost of in-transit storage of household goods and personal 10134
effects, of moving the person and members of the person's 10135
immediate family residing in the person's household, and of moving 10136
their household goods and personal effects, to the person's new 10137
location. 10138

Until that person moves the person's permanent residence to 10139
the new location, but not for a period that exceeds thirty 10140
consecutive days, the state agency may reimburse the person for 10141
the person's temporary living expenses at the new location that 10142
the person has incurred on behalf of the person and members of the 10143
person's immediate family residing in the person's household. In 10144
addition, the state agency may reimburse that person for the 10145
person's travel expenses between the new location and the person's 10146
former residence during this period for a maximum number of trips 10147
specified by rule of the director of budget and management, but 10148
the state agency shall not reimburse the person for travel 10149
expenses incurred for those trips by members of the person's 10150
immediate family. With the prior written approval of the director, 10151
the maximum thirty-day period for temporary living expenses may be 10152
extended for a person appointed to a position under section 122.05 10153
of the Revised Code. 10154

The director of development services may reimburse a person 10155
appointed to a position under section 122.05 of the Revised Code 10156
for the person's actual and necessary expenses of moving the 10157
person and members of the person's immediate family residing in 10158
the person's household back to the United States and may reimburse 10159
a person appointed to such a position for the cost of storage of 10160
household goods and personal effects of the person and the 10161
person's immediate family while the person is serving outside the 10162
United States, if the person's office outside the United States is 10163

the person's primary job location. 10164

(C) All reimbursement under division (A) or (B) of this 10165
section shall be made in the manner, and at rates that do not 10166
exceed those, provided by rule of the director of budget and 10167
management in accordance with section 111.15 of the Revised Code. 10168
Reimbursements may be made under division (B) of this section 10169
directly to the persons who incurred the expenses or directly to 10170
the providers of goods or services the persons receive, as 10171
determined by the director of budget and management. 10172

Sec. 128.021. (A) Not later than January 1, 2014, and in 10173
accordance with Chapter 119. of the Revised Code, the steering 10174
committee shall adopt rules that establish technical and 10175
operational standards for public safety answering points eligible 10176
to receive disbursements under section 128.55 of the Revised Code. 10177
The rules shall incorporate industry standards and best practices 10178
for wireless 9-1-1 services. Public safety answering points shall 10179
comply with the standards not later than two years after the 10180
effective date of the rules adopting the standards. 10181

(B) Not later than one year after the effective date of this 10182
amendment, and in accordance with Chapter 119. of the Revised 10183
Code, the steering committee shall conduct an assessment of the 10184
operational standards for public safety answering points developed 10185
under division (A) of this section and revise the standards as 10186
necessary to ensure that the operational standards contain the 10187
following: 10188

(1) Policies to ensure that public safety answering point 10189
personnel prioritize life-saving questions in responding to each 10190
call to a 9-1-1 system established under this chapter; 10191

(2) A requirement that all public safety answering point 10192
personnel complete proper training or provide proof of prior 10193
training to give instructions regarding emergency situations. 10194

Sec. 128.40. There is hereby created within the department of administrative services the 9-1-1 program office, headed by an administrator in the unclassified civil service pursuant to division (A)(9) of section 124.11 of the Revised Code. The administrator shall be appointed by and serve at the pleasure of the director of administrative services and shall report directly to the state chief information officer. The program office shall ~~administer~~ oversee administration of the wireless 9-1-1 government assistance fund ~~as specified in sections 128.53 and 128.55 of the Revised Code,~~ the wireless 9-1-1 program fund, and the next generation 9-1-1 fund.

Sec. 128.54. (A) ~~Beginning January 1, 2014:~~

(1) For the purpose of receiving, distributing, and accounting for amounts received from the wireless 9-1-1 charges imposed under section 128.42 of the Revised Code, the following funds are created in the state treasury:

- (a) The wireless 9-1-1 government assistance fund;
- (b) The wireless 9-1-1 administrative fund;
- (c) The wireless 9-1-1 program fund;
- (d) The next generation 9-1-1 fund.

(2) Amounts remitted under section 128.46 of the Revised Code shall be paid to the treasurer of state for deposit as follows:

(a) Ninety-seven per cent to the wireless 9-1-1 government assistance fund. All interest earned on the wireless 9-1-1 government assistance fund shall be credited to the fund.

(b) One per cent to the wireless 9-1-1 administrative fund;

(c) Two per cent to the 9-1-1 program fund.

(3) The tax commissioner shall use the wireless 9-1-1

administrative fund to defray the costs incurred in carrying out 10223
this chapter. 10224

(4) The steering committee shall use the 9-1-1 program fund 10225
to defray the costs incurred by the steering committee in carrying 10226
out this chapter. 10227

(5) Annually, the tax commissioner ~~and the steering~~ 10228
~~committee~~, after paying administrative costs under division (A)(3) 10229
of this section, shall transfer any excess remaining in the 10230
wireless 9-1-1 administrative funds fund to the next generation 10231
9-1-1 fund, created under this section. 10232

(B) ~~The~~ At the direction of the steering committee, the tax 10233
commissioner shall transfer the funds remaining in the wireless 10234
9-1-1 government assistance fund ~~after the disbursements made~~ 10235
~~under division (B)(1) of section 128.55 of the Revised Code~~ to the 10236
credit of the next generation 9-1-1 fund. All interest earned on 10237
the next generation 9-1-1 fund shall be credited to the fund. 10238

(C) From the wireless 9-1-1 government assistance fund, the 10239
director of budget and management shall, as funds are available, 10240
transfer to the tax refund fund, created under section 5703.052 of 10241
the Revised Code, amounts equal to the refunds certified by the 10242
tax commissioner under division (D) of section 128.47 of the 10243
Revised Code. 10244

Sec. 128.55. (A) ~~Prior to January 1, 2014, the steering~~ 10245
~~committee shall disburse moneys from the wireless 9-1-1 government~~ 10246
~~assistance fund to each county in the same manner as the 2012~~ 10247
~~disbursements, in accordance with divisions (A) and (B) of section~~ 10248
~~4931.64 of the Revised Code as those divisions existed prior to~~ 10249
~~the effective date of H.B. 360 of the 129th general assembly,~~ 10250
~~December 20, 2012.~~ 10251

~~(B) Beginning January 1, 2014:~~ 10252

(1) The tax commissioner, not later than the last day of each month, shall disburse moneys from the wireless 9-1-1 government assistance fund, plus any accrued interest on the fund, to each county treasurer.

(a) If there are sufficient funds in the wireless 9-1-1 government assistance fund, each county treasurer shall receive the same amount distributed to that county by the public utilities commission in the corresponding calendar month in 2013. ~~If any excess remains after these distributions are made, the tax commissioner shall transfer that excess to the next generation 9-1-1 fund.~~

(b) If the funds available are insufficient to make the distributions as provided in division ~~(B)~~(A)(1)(a) of this section, each county's share shall be reduced in proportion to the amounts received in the corresponding calendar month in 2013, until the total amount to be distributed to the counties is equivalent to the amount available in the wireless 9-1-1 government assistance fund. Any shortfall in distributions resulting from insufficient funds from a previous month shall be remedied in the following month.

(2) The tax commissioner shall disburse moneys from the next generation 9-1-1 fund in accordance with the guidelines established under section 128.022 of the Revised Code.

~~(C)~~(B) Immediately upon receipt by a county treasurer of a disbursement under division (A) ~~or (B)(1)~~ of this section, the county shall disburse, in accordance with the allocation formula set forth in the final plan, the amount the county so received to any other subdivisions in the county and any regional councils of governments in the county that pay the costs of a public safety answering point providing wireless enhanced 9-1-1 under the plan.

~~(D)~~(C) Nothing in this chapter affects the authority of a

subdivision operating or served by a public safety answering point 10284
of a 9-1-1 system or a regional council of governments operating a 10285
public safety answering point of a 9-1-1 system to use, as 10286
provided in the final plan for the system or in an agreement under 10287
section 128.09 of the Revised Code, any other authorized revenue 10288
of the subdivision or the regional council of governments for the 10289
purposes of providing basic or enhanced 9-1-1. 10290

Sec. 128.57. Except as otherwise provided in section 128.571 10291
of the Revised Code: 10292

(A) A countywide 9-1-1 system receiving a disbursement under 10293
section 128.55 of the Revised Code shall provide countywide 10294
wireless enhanced 9-1-1 in accordance with this chapter beginning 10295
as soon as reasonably possible after receipt of the first 10296
disbursement or, if that service is already implemented, shall 10297
continue to provide such service. Except as provided in divisions 10298
(B), (C), and (E) of this section, a disbursement shall be used 10299
solely for the purpose of paying either or both of the following: 10300

(1) Any costs of designing, upgrading, purchasing, leasing, 10301
programming, installing, testing, or maintaining the necessary 10302
data, hardware, software, and trunking required for the public 10303
safety answering point or points of the 9-1-1 system to provide 10304
wireless enhanced 9-1-1, which costs are incurred before or on or 10305
after May 6, 2005, and consist of such additional costs of the 10306
9-1-1 system over and above any costs incurred to provide wireline 10307
9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually, 10308
up to twenty-five thousand dollars of the disbursements received 10309
on or after January 1, 2009, may be applied to data, hardware, and 10310
software that automatically alerts personnel receiving a 9-1-1 10311
call that a person at the subscriber's address or telephone number 10312
may have a mental or physical disability, of which that personnel 10313
shall inform the appropriate emergency service provider. On or 10314

after the provision of technical and operational standards 10315
pursuant to section 128.021 of the Revised Code, a regional 10316
council of governments operating a public safety answering point 10317
or a subdivision shall consider the standards before incurring any 10318
costs described in this division. 10319

(2) Any costs of training the staff of the public safety 10320
answering point or points to provide wireless enhanced 9-1-1, 10321
which costs are incurred before or on or after May 6, 2005. 10322

(B) A subdivision or a regional council of governments that 10323
certifies to the steering committee that it has paid the costs 10324
described in divisions (A)(1) and (2) of this section and is 10325
providing countywide wireless enhanced 9-1-1 may use disbursements 10326
received under section 128.55 of the Revised Code to pay any of 10327
its personnel costs of one or more public safety answering points 10328
providing countywide wireless enhanced 9-1-1. 10329

(C) After receiving its July 2013 disbursement under division 10330
(A) of section 128.55 of the Revised Code as that division existed 10331
prior to the amendments to that division by H. B. 64 of the 131st 10332
general assembly, a regional council of governments operating a 10333
public safety answering point or a subdivision may use any 10334
remaining balance of disbursements it received under that 10335
division, as it existed prior to the amendments to it by H. B. 64 10336
of the 131st general assembly, to pay any of its costs of 10337
providing countywide wireless 9-1-1, including the personnel costs 10338
of one or more public safety answering points providing that 10339
service. 10340

(D) The costs described in divisions (A), (B), (C), and (E) 10341
of this section may include any such costs payable pursuant to an 10342
agreement under division (J) of section 128.03 of the Revised 10343
Code. 10344

(E)(1) No disbursement to a countywide 9-1-1 system for costs 10345

of a public safety answering point shall be made from the wireless 10346
9-1-1 government assistance fund or the next generation 9-1-1 fund 10347
unless the public safety answering point meets the standards set 10348
by rule of the steering committee under section 128.021 of the 10349
Revised Code. 10350

(2) The steering committee shall monitor compliance with the 10351
standards and shall notify the tax commissioner to suspend 10352
disbursements to a countywide 9-1-1 system that fails to meet the 10353
standards. Upon receipt of this notification, the commissioner 10354
shall suspend disbursements until the commissioner is notified of 10355
compliance with the standards. 10356

(F) The auditor of state may audit and review each county's 10357
expenditures of funds received from the wireless 9-1-1 government 10358
assistance fund to verify that the funds were used in accordance 10359
with the requirements of this chapter. 10360

Sec. 131.025. The attorney general shall enter into an 10361
agreement with the United States secretary of the treasury to 10362
participate in the federal treasury offset program for the 10363
collection of the following debts certified to the attorney 10364
general pursuant to section 131.02 of the Revised Code: 10365

(A) State income tax obligations pursuant to 26 U.S.C. 10366
6402(e); 10367

(B) Covered unemployment compensation debts pursuant to 26 10368
U.S.C. 6402(f). 10369

Sec. 131.09. In addition to the undertakings or security 10370
provided for in sections 135.01 to 135.40 of the Revised Code, the 10371
treasurer of a subdivision or county may accept first mortgages, 10372
upon unencumbered real estate located in this state, provided the 10373
amount owing on such mortgages at the time tendered as security is 10374
double the excess of the amount of public moneys to be at the time 10375

so deposited, over and above any portion of such moneys as is then 10376
insured by the federal deposit insurance corporation, federal 10377
savings and loan insurance corporation, or any other agency or 10378
instrumentality of the federal government. The amount owing on 10379
each mortgage at the time tendered as security shall not exceed 10380
eighty per cent of the then value of the real estate. Upon the 10381
deposit of such security, the treasurer shall require the 10382
financial institution to submit an affidavit stating that no 10383
payment on a mortgage has been more than two months past due at 10384
any time during the two-year period preceding the date the public 10385
moneys are deposited. At such time, the treasurer shall also 10386
require an institution to submit an affidavit stating that any 10387
structures on the mortgaged real estate are insured by an 10388
authorized company in an amount not less than the amount owing on 10389
each mortgage at the time tendered as security, that coverage has 10390
been obtained in favor of the institution by the named authorized 10391
company, and that the institution has obtained a mortgage 10392
impairment policy which assures that such insurance will continue 10393
for the period that the public moneys are deposited with the 10394
institution. The value of such real estate shall be determined 10395
separately for land and structures thereon by valuation made under 10396
oath by two resident freeholders of this state who are conversant 10397
with the real estate values of the county in which the real estate 10398
is located or made and certified under oath by an appraiser as 10399
being in conformity with the appraisal requirements imposed on an 10400
institution by any agency or instrumentality of the federal 10401
government. If such determination has been made earlier than a 10402
period of three months prior to the time of the deposit of public 10403
moneys, such determination shall be updated to reflect the value 10404
of the real estate within such three-month period. There shall be 10405
deposited with the mortgage the opinion of an attorney licensed to 10406
practice in this state, which opinion shall certify that the 10407
mortgage is a first lien upon the premises mortgaged, or the title 10408

shall be guaranteed by a company operating under sections 1735.01 10409
to 1735.04 of the Revised Code or insured by a company operating 10410
under Chapter 3953. of the Revised Code. 10411

If any mortgage tendered as security is paid in full or if 10412
the mortgagor becomes past due for six months to the financial 10413
institution while it acts as a public depository and that mortgage 10414
has been assigned as security for such public moneys, the 10415
financial institution shall replace such mortgage with another in 10416
compliance with this section. Default by the financial institution 10417
as a public depository under this section is to be carried out in 10418
accordance with division ~~(C)~~(E) of section 135.18 of the Revised 10419
Code. 10420

Sec. 131.15. (A) Any depositor enumerated in section 131.11 10421
of the Revised Code shall make ample provisions for the 10422
safekeeping of hypothecated securities. The interest thereon, when 10423
paid, shall be turned over to the bank or trust company if it is 10424
not in default. The depositor may make provisions for the exchange 10425
and release of securities and the substitution of other securities 10426
or of an undertaking therefor except in those cases where the 10427
public depository has deposited eligible securities with a trustee 10428
for safekeeping. 10429

(B) When the public depository has deposited eligible 10430
securities described in division ~~(B)~~(D)(1) of section 135.18 of 10431
the Revised Code with a trustee for safekeeping, the public 10432
depository may at any time substitute or exchange eligible 10433
securities described in division ~~(B)~~(D)(1) of section 135.18 of 10434
the Revised Code having a current market value equal to or greater 10435
than the current market value of the securities then on deposit 10436
and for which they are to be substituted or exchanged, without 10437
specific authorization from the depositor of any substitution or 10438
exchange. 10439

(C) When the public depository has deposited eligible 10440
securities described in division ~~(B)~~(D)(2) to (9) of section 10441
135.18 of the Revised Code with a trustee for safekeeping, the 10442
public depository may at any time substitute or exchange eligible 10443
securities having a current market value equal to or greater than 10444
the current market value of the securities then on deposit and for 10445
which they are to be substituted or exchanged without specific 10446
authorization of any depositor of any such substitution or 10447
exchange only if: 10448

(1) The depositor has authorized the public depository to 10449
make such substitutions or exchanges on a continuing basis during 10450
a specified period without prior approval of each substitution or 10451
exchange. Such authorization may be effected by the depositor 10452
sending to the trustee a written notice stating that substitution 10453
may be effected on a continuing basis during a specified period 10454
that shall not extend beyond the end of the period of designation 10455
during which the notice is given. "Period of designation" as used 10456
in this section means the period under section 135.12 of the 10457
Revised Code for the award of inactive funds of the subdivision of 10458
which the depositor is an officer or employee. The trustee may 10459
rely upon such notice and upon the period of authorization stated 10460
therein and upon the period of designation stated therein. 10461

(2) No continuing authorization for substitution has been 10462
given by the depositor, the public depository notifies the 10463
depositor and the trustee of an intended substitution or exchange, 10464
and the depositor fails to object to the trustee as to the 10465
eligibility or market value of the securities being substituted 10466
within ten calendar days after the date appearing on the notice of 10467
proposed substitution. The notice to the depositor and to the 10468
trustee shall be given in writing and delivered personally or by 10469
certified mail with a return receipt requested. The trustee may 10470
assume in any case that the notice has been delivered to the 10471

depositor. In order for objections of the depositor to be 10472
effective, receipt of the objections must be acknowledged in 10473
writing by the trustee. 10474

(3) The depositor gives written authorization for a 10475
substitution or exchange of specific securities. 10476

(D) The public depository shall notify the depositor of any 10477
substitution or exchange under division (C)(1) or (2) of this 10478
section. If the depository designates a trustee qualified under 10479
section 135.18 of the Revised Code to act as such for the 10480
safekeeping of securities, the depositor shall accept the written 10481
receipt of the designated trustee, describing the securities that 10482
have been deposited with the trustee by the public depository, as 10483
and for a hypothecation of such securities and issue to the 10484
depository the depositor's written acknowledgment to that effect, 10485
keeping a copy thereof in the depositor's office. Thereupon, all 10486
such securities pledged and deposited with the trustee are deemed 10487
hypothecated and deposited with the depositor, for all the 10488
purposes of sections 131.13 to 131.16 of the Revised Code. The 10489
trustee shall hold the securities for the account of the depositor 10490
and the depository as their respective rights to and interests in 10491
such securities under said sections appear and are asserted by 10492
written notice to or demand upon the trustee. 10493

Notwithstanding the fact that a public depository is required 10494
to pledge eligible securities in certain amounts to secure 10495
deposits of public moneys, a trustee shall have no duty or 10496
obligation to determine the eligibility, market value, or face 10497
value of any securities deposited with the trustee by a public 10498
depository. This applies in all situations including, without 10499
limitation, a substitution or exchange of securities. 10500

Sec. 131.34. (A) No moneys shall be transferred between funds 10501
or between state agencies on an intrastate transfer voucher, or by 10502

any other procedure, unless such a transfer is a payment for goods 10503
or services or a service subscription or unless such a transfer is 10504
required or authorized by law. 10505

(B)(1) Any state agency that has provided goods or services 10506
or a service subscription to another state agency may, ~~if the~~ 10507
~~providing agency does not receive payment from the receiving~~ 10508
~~agency within thirty days after delivering the goods or services~~ 10509
~~and submitting an invoice requesting payment for them,~~ certify to 10510
the director of budget and management ~~that~~ both of the following: 10511

(a) That the goods or services have been delivered and the or 10512
that the service subscription has been initiated; 10513

(b) The amount that is due for them the goods and services or 10514
the service subscription. 10515

(2) A providing agency may make such certification only if it 10516
does not receive payment from the receiving agency within thirty 10517
days after: 10518

(a) Delivering the goods or services or initiating the 10519
service subscription; 10520

(b) Submitting an invoice requesting payment for the goods 10521
and services or the service subscription. 10522

(C) If the director determines that all or part of the 10523
certified amount should have been paid by the receiving agency and 10524
that the receiving agency has an unobligated balance in an 10525
appropriation for the payment, ~~he~~ the director may transfer the 10526
amount that should have been paid from the appropriate fund of the 10527
receiving agency to the appropriate fund of the providing agency 10528
on an intrastate transfer voucher. 10529

(D) For the purposes of this section, "service subscription" 10530
means an ongoing service provided to a state agency by another 10531
state agency for which an estimated payment is made in advance and 10532

final payment due is determined based on actual use. 10533

Sec. 131.35. (A) With respect to the federal funds received 10534
into any fund of the state from which transfers may be made under 10535
division (D) of section 127.14 of the Revised Code: 10536

(1) No state agency may make expenditures of any federal 10537
funds, whether such funds are advanced prior to expenditure or as 10538
reimbursement, unless such expenditures are made pursuant to 10539
specific appropriations of the general assembly, are authorized by 10540
the controlling board pursuant to division (A)(5) of this section, 10541
or are authorized by an executive order issued in accordance with 10542
section 107.17 of the Revised Code, and until an allotment has 10543
been approved by the director of budget and management. All 10544
federal funds received by a state agency shall be reported to the 10545
director within fifteen days of the receipt of such funds or the 10546
notification of award, whichever occurs first. The director shall 10547
prescribe the forms and procedures to be used when reporting the 10548
receipt of federal funds. 10549

(2) If the federal funds received are greater than the amount 10550
of such funds appropriated by the general assembly for a specific 10551
purpose, the total appropriation of federal and state funds for 10552
such purpose shall remain at the amount designated by the general 10553
assembly, except that the expenditure of federal funds received in 10554
excess of such specific appropriation may be authorized by the 10555
controlling board, subject to division (D) of this section. 10556

(3) To the extent that the expenditure of excess federal 10557
funds is authorized, the controlling board may transfer a like 10558
amount of general revenue fund appropriation authority from the 10559
affected agency to the emergency purposes appropriation of the 10560
controlling board, if such action is permitted under federal 10561
regulations. 10562

(4) Additional funds may be created by the controlling board 10563

to receive revenues not anticipated in an appropriations act for 10564
the biennium in which such new revenues are received. ~~Expenditures~~ 10565
Subject to division (D) of this section, expenditures from such 10566
additional funds may be authorized by the controlling board, but 10567
such authorization shall not extend beyond the end of the biennium 10568
in which such funds are created. 10569

(5) Controlling board authorization for a state agency to 10570
make an expenditure of federal funds constitutes authority for the 10571
agency to participate in the federal program providing the funds, 10572
and the agency is not required to obtain an executive order under 10573
section 107.17 of the Revised Code to participate in the federal 10574
program. 10575

(B) With respect to nonfederal funds received into the 10576
waterways safety fund, the wildlife fund, and any fund of the 10577
state from which transfers may be made under division (D) of 10578
section 127.14 of the Revised Code: 10579

(1) No state agency may make expenditures of any such funds 10580
unless the expenditures are made pursuant to specific 10581
appropriations of the general assembly. 10582

(2) If the receipts received into any fund are greater than 10583
the amount appropriated, the appropriation for that fund shall 10584
remain at the amount designated by the general assembly or, 10585
subject to division (D) of this section, as increased and approved 10586
by the controlling board. 10587

(3) Additional funds may be created by the controlling board 10588
to receive revenues not anticipated in an appropriations act for 10589
the biennium in which such new revenues are received. ~~Expenditures~~ 10590
Subject to division (D) of this section, expenditures from such 10591
additional funds may be authorized by the controlling board, but 10592
such authorization shall not extend beyond the end of the biennium 10593
in which such funds are created. 10594

(C) The controlling board shall not authorize more than ten 10595
per cent of additional spending from the occupational licensing 10596
and regulatory fund, created in section 4743.05 of the Revised 10597
Code, in excess of any appropriation made by the general assembly 10598
to a licensing agency except an appropriation for costs related to 10599
the examination or reexamination of applicants for a license. As 10600
used in this division, "licensing agency" and "license" have the 10601
same meanings as in section 4745.01 of the Revised Code. 10602

(D)(1) The amount of any expenditure authorized under 10603
division (A)(2) or (4) or (B)(2) or (3) of this section for a 10604
specific or related purpose or item in any fiscal year shall not 10605
exceed ten per cent of the amount appropriated by the general 10606
assembly for that specific or related purpose or item for that 10607
fiscal year, or ten million dollars, whichever amount is less. 10608

(2) The controlling board may not create any additional funds 10609
under division (A)(4) or (B)(3) of this section if the revenue 10610
received that was not anticipated in an appropriation act exceeds 10611
ten million dollars. 10612

Sec. 131.43. There is hereby created in the state treasury 10613
the budget stabilization fund. It is the intent of the general 10614
assembly to maintain an amount of money in the budget 10615
stabilization fund that amounts to approximately five eight and 10616
one-half per cent of the general revenue fund revenues for the 10617
preceding fiscal year. The governor shall include in the state 10618
budget ~~he~~ the governor submits to the general assembly under 10619
section 107.03 of the Revised Code proposals for transfers between 10620
the general revenue fund and the budget stabilization fund for the 10621
ensuing fiscal biennium. The balance in the fund may be combined 10622
with the balance in the general revenue fund for purposes of cash 10623
management. 10624

Sec. 131.44. (A) As used in this section:	10625
(1) "Surplus revenue" means the excess, if any, of the total fund balance over the required year-end balance.	10626 10627
(2) "Total fund balance" means the sum of the unencumbered balance in the general revenue fund on the last day of the preceding fiscal year plus the balance in the budget stabilization fund.	10628 10629 10630 10631
(3) "Required year-end balance" means the sum of the following:	10632 10633
(a) ~~Five~~ <u>Eight and one-half</u> per cent of the general revenue fund revenues for the preceding fiscal year;	10634 10635
(b) "Ending fund balance," which means one-half of one per cent of general revenue fund revenues for the preceding fiscal year;	10636 10637 10638
(c) "Carryover balance," which means, with respect to a fiscal biennium, the excess, if any, of the estimated general revenue fund appropriation and transfer requirement for the second fiscal year of the biennium over the estimated general revenue fund revenue for that fiscal year;	10639 10640 10641 10642 10643
(d) "Capital appropriation reserve," which means the amount, if any, of general revenue fund capital appropriations made for the current biennium that the director of budget and management has determined will be encumbered or disbursed;	10644 10645 10646 10647
(e) "Income tax reduction impact reserve," which means an amount equal to the reduction projected by the director of budget and management in income tax revenue in the current fiscal year attributable to the previous reduction in the income tax rate made by the tax commissioner pursuant to division (B) of section 5747.02 of the Revised Code.	10648 10649 10650 10651 10652 10653
(4) "Estimated general revenue fund appropriation and	10654

transfer requirement" means the most recent adjusted 10655
appropriations made by the general assembly from the general 10656
revenue fund and includes both of the following: 10657

(a) Appropriations made and transfers of appropriations from 10658
the first fiscal year to the second fiscal year of the biennium in 10659
provisions of acts of the general assembly signed by the governor 10660
but not yet effective; 10661

(b) Transfers of appropriations from the first fiscal year to 10662
the second fiscal year of the biennium approved by the controlling 10663
board. 10664

(5) "Estimated general revenue fund revenue" means the most 10665
recent such estimate available to the director of budget and 10666
management. 10667

(B)(1) Not later than the thirty-first day of July each year, 10668
the director of budget and management shall determine the surplus 10669
revenue that existed on the preceding thirtieth day of June and 10670
transfer from the general revenue fund, to the extent of the 10671
unobligated, unencumbered balance on the preceding thirtieth day 10672
of June in excess of one-half of one per cent of the general 10673
revenue fund revenues in the preceding fiscal year, the following: 10674

(a) First, to the budget stabilization fund, any amount 10675
necessary for the balance of the budget stabilization fund to 10676
equal ~~five~~ eight and one-half per cent of the general revenue fund 10677
revenues of the preceding fiscal year; 10678

(b) Then, to the income tax reduction fund, which is hereby 10679
created in the state treasury, an amount equal to the surplus 10680
revenue. 10681

(2) Not later than the thirty-first day of July each year, 10682
the director shall determine the percentage that the balance in 10683
the income tax reduction fund is of the amount of revenue that the 10684
director estimates will be received from the tax levied under 10685

section 5747.02 of the Revised Code in the current fiscal year 10686
without regard to any reduction under division (B) of that 10687
section. If that percentage exceeds thirty-five one hundredths of 10688
one per cent, the director shall certify the percentage to the tax 10689
commissioner not later than the thirty-first day of July. 10690

(C) The director of budget and management shall transfer 10691
money in the income tax reduction fund to the general revenue 10692
fund, the local government fund, and the public library fund as 10693
necessary to offset revenue reductions resulting from the 10694
reductions in taxes required under division (B) of section 5747.02 10695
of the Revised Code in the respective amounts and percentages 10696
prescribed by division (A) of section 5747.03 and divisions (B) 10697
and (C) of section 131.51 of the Revised Code as if the amount 10698
transferred had been collected as taxes under Chapter 5747. of the 10699
Revised Code. If no reductions in taxes are made under that 10700
division that affect revenue received in the current fiscal year, 10701
the director shall not transfer money from the income tax 10702
reduction fund to the general revenue fund, the local government 10703
fund, and the public library fund. 10704

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 10705
and 2151.655 of the Revised Code, in other sections of the Revised 10706
Code that make reference to this chapter unless the context does 10707
not permit, and in related proceedings, unless otherwise expressly 10708
provided: 10709

(A) "Acquisition" as applied to real or personal property 10710
includes, among other forms of acquisition, acquisition by 10711
exercise of a purchase option, and acquisition of interests in 10712
property, including, without limitation, easements and 10713
rights-of-way, and leasehold and other lease interests initially 10714
extending or extendable for a period of at least sixty months. 10715

(B) "Anticipatory securities" means securities, including 10716

notes, issued in anticipation of the issuance of other securities. 10717

(C) "Board of elections" means the county board of elections 10718
of the county in which the subdivision is located. If the 10719
subdivision is located in more than one county, "board of 10720
elections" means the county board of elections of the county that 10721
contains the largest portion of the population of the subdivision 10722
or that otherwise has jurisdiction in practice over and 10723
customarily handles election matters relating to the subdivision. 10724

(D) "Bond retirement fund" means the bond retirement fund 10725
provided for in section 5705.09 of the Revised Code, and also 10726
means a sinking fund or any other special fund, regardless of the 10727
name applied to it, established by or pursuant to law or the 10728
proceedings for the payment of debt charges. Provision may be made 10729
in the applicable proceedings for the establishment in a bond 10730
retirement fund of separate accounts relating to debt charges on 10731
particular securities, or on securities payable from the same or 10732
common sources, and for the application of moneys in those 10733
accounts only to specified debt charges on specified securities or 10734
categories of securities. Subject to law and any provisions in the 10735
applicable proceedings, moneys in a bond retirement fund or 10736
separate account in a bond retirement fund may be transferred to 10737
other funds and accounts. 10738

(E) "Capitalized interest" means all or a portion of the 10739
interest payable on securities from their date to a date stated or 10740
provided for in the applicable legislation, which interest is to 10741
be paid from the proceeds of the securities. 10742

(F) "Chapter 133. securities" means securities authorized by 10743
or issued pursuant to or in accordance with this chapter. 10744

(G) "County auditor" means the county auditor of the county 10745
in which the subdivision is located. If the subdivision is located 10746
in more than one county, "county auditor" means the county auditor 10747

of the county that contains the highest amount of the tax 10748
valuation of the subdivision or that otherwise has jurisdiction in 10749
practice over and customarily handles property tax matters 10750
relating to the subdivision. In the case of a county that has 10751
adopted a charter, "county auditor" means the officer who 10752
generally has the duties and functions provided in the Revised 10753
Code for a county auditor. 10754

(H) "Credit enhancement facilities" means letters of credit, 10755
lines of credit, stand-by, contingent, or firm securities purchase 10756
agreements, insurance, or surety arrangements, guarantees, and 10757
other arrangements that provide for direct or contingent payment 10758
of debt charges, for security or additional security in the event 10759
of nonpayment or default in respect of securities, or for making 10760
payment of debt charges to and at the option and on demand of 10761
securities holders or at the option of the issuer or upon certain 10762
conditions occurring under put or similar arrangements, or for 10763
otherwise supporting the credit or liquidity of the securities, 10764
and includes credit, reimbursement, marketing, remarketing, 10765
indexing, carrying, interest rate hedge, and subrogation 10766
agreements, and other agreements and arrangements for payment and 10767
reimbursement of the person providing the credit enhancement 10768
facility and the security for that payment and reimbursement. 10769

(I) "Current operating expenses" or "current expenses" means 10770
the lawful expenditures of a subdivision, except those for 10771
permanent improvements and for payments of debt charges of the 10772
subdivision. 10773

(J) "Debt charges" means the principal, including any 10774
mandatory sinking fund deposits and mandatory redemption payments, 10775
interest, and any redemption premium, payable on securities as 10776
those payments come due and are payable. The use of "debt charges" 10777
for this purpose does not imply that any particular securities 10778
constitute debt within the meaning of the Ohio Constitution or 10779

other laws. 10780

(K) "Financing costs" means all costs and expenses relating 10781
to the authorization, including any required election, issuance, 10782
sale, delivery, authentication, deposit, custody, clearing, 10783
registration, transfer, exchange, fractionalization, replacement, 10784
payment, and servicing of securities, including, without 10785
limitation, costs and expenses for or relating to publication and 10786
printing, postage, delivery, preliminary and final official 10787
statements, offering circulars, and informational statements, 10788
travel and transportation, underwriters, placement agents, 10789
investment bankers, paying agents, registrars, authenticating 10790
agents, remarketing agents, custodians, clearing agencies or 10791
corporations, securities depositories, financial advisory 10792
services, certifications, audits, federal or state regulatory 10793
agencies, accounting and computation services, legal services and 10794
obtaining approving legal opinions and other legal opinions, 10795
credit ratings, redemption premiums, and credit enhancement 10796
facilities. Financing costs may be paid from any moneys available 10797
for the purpose, including, unless otherwise provided in the 10798
proceedings, from the proceeds of the securities to which they 10799
relate and, as to future financing costs, from the same sources 10800
from which debt charges on the securities are paid and as though 10801
debt charges. 10802

(L) "Fiscal officer" means the following, or, in the case of 10803
absence or vacancy in the office, a deputy or assistant authorized 10804
by law or charter to act in the place of the named officer, or if 10805
there is no such authorization then the deputy or assistant 10806
authorized by legislation to act in the place of the named officer 10807
for purposes of this chapter, in the case of the following 10808
subdivisions: 10809

(1) A county, the county auditor; 10810

(2) A municipal corporation, the city auditor or village 10811

clerk or clerk-treasurer, or the officer who, by virtue of a	10812
charter, has the duties and functions provided in the Revised Code	10813
for the city auditor or village clerk or clerk-treasurer;	10814
(3) A school district, the treasurer of the board of	10815
education;	10816
(4) A regional water and sewer district, the secretary of the	10817
board of trustees;	10818
(5) A joint township hospital district, the treasurer of the	10819
district;	10820
(6) A joint ambulance district, the clerk of the board of	10821
trustees;	10822
(7) A joint recreation district, the person designated	10823
pursuant to section 755.15 of the Revised Code;	10824
(8) A detention facility district or a district organized	10825
under section 2151.65 of the Revised Code or a combined district	10826
organized under sections 2152.41 and 2151.65 of the Revised Code,	10827
the county auditor of the county designated by law to act as the	10828
auditor of the district;	10829
(9) A township, a fire district organized under division (C)	10830
of section 505.37 of the Revised Code, or a township police	10831
district, the fiscal officer of the township;	10832
(10) A joint fire district, the clerk of the board of	10833
trustees of that district;	10834
(11) A regional or county library district, the person	10835
responsible for the financial affairs of that district;	10836
(12) A joint solid waste management district, the fiscal	10837
officer appointed by the board of directors of the district under	10838
section 343.01 of the Revised Code;	10839
(13) A joint emergency medical services district, the person	10840
appointed as fiscal officer pursuant to division (D) of section	10841

307.053 of the Revised Code;	10842
(14) A fire and ambulance district, the person appointed as	10843
fiscal officer under division (B) of section 505.375 of the	10844
Revised Code;	10845
(15) A subdivision described in division (MM)(19) of this	10846
section, the officer who is designated by law as or performs the	10847
functions of its chief fiscal officer;	10848
(16) A joint police district, the treasurer of the district;	10849
(17) A lake facilities authority, the fiscal officer	10850
designated under section 353.02 of the Revised Code;	10851
(18) A regional transportation improvement project, the	10852
county auditor designated under section 5595.10 of the Revised	10853
Code.	10854
(M) "Fiscal year" has the same meaning as in section 9.34 of	10855
the Revised Code.	10856
(N) "Fractionalized interests in public obligations" means	10857
participations, certificates of participation, shares, or other	10858
instruments or agreements, separate from the public obligations	10859
themselves, evidencing ownership of interests in public	10860
obligations or of rights to receive payments of, or on account of,	10861
principal or interest or their equivalents payable by or on behalf	10862
of an obligor pursuant to public obligations.	10863
(O) "Fully registered securities" means securities in	10864
certificated or uncertificated form, registered as to both	10865
principal and interest in the name of the owner.	10866
(P) "Fund" means to provide for the payment of debt charges	10867
and expenses related to that payment at or prior to retirement by	10868
purchase, call for redemption, payment at maturity, or otherwise.	10869
(Q) "General obligation" means securities to the payment of	10870
debt charges on which the full faith and credit and the general	10871

property taxing power, including taxes within the tax limitation 10872
if available to the subdivision, of the subdivision are pledged. 10873

(R) "Interest" or "interest equivalent" means those payments 10874
or portions of payments, however denominated, that constitute or 10875
represent consideration for forbearing the collection of money, or 10876
for deferring the receipt of payment of money to a future time. 10877

(S) "Internal Revenue Code" means the "Internal Revenue Code 10878
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 10879
includes any laws of the United States providing for application 10880
of that code. 10881

(T) "Issuer" means any public issuer and any nonprofit 10882
corporation authorized to issue securities for or on behalf of any 10883
public issuer. 10884

(U) "Legislation" means an ordinance or resolution passed by 10885
a majority affirmative vote of the then members of the taxing 10886
authority unless a different vote is required by charter 10887
provisions governing the passage of the particular legislation by 10888
the taxing authority. 10889

(V) "Mandatory sinking fund redemption requirements" means 10890
amounts required by proceedings to be deposited in a bond 10891
retirement fund for the purpose of paying in any year or fiscal 10892
year by mandatory redemption prior to stated maturity the 10893
principal of securities that is due and payable, except for 10894
mandatory prior redemption requirements as provided in those 10895
proceedings, in a subsequent year or fiscal year. 10896

(W) "Mandatory sinking fund requirements" means amounts 10897
required by proceedings to be deposited in a year or fiscal year 10898
in a bond retirement fund for the purpose of paying the principal 10899
of securities that is due and payable in a subsequent year or 10900
fiscal year. 10901

(X) "Net indebtedness" has the same meaning as in division 10902

(A) of section 133.04 of the Revised Code. 10903

(Y) "Obligor," in the case of securities or fractionalized 10904
interests in public obligations issued by another person the debt 10905
charges or their equivalents on which are payable from payments 10906
made by a public issuer, means that public issuer. 10907

(Z) "One purpose" relating to permanent improvements means 10908
any one permanent improvement or group or category of permanent 10909
improvements for the same utility, enterprise, system, or project, 10910
development or redevelopment project, or for or devoted to the 10911
same general purpose, function, or use or for which 10912
self-supporting securities, based on the same or different sources 10913
of revenues, may be issued or for which special assessments may be 10914
levied by a single ordinance or resolution. "One purpose" 10915
includes, but is not limited to, in any case any off-street 10916
parking facilities relating to another permanent improvement, and: 10917

(1) Any number of roads, highways, streets, bridges, 10918
sidewalks, and viaducts; 10919

(2) Any number of off-street parking facilities; 10920

(3) In the case of a county, any number of permanent 10921
improvements for courthouse, jail, county offices, and other 10922
county buildings, and related facilities; 10923

(4) In the case of a school district, any number of 10924
facilities and buildings for school district purposes, and related 10925
facilities. 10926

(AA) "Outstanding," referring to securities, means securities 10927
that have been issued, delivered, and paid for, except any of the 10928
following: 10929

(1) Securities canceled upon surrender, exchange, or 10930
transfer, or upon payment or redemption; 10931

(2) Securities in replacement of which or in exchange for 10932

which other securities have been issued; 10933

(3) Securities for the payment, or redemption or purchase for 10934
cancellation prior to maturity, of which sufficient moneys or 10935
investments, in accordance with the applicable legislation or 10936
other proceedings or any applicable law, by mandatory sinking fund 10937
redemption requirements, mandatory sinking fund requirements, or 10938
otherwise, have been deposited, and credited for the purpose in a 10939
bond retirement fund or with a trustee or paying or escrow agent, 10940
whether at or prior to their maturity or redemption, and, in the 10941
case of securities to be redeemed prior to their stated maturity, 10942
notice of redemption has been given or satisfactory arrangements 10943
have been made for giving notice of that redemption, or waiver of 10944
that notice by or on behalf of the affected security holders has 10945
been filed with the subdivision or its agent for the purpose. 10946

(BB) "Paying agent" means the one or more banks, trust 10947
companies, or other financial institutions or qualified persons, 10948
including an appropriate office or officer of the subdivision, 10949
designated as a paying agent or place of payment of debt charges 10950
on the particular securities. 10951

(CC) "Permanent improvement" or "improvement" means any 10952
property, asset, or improvement certified by the fiscal officer, 10953
which certification is conclusive, as having an estimated life or 10954
period of usefulness of five years or more, and includes, but is 10955
not limited to, real estate, buildings, and personal property and 10956
interests in real estate, buildings, and personal property, 10957
equipment, furnishings, and site improvements, and reconstruction, 10958
rehabilitation, renovation, installation, improvement, 10959
enlargement, and extension of property, assets, or improvements so 10960
certified as having an estimated life or period of usefulness of 10961
five years or more. The acquisition of all the stock ownership of 10962
a corporation is the acquisition of a permanent improvement to the 10963
extent that the value of that stock is represented by permanent 10964

improvements. A permanent improvement for parking, highway, road, 10965
and street purposes includes resurfacing, but does not include 10966
ordinary repair. 10967

(DD) "Person" has the same meaning as in section 1.59 of the 10968
Revised Code and also includes any federal, state, interstate, 10969
regional, or local governmental agency, any subdivision, and any 10970
combination of those persons. 10971

(EE) "Proceedings" means the legislation, certifications, 10972
notices, orders, sale proceedings, trust agreement or indenture, 10973
mortgage, lease, lease-purchase agreement, assignment, credit 10974
enhancement facility agreements, and other agreements, 10975
instruments, and documents, as amended and supplemented, and any 10976
election proceedings, authorizing, or providing for the terms and 10977
conditions applicable to, or providing for the security or sale or 10978
award of, public obligations, and includes the provisions set 10979
forth or incorporated in those public obligations and proceedings. 10980

(FF) "Public issuer" means any of the following that is 10981
authorized by law to issue securities or enter into public 10982
obligations: 10983

(1) The state, including an agency, commission, officer, 10984
institution, board, authority, or other instrumentality of the 10985
state; 10986

(2) A taxing authority, subdivision, district, or other local 10987
public or governmental entity, and any combination or consortium, 10988
or public division, district, commission, authority, department, 10989
board, officer, or institution, thereof; 10990

(3) Any other body corporate and politic, or other public 10991
entity. 10992

(GG) "Public obligations" means both of the following: 10993

(1) Securities; 10994

(2) Obligations of a public issuer to make payments under 110995
installment sale, lease, lease purchase, or similar agreements, 110996
which obligations may bear interest or interest equivalent. 110997

(HH) "Refund" means to fund and retire outstanding 110998
securities, including advance refunding with or without payment or 110999
redemption prior to maturity. 11000

(II) "Register" means the books kept and maintained by the 11001
registrar for registration, exchange, and transfer of registered 11002
securities. 11003

(JJ) "Registrar" means the person responsible for keeping the 11004
register for the particular registered securities, designated by 11005
or pursuant to the proceedings. 11006

(KK) "Securities" means bonds, notes, certificates of 11007
indebtedness, commercial paper, and other instruments in writing, 11008
including, unless the context does not admit, anticipatory 11009
securities, issued by an issuer to evidence its obligation to 11010
repay money borrowed, or to pay interest, by, or to pay at any 11011
future time other money obligations of, the issuer of the 11012
securities, but not including public obligations described in 11013
division (GG)(2) of this section. 11014

(LL) "Self-supporting securities" means securities or 11015
portions of securities issued for the purpose of paying costs of 11016
permanent improvements to the extent that receipts of the 11017
subdivision, other than the proceeds of taxes levied by that 11018
subdivision, derived from or with respect to the improvements or 11019
the operation of the improvements being financed, or the 11020
enterprise, system, project, or category of improvements of which 11021
the improvements being financed are part, are estimated by the 11022
fiscal officer to be sufficient to pay the current expenses of 11023
that operation or of those improvements or enterprise, system, 11024
project, or categories of improvements and the debt charges 11025

payable from those receipts on securities issued for the purpose. 11026
Until such time as the improvements or increases in rates and 11027
charges have been in operation or effect for a period of at least 11028
six months, the receipts therefrom, for purposes of this 11029
definition, shall be those estimated by the fiscal officer, except 11030
that those receipts may include, without limitation, payments made 11031
and to be made to the subdivision under leases or agreements in 11032
effect at the time the estimate is made. In the case of an 11033
operation, improvements, or enterprise, system, project, or 11034
category of improvements without at least a six-month history of 11035
receipts, the estimate of receipts by the fiscal officer, other 11036
than those to be derived under leases and agreements then in 11037
effect, shall be confirmed by the taxing authority. 11038

(MM) "Subdivision" means any of the following: 11039

(1) A county, including a county that has adopted a charter 11040
under Article X, Ohio Constitution; 11041

(2) A municipal corporation, including a municipal 11042
corporation that has adopted a charter under Article XVIII, Ohio 11043
Constitution; 11044

(3) A school district; 11045

(4) A regional water and sewer district organized under 11046
Chapter 6119. of the Revised Code; 11047

(5) A joint township hospital district organized under 11048
section 513.07 of the Revised Code; 11049

(6) A joint ambulance district organized under section 505.71 11050
of the Revised Code; 11051

(7) A joint recreation district organized under division (C) 11052
of section 755.14 of the Revised Code; 11053

(8) A detention facility district organized under section 11054
2152.41, a district organized under section 2151.65, or a combined 11055

district organized under sections 2152.41 and 2151.65 of the	11056
Revised Code;	11057
(9) A township police district organized under section 505.48	11058
of the Revised Code;	11059
(10) A township;	11060
(11) A joint fire district organized under section 505.371 of	11061
the Revised Code;	11062
(12) A county library district created under section 3375.19	11063
or a regional library district created under section 3375.28 of	11064
the Revised Code;	11065
(13) A joint solid waste management district organized under	11066
section 343.01 or 343.012 of the Revised Code;	11067
(14) A joint emergency medical services district organized	11068
under section 307.052 of the Revised Code;	11069
(15) A fire and ambulance district organized under section	11070
505.375 of the Revised Code;	11071
(16) A fire district organized under division (C) of section	11072
505.37 of the Revised Code;	11073
(17) A joint police district organized under section 505.482	11074
of the Revised Code;	11075
(18) A lake facilities authority created under Chapter 353.	11076
of the Revised Code;	11077
(19) A regional transportation improvement project created	11078
under Chapter 5595. of the Revised Code;	11079
(20) Any other political subdivision or taxing district or	11080
other local public body or agency authorized by this chapter or	11081
other laws to issue Chapter 133. securities.	11082
(NN) "Taxing authority" means in the case of the following	11083
subdivisions:	11084

- (1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district; 11085
11086
11087
11088
11089
11090
- (2) A municipal corporation, the legislative authority; 11091
- (3) A school district, the board of education; 11092
- (4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district; 11093
11094
11095
11096
- (5) A joint township hospital district, the joint township hospital board; 11097
11098
- (6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners; 11099
11100
11101
11102
11103
- (7) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the board of township trustees; 11104
11105
11106
- (8) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code, the board of directors of the district; 11107
11108
11109
- (9) A subdivision described in division (MM)(19) of this section, the legislative or governing body or official; 11110
11111
- (10) A joint police district, the joint police district board; 11112
11113
- (11) A lake facilities authority, the board of directors; 11114

(12) A regional transportation improvement project, the 11115
governing board. 11116

(00) "Tax limitation" means the "ten-mill limitation" as 11117
defined in section 5705.02 of the Revised Code without diminution 11118
by reason of section 5705.313 of the Revised Code or otherwise, 11119
or, in the case of a municipal corporation or county with a 11120
different charter limitation on property taxes levied to pay debt 11121
charges on unvoted securities, that charter limitation. Those 11122
limitations shall be respectively referred to as the "ten-mill 11123
limitation" and the "charter tax limitation." 11124

(PP) "Tax valuation" means the aggregate of the valuations of 11125
property subject to ad valorem property taxation by the 11126
subdivision on the real property, personal property, and public 11127
utility property tax lists and duplicates most recently certified 11128
for collection, and shall be calculated without deductions of the 11129
valuations of otherwise taxable property exempt in whole or in 11130
part from taxation by reason of exemptions of certain amounts of 11131
taxable value under division (C) of section 5709.01, tax 11132
reductions under section 323.152 of the Revised Code, or similar 11133
laws now or in the future in effect. 11134

For purposes of section 133.06 of the Revised Code, "tax 11135
valuation" shall not include the valuation of tangible personal 11136
property used in business, telephone or telegraph property, 11137
interexchange telecommunications company property, or personal 11138
property owned or leased by a railroad company and used in 11139
railroad operations listed under or described in section 5711.22, 11140
division (B) or (F) of section 5727.111, or section 5727.12 of the 11141
Revised Code. 11142

(QQ) "Year" means the calendar year. 11143

(RR) "Administrative agent," "agent," "commercial paper," 11144
"floating rate interest structure," "indexing agent," "interest 11145

rate hedge," "interest rate period," "put arrangement," and 11146
"remarketing agent" have the same meanings as in section 9.98 of 11147
the Revised Code. 11148

(SS) "Sales tax supported" means obligations to the payment 11149
of debt charges on which an additional sales tax or additional 11150
sales taxes have been pledged by the taxing authority of a county 11151
pursuant to section 133.081 of the Revised Code. 11152

(TT) "Tourism development district revenue supported" means 11153
obligations to the payment of debt charges on which tourism 11154
development district revenue has been pledged by the taxing 11155
authority of a municipal corporation or township under section 11156
133.083 of the Revised Code. 11157

Sec. 133.04. (A) As used in this chapter, "net indebtedness" 11158
means, as determined pursuant to this section, the principal 11159
amount of the outstanding securities of a subdivision less the 11160
amount held in a bond retirement fund to the extent such amount is 11161
not taken into account in determining the principal amount 11162
outstanding under division (AA) of section 133.01 of the Revised 11163
Code. For purposes of this definition, the principal amount of 11164
outstanding securities includes the principal amount of 11165
outstanding securities of another subdivision apportioned to the 11166
subdivision as a result of acquisition of territory, and excludes 11167
the principal amount of outstanding securities of the subdivision 11168
apportioned to another subdivision as a result of loss of 11169
territory and the payment or reimbursement obligations of the 11170
subdivision under credit enhancement facilities relating to 11171
outstanding securities. 11172

(B) In calculating the net indebtedness of a subdivision, 11173
none of the following securities, including anticipatory 11174
securities issued in anticipation of their issuance, shall be 11175
considered: 11176

(1) Securities issued in anticipation of the levy or	11177
collection of special assessments, either in original or refunded	11178
form;	11179
(2) Securities issued in anticipation of the collection of	11180
current revenues for the fiscal year or other period not to exceed	11181
twelve consecutive months, or securities issued in anticipation of	11182
the collection of the proceeds from a specifically identified	11183
voter-approved tax levy;	11184
(3) Securities issued for purposes described in section	11185
133.12 of the Revised Code;	11186
(4) Securities issued under Chapter 122., 140., 165., 725.,	11187
or 761. or section 131.23 of the Revised Code;	11188
(5) Securities issued to pay final judgments or	11189
court-approved settlements under authorizing laws and securities	11190
issued under section 2744.081 of the Revised Code;	11191
(6) Securities issued to pay costs of permanent improvements	11192
to the extent they are issued in anticipation of the receipt of,	11193
and are payable as to principal from, federal or state grants or	11194
distributions for, or legally available for, that principal or for	11195
the costs of those permanent improvements;	11196
(7) Securities issued to evidence loans from the state	11197
capital improvements fund pursuant to Chapter 164. of the Revised	11198
Code or from the state infrastructure bank pursuant to section	11199
5531.09 of the Revised Code;	11200
(8) That percentage of the principal amount of general	11201
obligation securities issued by a county, township, or municipal	11202
corporation to pay the costs of permanent improvements equal to	11203
the percentage of the debt charges on those securities payable	11204
during the current fiscal year that the fiscal officer estimates	11205
can be paid during the current fiscal year from payments in lieu	11206
of taxes under section 1728.11, 1728.111, 5709.42, 5709.74, or	11207

5709.79 of the Revised Code, and that the legislation authorizing 11208
the issuance of the securities pledges or covenants will be used 11209
for the payment of those debt charges; provided that the amount 11210
excluded from consideration under division (B)(8) of this section 11211
shall not exceed the lesser of thirty million dollars or one-half 11212
per cent of the subdivision's tax valuation in the case of a 11213
county or township, or one and one-tenth per cent of the 11214
subdivision's tax valuation in the case of a municipal 11215
corporation; 11216

(9) Securities issued in an amount equal to the property tax 11217
replacement payments received under section 5727.85 or 5727.86 of 11218
the Revised Code; 11219

(10) Securities issued in an amount equal to the property tax 11220
replacement payments received under section 5751.21 or 5751.22 of 11221
the Revised Code; 11222

(11) Other securities, including self-supporting securities, 11223
excepted by law from the calculation of net indebtedness or from 11224
the application of this chapter; 11225

(12) Securities issued under section 133.083 of the Revised 11226
Code for the purpose of acquiring, constructing, improving, or 11227
equipping any permanent improvement to the extent that the 11228
legislation authorizing the issuance pledges tourism development 11229
district revenue to the payment of debt charges on the securities 11230
and contains a covenant to appropriate from tourism development 11231
district revenue a sufficient amount to cover debt charges or the 11232
financing costs related to the securities as they become due; 11233

(13) Any other securities outstanding on October 30, 1989, 11234
and then excepted from the calculation of net indebtedness or from 11235
the application of this chapter, and securities issued at any time 11236
to fund or refund those securities. 11237

Sec. 133.05. (A) A municipal corporation shall not incur net 11238
indebtedness that exceeds an amount equal to ten and one-half per 11239
cent of its tax valuation, or incur without a vote of the electors 11240
net indebtedness that exceeds an amount equal to five and one-half 11241
per cent of that tax valuation. 11242

(B) In calculating the net indebtedness of a municipal 11243
corporation, none of the following securities shall be considered: 11244

(1) Self-supporting securities issued for any purposes 11245
including, without limitation, any of the following general 11246
purposes: 11247

(a) Water systems or facilities; 11248

(b) Sanitary sewerage systems or facilities, or surface and 11249
storm water drainage and sewerage systems or facilities, or a 11250
combination of those systems or facilities; 11251

(c) Electric plants and facilities and steam or cogeneration 11252
facilities that generate or supply electricity, or steam and 11253
electrical or steam distribution systems and lines; 11254

(d) Airports or landing fields or facilities; 11255

(e) Railroads, rapid transit, and other mass transit systems; 11256

(f) Off-street parking lots, facilities, or buildings, or 11257
on-street parking facilities, or any combination of off-street and 11258
on-street parking facilities; 11259

(g) Facilities for the care or treatment of the sick or 11260
infirm, and for housing the persons providing such care or 11261
treatment and their families; 11262

(h) Solid waste or hazardous waste collection or disposal 11263
facilities, or resource recovery and solid or hazardous waste 11264
recycling facilities, or any combination of those facilities; 11265

(i) Urban redevelopment projects; 11266

(j) Recreational, sports, convention, auditorium, museum,	11267
trade show, and other public attraction facilities;	11268
(k) Facilities for natural resources exploration,	11269
development, recovery, use, and sale;	11270
(l) Correctional and detention facilities, including	11271
multicounty-municipal jails, and related rehabilitation	11272
facilities.	11273
(2) Securities issued for the purpose of purchasing,	11274
constructing, improving, or extending water or sanitary or surface	11275
and storm water sewerage systems or facilities, or a combination	11276
of those systems or facilities, to the extent that an agreement	11277
entered into with another subdivision requires the other	11278
subdivision to pay to the municipal corporation amounts equivalent	11279
to debt charges on the securities;	11280
(3) Securities issued under order of the director of health	11281
or director of environmental protection under section 6109.18 of	11282
the Revised Code;	11283
(4) Securities issued under Section 3, 10, or 12 of Article	11284
XVIII, Ohio Constitution;	11285
(5) Securities that are not general obligations of the	11286
municipal corporation;	11287
(6) Voted securities issued for the purposes of urban	11288
redevelopment to the extent that their principal amount does not	11289
exceed an amount equal to two per cent of the tax valuation of the	11290
municipal corporation;	11291
(7) Unvoted general obligation securities to the extent that	11292
the legislation authorizing them includes covenants to appropriate	11293
annually from lawfully available municipal income taxes or other	11294
municipal excises or taxes, including taxes referred to in section	11295
701.06 of the Revised Code but not including ad valorem property	11296

taxes, and to continue to levy and collect those municipal income 11297
taxes or other applicable excises or taxes in, amounts necessary 11298
to meet the debt charges on those securities, which covenants are 11299
hereby authorized; 11300

(8) Self-supporting securities issued prior to July 1, 1977, 11301
under this chapter for the purpose of municipal university 11302
residence halls to the extent that revenues of the successor state 11303
university allocated to debt charges on those securities, from 11304
sources other than municipal excises and taxes, are sufficient to 11305
pay those debt charges; 11306

(9) Securities issued for the purpose of acquiring or 11307
constructing roads, highways, bridges, or viaducts, for the 11308
purpose of acquiring or making other highway permanent 11309
improvements, or for the purpose of procuring and maintaining 11310
computer systems for the office of the clerk of the municipal 11311
court to the extent that the legislation authorizing the issuance 11312
of the securities includes a covenant to appropriate from money 11313
distributed to the municipal corporation pursuant to Chapter 11314
4501., 4503., 4504., or 5735. of the Revised Code a sufficient 11315
amount to cover debt charges on and financing costs relating to 11316
the securities as they become due; 11317

(10) Securities issued for the purpose of providing some or 11318
all of the funds required to satisfy the municipal corporation's 11319
obligation under an agreement with the board of trustees of the 11320
Ohio police and fire pension fund under section 742.30 of the 11321
Revised Code; 11322

(11) Securities issued for the acquisition, construction, 11323
equipping, and improving of a municipal educational and cultural 11324
facility under division (B)(2) of section 307.672 of the Revised 11325
Code; 11326

(12) Securities issued for energy conservation measures under 11327

section 717.02 of the Revised Code; 11328

(13) Securities that are obligations issued to pay costs of a 11329
sports facility under section 307.673 of the Revised Code; 11330

(14) Securities issued under section 133.083 of the Revised 11331
Code for the purpose of acquiring, constructing, improving, or 11332
equipping any permanent improvement to the extent that the 11333
legislation authorizing the issuance pledges tourism development 11334
district revenue to the payment of debt charges on the securities 11335
and contains a covenant to appropriate from tourism development 11336
district revenue a sufficient amount to cover debt charges or the 11337
financing costs related to the securities as they become due. 11338

(C) In calculating the net indebtedness of a municipal 11339
corporation, no obligation incurred under section 749.081 of the 11340
Revised Code shall be considered. 11341

Sec. 133.07. (A) A county shall not incur, without a vote of 11342
the electors, either of the following: 11343

(1) Net indebtedness for all purposes that exceeds an amount 11344
equal to one per cent of its tax valuation; 11345

(2) Net indebtedness for the purpose of paying the county's 11346
share of the cost of the construction, improvement, maintenance, 11347
or repair of state highways that exceeds an amount equal to 11348
one-half of one per cent of its tax valuation. 11349

(B) A county shall not incur total net indebtedness that 11350
exceeds an amount equal to one of the following limitations that 11351
applies to the county: 11352

(1) A county with a valuation not exceeding one hundred 11353
million dollars, three per cent of that tax valuation; 11354

(2) A county with a tax valuation exceeding one hundred 11355
million dollars but not exceeding three hundred million dollars, 11356
three million dollars plus one and one-half per cent of that tax 11357

valuation in excess of one hundred million dollars; 11358

(3) A county with a tax valuation exceeding three hundred 11359
million dollars, six million dollars plus two and one-half per 11360
cent of that tax valuation in excess of three hundred million 11361
dollars. 11362

(C) In calculating the net indebtedness of a county, none of 11363
the following securities shall be considered: 11364

(1) Securities described in section 307.201 of the Revised 11365
Code; 11366

(2) Self-supporting securities issued for any purposes, 11367
including, but not limited to, any of the following general 11368
purposes: 11369

(a) Water systems or facilities; 11370

(b) Sanitary sewerage systems or facilities, or surface and 11371
storm water drainage and sewerage systems or facilities, or a 11372
combination of those systems or facilities; 11373

(c) County or joint county scrap tire collection, storage, 11374
monocell, monofill, or recovery facilities, or any combination of 11375
those facilities; 11376

(d) Off-street parking lots, facilities, or buildings, or 11377
on-street parking facilities, or any combination of off-street and 11378
on-street parking facilities; 11379

(e) Facilities for the care or treatment of the sick or 11380
infirm, and for housing the persons providing that care or 11381
treatment and their families; 11382

(f) Recreational, sports, convention, auditorium, museum, 11383
trade show, and other public attraction facilities; 11384

(g) Facilities for natural resources exploration, 11385
development, recovery, use, and sale; 11386

(h) Correctional and detention facilities and related 11387
rehabilitation facilities. 11388

(3) Securities issued for the purpose of purchasing, 11389
constructing, improving, or extending water or sanitary or surface 11390
and storm water sewerage systems or facilities, or a combination 11391
of those systems or facilities, to the extent that an agreement 11392
entered into with another subdivision requires the other 11393
subdivision to pay to the county amounts equivalent to debt 11394
charges on the securities; 11395

(4) Voted general obligation securities issued for the 11396
purpose of permanent improvements for sanitary sewerage or water 11397
systems or facilities to the extent that the total principal 11398
amount of voted securities outstanding for the purpose does not 11399
exceed an amount equal to two per cent of the county's tax 11400
valuation; 11401

(5) Securities issued for permanent improvements to house 11402
agencies, departments, boards, or commissions of the county or of 11403
any municipal corporation located, in whole or in part, in the 11404
county, to the extent that the revenues, other than revenues from 11405
unvoted county property taxes, derived from leases or other 11406
agreements between the county and those agencies, departments, 11407
boards, commissions, or municipal corporations relating to the use 11408
of the permanent improvements are sufficient to cover the cost of 11409
all operating expenses of the permanent improvements paid by the 11410
county and debt charges on the securities; 11411

(6) Securities issued pursuant to section 133.08 of the 11412
Revised Code; 11413

(7) Securities issued for the purpose of acquiring or 11414
constructing roads, highways, bridges, or viaducts, for the 11415
purpose of acquiring or making other highway permanent 11416
improvements, or for the purpose of procuring and maintaining 11417

computer systems for the office of the clerk of any 11418
county-operated municipal court, for the office of the clerk of 11419
the court of common pleas, or for the office of the clerk of the 11420
probate, juvenile, or domestic relations division of the court of 11421
common pleas to the extent that the legislation authorizing the 11422
issuance of the securities includes a covenant to appropriate from 11423
moneys distributed to the county pursuant to division (B) of 11424
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 11425
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 11426
sufficient amount to cover debt charges on and financing costs 11427
relating to the securities as they become due; 11428

(8) Securities issued for the purpose of acquiring, 11429
constructing, improving, and equipping a county, multicounty, or 11430
multicounty-municipal jail, workhouse, juvenile detention 11431
facility, or correctional facility; 11432

(9) Securities issued for the acquisition, construction, 11433
equipping, or repair of any permanent improvement or any class or 11434
group of permanent improvements enumerated in a resolution adopted 11435
pursuant to division (D) of section 5739.026, or under division 11436
(A)(10) of section 5739.09, of the Revised Code to the extent that 11437
the legislation authorizing the issuance of the securities 11438
includes a covenant to appropriate from moneys received from the 11439
taxes authorized under section 5739.023 and division (A)(5) of 11440
section 5739.026, or under division (A)(10) of section 5739.09, of 11441
the Revised Code, respectively, an amount sufficient to pay debt 11442
charges on the securities and those moneys shall be pledged for 11443
that purpose; 11444

(10) Securities issued for county or joint county solid waste 11445
or hazardous waste collection, transfer, or disposal facilities, 11446
or resource recovery and solid or hazardous waste recycling 11447
facilities, or any combination of those facilities; 11448

(11) Securities issued for the acquisition, construction, and 11449

equipping of a port authority educational and cultural facility	11450
under section 307.671 of the Revised Code;	11451
(12) Securities issued for the acquisition, construction,	11452
equipping, and improving of a municipal educational and cultural	11453
facility under division (B)(1) of section 307.672 of the Revised	11454
Code;	11455
(13) Securities issued for energy conservation measures under	11456
section 307.041 of the Revised Code;	11457
(14) Securities issued for the acquisition, construction,	11458
equipping, improving, or repair of a sports facility, including	11459
obligations issued to pay costs of a sports facility under section	11460
307.673 of the Revised Code;	11461
(15) Securities issued under section 755.17 of the Revised	11462
Code if the legislation authorizing issuance of the securities	11463
includes a covenant to appropriate from revenue received from a	11464
tax authorized under division (A)(5) of section 5739.026 and	11465
section 5741.023 of the Revised Code an amount sufficient to pay	11466
debt charges on the securities, and the board of county	11467
commissioners pledges that revenue for that purpose, pursuant to	11468
section 755.171 of the Revised Code;	11469
(16) Sales tax supported bonds issued pursuant to section	11470
133.081 of the Revised Code for the purpose of acquiring,	11471
constructing, improving, or equipping any permanent improvement to	11472
the extent that the legislation authorizing the issuance of the	11473
sales tax supported bonds pledges county sales taxes to the	11474
payment of debt charges on the sales tax supported bonds and	11475
contains a covenant to appropriate from county sales taxes a	11476
sufficient amount to cover debt charges or the financing costs	11477
related to the sales tax supported bonds as they become due;	11478
(17) Bonds or notes issued under section 133.60 of the	11479
Revised Code if the legislation authorizing issuance of the bonds	11480

or notes includes a covenant to appropriate from revenue received 11481
from a tax authorized under division (A)(9) of section 5739.026 11482
and section 5741.023 of the Revised Code an amount sufficient to 11483
pay the debt charges on the bonds or notes, and the board of 11484
county commissioners pledges that revenue for that purpose; 11485

(18) Securities issued under section 3707.55 of the Revised 11486
Code for the acquisition of real property by a general health 11487
district; 11488

(19) Securities issued under division (A)(3) of section 11489
3313.37 of the Revised Code for the acquisition of real and 11490
personal property by an educational service center; 11491

(20) Securities issued for the purpose of paying the costs of 11492
acquiring, constructing, reconstructing, renovating, 11493
rehabilitating, expanding, adding to, equipping, furnishing, or 11494
otherwise improving an arena, convention center, or a combination 11495
of an arena and convention center under section 307.695 of the 11496
Revised Code; 11497

(21) Securities issued for the purpose of paying project 11498
costs under section 307.678 of the Revised Code; 11499

(22) Securities issued for the purpose of paying project 11500
costs under section 307.679 of the Revised Code. 11501

(D) In calculating the net indebtedness of a county, no 11502
obligation incurred under division (F) of section 339.06 of the 11503
Revised Code shall be considered. 11504

Sec. 133.083. (A) As used in this section: 11505

(1) "Anticipation notes" means notes issued in anticipation 11506
of the tourism development district revenue supported bonds 11507
authorized by this section. 11508

(2) "Authorizing proceedings" means the resolution, 11509
legislation, trust agreement, certification, and other agreements, 11510

instruments, and documents, as amended and supplemented, 11511
authorizing, or providing for the security or sale or award of, 11512
tourism development district revenue supported bonds, and includes 11513
the provisions set forth or incorporated in those bonds and 11514
proceedings. 11515

(3) "Tourism development district revenue" means revenue 11516
received by the taxing authority of a municipal corporation or 11517
township under section 5739.213 of the Revised Code or from a tax 11518
levied pursuant to section 503.57 or 5739.101 of the Revised Code, 11519
from fees imposed pursuant to division (C) of section 503.56 or 11520
division (C) of section 715.014 of the Revised Code, and, in the 11521
case of a municipal corporation, a tax levied on amounts received 11522
for admission to any place to the extent of the revenue therefrom 11523
is required to be used to foster and develop tourism in a tourism 11524
development district. 11525

(4) "Tourism development district revenue supported bonds" 11526
means the tourism development district revenue supported bonds 11527
authorized by this section, including anticipation notes. 11528

(5) "Refunding bonds" means tourism development district 11529
revenue supported bonds issued to provide for the refunding of the 11530
tourism development district revenue supported bonds referred to 11531
in this section as refunded obligations. 11532

(6) "Tourism development district" means an area designated 11533
by a township or municipal corporation under section 503.56 or 11534
715.014 of the Revised Code. 11535

(B) The taxing authority of a municipal corporation or 11536
township that is receiving tourism development district revenue, 11537
for the purpose of fostering and developing tourism within the 11538
tourism development district, may anticipate such revenue and 11539
issue tourism development district revenue supported bonds of the 11540
municipal corporation or township in the principal amount 11541

necessary to pay the costs of financing any permanent improvement, 11542
or to refund any refunded obligations, provided that the taxing 11543
authority certifies that the annual debt charges on the tourism 11544
development district revenue supported bonds, or on the tourism 11545
development district revenue supported bonds being anticipated by 11546
anticipation notes, do not exceed the estimated annual tourism 11547
development district revenue. The maximum aggregate amount of 11548
tourism development district revenue supported bonds that may be 11549
outstanding at any time in accordance with their terms shall not 11550
exceed an amount which requires or is estimated to require 11551
payments from tourism development district revenue of debt charges 11552
on the tourism development district revenue supported bonds, or, 11553
in the case of anticipation notes, projected debt charges on the 11554
tourism development district revenue supported bonds anticipated, 11555
in any calendar year in an amount exceeding tourism development 11556
district revenue in anticipation of which the bonds or 11557
anticipation notes are issued as estimated by the fiscal officer 11558
based on tourism development district revenue averaged for the two 11559
calendar years prior to the year in which the tourism development 11560
district revenue supported bonds are issued, and annualized for 11561
any increase in any tax levied pursuant to section 505.57 or 11562
5739.101 of the Revised Code during such period or levied after 11563
such period. A taxing authority may at any time issue renewal 11564
anticipation notes, issue tourism development district revenue 11565
supported bonds to pay renewal anticipation notes, and, if it 11566
considers refunding expedient, issue refunding tourism development 11567
district revenue supported bonds whether the refunded obligations 11568
have or have not matured. The refunding tourism development 11569
district revenue supported bonds shall be sold and the proceeds 11570
needed for such purpose applied in the manner provided in the 11571
authorizing proceedings of the taxing authority. 11572

The maximum maturity of tourism development district revenue 11573
supported bonds shall be calculated by the fiscal officer in 11574

accordance with section 133.20 of the Revised Code, and that 11575
calculation shall be filed with the taxing authority before 11576
adoption of the ordinance or resolution authorizing the issuance. 11577
If the tourism development district revenue pledged to the payment 11578
of the tourism development district revenue supported bonds has a 11579
stated expiration date, the final principal maturity date of the 11580
tourism development district revenue supported bonds shall not 11581
extend beyond the final year of collection of the tourism 11582
development district revenue pledged to the payment of the tourism 11583
development district revenue supported bonds. 11584

(C) Every issue of tourism development district revenue 11585
supported bonds outstanding in accordance with their terms shall 11586
be payable out of the tourism development district revenue 11587
received by the municipal corporation or township or proceeds of 11588
tourism development district revenue supported bonds, renewal 11589
anticipation notes, or refunding tourism development district 11590
revenue supported bonds that may be pledged for such payment in 11591
the authorizing proceedings. The pledge shall be valid and binding 11592
from the time the pledge is made, and the tourism development 11593
district revenue so pledged and thereafter received by the 11594
municipal corporation or township shall immediately be subject to 11595
the lien of that pledge without any physical delivery of the 11596
tourism development district revenue or proceeds or further act. 11597
The lien of any pledge is valid and binding as against all parties 11598
having claims of any kind in tort, contract, or otherwise against 11599
the municipal corporation or township, whether or not such parties 11600
have notice of the lien. Neither the resolution nor any trust 11601
agreement by which a pledge is created or further evidenced need 11602
be filed or recorded except in the records of the taxing 11603
authority. 11604

(D) Tourism development district revenue supported bonds 11605
issued under this section do not constitute a general obligation 11606

debt, or a pledge of the full faith and credit, of the state, or 11607
any political subdivision of the state, and the holders or owners 11608
of the bonds have no right to have taxes levied by the general 11609
assembly or property taxes levied by the taxing authority of any 11610
political subdivision of the state for the payment of debt 11611
charges. Unless paid from other sources, tourism development 11612
district revenue supported bonds are payable from the tourism 11613
development district revenue pledged for their payment as 11614
authorized by this section. All tourism development district 11615
revenue supported bonds shall contain on their face a statement to 11616
the effect that the tourism development district revenue supported 11617
bonds, as to debt charges, are not debts or obligations of the 11618
state and are not general obligation debts of any political 11619
subdivision of the state, but, unless paid from other sources, are 11620
payable from the tourism development district revenue pledged for 11621
their payment. The utilization and pledge of the tourism 11622
development district revenue and proceeds of tourism development 11623
district revenue supported bonds, renewal anticipation notes, or 11624
refunding tourism development district revenue supported bonds for 11625
the payment of debt charges is determined by the general assembly 11626
to create a special obligation. 11627

(E) The tourism development district revenue supported bonds 11628
shall bear such date or dates, shall be executed in the manner, 11629
and shall mature at such time or times, in the case of any 11630
anticipation notes not exceeding ten years from the date of issue 11631
of the original anticipation notes and in the case of any tourism 11632
development district revenue supported bonds or of any refunding 11633
tourism development district revenue supported bonds, not 11634
exceeding the maximum maturity certified to the taxing authority 11635
pursuant to division (B) of this section, all as the authorizing 11636
proceedings may provide. The tourism development district revenue 11637
supported bonds shall bear interest at such rates, or at variable 11638
rate or rates changing from time to time, in accordance with 11639

provisions in the authorizing proceedings, be in such 11640
denominations and form, either coupon or registered, carry such 11641
registration privileges, be payable in such medium of payment and 11642
at such place or places, and be subject to such terms of 11643
redemption, as the taxing authority may authorize or provide. The 11644
tourism development district revenue supported bonds may be sold 11645
at public or private sale, and at, or at not less than, the price 11646
or prices as the taxing authority determines. If any officer whose 11647
signature or a facsimile of whose signature appears on any tourism 11648
development district revenue supported bonds or coupons ceases to 11649
be such officer before delivery of the tourism development 11650
district revenue supported bonds or anticipation notes, the 11651
signature or facsimile shall nevertheless be sufficient for all 11652
purposes as if that officer had remained in office until delivery 11653
of the tourism development district revenue supported bonds. 11654
Whether or not the tourism development district revenue supported 11655
bonds are of such form and character as to be negotiable 11656
instruments under Title XIII of the Revised Code, the tourism 11657
development district revenue supported bonds shall have all the 11658
qualities and incidents of negotiable instruments, subject only to 11659
any provisions for registration. Neither the members of the taxing 11660
authority nor any person executing the tourism development 11661
district revenue supported bonds shall be liable personally on the 11662
tourism development district revenue supported bonds or be subject 11663
to any personal liability or accountability by reason of their 11664
issuance. 11665

(F) Notwithstanding any other provision of this section, 11666
sections 9.98 to 9.983, 133.02, 133.70, and 5709.76, and division 11667
(A) of section 133.03 of the Revised Code apply to the tourism 11668
development district revenue supported bonds. Tourism development 11669
district revenue supported bonds issued under this section need 11670
not comply with any other law applicable to notes or bonds but the 11671
authorizing proceedings may provide that divisions (B) to (E) of 11672

section 133.25 of the Revised Code apply to the tourism 11673
development district revenue supported bonds or anticipation 11674
notes. 11675

(G) Any authorized proceedings may contain provisions, 11676
subject to any agreements with holders as may then exist, which 11677
shall be a part of the contract with the holders, as to the 11678
pledging of any or all of the municipal corporation's or 11679
township's anticipated tourism development district revenue to 11680
secure the payment of the tourism development district revenue 11681
supported bonds; the use and disposition of the tourism 11682
development district revenue; the crediting of the proceeds of the 11683
sale of tourism development district revenue supported bonds to 11684
and among the funds referred to or provided for in the authorizing 11685
proceedings; limitations on the purpose to which the proceeds of 11686
the tourism development district revenue supported bonds may be 11687
applied and the pledging of portions of such proceeds to secure 11688
the payment of the tourism development district revenue supported 11689
bonds or of anticipation notes; the agreement of the municipal 11690
corporation or township to do all things necessary for the 11691
authorization, issuance, and sale of those notes anticipated in 11692
such amounts as may be necessary for the timely payment of debt 11693
charges on any anticipation notes; limitations on the issuance of 11694
additional tourism development district revenue supported bonds; 11695
the terms upon which additional tourism development district 11696
revenue supported bonds may be issued and secured; the refunding 11697
of refunded obligations; the procedure by which the terms of any 11698
contract with holders may be amended, and the manner in which any 11699
required consent to amend may be given; securing any tourism 11700
development district revenue supported bonds by a trust agreement 11701
or other agreement; and any other matters, of like or different 11702
character, that in any way affect the security or protection of 11703
the tourism development district revenue supported bonds or 11704
anticipation notes. 11705

(H) The taxing authority of a municipal corporation or township may not repeal, rescind, or reduce any portion of a tax pledged to the payment of debt charges on tourism development district revenue supported bonds while such bonds remain outstanding, and no portion of tourism development district revenue pledged to the payment of debt charges on such bonds shall be subject to repeal or reduction by the electorate of the taxing authority while the bonds are outstanding.

Sec. 133.34. (A) Upon the determination of the taxing authority that such funding or refunding will be in the subdivision's best interest, the subdivision may:

(1) Issue general obligation securities to fund or refund any outstanding revenue or mortgage revenue, sales tax supported, or other special obligation securities previously issued by it for permanent improvements pursuant to authorization by law or the Ohio Constitution. Any general obligation bonds issued pursuant to this division (A)(1) shall be payable as to principal at such times and in such installments as determined by the taxing authority consistent with section 133.21 of the Revised Code, ~~but~~ their. The last maturity of the refunding securities shall not be later than thirty the later of:

(a) Thirty years from the date of issuance of the original securities issued for the original purpose; or

(b) The year of the last maturity that would have been permitted for the original securities if they had been issued as general obligation securities and the law as to the maximum maturity of general obligation securities issued for the original purpose were the same at the time the original securities were issued as the law existing at the time the refunding securities are issued.

(2) Issue revenue or mortgage revenue securities, if

authorized by other law or the Ohio Constitution to issue such 11737
securities for the original purpose, to fund or refund any 11738
outstanding general obligation or sales tax supported securities 11739
previously issued by it pursuant to authorization by law. The 11740
taxing authority shall establish the maturity date or dates, the 11741
interest payable, and other terms of such securities as it 11742
considers necessary or appropriate for their issuance. 11743

(3) Issue general obligation securities to fund or refund 11744
outstanding general obligation bonds issued in one or more issues 11745
for any purpose or purposes. General obligation securities issued 11746
pursuant to this division (A)(3) shall be payable as to principal 11747
at such times and in such installments as determined by the taxing 11748
authority. Section 133.21 of the Revised Code is not applicable to 11749
these refunding securities, but the last maturity of these 11750
refunding securities shall not be later than the year of last 11751
maturity permitted by law for the general obligation bonds 11752
refunded. Tax levies for debt charges on the refunding general 11753
obligation securities shall be considered to have the same status 11754
with respect to the provisions of the applicable tax limitation as 11755
the levies for debt charges on, and the refunding general 11756
obligation securities shall be considered to have the same status 11757
with respect to net indebtedness limitations as, the general 11758
obligation bonds that are refunded. 11759

(4) Issue sales tax supported or other special obligation 11760
securities to fund or refund any outstanding general obligation 11761
securities, or revenue or mortgage revenue ~~or general obligation,~~ 11762
sales tax supported, or other special obligation securities 11763
previously issued by it for permanent improvements pursuant to 11764
authorization by law or the Ohio Constitution. Any sales tax 11765
supported bonds issued pursuant to this division (A)(4) shall be 11766
payable as to principal at such times and in such installments as 11767
determined by the taxing authority consistent with division (E) of 11768

section 133.081 of the Revised Code, but their last maturity shall 11769
be consistent with division (B) of section 133.081 of the Revised 11770
Code. Other special obligation securities issued under this 11771
division (A)(4) shall be payable as to principal at such times and 11772
in such installments as determined by the taxing authority, and 11773
are not subject to section 133.21 of the Revised Code. The last 11774
maturity of these refunding securities shall be not later than the 11775
year of last maturity permitted by law for the obligations 11776
refunded. 11777

(5) Apply moneys from other sources to fund any outstanding 11778
securities or public obligations issued by the taxing authority 11779
pursuant to authorization by law or the Ohio Constitution, 11780
including the funding of any mandatory sinking fund redemption 11781
requirements. 11782

(6) Issue tourism development district revenue supported 11783
bonds to fund or refund any outstanding revenue or mortgage 11784
revenue or general obligation or other special obligation 11785
securities previously issued by it for permanent improvements 11786
pursuant to authorization by law or the Ohio Constitution. Any 11787
tourism development district revenue supported bonds issued 11788
pursuant to division (A)(6) of this section shall be payable as to 11789
principal at such times and in such installments as determined by 11790
the taxing authority consistent with division (E) of section 11791
133.083 of the Revised Code, but their last maturity shall be 11792
consistent with division (B) of section 133.083 of the Revised 11793
Code. 11794

(B) Securities issued pursuant to this section shall be 11795
considered to be issued for the same purpose or purposes as the 11796
securities that they are issued to fund or refund, and their 11797
proceeds shall be used as determined by the taxing authority 11798
consistent with their purpose. That use may include the payment of 11799
the outstanding principal amount of, any redemption premium on, 11800

and any interest to redemption or maturity on, the securities 11801
being funded or refunded, and any expenses relating to the funding 11802
or refunding or the issuance of the refunding bonds, including 11803
financing costs, all as determined by the taxing authority. 11804
Proceeds of securities issued pursuant to this section may also be 11805
used to provide additional money for the purpose or purposes for 11806
which the securities being funded or refunded, or which they 11807
funded or refunded, were issued, but section 133.21 of the Revised 11808
Code is applicable to any such portion of general obligation 11809
securities. 11810

(C) Securities may be issued and other moneys may be applied 11811
pursuant to this section to fund or refund all or any portion of 11812
the outstanding securities, and whether or not the securities to 11813
be funded or refunded were issued subject to call or redemption 11814
prior to maturity or are the original securities or are themselves 11815
refunding securities. 11816

(D) Moneys derived from the proceeds of securities issued 11817
pursuant to this section to fund or refund general obligation 11818
bonds, or moneys from other sources, and required for the purpose 11819
shall, under an escrow agreement or otherwise, to the extent 11820
required by the legislation be placed in an escrow fund, which may 11821
be in the bond retirement fund in the case of the funded or 11822
refunded bonds being payable within ninety days of issuance of the 11823
refunding securities, and other moneys applied pursuant to this 11824
section to fund general obligation bonds shall, under an escrow 11825
agreement or otherwise, to the extent required by the legislation, 11826
be placed in an escrow fund that may be in the sinking fund or 11827
bond retirement fund, and in either case are pledged for the 11828
purpose of funding or refunding the refunded general obligation 11829
bonds and shall be used, together with any other available funds 11830
as provided in this section, for that purpose. Pending that use, 11831
the moneys in escrow shall be held in cash or, if and to the 11832

extent authorized by the taxing authority, invested in whole or in 11833
part in direct obligations of or obligations guaranteed as to 11834
payment by the United States that mature or are subject to 11835
redemption by and at the option of the holder not later than the 11836
date or dates when the moneys invested, together with interest or 11837
other investment income accrued on those moneys, and any moneys 11838
held in cash and not invested will be required for that use. Any 11839
moneys in the escrow fund derived from the issuance of revenue or 11840
mortgage revenue ~~or~~, sales tax supported, or other special 11841
obligation securities that will not be needed to pay debt charges 11842
on the funded or refunded general obligation bonds may be used for 11843
and pledged to the payment of debt charges on the refunding 11844
securities and on any securities issued on a parity with the 11845
refunding securities. Any moneys in the escrow fund derived from 11846
the proceeds of refunding general obligation securities and that 11847
will not be needed to pay debt charges on the refunded general 11848
obligation bonds shall be transferred to the bond retirement fund. 11849
When the subdivision has placed in escrow moneys, derived from 11850
proceeds of refunding obligations or otherwise, or those direct or 11851
guaranteed obligations of the United States, or a combination of 11852
both, determined by an independent public accounting firm to be 11853
sufficient, with the interest or other investment income accruing 11854
on those direct or guaranteed obligations, for the payment of debt 11855
charges on the funded or refunded general obligation bonds, the 11856
funded or refunded general obligation bonds shall no longer be 11857
considered to be outstanding, shall not be considered for purposes 11858
of determining any limitation, direct or indirect, on the 11859
indebtedness or net indebtedness of the subdivision, and the levy 11860
of taxes or other charges for the payment of debt charges on the 11861
funded or refunded general obligation bonds under this chapter, 11862
Chapter 5705., or other provisions of the Revised Code, shall not 11863
be required. For purposes of this division, "direct obligations of 11864
or obligations guaranteed as to payment by the United States" 11865

includes rights to receive payment or portions of payments of the 11866
principal of or interest or other investment income on: 11867

(1) Those obligations; and 11868

(2) Other obligations fully secured as to payment by those 11869
obligations and the interest or other investment income on those 11870
obligations. 11871

(E) The authority granted by this section is in addition to 11872
and not a limitation on any other authorizations granted by or 11873
pursuant to law or the Ohio Constitution for the same or similar 11874
purposes, and does not limit or restrict the authority of 11875
municipal corporations to issue, under authority of Article XVIII, 11876
Ohio Constitution, revenue or mortgage revenue securities to fund 11877
or refund either general obligation securities or other revenue or 11878
mortgage revenue securities. 11879

Sec. 135.01. Except as otherwise provided in sections 135.14, 11880
135.143, ~~and 135.181, and 135.182~~ of the Revised Code, as used in 11881
sections 135.01 to 135.21 of the Revised Code: 11882

(A) "Active deposit" means a public deposit necessary to meet 11883
current demands on the treasury, and that is deposited in any of 11884
the following: 11885

(1) A commercial account that is payable or withdrawable, in 11886
whole or in part, on demand; 11887

(2) A negotiable order of withdrawal account as authorized in 11888
the "Consumer Checking Account Equity Act of 1980," 94 Stat. 146, 11889
12 U.S.C.A. 1832(a); 11890

(3) A money market deposit account as authorized in the 11891
"Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 11892
1501, 12 U.S.C. 3503. 11893

(B) "Auditor" includes the auditor of state and the auditor, 11894
or officer exercising the functions of an auditor, of any 11895

subdivision. 11896

(C) "Capital funds" means the sum of the following: the par 11897
value of the outstanding common capital stock, the par value of 11898
the outstanding preferred capital stock, the aggregate par value 11899
of all outstanding capital notes and debentures, and the surplus. 11900
In the case of an institution having offices in more than one 11901
county, the capital funds of such institution, for the purposes of 11902
sections 135.01 to 135.21 of the Revised Code, relative to the 11903
deposit of the public moneys of the subdivisions in one such 11904
county, shall be considered to be that proportion of the capital 11905
funds of the institution that is represented by the ratio that the 11906
deposit liabilities of such institution originating at the office 11907
located in the county bears to the total deposit liabilities of 11908
the institution. 11909

(D) "Governing board" means, in the case of the state, the 11910
state board of deposit; in the case of all school districts and 11911
educational service centers except as otherwise provided in this 11912
section, the board of education or governing board of a service 11913
center, and when the case so requires, the board of commissioners 11914
of the sinking fund; in the case of a municipal corporation, the 11915
legislative authority, and when the case so requires, the board of 11916
trustees of the sinking fund; in the case of a township, the board 11917
of township trustees; in the case of a union or joint institution 11918
or enterprise of two or more subdivisions not having a treasurer, 11919
the board of directors or trustees thereof; and in the case of any 11920
other subdivision electing or appointing a treasurer, the 11921
directors, trustees, or other similar officers of such 11922
subdivision. The governing board of a subdivision electing or 11923
appointing a treasurer shall be the governing board of all other 11924
subdivisions for which such treasurer is authorized by law to act. 11925
In the case of a county school financing district that levies a 11926
tax pursuant to section 5705.215 of the Revised Code, the county 11927

board of education that serves as its taxing authority shall 11928
operate as a governing board. Any other county board of education 11929
shall operate as a governing board unless it adopts a resolution 11930
designating the board of county commissioners as the governing 11931
board for the county school district. 11932

(E) "Inactive deposit" means a public deposit other than an 11933
interim deposit or an active deposit. 11934

(F) "Interim deposit" means a deposit of interim moneys. 11935
"Interim moneys" means public moneys in the treasury of the state 11936
or any subdivision after the award of inactive deposits has been 11937
made in accordance with section 135.07 of the Revised Code, which 11938
moneys are in excess of the aggregate amount of the inactive 11939
deposits as estimated by the governing board prior to the period 11940
of designation and which the treasurer or governing board finds 11941
should not be deposited as active or inactive deposits for the 11942
reason that such moneys will not be needed for immediate use but 11943
will be needed before the end of the period of designation. 11944

(G) "Permissible rate of interest" means a rate of interest 11945
that all eligible institutions mentioned in section 135.03 of the 11946
Revised Code are permitted to pay by law or valid regulations. 11947

(H) "Warrant clearance account" means an account established 11948
by the treasurer of state for the deposit of active state moneys 11949
outside the city of Columbus, such account being for the exclusive 11950
purpose of clearing state warrants through the banking system to 11951
the treasurer. 11952

(I) "Public deposit" means public moneys deposited in a 11953
public depository pursuant to sections 135.01 to 135.21 of the 11954
Revised Code. 11955

(J) "Public depository" means an institution which receives 11956
or holds any public deposits. 11957

(K) "Public moneys" means all moneys in the treasury of the 11958

state or any subdivision of the state, or moneys coming lawfully 11959
into the possession or custody of the treasurer of state or of the 11960
treasurer of any subdivision. "Public moneys of the state" 11961
includes all such moneys coming lawfully into the possession of 11962
the treasurer of state; and "public moneys of a subdivision" 11963
includes all such moneys coming lawfully into the possession of 11964
the treasurer of the subdivision. 11965

(L) "Subdivision" means any municipal corporation, except one 11966
which has adopted a charter under Article XVIII, Ohio 11967
Constitution, and the charter or ordinances of the chartered 11968
municipal corporation set forth special provisions respecting the 11969
deposit or investment of its public moneys, or any school district 11970
or educational service center, a county school financing district, 11971
township, municipal or school district sinking fund, special 11972
taxing or assessment district, or other district or local 11973
authority electing or appointing a treasurer, except a county. In 11974
the case of a school district or educational service center, 11975
special taxing or assessment district, or other local authority 11976
for which a treasurer, elected or appointed primarily as the 11977
treasurer of a subdivision, is authorized or required by law to 11978
act as ex officio treasurer, the subdivision for which such a 11979
treasurer has been primarily elected or appointed shall be 11980
considered to be the "subdivision." The term also includes a union 11981
or joint institution or enterprise of two or more subdivisions, 11982
that is not authorized to elect or appoint a treasurer, and for 11983
which no ex officio treasurer is provided by law. 11984

(M) "Treasurer" means, in the case of the state, the 11985
treasurer of state and in the case of any subdivision, the 11986
treasurer, or officer exercising the functions of a treasurer, of 11987
such subdivision. In the case of a board of trustees of the 11988
sinking fund of a municipal corporation, the board of 11989
commissioners of the sinking fund of a school district, or a board 11990

of directors or trustees of any union or joint institution or 11991
enterprise of two or more subdivisions not having a treasurer, 11992
such term means such board of trustees of the sinking fund, board 11993
of commissioners of the sinking fund, or board of directors or 11994
trustees. 11995

(N) "Treasury investment board" of a municipal corporation 11996
means the mayor or other chief executive officer, the village 11997
solicitor or city director of law, and the auditor or other chief 11998
fiscal officer. 11999

(O) "No-load money market mutual fund" means a no-load money 12000
market mutual fund to which all of the following apply: 12001

(1) The fund is registered as an investment company under the 12002
"Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-1 12003
to 80a-64; 12004

(2) The fund has the highest letter or numerical rating 12005
provided by at least one nationally recognized standard rating 12006
service; 12007

(3) The fund does not include any investment in a derivative. 12008
As used in division (O)(3) of this section, "derivative" means a 12009
financial instrument or contract or obligation whose value or 12010
return is based upon or linked to another asset or index, or both, 12011
separate from the financial instrument, contract, or obligation 12012
itself. Any security, obligation, trust account, or other 12013
instrument that is created from an issue of the United States 12014
treasury or is created from an obligation of a federal agency or 12015
instrumentality or is created from both is considered a derivative 12016
instrument. An eligible investment described in section 135.14 or 12017
135.35 of the Revised Code with a variable interest rate payment, 12018
based upon a single interest payment or single index comprised of 12019
other investments provided for in division (B)(1) or (2) of 12020
section 135.14 of the Revised Code, is not a derivative, provided 12021

that such variable rate investment has a maximum maturity of two 12022
years. 12023

(P) "Public depositor" means the state or a subdivision, as 12024
applicable, that deposits public moneys in a public depository 12025
pursuant to sections 135.01 to 135.21 of the Revised Code. 12026

(Q) "Uninsured public deposit" means the portion of a public 12027
deposit that is not insured by the federal deposit insurance 12028
corporation or by any other agency or instrumentality of the 12029
federal government. 12030

Sec. 135.04. (A) Any institution mentioned in section 135.03 12031
of the Revised Code is eligible to become a public depository of 12032
the active deposits, inactive deposits, and interim deposits of 12033
public moneys of the state subject to the requirements of sections 12034
135.01 to 135.21 of the Revised Code. 12035

(B) To facilitate the clearance of state warrants to the 12036
state treasury, the state board of deposit may delegate the 12037
authority to the treasurer of state to establish warrant clearance 12038
accounts in any institution mentioned in section 135.03 of the 12039
Revised Code located in areas where the volume of warrant 12040
clearances justifies the establishment of an account as determined 12041
by the treasurer of state. The balances maintained in such warrant 12042
clearance accounts shall be at sufficient levels to cover the 12043
activity generated by such accounts on an individual basis. Any 12044
financial institution in the state that has a warrant clearance 12045
account established by the treasurer of state shall, not more than 12046
ten days after the close of each quarter, prepare and transmit to 12047
the treasurer of state an analysis statement of such account for 12048
the quarter then ended. Such statement shall contain such 12049
information as determined by the state board of deposit, and this 12050
information shall be used in whole or in part by the treasurer of 12051
state in determining the level of balances to be maintained in 12052

such accounts. 12053

(C) Each governing board shall award the active deposits of 12054
public moneys subject to its control to the eligible institutions 12055
in accordance with this section, except that no such public 12056
depository shall thereby be required to take or permitted to 12057
receive and have at any one time a greater amount of active 12058
deposits of such public moneys than that specified in the 12059
application of such depository. When, by reason of such limitation 12060
or otherwise, the amount of active public moneys deposited or to 12061
be deposited in a public depository, pursuant to an award made 12062
under this section, is reduced or withdrawn, as the case requires, 12063
the amount of such reduction or the sum so withdrawn shall be 12064
deposited in another eligible institution applying therefor, or if 12065
there is no such eligible institution, then the amount so withheld 12066
or withdrawn shall be awarded or deposited for the remainder of 12067
the period of designation in accordance with sections 135.01 to 12068
135.21 of the Revised Code. 12069

(D) Any institution mentioned in section 135.03 of the 12070
Revised Code is eligible to become a public depository of the 12071
inactive and interim deposits of public moneys of a subdivision. 12072
In case the aggregate amount of inactive or interim deposits 12073
applied for by such eligible institutions is less than the 12074
aggregate maximum amount of such inactive or interim deposits as 12075
estimated to be deposited pursuant to sections 135.01 to 135.21 of 12076
the Revised Code, the governing board of the subdivision may 12077
designate as a public depository of the inactive or interim 12078
deposits of the public moneys thereof, one or more institutions of 12079
a kind mentioned in section 135.03 of the Revised Code, subject to 12080
the requirements of sections 135.01 to 135.21 of the Revised Code. 12081

(E) Any institution mentioned in section 135.03 of the 12082
Revised Code is eligible to become a public depository of the 12083
active deposits of public moneys of a subdivision. In case the 12084

aggregate amount of active deposits of the public moneys of the 12085
subdivision applied for by such eligible institutions is less than 12086
the aggregate maximum amount to be deposited as such, as estimated 12087
by the governing board, said board may designate as a public 12088
depository of the active deposits of the public moneys of the 12089
subdivision, one or more institutions of the kind mentioned in 12090
section 135.03 of the Revised Code, subject to the requirements of 12091
sections 135.01 to 135.21 of the Revised Code. 12092

(F)(1) The governing board of the state or of a subdivision 12093
may designate one or more minority banks as public depositories of 12094
its inactive, interim, or active deposits of public moneys 12095
designated as federal funds. Except for section 135.18 ~~or~~, 12096
135.181, or 135.182 of the Revised Code, Chapter 135. of the 12097
Revised Code does not apply to the application for, or the award 12098
of, such deposits. As used in this division, "minority bank" means 12099
a bank that is owned or controlled by one or more socially or 12100
economically disadvantaged persons. Such disadvantage may arise 12101
from cultural, ethnic, or racial background, chronic economic 12102
circumstances, or other similar cause. Such persons include, but 12103
are not limited to, Afro-Americans, Puerto Ricans, 12104
Spanish-speaking Americans, and American Indians. 12105

(2) In enacting this division, the general assembly finds 12106
that: 12107

(a) Certain commercial banks are owned or controlled by 12108
minority Americans; 12109

(b) Minority banks are an important source of banking 12110
services in their communities; 12111

(c) Minority banks have been unsuccessful in competing under 12112
Chapter 135. of the Revised Code for the award of federal funds; 12113

(d) This division contains safeguards for the protection of 12114
the general public and the banking industry, since it provides the 12115

governing board of the state or political subdivision with 12116
permissive authority in the award of deposits; limits the 12117
authority of the governing board to the award of federal funds; 12118
and subjects minority banks to certain limitations of Chapter 135. 12119
of the Revised Code, including the requirement that, as in the 12120
case of every financial institution subject to Chapter 135. of the 12121
Revised Code, a minority bank pledge certain securities for 12122
repayment of the deposits. 12123

(3) The purpose of this division is to recognize that the 12124
state has a substantial and compelling interest in encouraging the 12125
establishment, development, and stability of minority banks by 12126
facilitating their access to the award of federal funds, while 12127
ensuring the protection of the general public and the banking 12128
industry. 12129

(G) The governing board of a subdivision shall award the 12130
first twenty-five thousand dollars of the active deposits of 12131
public moneys subject to its control to the eligible institution 12132
or institutions applying or qualifying therefor on the basis of 12133
the operating needs of the subdivision and shall award the active 12134
deposits of public moneys subject to its control in excess of 12135
twenty-five thousand dollars to the eligible institution or 12136
institutions applying or qualifying therefor. 12137

Sec. 135.14. (A) As used in this section: 12138

(1) "Treasurer" does not include the treasurer of state, and 12139
"governing board" does not include the state board of deposit. 12140

(2) "Other obligations" includes notes whether or not issued 12141
in anticipation of the issuance of bonds. 12142

(B) The treasurer or governing board may invest or deposit 12143
any part or all of the interim moneys. The following 12144
classifications of obligations shall be eligible for such 12145

investment or deposit: 12146

(1) United States treasury bills, notes, bonds, or any other 12147
obligation or security issued by the United States treasury or any 12148
other obligation guaranteed as to principal and interest by the 12149
United States. 12150

Nothing in the classification of eligible obligations set 12151
forth in division (B)(1) of this section or in the classifications 12152
of eligible obligations set forth in divisions (B)(2) to (7) of 12153
this section shall be construed to authorize any investment in 12154
stripped principal or interest obligations of such eligible 12155
obligations. 12156

(2) Bonds, notes, debentures, or any other obligations or 12157
securities issued by any federal government agency or 12158
instrumentality, including but not limited to, the federal 12159
national mortgage association, federal home loan bank, federal 12160
farm credit bank, federal home loan mortgage corporation, and 12161
government national mortgage association. All federal agency 12162
securities shall be direct issuances of federal government 12163
agencies or instrumentalities. 12164

(3) Interim deposits in the eligible institutions applying 12165
for interim moneys as provided in section 135.08 of the Revised 12166
Code. The award of interim deposits shall be made in accordance 12167
with section 135.09 of the Revised Code and the treasurer or the 12168
governing board shall determine the periods for which such interim 12169
deposits are to be made and shall award such interim deposits for 12170
such periods, provided that any eligible institution receiving an 12171
interim deposit award may, upon notification that the award has 12172
been made, decline to accept the interim deposit in which event 12173
the award shall be made as though the institution had not applied 12174
for such interim deposit. 12175

(4) Bonds and other obligations of this state, or the 12176

political subdivisions of this state, provided that, with respect 12177
to bonds or other obligations of political subdivisions, all of 12178
the following apply: 12179

(a) The bonds or other obligations are payable from general 12180
revenues of the political subdivision and backed by the full faith 12181
and credit of the political subdivision. 12182

(b) The bonds or other obligations are rated at the time of 12183
purchase in the three highest classifications established by at 12184
least one nationally recognized standard rating service and 12185
purchased through a registered securities broker or dealer. 12186

(c) The aggregate value of the bonds or other obligations 12187
does not exceed twenty per cent of interim moneys available for 12188
investment at the time of purchase. 12189

(d) The treasurer or governing board is not the sole 12190
purchaser of the bonds or other obligations at original issuance. 12191

No investment shall be made under division (B)(4) of this 12192
section unless the treasurer or governing board has completed 12193
additional training for making the investments authorized by 12194
division (B)(4) of this section. The type and amount of additional 12195
training shall be approved by the treasurer of state and may be 12196
conducted by or provided under the supervision of the treasurer of 12197
state. 12198

(5) No-load money market mutual funds consisting exclusively 12199
of obligations described in division (B)(1) or (2) of this section 12200
and repurchase agreements secured by such obligations, provided 12201
that investments in securities described in this division are made 12202
only through eligible institutions mentioned in section 135.03 of 12203
the Revised Code; 12204

(6) The Ohio subdivision's fund as provided in section 135.45 12205
of the Revised Code; 12206

(7) Up to forty per cent of interim moneys available for	12207
investment in either of the following:	12208
(a) Commercial paper notes issued by an entity that is	12209
defined in division (D) of section 1705.01 of the Revised Code and	12210
that has assets exceeding five hundred million dollars, to which	12211
notes all of the following apply:	12212
(i) The notes are rated at the time of purchase in the	12213
highest classification established by at least two nationally	12214
recognized standard rating services.	12215
(ii) The aggregate value of the notes does not exceed ten per	12216
cent of the aggregate value of the outstanding commercial paper of	12217
the issuing corporation.	12218
(iii) The notes mature not later than two hundred seventy	12219
days after purchase.	12220
(iv) The investment in commercial paper notes of a single	12221
issuer shall not exceed in the aggregate five per cent of interim	12222
moneys available for investment at the time of purchase.	12223
(b) Bankers acceptances of banks that are insured by the	12224
federal deposit insurance corporation and that mature not later	12225
than one hundred eighty days after purchase.	12226
No investment shall be made pursuant to division (B)(7) of	12227
this section unless the treasurer or governing board has completed	12228
additional training for making the investments authorized by	12229
division (B)(7) of this section. The type and amount of additional	12230
training shall be approved by the treasurer of state and may be	12231
conducted by or provided under the supervision of the treasurer of	12232
state.	12233
(C) Nothing in the classifications of eligible obligations	12234
set forth in divisions (B)(1) to (7) of this section shall be	12235
construed to authorize any investment in a derivative, and no	12236

treasurer or governing board shall invest in a derivative. For 12237
purposes of this division, "derivative" means a financial 12238
instrument or contract or obligation whose value or return is 12239
based upon or linked to another asset or index, or both, separate 12240
from the financial instrument, contract, or obligation itself. Any 12241
security, obligation, trust account, or other instrument that is 12242
created from an issue of the United States treasury or is created 12243
from an obligation of a federal agency or instrumentality or is 12244
created from both is considered a derivative instrument. An 12245
eligible investment described in this section with a variable 12246
interest rate payment, based upon a single interest payment or 12247
single index comprised of other eligible investments provided for 12248
in division (B)(1) or (2) of this section, is not a derivative, 12249
provided that such variable rate investment has a maximum maturity 12250
of two years. 12251

(D) Except as provided in division (E) of this section, any 12252
investment made pursuant to this section must mature within five 12253
years from the date of settlement, unless the investment is 12254
matched to a specific obligation or debt of the subdivision. 12255

(E) The treasurer or governing board may also enter into a 12256
written repurchase agreement with any eligible institution 12257
mentioned in section 135.03 of the Revised Code or any eligible 12258
dealer pursuant to division (M) of this section, under the terms 12259
of which agreement the treasurer or governing board purchases, and 12260
such institution or dealer agrees unconditionally to repurchase 12261
any of the securities listed in divisions ~~(B)~~(D)(1) to (5), except 12262
letters of credit described in division ~~(B)~~(D)(2), of section 12263
135.18 of the Revised Code. The market value of securities subject 12264
to an overnight written repurchase agreement must exceed the 12265
principal value of the overnight written repurchase agreement by 12266
at least two per cent. A written repurchase agreement shall not 12267
exceed thirty days and the market value of securities subject to a 12268

written repurchase agreement must exceed the principal value of 12269
the written repurchase agreement by at least two per cent and be 12270
marked to market daily. All securities purchased pursuant to this 12271
division shall be delivered into the custody of the treasurer or 12272
governing board or an agent designated by the treasurer or 12273
governing board. A written repurchase agreement with an eligible 12274
securities dealer shall be transacted on a delivery versus payment 12275
basis. The agreement shall contain the requirement that for each 12276
transaction pursuant to the agreement the participating 12277
institution or dealer shall provide all of the following 12278
information: 12279

(1) The par value of the securities; 12280

(2) The type, rate, and maturity date of the securities; 12281

(3) A numerical identifier generally accepted in the 12282
securities industry that designates the securities. 12283

No treasurer or governing board shall enter into a written 12284
repurchase agreement under the terms of which the treasurer or 12285
governing board agrees to sell securities owned by the subdivision 12286
to a purchaser and agrees with that purchaser to unconditionally 12287
repurchase those securities. 12288

(F) No treasurer or governing board shall make an investment 12289
under this section, unless the treasurer or governing board, at 12290
the time of making the investment, reasonably expects that the 12291
investment can be held until its maturity. 12292

(G) No treasurer or governing board shall pay interim moneys 12293
into a fund established by another subdivision, treasurer, 12294
governing board, or investing authority, if that fund was 12295
established for the purpose of investing the public moneys of 12296
other subdivisions. This division does not apply to the payment of 12297
public moneys into either of the following: 12298

(1) The Ohio subdivision's fund pursuant to division (B)(6) 12299

of this section; 12300

(2) A fund created solely for the purpose of acquiring, 12301
constructing, owning, leasing, or operating municipal utilities 12302
pursuant to the authority provided under section 715.02 of the 12303
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 12304

For purposes of division (G) of this section, "subdivision" 12305
includes a county. 12306

(H) The use of leverage, in which the treasurer or governing 12307
board uses its current investment assets as collateral for the 12308
purpose of purchasing other assets, is prohibited. The issuance of 12309
taxable notes for the purpose of arbitrage is prohibited. 12310
Contracting to sell securities that have not yet been acquired by 12311
the treasurer or governing board, for the purpose of purchasing 12312
such securities on the speculation that bond prices will decline, 12313
is prohibited. 12314

(I) Whenever, during a period of designation, the treasurer 12315
classifies public moneys as interim moneys, the treasurer shall 12316
notify the governing board of such action. The notification shall 12317
be given within thirty days after such classification and in the 12318
event the governing board does not concur in such classification 12319
or in the investments or deposits made under this section, the 12320
governing board may order the treasurer to sell or liquidate any 12321
of such investments or deposits, and any such order shall 12322
specifically describe the investments or deposits and fix the date 12323
upon which they are to be sold or liquidated. Investments or 12324
deposits so ordered to be sold or liquidated shall be sold or 12325
liquidated for cash by the treasurer on the date fixed in such 12326
order at the then current market price. Neither the treasurer nor 12327
the members of the board shall be held accountable for any loss 12328
occasioned by sales or liquidations of investments or deposits at 12329
prices lower than their cost. Any loss or expense incurred in 12330
making such sales or liquidations is payable as other expenses of 12331

the treasurer's office. 12332

(J) If any investments or deposits purchased under the 12333
authority of this section are issuable to a designated payee or to 12334
the order of a designated payee, the name of the treasurer and the 12335
title of the treasurer's office shall be so designated. If any 12336
such securities are registrable either as to principal or 12337
interest, or both, then such securities shall be registered in the 12338
name of the treasurer as such. 12339

(K) The treasurer is responsible for the safekeeping of all 12340
documents evidencing a deposit or investment acquired by the 12341
treasurer under this section. Any securities may be deposited for 12342
safekeeping with a qualified trustee as provided in section 135.18 12343
of the Revised Code, except the delivery of securities acquired 12344
under any repurchase agreement under this section shall be made to 12345
a qualified trustee, provided, however, that the qualified trustee 12346
shall be required to report to the treasurer, governing board, 12347
auditor of state, or an authorized outside auditor at any time 12348
upon request as to the identity, market value, and location of the 12349
document evidencing each security, and that if the participating 12350
institution is a designated depository of the subdivision for the 12351
current period of designation, the securities that are the subject 12352
of the repurchase agreement may be delivered to the treasurer or 12353
held in trust by the participating institution on behalf of the 12354
subdivision. Interest earned on any investments or deposits 12355
authorized by this section shall be collected by the treasurer and 12356
credited by the treasurer to the proper fund of the subdivision. 12357

Upon the expiration of the term of office of a treasurer or 12358
in the event of a vacancy in the office of treasurer by reason of 12359
death, resignation, removal from office, or otherwise, the 12360
treasurer or the treasurer's legal representative shall transfer 12361
and deliver to the treasurer's successor all documents evidencing 12362
a deposit or investment held by the treasurer. For the investments 12363

and deposits so transferred and delivered, such treasurer shall be 12364
credited with and the treasurer's successor shall be charged with 12365
the amount of money held in such investments and deposits. 12366

(L) Whenever investments or deposits acquired under this 12367
section mature and become due and payable, the treasurer shall 12368
present them for payment according to their tenor, and shall 12369
collect the moneys payable thereon. The moneys so collected shall 12370
be treated as public moneys subject to sections 135.01 to 135.21 12371
of the Revised Code. 12372

(M)(1) All investments, except for investments in securities 12373
described in divisions (B)(5) and (6) of this section and for 12374
investments by a municipal corporation in the issues of such 12375
municipal corporation, shall be made only through a member of the 12376
financial industry regulatory authority (FINRA), through a bank, 12377
savings bank, or savings and loan association regulated by the 12378
superintendent of financial institutions, or through an 12379
institution regulated by the comptroller of the currency, federal 12380
deposit insurance corporation, or board of governors of the 12381
federal reserve system. 12382

(2) Payment for investments shall be made only upon the 12383
delivery of securities representing such investments to the 12384
treasurer, governing board, or qualified trustee. If the 12385
securities transferred are not represented by a certificate, 12386
payment shall be made only upon receipt of confirmation of 12387
transfer from the custodian by the treasurer, governing board, or 12388
qualified trustee. 12389

(N) In making investments authorized by this section, a 12390
treasurer or governing board may retain the services of an 12391
investment advisor, provided the advisor is licensed by the 12392
division of securities under section 1707.141 of the Revised Code 12393
or is registered with the securities and exchange commission, and 12394
possesses experience in public funds investment management, 12395

specifically in the area of state and local government investment 12396
portfolios, or the advisor is an eligible institution mentioned in 12397
section 135.03 of the Revised Code. 12398

(0)(1) Except as otherwise provided in divisions (0)(2) and 12399
(3) of this section, no treasurer or governing board shall make an 12400
investment or deposit under this section, unless there is on file 12401
with the auditor of state a written investment policy approved by 12402
the treasurer or governing board. The policy shall require that 12403
all entities conducting investment business with the treasurer or 12404
governing board shall sign the investment policy of that 12405
subdivision. All brokers, dealers, and financial institutions, 12406
described in division (M)(1) of this section, initiating 12407
transactions with the treasurer or governing board by giving 12408
advice or making investment recommendations shall sign the 12409
treasurer's or governing board's investment policy thereby 12410
acknowledging their agreement to abide by the policy's contents. 12411
All brokers, dealers, and financial institutions, described in 12412
division (M)(1) of this section, executing transactions initiated 12413
by the treasurer or governing board, having read the policy's 12414
contents, shall sign the investment policy thereby acknowledging 12415
their comprehension and receipt. 12416

(2) If a written investment policy described in division 12417
(0)(1) of this section is not filed on behalf of the subdivision 12418
with the auditor of state, the treasurer or governing board of 12419
that subdivision shall invest the subdivision's interim moneys 12420
only in interim deposits pursuant to division (B)(3) of this 12421
section or interim deposits pursuant to section 135.145 of the 12422
Revised Code and approved by the treasurer of state, no-load money 12423
market mutual funds pursuant to division (B)(5) of this section, 12424
or the Ohio subdivision's fund pursuant to division (B)(6) of this 12425
section. 12426

(3) Divisions (0)(1) and (2) of this section do not apply to 12427

a treasurer or governing board of a subdivision whose average 12428
annual portfolio of investments held pursuant to this section is 12429
one hundred thousand dollars or less, provided that the treasurer 12430
or governing board certifies, on a form prescribed by the auditor 12431
of state, that the treasurer or governing board will comply and is 12432
in compliance with the provisions of sections 135.01 to 135.21 of 12433
the Revised Code. 12434

(P) A treasurer or governing board may enter into a written 12435
investment or deposit agreement that includes a provision under 12436
which the parties agree to submit to nonbinding arbitration to 12437
settle any controversy that may arise out of the agreement, 12438
including any controversy pertaining to losses of public moneys 12439
resulting from investment or deposit. The arbitration provision 12440
shall be set forth entirely in the agreement, and the agreement 12441
shall include a conspicuous notice to the parties that any party 12442
to the arbitration may apply to the court of common pleas of the 12443
county in which the arbitration was held for an order to vacate, 12444
modify, or correct the award. Any such party may also apply to the 12445
court for an order to change venue to a court of common pleas 12446
located more than one hundred miles from the county in which the 12447
treasurer or governing board is located. 12448

For purposes of this division, "investment or deposit 12449
agreement" means any agreement between a treasurer or governing 12450
board and a person, under which agreement the person agrees to 12451
invest, deposit, or otherwise manage a subdivision's interim 12452
moneys on behalf of the treasurer or governing board, or agrees to 12453
provide investment advice to the treasurer or governing board. 12454

(Q) An investment made by the treasurer or governing board 12455
pursuant to this section prior to September 27, 1996, that was a 12456
legal investment under the law as it existed before September 27, 12457
1996, may be held until maturity. 12458

Sec. 135.144. (A) In addition to the authority provided in 12459
section 135.14 or 135.143 of the Revised Code, the treasurer of 12460
state or the treasurer or governing board of a political 12461
subdivision may invest interim moneys in certificates of deposit 12462
in accordance with all of the following: 12463

(1) The interim moneys initially are deposited with an 12464
eligible public depository described in section 135.03 of the 12465
Revised Code and selected, pursuant to section 135.12 of the 12466
Revised Code, by the treasurer of state or the treasurer or 12467
governing board of a political subdivision, for interim moneys of 12468
the state or of the political subdivision. 12469

(2) For the treasurer of state or the treasurer or governing 12470
board of the political subdivision depositing the interim moneys 12471
pursuant to division (A)(1) of this section, the eligible public 12472
depository selected pursuant to that division invests the interim 12473
moneys in certificates of deposit of one or more federally insured 12474
banks, savings banks, or savings and loan associations, wherever 12475
located. The full amount of principal and any accrued interest of 12476
each certificate of deposit invested in pursuant to division 12477
(A)(2) of this section shall be insured by federal deposit 12478
insurance. 12479

(3) For the treasurer of state or the treasurer or governing 12480
board of the political subdivision depositing the interim moneys 12481
pursuant to division (A)(1) of this section, the eligible public 12482
depository selected pursuant to that division acts as custodian of 12483
the certificates of deposit described in division (A)(2) of this 12484
section. 12485

(4) On the same date the public moneys are redeposited by the 12486
public depository, the public depository may, in its sole 12487
discretion, choose whether to receive deposits, in any amount, 12488
from other banks, savings banks, or savings and loan associations. 12489

(5) The public depository provides to the treasurer of state 12490
or the treasurer or governing board of a political subdivision a 12491
monthly account statement that includes the amount of its funds 12492
deposited and held at each bank, savings bank, or savings and loan 12493
association for which the public depository acts as a custodian 12494
pursuant to this section. 12495

(B) Interim moneys deposited or invested in accordance with 12496
division (A) of this section are not subject to any pledging 12497
requirements described in section 135.18 ~~or~~, 135.181, or 135.182 12498
of the Revised Code. 12499

Sec. 135.145. (A) In addition to the authority provided in 12500
section 135.14 or 135.143 of the Revised Code for the investment 12501
or deposit of interim moneys, the treasurer of state or the 12502
treasurer or governing board of a political subdivision, upon the 12503
deposit of interim moneys with, or the award of active or inactive 12504
deposits to, an eligible public depository described in section 12505
135.03 of the Revised Code and designated pursuant to section 12506
135.12 of the Revised Code, may authorize the public depository to 12507
arrange for the redeposit of such public moneys in accordance with 12508
the following conditions: 12509

(1) The public depository, on or after the date the public 12510
moneys are received, arranges for the redeposit of the moneys into 12511
deposit accounts in one or more federally insured banks, savings 12512
banks, or savings and loan associations that are located in the 12513
United States, and acts as custodian of the moneys deposited or 12514
redeposited under this section. 12515

(2) If the amount of the public moneys deposited with and 12516
held at the close of business by the public depository exceeds the 12517
amount insured by the federal deposit insurance corporation, the 12518
excess amount is subject to the pledging requirements described in 12519
section 135.18 ~~or~~, 135.181, or 135.182 of the Revised Code. 12520

(3) The full amount of the public moneys redeposited by the public depository into deposit accounts in banks, savings banks, or savings and loan associations, plus any accrued interest, is insured by the federal deposit insurance corporation.

(4) On the same date the public moneys are redeposited by the public depository, the public depository may, in its sole discretion, choose whether to receive deposits, in any amount, from other banks, savings banks, or savings and loan associations.

(5) The public depository provides to the treasurer of state or the treasurer or governing board of a political subdivision an account statement at least monthly and access to daily reporting that include the amount of its funds deposited and held at each bank, savings bank, or savings and loan association for which the public depository acts as a custodian pursuant to this section.

(B) Except as provided in division (A)(2) of this section, the public moneys deposited in accordance with this section are not subject to the pledging requirements described in section 135.18 ~~or, 135.181, or 135.182~~ of the Revised Code.

Sec. 135.18. (A) ~~The treasurer, before making the initial deposit in~~ Each institution designated as a public depository pursuant to an award made and awarded public deposits under sections 135.01 to 135.21 of the Revised Code, except as provided in section 135.144 or 135.145 of the Revised Code, shall ~~require the institution designated as a public depository to pledge to and deposit with the treasurer, as provide~~ security for the repayment of all public moneys to be deposits by selecting one of the following methods:

(1) Securing all uninsured public deposits of each public depositor separately as set forth in divisions (B) to (J) of this section;

(2) Securing all uninsured public deposits of every public 12551
depositor pursuant to section 135.181 or 135.182 of the Revised 12552
Code, as applicable, by establishing and pledging to the treasurer 12553
of state a single pool of collateral for the benefit of every 12554
public depositor at the public depository. 12555

(B) If a public depository elects to provide security 12556
pursuant to division (A)(1) of this section, the public depository 12557
shall pledge to the public depositor, as security for the 12558
repayment of all public moneys deposited in the public depository 12559
during the period of designation pursuant to the an award made 12560
under sections 135.01 to 135.21 of the Revised Code, eligible 12561
securities of aggregate market value at all times equal to the 12562
excess of the amount of public moneys to be at the time so 12563
deposited, over and above the portion or amount of such moneys as 12564
is at that time insured by the federal deposit insurance 12565
corporation or by any other agency or instrumentality of the 12566
federal government. In the case of any deposit other than the 12567
initial deposit made during the period of designation, the amount 12568
of the aggregate market value of securities required to be pledged 12569
and deposited shall be equal to the difference between the amount 12570
of public moneys on deposit in such public depository plus the 12571
amount to be so deposited, minus the portion or amount of the 12572
aggregate as is at the time insured as provided in this section. 12573
The treasurer may require additional eligible securities to be 12574
deposited to provide for any depreciation which may occur in the 12575
market value of any of the securities so deposited. 12576

{B} at least one hundred five per cent of the total amount of 12577
the public depositor's uninsured public deposits. 12578

(C) In order for a public depository to receive public moneys 12579
under this section, the public depository and the public depositor 12580
shall first execute an agreement that sets forth the entire 12581
arrangement among the parties and that meets the requirements 12582

described in 12 U.S.C. 1823(e). In addition, the agreement shall 12583
authorize the public depositor to obtain control of the collateral 12584
pursuant to division (D) of section 1308.24 of the Revised Code. 12585

(D) The following securities or other obligations shall be 12586
eligible for the purposes of this section: 12587

(1) Bonds, notes, or other obligations of the United States; 12588
or bonds, notes, or other obligations guaranteed as to principal 12589
and interest by the United States or those for which the faith of 12590
the United States is pledged for the payment of principal and 12591
interest thereon, by language appearing in the instrument 12592
specifically providing such guarantee or pledge and not merely by 12593
interpretation or otherwise; 12594

(2) Bonds, notes, debentures, letters of credit, or other 12595
obligations or securities issued by any federal government agency 12596
or instrumentality, or the export-import bank of Washington; 12597
bonds, notes, or other obligations guaranteed as to principal and 12598
interest by the United States or those for which the faith of the 12599
United States is pledged for the payment of principal and interest 12600
thereon, by interpretation or otherwise and not by language 12601
appearing in the instrument specifically providing such guarantee 12602
or pledge; 12603

(3) Obligations of or fully insured or fully guaranteed by 12604
the United States or any federal government agency or 12605
instrumentality; 12606

(4) Obligations partially insured or partially guaranteed by 12607
any federal agency or instrumentality; 12608

(5) Obligations of or fully guaranteed by the federal 12609
national mortgage association, federal home loan mortgage 12610
corporation, federal farm credit bank, or student loan marketing 12611
association; 12612

(6) Bonds and other obligations of this state; 12613

(7) Bonds and other obligations of any county, township, 12614
school district, municipal corporation, or other legally 12615
constituted taxing subdivision of this state, which is not at the 12616
time of such deposit, in default in the payment of principal or 12617
interest on any of its bonds or other obligations, for which the 12618
full faith and credit of the issuing subdivision is pledged; 12619

(8) Bonds of other states of the United States which have not 12620
during the ten years immediately preceding the time of such 12621
deposit defaulted in payments of either interest or principal on 12622
any of their bonds; 12623

(9) Shares of no-load money market mutual funds consisting 12624
exclusively of obligations described in division ~~(B)~~(D)(1) or (2) 12625
of this section and repurchase agreements secured by such 12626
obligations; 12627

(10) A surety bond issued by a corporate surety licensed by 12628
the state and authorized to issue surety bonds in this state 12629
pursuant to Chapter 3929. of the Revised Code, and qualified to 12630
provide surety bonds to the federal government pursuant to 96 12631
Stat. 1047 (1982), 31 U.S.C.A. 9304; 12632

(11) Bonds or other obligations of any county, municipal 12633
corporation, or other legally constituted taxing subdivision of 12634
another state of the United States, or of any instrumentality of 12635
such county, municipal corporation, or other taxing subdivision, 12636
for which the full faith and credit of the issuer is pledged and, 12637
at the time of purchase of the bonds or other obligations, rated 12638
in one of the two highest categories by at least one nationally 12639
recognized ~~standard~~ statistical rating ~~service~~ organization. 12640

~~(C)~~(E) An institution designated as a public depository shall 12641
designate a qualified trustee and place the eligible securities 12642
required by division (D) of this section with the trustee for 12643
safekeeping. The trustee shall hold the eligible securities in an 12644

account indicating the public depositor's security interest in the 12645
securities. The trustee shall report to the public depositor 12646
information relating to the securities pledged to secure the 12647
public deposits in the manner and frequency required by the public 12648
depositor. 12649

(F) The qualified trustee shall enter into a custodial 12650
agreement with the public depositor and public depository in which 12651
the trustee agrees to comply with entitlement orders originated by 12652
the public depositor without further consent by the public 12653
depository or, in the case of collateral held by the public 12654
depository in an account at a federal reserve bank, the public 12655
depositor shall have the public depositor's security interest 12656
marked on the books of the federal reserve bank where the account 12657
for the collateral is maintained. If the public depository fails 12658
to pay over any part of the public deposit made deposits made by 12659
the public depositor therein as provided by law, the treasurer 12660
public depositor shall give written notice of this failure to the 12661
qualified trustee holding the securities pledged against its 12662
public deposits and, at the same time, shall send a copy of this 12663
notice to the public depository. Upon receipt of this notice, the 12664
trustee shall transfer to the public depositor for sale, the 12665
securities that are necessary to produce an amount equal to the 12666
public deposits made by the public depositor and not paid over, 12667
less the portion of the deposits covered by any federal deposit 12668
insurance, plus any accrued interest due on the deposits. The 12669
public depositor shall sell at public sale any of the bonds or 12670
other securities deposited with the treasurer pursuant to this 12671
section or section 131.09 of the Revised Code, or shall draw on 12672
any letter of credit to the extent of the failure to pay. Thirty 12673
days' notice of the sale shall be given in a newspaper of general 12674
circulation at Columbus, in the case of the treasurer of state, 12675
and at the county seat of the county in which the office of the 12676
treasurer is located, in the case of any other treasurer so 12677

transferred. When a sale of bonds or other securities has been so 12678
made and upon payment to the ~~treasurer~~ public depositor of the 12679
purchase money, the ~~treasurer~~ public depositor shall transfer such 12680
bonds or securities whereupon the absolute ownership of such bonds 12681
or securities shall pass to the purchasers. Any surplus ~~remaining~~ 12682
after deducting the amount due the ~~state or subdivision~~ public 12683
depositor and expenses of sale shall be paid to the public 12684
depository. 12685

~~(D) An institution designated as a public depository may, by 12686
written notice to the treasurer, designate a qualified trustee and 12687
deposit the eligible securities required by this section with the 12688
trustee for safekeeping for the account of the treasurer and the 12689
institution as a public depository, as their respective rights to 12690
and interests in such securities under this section may appear and 12691
be asserted by written notice to or demand upon the trustee. In 12692
which case, the treasurer shall accept the written receipt of the 12693
trustee describing the securities that have been deposited with 12694
the trustee by the public depository, a copy of which shall also 12695
be delivered to the public depository. Thereupon all securities so 12696
deposited with the trustee are deemed to be pledged with the 12697
treasurer and to be deposited with the treasurer, for all the 12698
purposes of this section.~~ 12699

~~(E) The governing board may make provisions for the exchange 12700
and release of securities and the substitution of other eligible 12701
securities therefor except where the public depository has 12702
deposited eligible securities with a trustee for safekeeping as 12703
provided in this section.~~ 12704

~~(F)~~(G) When the public depository has ~~deposited~~ placed 12705
eligible securities described in division ~~(B)~~(D)(1) of this 12706
section with a trustee for safekeeping, the public depository may 12707
at any time substitute or exchange eligible securities described 12708
in division ~~(B)~~(D)(1) of this section having a current market 12709

value equal to or greater than the current market value of the 12710
securities then on deposit and for which they are to be 12711
substituted or exchanged, without specific authorization from any 12712
public depositor's governing board, boards, or treasurer of any 12713
such substitution or exchange. 12714

~~(G)~~(H) When the public depository has ~~deposited~~ placed 12715
eligible securities described in divisions ~~(B)~~(D)(2) to (9) of 12716
this section with a trustee for safekeeping, the public depository 12717
may at any time substitute or exchange eligible securities having 12718
a current market value equal to or greater than the current market 12719
value of the securities then on deposit and for which they are to 12720
be substituted or exchanged without specific authorization of any 12721
public depositor's governing board, boards, or treasurer of any 12722
such substitution or exchange only if one of the following 12723
applies: 12724

(1) The ~~treasurer~~ public depositor has authorized the public 12725
depository to make such substitution or exchange on a continuing 12726
basis during a specified period without prior approval of each 12727
substitution or exchange. The authorization may be effected by the 12728
~~treasurer~~ public depositor sending to the trustee a written notice 12729
stating that substitution may be effected on a continuing basis 12730
during a specified period which shall not extend beyond the end of 12731
the period of designation during which the notice is given. The 12732
trustee may rely upon this notice and upon the period of 12733
authorization stated therein and upon the period of designation 12734
stated therein. 12735

(2) ~~No continuing authorization for substitution has been~~ 12736
~~given by the treasurer, the~~ The public depository notifies the 12737
~~treasurer~~ public depositor and the trustee of an intended 12738
substitution or exchange, and the ~~treasurer fails to~~ public 12739
depositor does not object to the trustee as to the eligibility or 12740
market value of the securities being substituted within ~~ten~~ 12741

~~calendar~~ three business days after the date appearing on the 12742
notice of proposed substitution. The notice to the ~~treasurer~~ 12743
public depositor and to the trustee shall be given in writing and 12744
~~delivered personally or by certified or registered mail with a~~ 12745
~~return receipt requested~~ electronically. The trustee may assume in 12746
any case that the notice has been delivered to the ~~treasurer~~ 12747
public depositor. In order for objections of the ~~treasurer~~ public 12748
depositor to be effective, receipt of the objections must be 12749
acknowledged in writing by the trustee. 12750

(3) The ~~treasurer~~ public depositor gives written 12751
authorization for a substitution or exchange of specific 12752
securities. 12753

~~(H)~~(I) The public depository shall notify any governing 12754
~~board, boards, or treasurer~~ public depositor of any substitution 12755
or exchange under division ~~(G)~~(H)(1) or (2) of this section. ~~Upon~~ 12756
~~request from the treasurer, the trustee shall furnish a statement~~ 12757
~~of the securities pledged against such public deposits.~~ 12758

~~(I)~~(J) Any federal reserve bank or branch thereof located in 12759
this state or federal home loan bank, without compliance with 12760
Chapter 1111. of the Revised Code and without becoming subject to 12761
any other law of this state relative to the exercise by 12762
corporations of trust powers generally, is qualified to act as 12763
trustee for the safekeeping of securities, under this section. Any 12764
institution mentioned in section 135.03 or 135.32 of the Revised 12765
Code that holds a certificate of qualification issued by the 12766
superintendent of financial institutions or any institution 12767
complying with sections 1111.04, 1111.05, and 1111.06 of the 12768
Revised Code, is qualified to act as trustee for the safekeeping 12769
of securities under this section, other than those belonging to 12770
~~itself, under this section. Upon application to the superintendent~~ 12771
~~in writing by an institution, the superintendent shall investigate~~ 12772
~~the applicant and ascertain whether or not it has been authorized~~ 12773

~~to execute and accept trusts in this state and has safe and~~ 12774
~~adequate vaults and efficient supervision thereof for the storage~~ 12775
~~and safekeeping within this state of securities. If the~~ 12776
~~superintendent finds that the applicant has been so authorized and~~ 12777
~~has such vaults and supervision thereof, the superintendent shall~~ 12778
~~approve the application and issue a certificate to that effect,~~ 12779
~~the original or any certified copy of which shall be conclusive~~ 12780
~~evidence that the institution therein named is qualified to act as~~ 12781
~~trustee for the purposes of this section with respect to~~ 12782
~~securities other than those belonging to itself or to an affiliate~~ 12783
~~as defined in section 1101.01 of the Revised Code.~~ 12784

Notwithstanding the fact that a public depository is required 12785
to pledge eligible securities in certain amounts to secure 12786
deposits of public moneys, a trustee has no duty or obligation to 12787
determine the eligibility, market value, or face value of any 12788
securities deposited with the trustee by a public depository. This 12789
applies in all situations including, without limitation, a 12790
substitution or exchange of securities. 12791

Any charges or compensation of a designated trustee for 12792
acting as such under this section shall be paid by the public 12793
depository and in no event shall be chargeable to the state or the 12794
subdivision or ~~to the treasurer or to~~ any officer of the state or 12795
subdivision. The charges or compensation shall not be a lien or 12796
charge upon the securities deposited for safekeeping prior or 12797
superior to the rights to and interests in the securities of the 12798
~~state or the subdivision or of the treasurer~~ public depositor. The 12799
treasurer and the treasurer's bonders or surety shall be relieved 12800
from any liability to the ~~state or the subdivision~~ public 12801
depositor or to the public depository for the loss or destruction 12802
of any securities deposited with a qualified trustee pursuant to 12803
this section. 12804

Sec. 135.181. (A) As used in this section: 12805

(1) "Public depository" means that term as defined in section 12806
135.01 of the Revised Code, but also means an institution which 12807
receives or holds any public deposits as defined in section 135.31 12808
of the Revised Code. 12809

(2) "Public deposits," "public moneys," and "treasurer" mean 12810
those terms as defined in section 135.01 of the Revised Code, but 12811
also have the same meanings as are set forth in section 135.31 of 12812
the Revised Code. 12813

(3) "Subdivision" means that term as defined in section 12814
135.01 of the Revised Code, but also includes a county. 12815

(B) ~~In~~ Prior to the creation of the Ohio pooled collateral 12816
program under section 135.182 of the Revised Code, in lieu of the 12817
pledging requirements prescribed in sections 135.18 and 135.37 of 12818
the Revised Code, an institution designated as a public depository 12819
at its option may pledge a single pool of eligible securities to 12820
secure the repayment of all public moneys deposited in the 12821
institution and not otherwise secured pursuant to law, provided 12822
that at all times the total market value of the securities so 12823
pledged is at least equal to one hundred five per cent of the 12824
total amount of all public deposits to be secured by the pooled 12825
securities that are not covered by any federal deposit insurance. 12826
Each institution shall carry in its accounting records at all 12827
times a general ledger or other appropriate account of the total 12828
amount of all public deposits to be secured by the pool, as 12829
determined at the opening of business each day, and the total 12830
market value of securities pledged to secure such deposits. 12831

(C) The securities described in division (B) of section 12832
135.18 of the Revised Code shall be eligible as collateral for the 12833
purposes of division (B) of this section, provided no such 12834
securities pledged as collateral are at any time in default as to 12835

either principal or interest. 12836

(D) The state and each subdivision shall have an undivided 12837
security interest in the pool of securities pledged by a public 12838
depository pursuant to division (B) of this section in the 12839
proportion that the total amount of the state's or subdivision's 12840
public moneys secured by the pool bears to the total amount of 12841
public deposits so secured. 12842

(E) An institution designated as a public depository shall 12843
designate a qualified trustee and deposit with the trustee for 12844
safekeeping the eligible securities pledged pursuant to division 12845
(B) of this section. The institution shall give written notice of 12846
the qualified trustee to any treasurer or treasurers depositing 12847
public moneys for which such securities are pledged. The treasurer 12848
shall accept the written receipt of the trustee describing the 12849
pool of securities so deposited by the depository, a copy of which 12850
also shall be delivered to the depository. 12851

(F) Any federal reserve bank or branch thereof located in 12852
this state or federal home loan bank, without compliance with 12853
Chapter 1111. of the Revised Code and without becoming subject to 12854
any other law of this state relative to the exercise by 12855
corporations of trust powers generally, is qualified to act as 12856
trustee for the safekeeping of securities, under this section. Any 12857
institution mentioned in section 135.03 or 135.32 of the Revised 12858
Code which holds a certificate of qualification issued by the 12859
superintendent of financial institutions or any institution 12860
complying with sections 1111.04, 1111.05, and 1111.06 of the 12861
Revised Code is qualified to act as trustee for the safekeeping of 12862
securities under this section, other than those belonging to 12863
itself or to an affiliate as defined in division (A) of section 12864
1101.01 of the Revised Code. Upon application to the 12865
superintendent in writing by an institution, the superintendent 12866
shall investigate the applicant and ascertain whether or not it 12867

has been authorized to execute and accept trusts in this state and 12868
has safe and adequate vaults and efficient supervision thereof for 12869
the storage and safekeeping of securities. If the superintendent 12870
finds that the applicant has been so authorized and has such 12871
vaults and supervision thereof, the superintendent shall approve 12872
the application and issue a certificate to that effect, the 12873
original or any certified copy of which shall be conclusive 12874
evidence that the institution named therein is qualified to act as 12875
trustee for the purposes of this section with respect to 12876
securities other than those belonging to itself or to an 12877
affiliate. 12878

(G) The public depository at any time may substitute, 12879
exchange, or release eligible securities deposited with a 12880
qualified trustee pursuant to this section, provided that such 12881
substitution, exchange, or release does not reduce the total 12882
market value of the securities to an amount that is less than one 12883
hundred five per cent of the total amount of public deposits as 12884
determined pursuant to division (B) of this section. 12885

(H) Notwithstanding the fact that a public depository is 12886
required to pledge eligible securities in certain amounts to 12887
secure deposits of public moneys, a trustee has no duty or 12888
obligation to determine the eligibility, market value, or face 12889
value of any securities deposited with the trustee by a public 12890
depository. This applies in all situations including, but not 12891
limited to, a substitution or exchange of securities, but 12892
excluding those situations effectuated by division (I) of this 12893
section in which the trustee is required to determine face and 12894
market value. 12895

(I) If the public depository fails to pay over any part of 12896
the public deposits made therein as provided by law and secured 12897
pursuant to division (B) of this section, the treasurer shall give 12898
written notice of this failure to the qualified trustee holding 12899

the pool of securities pledged against public moneys deposited in 12900
the depository, and at the same time shall send a copy of this 12901
notice to the depository. Upon receipt of this notice, the trustee 12902
shall transfer to the treasurer for public sale, the pooled 12903
securities that are necessary to produce an amount equal to the 12904
deposits made by the treasurer and not paid over, less the portion 12905
of the deposits covered by any federal deposit insurance, plus any 12906
accrued interest due on the deposits; however, the amount shall 12907
not exceed the state's or subdivision's proportional security 12908
interest in the market value of the pool as of the date of the 12909
depository's failure to pay over the deposits, as that interest 12910
and value are determined by the trustee. The treasurer shall sell 12911
at public sale any of the bonds or other securities so 12912
transferred. Thirty days' notice of the sale shall be given in a 12913
newspaper of general circulation at Columbus, in the case of the 12914
treasurer of state, and at the county seat of the county in which 12915
the office of the treasurer is located, in the case of any other 12916
treasurer. When a sale of bonds or other securities has been so 12917
made and upon payment to the treasurer of the purchase money, the 12918
treasurer shall transfer such bonds or securities whereupon the 12919
absolute ownership of such bonds or securities shall pass to the 12920
purchasers. Any surplus after deducting the amount due the state 12921
or subdivision and expenses of sale shall be paid to the public 12922
depository. 12923

(J) Any charges or compensation of a designated trustee for 12924
acting as such under this section shall be paid by the public 12925
depository and in no event shall be chargeable to the state or 12926
subdivision or to the treasurer or to any officer of the state or 12927
subdivision. The charges or compensation shall not be a lien or 12928
charge upon the securities deposited for safekeeping prior or 12929
superior to the rights to and interests in the securities of the 12930
state or subdivision or of the treasurer. The treasurer and the 12931
treasurer's bonders or surety shall be relieved from any liability 12932

to the state or subdivision or to the public depository for the 12933
loss or destruction of any securities deposited with a qualified 12934
trustee pursuant to this section. 12935

(K) In lieu of placing its unqualified endorsement on each 12936
security, a public depository pledging securities pursuant to 12937
division (B) of this section that are not negotiable without its 12938
endorsement or assignment may furnish to the qualified trustee 12939
holding the securities an appropriate resolution and irrevocable 12940
power of attorney authorizing the trustee to assign the 12941
securities. The resolution and power of attorney shall conform to 12942
terms and conditions the trustee prescribes. 12943

(L) Upon request of a treasurer no more often than four times 12944
per year, a public depository shall report the amount of public 12945
moneys deposited by the treasurer and secured pursuant to division 12946
(B) of this section, and the total market value of the pool of 12947
securities pledged to secure public moneys held by the depository, 12948
including those deposited by the treasurer. Upon request of a 12949
treasurer no more often than four times per year, a qualified 12950
trustee shall report the total market value of the pool of 12951
securities deposited with it by the depository and shall provide 12952
an itemized list of the securities in the pool. These reports 12953
shall be made as of the date the treasurer specifies. 12954

Sec. 135.182. (A) As used in this section: 12955

(1) "Public depository" means that term as defined in section 12956
135.01 of the Revised Code, but also means an institution that 12957
receives or holds any public deposits as defined in section 135.31 12958
of the Revised Code. 12959

(2) "Public depositor" means that term as defined in section 12960
135.01 of the Revised Code, but also includes a county and any 12961
municipal corporation that has adopted a charter under Article 12962
XVIII, Ohio Constitution. 12963

(3) "Public deposits," "public moneys," and "treasurer" mean those terms as defined in section 135.01 of the Revised Code, but also have the same meanings as are set forth in section 135.31 of the Revised Code.

(B) Not later than July 1, 2017, the treasurer of state shall create the Ohio pooled collateral program. Under this program, each institution designated as a public depository that selects the pledging method prescribed in division (A)(2) of section 135.18 or division (A)(2) of section 135.37 of the Revised Code shall pledge to the treasurer of state a single pool of eligible securities for the benefit of all public depositors at the public depository to secure the repayment of all uninsured public deposits at the public depository, provided that at all times the total market value of the securities so pledged is at least equal to one hundred two per cent of the total amount of all uninsured public deposits. The treasurer of state shall monitor the eligibility, market value, and face value of the pooled securities pledged by the public depository. Each public depository shall carry in its accounting records at all times a general ledger or other appropriate account of the total amount of all public deposits to be secured by the pool, as determined at the opening of business each day, and the total market value of securities pledged to secure such deposits, and report such information to the treasurer of state in a manner and frequency as determined by the treasurer of state pursuant to rules adopted by the treasurer of state.

(C) The public depository shall designate a qualified trustee approved by the treasurer of state and place with such trustee for safekeeping the eligible securities pledged pursuant to division (B) of this section. The trustee shall hold the eligible securities in an account indicating the treasurer of state's security interest in the eligible securities. The treasurer of

state shall give written notice of the trustee to all public 12996
depositors for which such securities are pledged. The trustee 12997
shall report to the treasurer of state information relating to the 12998
securities pledged to secure such public deposits in a manner and 12999
frequency as determined by the treasurer of state. 13000

(D) In order for a public depository to receive public moneys 13001
under this section, the public depository and the treasurer of 13002
state shall first execute an agreement that sets forth the entire 13003
arrangement among the parties and that meets the requirements 13004
described in 12 U.S.C. 1823(e). In addition, the agreement shall 13005
authorize the treasurer of state to obtain control of the 13006
collateral pursuant to division (D) of section 1308.24 of the 13007
Revised Code. 13008

(E) The securities or other obligations described in division 13009
(D) of section 135.18 of the Revised Code shall be eligible as 13010
collateral for the purposes of division (B) of this section, 13011
provided no such securities or obligations pledged as collateral 13012
are at any time in default as to either principal or interest. 13013

(F) Any federal reserve bank or branch thereof located in 13014
this state or federal home loan bank, without compliance with 13015
Chapter 1111. of the Revised Code and without becoming subject to 13016
any other law of this state relative to the exercise by 13017
corporations of trust powers generally, is qualified to act as 13018
trustee for the safekeeping of securities, under this section. Any 13019
institution mentioned in section 135.03 or 135.32 of the Revised 13020
Code that holds a certificate of qualification issued by the 13021
superintendent of financial institutions or any institution 13022
complying with sections 1111.04, 1111.05, and 1111.06 of the 13023
Revised Code is qualified to act as trustee for the safekeeping of 13024
securities under this section, other than those belonging to 13025
itself or to an affiliate as defined in section 1101.01 of the 13026
Revised Code. 13027

(G) The public depository may substitute, exchange, or 13028
release eligible securities deposited with the qualified trustee 13029
pursuant to this section, provided that such substitution, 13030
exchange, or release is effectuated pursuant to written 13031
authorization from the treasurer of state, and such action does 13032
not reduce the total market value of the securities to an amount 13033
that is less than the amount established pursuant to division (B) 13034
of this section. 13035

(H) Notwithstanding the fact that a public depository is 13036
required to pledge eligible securities in certain amounts to 13037
secure public deposits, a qualified trustee has no duty or 13038
obligation to determine the eligibility, market value, or face 13039
value of any securities deposited with the trustee by a public 13040
depository. This applies in all situations including, but not 13041
limited to, a substitution or exchange of securities, but 13042
excluding those situations effectuated by division (I) of this 13043
section in which the trustee is required to determine face and 13044
market value. 13045

(I) The qualified trustee shall enter into a custodial 13046
agreement with the treasurer of state and public depository in 13047
which the trustee agrees to comply with entitlement orders 13048
originated by the treasurer of state without further consent by 13049
the public depository or, in the case of collateral held by the 13050
public depository in an account at a federal reserve bank, the 13051
treasurer of state shall have the treasurer's security interest 13052
marked on the books of the federal reserve bank where the account 13053
for the collateral is maintained. If the public depository fails 13054
to pay over any part of the public deposits made therein as 13055
provided by law and secured pursuant to division (B) of this 13056
section, the treasurer of state shall give written notice of this 13057
failure to the qualified trustee holding the pool of securities 13058
pledged against the public deposits, and at the same time shall 13059

send a copy of this notice to the public depository. Upon receipt 13060
of this notice, the trustee shall transfer to the treasurer of 13061
state for sale, the pooled securities that are necessary to 13062
produce an amount equal to the public deposits made by the public 13063
depositor and not paid over, less the portion of the deposits 13064
covered by any federal deposit insurance, plus any accrued 13065
interest due on the deposits. The treasurer of state shall sell 13066
any of the bonds or other securities so transferred. When a sale 13067
of bonds or other securities has been so made and upon payment to 13068
the public depositor of the purchase money, the treasurer of state 13069
shall transfer such bonds or securities whereupon the absolute 13070
ownership of such bonds or securities shall pass to the 13071
purchasers. Any surplus after deducting the amount due to the 13072
public depositor and expenses of sale shall be paid to the public 13073
depository. 13074

(J) Any charges or compensation of a qualified trustee for 13075
acting as such under this section shall be paid by the public 13076
depository and in no event shall be chargeable to the public 13077
depositor or to any officer of the public depositor. The charges 13078
or compensation shall not be a lien or charge upon the securities 13079
deposited for safekeeping prior or superior to the rights to and 13080
interests in the securities of the public depositor. The treasurer 13081
and the treasurer's bonders or surety shall be relieved from any 13082
liability to the public depositor or to the public depository for 13083
the loss or destruction of any securities deposited with a 13084
qualified trustee pursuant to this section. 13085

Sec. 135.35. (A) The investing authority shall deposit or 13086
invest any part or all of the county's inactive moneys and shall 13087
invest all of the money in the county public library fund when 13088
required by section 135.352 of the Revised Code. The following 13089
classifications of securities and obligations are eligible for 13090
such deposit or investment: 13091

(1) United States treasury bills, notes, bonds, or any other 13092
obligation or security issued by the United States treasury, any 13093
other obligation guaranteed as to principal or interest by the 13094
United States, or any book entry, zero-coupon United States 13095
treasury security that is a direct obligation of the United 13096
States. 13097

Nothing in the classification of eligible securities and 13098
obligations set forth in divisions (A)(2) to (10) of this section 13099
shall be construed to authorize any investment in stripped 13100
principal or interest obligations of such eligible securities and 13101
obligations. 13102

(2) Bonds, notes, debentures, or any other obligations or 13103
securities issued by any federal government agency or 13104
instrumentality, including, but not limited to, the federal 13105
national mortgage association, federal home loan bank, federal 13106
farm credit bank, federal home loan mortgage corporation, and 13107
government national mortgage association. All federal agency 13108
securities shall be direct issuances of federal government 13109
agencies or instrumentalities. 13110

(3) Time certificates of deposit or savings or deposit 13111
accounts, including, but not limited to, passbook accounts, in any 13112
eligible institution mentioned in section 135.32 of the Revised 13113
Code; 13114

(4) Bonds and other obligations of this state or the 13115
political subdivisions of this state; 13116

(5) No-load money market mutual funds rated in the highest 13117
category at the time of purchase by at least one nationally 13118
recognized standard rating service or consisting exclusively of 13119
obligations described in division (A)(1), (2), or (6) of section 13120
135.143 of the Revised Code and repurchase agreements secured by 13121
such obligations, provided that investments in securities 13122

described in this division are made only through eligible 13123
institutions mentioned in section 135.32 of the Revised Code; 13124

(6) The Ohio subdivision's fund as provided in section 135.45 13125
of the Revised Code; 13126

(7) Securities lending agreements with any eligible 13127
institution mentioned in section 135.32 of the Revised Code that 13128
is a member of the federal reserve system or federal home loan 13129
bank or with any recognized United States government securities 13130
dealer meeting the description in division (J)(1) of this section, 13131
under the terms of which agreements the investing authority lends 13132
securities and the eligible institution or dealer agrees to 13133
simultaneously exchange similar securities or cash, equal value 13134
for equal value. 13135

Securities and cash received as collateral for a securities 13136
lending agreement are not inactive moneys of the county or moneys 13137
of a county public library fund. The investment of cash collateral 13138
received pursuant to a securities lending agreement may be 13139
invested only in instruments specified by the investing authority 13140
in the written investment policy described in division (K) of this 13141
section. 13142

(8) Up to twenty-five per cent of the county's total average 13143
portfolio in either of the following investments: 13144

(a) Commercial paper notes issued by an entity that is 13145
defined in division (D) of section 1705.01 of the Revised Code and 13146
that has assets exceeding five hundred million dollars, to which 13147
notes all of the following apply: 13148

(i) The notes are rated at the time of purchase in the 13149
highest classification established by at least two nationally 13150
recognized standard rating services. 13151

(ii) The aggregate value of the notes does not exceed ten per 13152
cent of the aggregate value of the outstanding commercial paper of 13153

the issuing corporation. 13154

(iii) The notes mature not later than two hundred seventy 13155
days after purchase. 13156

(b) Bankers acceptances of banks that are insured by the 13157
federal deposit insurance corporation and that mature not later 13158
than one hundred eighty days after purchase. 13159

No investment shall be made pursuant to division (A)(8) of 13160
this section unless the investing authority has completed 13161
additional training for making the investments authorized by 13162
division (A)(8) of this section. The type and amount of additional 13163
training shall be approved by the treasurer of state and may be 13164
conducted by or provided under the supervision of the treasurer of 13165
state. 13166

(9) Up to fifteen per cent of the county's total average 13167
portfolio in notes issued by corporations that are incorporated 13168
under the laws of the United States and that are operating within 13169
the United States, or by depository institutions that are doing 13170
business under authority granted by the United States or any state 13171
and that are operating within the United States, provided both of 13172
the following apply: 13173

(a) The notes are rated in the second highest or higher 13174
category by at least two nationally recognized standard rating 13175
services at the time of purchase. 13176

(b) The notes mature not later than two years after purchase. 13177

(10) Debt interests rated at the time of purchase in the 13178
three highest categories by two nationally recognized standard 13179
rating services and issued by foreign nations diplomatically 13180
recognized by the United States government. All interest and 13181
principal shall be denominated and payable in United States funds. 13182
The investments made under division (A)(10) of this section shall 13183
not exceed in the aggregate one per cent of a county's total 13184

average portfolio. 13185

The investing authority shall invest under division (A)(10) 13186
of this section in a debt interest issued by a foreign nation only 13187
if the debt interest is backed by the full faith and credit of 13188
that foreign nation, there is no prior history of default, and the 13189
debt interest matures not later than five years after purchase. 13190
For purposes of division (A)(10) of this section, a debt interest 13191
is rated in the three highest categories by two nationally 13192
recognized standard rating services if either the debt interest 13193
itself or the issuer of the debt interest is rated, or is 13194
implicitly rated, at the time of purchase in the three highest 13195
categories by two nationally recognized standard rating services. 13196

(11) A current unpaid or delinquent tax line of credit 13197
authorized under division (G) of section 135.341 of the Revised 13198
Code, provided that all of the conditions for entering into such a 13199
line of credit under that division are satisfied, or bonds and 13200
other obligations of a county land reutilization corporation 13201
organized under Chapter 1724. of the Revised Code, if the county 13202
land reutilization corporation is located wholly or partly within 13203
the same county as the investing authority. 13204

(B) Nothing in the classifications of eligible obligations 13205
and securities set forth in divisions (A)(1) to (10) of this 13206
section shall be construed to authorize investment in a 13207
derivative, and no investing authority shall invest any county 13208
inactive moneys or any moneys in a county public library fund in a 13209
derivative. For purposes of this division, "derivative" means a 13210
financial instrument or contract or obligation whose value or 13211
return is based upon or linked to another asset or index, or both, 13212
separate from the financial instrument, contract, or obligation 13213
itself. Any security, obligation, trust account, or other 13214
instrument that is created from an issue of the United States 13215
treasury or is created from an obligation of a federal agency or 13216

instrumentality or is created from both is considered a derivative 13217
instrument. An eligible investment described in this section with 13218
a variable interest rate payment, based upon a single interest 13219
payment or single index comprised of other eligible investments 13220
provided for in division (A)(1) or (2) of this section, is not a 13221
derivative, provided that such variable rate investment has a 13222
maximum maturity of two years. A treasury inflation-protected 13223
security shall not be considered a derivative, provided the 13224
security matures not later than five years after purchase. 13225

(C) Except as provided in division (D) of this section, any 13226
investment made pursuant to this section must mature within five 13227
years from the date of settlement, unless the investment is 13228
matched to a specific obligation or debt of the county or to a 13229
specific obligation or debt of a political subdivision of this 13230
state, and the investment is specifically approved by the 13231
investment advisory committee. 13232

(D) The investing authority may also enter into a written 13233
repurchase agreement with any eligible institution mentioned in 13234
section 135.32 of the Revised Code or any eligible securities 13235
dealer pursuant to division (J) of this section, under the terms 13236
of which agreement the investing authority purchases and the 13237
eligible institution or dealer agrees unconditionally to 13238
repurchase any of the securities listed in divisions ~~(B)~~(D)(1) to 13239
(5), except letters of credit described in division ~~(B)~~(D)(2), of 13240
section 135.18 of the Revised Code. The market value of securities 13241
subject to an overnight written repurchase agreement must exceed 13242
the principal value of the overnight written repurchase agreement 13243
by at least two per cent. A written repurchase agreement must 13244
exceed the principal value of the overnight written repurchase 13245
agreement, by at least two per cent. A written repurchase 13246
agreement shall not exceed thirty days, and the market value of 13247
securities subject to a written repurchase agreement must exceed 13248

the principal value of the written repurchase agreement by at 13249
least two per cent and be marked to market daily. All securities 13250
purchased pursuant to this division shall be delivered into the 13251
custody of the investing authority or the qualified custodian of 13252
the investing authority or an agent designated by the investing 13253
authority. A written repurchase agreement with an eligible 13254
securities dealer shall be transacted on a delivery versus payment 13255
basis. The agreement shall contain the requirement that for each 13256
transaction pursuant to the agreement the participating 13257
institution shall provide all of the following information: 13258

(1) The par value of the securities; 13259

(2) The type, rate, and maturity date of the securities; 13260

(3) A numerical identifier generally accepted in the 13261
securities industry that designates the securities. 13262

No investing authority shall enter into a written repurchase 13263
agreement under the terms of which the investing authority agrees 13264
to sell securities owned by the county to a purchaser and agrees 13265
with that purchaser to unconditionally repurchase those 13266
securities. 13267

(E) No investing authority shall make an investment under 13268
this section, unless the investing authority, at the time of 13269
making the investment, reasonably expects that the investment can 13270
be held until its maturity. The investing authority's written 13271
investment policy shall specify the conditions under which an 13272
investment may be redeemed or sold prior to maturity. 13273

(F) No investing authority shall pay a county's inactive 13274
moneys or moneys of a county public library fund into a fund 13275
established by another subdivision, treasurer, governing board, or 13276
investing authority, if that fund was established by the 13277
subdivision, treasurer, governing board, or investing authority 13278
for the purpose of investing or depositing the public moneys of 13279

other subdivisions. This division does not apply to the payment of
public moneys into either of the following:

(1) The Ohio subdivision's fund pursuant to division (A)(6)
of this section;

(2) A fund created solely for the purpose of acquiring,
constructing, owning, leasing, or operating municipal utilities
pursuant to the authority provided under section 715.02 of the
Revised Code or Section 4 of Article XVIII, Ohio Constitution.

For purposes of division (F) of this section, "subdivision"
includes a county.

(G) The use of leverage, in which the county uses its current
investment assets as collateral for the purpose of purchasing
other assets, is prohibited. The issuance of taxable notes for the
purpose of arbitrage is prohibited. Contracting to sell securities
not owned by the county, for the purpose of purchasing such
securities on the speculation that bond prices will decline, is
prohibited.

(H) Any securities, certificates of deposit, deposit
accounts, or any other documents evidencing deposits or
investments made under authority of this section shall be issued
in the name of the county with the county treasurer or investing
authority as the designated payee. If any such deposits or
investments are registrable either as to principal or interest, or
both, they shall be registered in the name of the treasurer.

(I) The investing authority shall be responsible for the
safekeeping of all documents evidencing a deposit or investment
acquired under this section, including, but not limited to,
safekeeping receipts evidencing securities deposited with a
qualified trustee, as provided in section 135.37 of the Revised
Code, and documents confirming the purchase of securities under
any repurchase agreement under this section shall be deposited

with a qualified trustee, provided, however, that the qualified 13311
trustee shall be required to report to the investing authority, 13312
auditor of state, or an authorized outside auditor at any time 13313
upon request as to the identity, market value, and location of the 13314
document evidencing each security, and that if the participating 13315
institution is a designated depository of the county for the 13316
current period of designation, the securities that are the subject 13317
of the repurchase agreement may be delivered to the treasurer or 13318
held in trust by the participating institution on behalf of the 13319
investing authority. 13320

Upon the expiration of the term of office of an investing 13321
authority or in the event of a vacancy in the office for any 13322
reason, the officer or the officer's legal representative shall 13323
transfer and deliver to the officer's successor all documents 13324
mentioned in this division for which the officer has been 13325
responsible for safekeeping. For all such documents transferred 13326
and delivered, the officer shall be credited with, and the 13327
officer's successor shall be charged with, the amount of moneys 13328
evidenced by such documents. 13329

(J)(1) All investments, except for investments in securities 13330
described in divisions (A)(5), (6), and (11) of this section, 13331
shall be made only through a member of the financial industry 13332
regulatory authority (FINRA), through a bank, savings bank, or 13333
savings and loan association regulated by the superintendent of 13334
financial institutions, or through an institution regulated by the 13335
comptroller of the currency, federal deposit insurance 13336
corporation, or board of governors of the federal reserve system. 13337

(2) Payment for investments shall be made only upon the 13338
delivery of securities representing such investments to the 13339
treasurer, investing authority, or qualified trustee. If the 13340
securities transferred are not represented by a certificate, 13341
payment shall be made only upon receipt of confirmation of 13342

transfer from the custodian by the treasurer, governing board, or 13343
qualified trustee. 13344

(K)(1) Except as otherwise provided in division (K)(2) of 13345
this section, no investing authority shall make an investment or 13346
deposit under this section, unless there is on file with the 13347
auditor of state a written investment policy approved by the 13348
investing authority. The policy shall require that all entities 13349
conducting investment business with the investing authority shall 13350
sign the investment policy of that investing authority. All 13351
brokers, dealers, and financial institutions, described in 13352
division (J)(1) of this section, initiating transactions with the 13353
investing authority by giving advice or making investment 13354
recommendations shall sign the investing authority's investment 13355
policy thereby acknowledging their agreement to abide by the 13356
policy's contents. All brokers, dealers, and financial 13357
institutions, described in division (J)(1) of this section, 13358
executing transactions initiated by the investing authority, 13359
having read the policy's contents, shall sign the investment 13360
policy thereby acknowledging their comprehension and receipt. 13361

(2) If a written investment policy described in division 13362
(K)(1) of this section is not filed on behalf of the county with 13363
the auditor of state, the investing authority of that county shall 13364
invest the county's inactive moneys and moneys of the county 13365
public library fund only in time certificates of deposits or 13366
savings or deposit accounts pursuant to division (A)(3) of this 13367
section, no-load money market mutual funds pursuant to division 13368
(A)(5) of this section, or the Ohio subdivision's fund pursuant to 13369
division (A)(6) of this section. 13370

(L)(1) The investing authority shall establish and maintain 13371
an inventory of all obligations and securities acquired by the 13372
investing authority pursuant to this section. The inventory shall 13373
include a description of each obligation or security, including 13374

type, cost, par value, maturity date, settlement date, and any 13375
coupon rate. 13376

(2) The investing authority shall also keep a complete record 13377
of all purchases and sales of the obligations and securities made 13378
pursuant to this section. 13379

(3) The investing authority shall maintain a monthly 13380
portfolio report and issue a copy of the monthly portfolio report 13381
describing such investments to the county investment advisory 13382
committee, detailing the current inventory of all obligations and 13383
securities, all transactions during the month that affected the 13384
inventory, any income received from the obligations and 13385
securities, and any investment expenses paid, and stating the 13386
names of any persons effecting transactions on behalf of the 13387
investing authority. 13388

(4) The monthly portfolio report shall be a public record and 13389
available for inspection under section 149.43 of the Revised Code. 13390

(5) The inventory and the monthly portfolio report shall be 13391
filed with the board of county commissioners. The monthly 13392
portfolio report also shall be filed with the treasurer of state. 13393

(M) An investing authority may enter into a written 13394
investment or deposit agreement that includes a provision under 13395
which the parties agree to submit to nonbinding arbitration to 13396
settle any controversy that may arise out of the agreement, 13397
including any controversy pertaining to losses of public moneys 13398
resulting from investment or deposit. The arbitration provision 13399
shall be set forth entirely in the agreement, and the agreement 13400
shall include a conspicuous notice to the parties that any party 13401
to the arbitration may apply to the court of common pleas of the 13402
county in which the arbitration was held for an order to vacate, 13403
modify, or correct the award. Any such party may also apply to the 13404
court for an order to change venue to a court of common pleas 13405

located more than one hundred miles from the county in which the investing authority is located.

For purposes of this division, "investment or deposit agreement" means any agreement between an investing authority and a person, under which agreement the person agrees to invest, deposit, or otherwise manage, on behalf of the investing authority, a county's inactive moneys or moneys in a county public library fund, or agrees to provide investment advice to the investing authority.

(N)(1) An investment held in the county portfolio on September 27, 1996, that was a legal investment under the law as it existed before September 27, 1996, may be held until maturity.

(2) An investment held in the county portfolio on September 10, 2012, that was a legal investment under the law as it existed before September 10, 2012, may be held until maturity.

Sec. 135.353. (A) In addition to the investments specified in section 135.35 of the Revised Code, the investing authority of a county may do all of the following:

(1) Invest inactive or public moneys in linked deposits as authorized by resolution adopted pursuant to section 135.80 or 135.801 of the Revised Code;

(2) Invest inactive or public moneys in linked deposits as authorized by resolution adopted pursuant to section 135.805 of the Revised Code for a term considered appropriate by the investing authority, but not exceeding fifteen years, which investment may be renewed for up to two additional terms with each additional term not exceeding fifteen years.

(3) Invest inactive moneys in certificates of deposit in accordance with all of the following:

(a) The inactive moneys initially are deposited with an

eligible public depository described in section 135.32 of the Revised Code and selected by the investing authority.

(b) For the investing authority depositing the inactive moneys pursuant to division (A)(3)(a) of this section, the eligible public depository selected pursuant to that division invests the inactive moneys in certificates of deposit of one or more federally insured banks, savings banks, or savings and loan associations, wherever located. The full amount of principal and any accrued interest of each certificate of deposit invested in pursuant to division (A)(3)(b) of this section shall be insured by federal deposit insurance.

(c) For the investing authority depositing the inactive moneys pursuant to division (A)(3)(a) of this section, the eligible public depository selected pursuant to that division acts as custodian of the certificates of deposit described in division (A)(3)(b) of this section.

(d) On the same date the public moneys are redeposited by the public depository, the public depository may, in its sole discretion, choose whether to receive deposits, in any amount, from other banks, savings banks, or savings and loan associations.

(e) The public depository provides to the investing authority a monthly account statement that includes the amount of its funds deposited and held at each bank, savings bank, or savings and loan association for which the public depository acts as a custodian pursuant to this section.

(B) Inactive moneys deposited or invested in accordance with division (A)(3) of this section are not subject to any pledging requirements described in section 135.181, 135.182, or 135.37 of the Revised Code.

Sec. 135.354. (A) In addition to the authority provided in

section 135.35 of the Revised Code for the investment or deposit 13466
of inactive moneys, the investing authority of a county, upon the 13467
deposit of active or inactive moneys with an eligible public 13468
depository described in section 135.32 of the Revised Code and 13469
selected by the investing authority, may authorize the public 13470
depository to arrange for the redeposit of such public moneys in 13471
accordance with the following conditions: 13472

(1) The public depository, on or after the date the public 13473
moneys are received, arranges for the redeposit of the moneys into 13474
deposit accounts in one or more federally insured banks, savings 13475
banks, or savings and loan associations that are located in the 13476
United States, and acts as custodian of the moneys deposited or 13477
redeposited under this section. 13478

(2) If the amount of the public moneys deposited with and 13479
held at the close of business by the public depository exceeds the 13480
amount insured by the federal deposit insurance corporation, the 13481
excess amount is subject to the pledging requirements described in 13482
section 135.181, 135.182, or 135.37 of the Revised Code. 13483

(3) The full amount of the public moneys redeposited by the 13484
public depository into deposit accounts in banks, savings banks, 13485
or savings and loan associations, plus any accrued interest, is 13486
insured by the federal deposit insurance corporation. 13487

(4) On the same date the public moneys are redeposited by the 13488
public depository, the public depository may, in its sole 13489
discretion, choose whether to receive deposits, in any amount, 13490
from other banks, savings banks, or savings and loan associations. 13491

(5) The public depository provides to the investing authority 13492
an account statement at least monthly and access to daily 13493
reporting that include the amount of its funds deposited and held 13494
at each bank, savings bank, or savings and loan association for 13495
which the public depository acts as a custodian pursuant to this 13496

section. 13497

(B) Except as provided in division (A)(2) of this section, 13498
public moneys deposited in accordance with this section are not 13499
subject to the pledging requirements described in section 135.181, 13500
135.182, or 135.37 of the Revised Code. 13501

Sec. 135.37. (A) Except as provided in section 135.353 or 13502
135.354 of the Revised Code, any institution described in section 13503
135.32 of the Revised Code ~~shall, at the time it receives in~~ 13504
receipt of a deposit of public moneys under section 135.33 or 13505
135.35 of the Revised Code, ~~pledge to and deposit with the~~ 13506
~~investing authority, as shall provide~~ security for the repayment 13507
of all public moneys ~~to be deposited in the public depository by~~ 13508
selecting one of the following methods: 13509

(1) Securing all uninsured public deposits of each investing 13510
authority separately as set forth in divisions (B) to (I) of this 13511
section; 13512

(2) Securing all uninsured public deposits of every public 13513
depositor pursuant to section 135.181 or 135.182 of the Revised 13514
Code, as applicable, by establishing and pledging to the treasurer 13515
of state a single pool of collateral for the benefit of each 13516
public depositor at the public depository. 13517

(B) If a public depository elects to provide security 13518
pursuant to division (A)(1) of this section, the public depository 13519
shall pledge to the investing authority, as security for the 13520
repayment of all public moneys deposited in the public depository 13521
during the period of designation pursuant to an award made under 13522
section 135.33 of the Revised Code or pursuant to section 135.35 13523
of the Revised Code, eligible securities of aggregate market value 13524
at all times equal to or in excess at least one hundred five per 13525
cent of the total amount of public moneys to be at the time so 13526
deposited the investing authority's uninsured public deposits. Any 13527

securities listed in division ~~(B)~~(D) of section 135.18 of the Revised Code are eligible for such purpose. The collateral so pledged or deposited may be in an amount that when added to the portion of the deposit insured by the federal deposit insurance corporation or any other agency or instrumentality of the federal government will, in the aggregate, equal or exceed the amount of public moneys so deposited; provided that, when an investment of inactive moneys consists of the purchase of one or more of the type of securities listed in division (A)(1) or (2) of section 135.35 of the Revised Code, no additional collateral need be pledged or deposited.

The investing authority also may require that additional eligible securities be pledged or deposited when depreciation occurs in the market value of any securities pledged or deposited.

~~(B)~~ The public depository may, at any time, provide for the exchange or substitution of securities for other eligible securities or the release of securities when the amount of public moneys on deposit does not require that they be pledged or deposited, by notifying the investing authority of its intent to take such action.

Upon proper notification of the public depository's desire for release of securities, the investing authority may sign a release of such securities provided that the aggregate amount of collateral remaining pledged or deposited meets the requirements of divisions (A) to (E) of this section.

When a public depository desires to exchange or substitute securities for other eligible securities, the investing authority may release the securities pledged or deposited after the deposit of other securities having a current market value equal to or greater than the current market value of securities then on deposit or after a safekeeping receipt has been received evidencing the deposit and pledge of such securities.

~~(C) Upon request from the investing authority, the trustee or~~ 13560
~~the~~ In order for a public depository shall furnish a statement of 13561
~~the securities pledged against the~~ to receive public moneys 13562
~~deposited in under this section, the public depository and the~~ 13563
~~investing authority shall first execute an agreement that sets~~ 13564
~~forth the entire arrangement among the parties and that meets the~~ 13565
~~requirements described in 12 U.S.C. 1823(e). In addition, the~~ 13566
~~agreement shall authorize the investing authority to obtain~~ 13567
~~control of the collateral pursuant to division (D) of section~~ 13568
~~1308.24 of the Revised Code.~~ 13569

(D) An institution designated as a public depository shall 13570
designate a qualified trustee and place the eligible securities 13571
with the trustee for safekeeping. The trustee shall hold the 13572
eligible securities in an account indicating the investing 13573
authority's security interest in the securities. The trustee shall 13574
report to the investing authority information relating to the 13575
securities pledged to secure the public deposits in the manner and 13576
frequency requested by the investing authority. 13577

(E) The qualified trustee shall enter into a custodial 13578
agreement with the investing authority and public depository in 13579
which the trustee agrees to comply with entitlement orders 13580
originated by the investing authority without further consent by 13581
the public depository or, in the case of collateral held by the 13582
public depository in an account at a federal reserve bank, the 13583
investing authority shall have the investing authority's security 13584
interest marked on the books of the federal reserve bank where the 13585
account for the collateral is maintained. If a the public 13586
depository fails to pay over any part of any the public deposit 13587
deposits made as provided by law, the investing authority shall 13588
sell any pledged or deposited securities, as prescribed in 13589
division (C) of section 135.18 of the Revised Code. 13590

~~(E) A public depository may designate, in accordance with the~~ 13591

~~provisions of division (D) of section 135.18 of the Revised Code,~~ 13592
~~a trustee for the safekeeping of any pledged securities. Such~~ 13593
~~trustee shall be any bank or other institution eligible as a~~ 13594
~~trustee under division (I) of section 135.18 of the Revised Code,~~ 13595
~~except that, for the purposes of this section, a bank to which a~~ 13596
~~certificate of qualification is issued shall be an institution~~ 13597
~~mentioned in division (A) of section 135.32 of the Revised Code~~ 13598
therein as provided by law, the investing authority shall give 13599
written notice of this failure to the qualified trustee holding 13600
the securities pledged against its public deposits, and at the 13601
same time shall send a copy of this notice to the public 13602
depository. Upon receipt of this notice, the trustee shall 13603
transfer to the investing authority for sale, the securities that 13604
are necessary to produce an amount equal to the public deposits 13605
made by the investing authority and not paid over, less the 13606
portion of the deposits covered by any federal deposit insurance, 13607
plus any accrued interest due on the deposits. The investing 13608
authority shall sell any of the bonds or other securities so 13609
transferred. When a sale of bonds or other securities has been so 13610
made and upon payment to the investing authority of the purchase 13611
money, the investing authority shall transfer such bonds or 13612
securities whereupon the absolute ownership of such bonds or 13613
securities shall pass to the purchasers. Any surplus after 13614
deducting the amount due the investing authority and expenses of 13615
sale shall be paid to the public depository. 13616

~~(F) In lieu of the pledging requirements prescribed in~~ 13617
~~divisions (A) to (E) of this section, an institution designated as~~ 13618
~~a public depository may pledge securities pursuant to section~~ 13619
~~135.181 of the Revised Code~~ When the public depository has placed 13620
eligible securities described in division (D)(1) of section 135.18 13621
of the Revised Code with a trustee for safekeeping, the public 13622
depository may at any time substitute or exchange eligible 13623
securities described in division (D)(1) of section 135.18 of the 13624

Revised Code having a current market value equal to or greater 13625
than the current market value of the securities then on deposit 13626
and for which they are to be substituted or exchanged, without 13627
specific authorization from the investing authority of any such 13628
substitution or exchange. 13629

(G) When the public depository has placed eligible securities 13630
described in divisions (D)(2) to (9) of section 135.18 of the 13631
Revised Code with a trustee for safekeeping, the public depository 13632
may at any time substitute or exchange eligible securities having 13633
a current market value equal to or greater than the current market 13634
value of the securities then on deposit and for which they are to 13635
be substituted or exchanged without specific authorization from 13636
the investing authority of any such substitution or exchange only 13637
if one of the following applies: 13638

(1) The investing authority has authorized the public 13639
depository to make such substitution or exchange on a continuing 13640
basis during a specified period without prior approval of each 13641
substitution or exchange. The authorization may be effected by the 13642
investing authority sending to the trustee a written notice 13643
stating that substitution may be effected on a continuing basis 13644
during a specified period which shall not extend beyond the end of 13645
the period of designation during which the notice is given. The 13646
trustee may rely upon this notice and upon the period of 13647
authorization stated therein and upon the period of designation 13648
stated therein. 13649

(2) The public depository notifies the investing authority 13650
and the trustee of an intended substitution or exchange, and the 13651
investing authority does not object to the trustee as to the 13652
eligibility or market value of the securities being substituted 13653
within three business days after the date appearing on the notice 13654
of proposed substitution. The notice to the investing authority 13655
and to the trustee shall be given in writing and delivered 13656

electronically. The trustee may assume in any case that the notice 13657
has been delivered to the investing authority. In order for 13658
objections of the investing authority to be effective, receipt of 13659
the objections must be acknowledged in writing by the trustee. 13660

(3) The investing authority gives written authorization for a 13661
substitution or exchange of specific securities. 13662

(H) The public depository shall notify any investing 13663
authority of any substitution or exchange under division (G)(1) or 13664
(2) of this section. 13665

(I) Any federal reserve bank or branch thereof located in 13666
this state or federal home loan bank, without compliance with 13667
Chapter 1111. of the Revised Code and without becoming subject to 13668
any other law of this state relative to the exercise by 13669
corporations of trust powers generally, is qualified to act as 13670
trustee for the safekeeping of securities, under this section. Any 13671
institution mentioned in section 135.03 or 135.32 of the Revised 13672
Code that holds a certificate of qualification issued by the 13673
superintendent of financial institutions or any institution 13674
complying with sections 1111.04, 1111.05, and 1111.06 of the 13675
Revised Code is qualified to act as trustee for the safekeeping of 13676
securities under this section, other than those belonging to 13677
itself or to an affiliate as defined in section 1101.01 of the 13678
Revised Code. 13679

Notwithstanding the fact that a public depository is required 13680
to pledge eligible securities in certain amounts to secure 13681
deposits of public moneys, a trustee has no duty or obligation to 13682
determine the eligibility, market value, or face value of any 13683
securities deposited with the trustee by a public depository. This 13684
applies in all situations including, without limitation, a 13685
substitution or exchange of securities. 13686

Any charges or compensation of a designated trustee for 13687

acting as such under this section shall be paid by the public 13688
depository and in no event shall be chargeable to the investing 13689
authority or to any officer of the investing authority. The 13690
charges or compensation shall not be a lien or charge upon the 13691
securities deposited for safekeeping prior or superior to the 13692
rights to and interests in the securities of the investing 13693
authority. The treasurer and the treasurer's bonders or surety 13694
shall be relieved from any liability to the investing authority or 13695
to the public depository for the loss or destruction of any 13696
securities deposited with a qualified trustee pursuant to this 13697
section. 13698

Sec. 135.731. (A) For purposes of this section, "western 13699
basin" has the same meaning as in section 905.326 of the Revised 13700
Code. 13701

(B) Notwithstanding any provision in sections 135.71 to 13702
135.76 of the Revised Code to the contrary, before July 1, 2020, 13703
all of the following apply to eligible agricultural businesses 13704
that maintain land or facilities for agricultural purposes in the 13705
western basin: 13706

(1) Such a business shall certify on its loan application 13707
that the reduced rate loan will be used exclusively for 13708
agricultural purposes on land or in facilities owned or operated 13709
by the business in this state in the western basin and that the 13710
loan will materially contribute to the business's compliance with 13711
division (A) of section 1511.10 of the Revised Code. Whoever 13712
knowingly makes a false statement concerning the application is 13713
guilty of the offense of falsification under section 2921.13 of 13714
the Revised Code. 13715

(2) In evaluating such businesses, the treasurer of state 13716
shall give priority to a business's financial need for the loan to 13717
comply with division (A) of section 1511.10 of the Revised Code as 13718

well as the overall financial need of the business and the 13719
economic needs of the area where the business is located. 13720

(3) No loan for such a business shall exceed five hundred 13721
thousand dollars. 13722

Sec. 135.74. (A) The treasurer of state may accept or reject 13723
an agricultural linked deposit loan package or any portion 13724
thereof, based on the treasurer's evaluation of the eligible 13725
agricultural businesses included in the package, the amount of 13726
individual loans in the package, and the amount of the package. In 13727
evaluating the eligible agricultural businesses, the treasurer of 13728
state shall give priority to a business's financial need for the 13729
loan to meet planting deadlines but shall also consider the 13730
overall financial need of the business and the economic needs of 13731
the area where the business is located. 13732

(B) Upon acceptance of the agricultural linked deposit loan 13733
package or any portion thereof, the treasurer of state may place 13734
certificates of deposit with the eligible lending institution at a 13735
rate below current market rates, as determined and calculated by 13736
the treasurer of state, or may invest in bonds, notes, debentures, 13737
or other obligations or securities issued by the federal farm 13738
credit bank with respect to the eligible lending institution at a 13739
rate below current market rates, as determined and calculated by 13740
the treasurer of state. When necessary, the treasurer may place 13741
certificates of deposit or may invest in such obligations or 13742
securities prior to acceptance of an agricultural linked deposit 13743
loan package. 13744

(C) The eligible lending institution shall enter into an 13745
agricultural linked deposit agreement with the treasurer of state, 13746
which shall include requirements necessary to carry out the 13747
purposes of sections 135.71 to 135.76 of the Revised Code. The 13748
requirements shall at least do the following: 13749

(1) Include an agreement by the eligible lending institution 13750
to ~~lend the value of the agricultural linked deposit~~ to eligible 13751
agricultural businesses at a rate equal to ~~the~~ either of the 13752
following: 13753

(a) A rate not more than three hundred basis points below the 13754
present borrowing rate applicable to each specific agricultural 13755
business in the accepted loan package; 13756

(b) The present borrowing rate applicable to each specific 13757
agricultural business in the accepted loan package minus the 13758
difference between one of the following, as applicable: 13759

~~(a)(i)~~ The market rate and the actual rate at which the 13760
certificates of deposit that constitute the agricultural linked 13761
deposit were placed; 13762

~~(b)(ii)~~ The market rate and the actual rate at which the 13763
investments in bonds, notes, debentures, or other obligations or 13764
securities that constitute the agricultural linked deposit were 13765
made; 13766

(2) Reflect the market conditions prevailing in the eligible 13767
lending institution's lending area. 13768

The agricultural linked deposit agreement may include a 13769
specification of the period of time in which the lending 13770
institution is to lend funds upon the placement of a linked 13771
deposit, and shall include provisions for the certificates of 13772
deposit to be placed or the investment in bonds, notes, 13773
debentures, obligations, or securities to be made for any maturity 13774
considered appropriate by the treasurer of state not to exceed ~~two~~ 13775
five years and ~~may be renewed for up to an additional two years at~~ 13776
~~the option of the treasurer.~~ Interest shall be paid at the times 13777
determined by the treasurer of state. 13778

(D) Eligible lending institutions shall comply fully with 13779
Chapter 135. of the Revised Code. 13780

Sec. 140.01. As used in this chapter: 13781

(A) "Hospital agency" means any public hospital agency or any 13782
nonprofit hospital agency. 13783

(B) "Public hospital agency" means any county, board of 13784
county hospital trustees established pursuant to section 339.02 of 13785
the Revised Code, county hospital commission established pursuant 13786
to section 339.14 of the Revised Code, municipal corporation, new 13787
community authority organized under Chapter 349. of the Revised 13788
Code, joint township hospital district, state or municipal 13789
university or college operating or authorized to operate a 13790
hospital facility, or the state. 13791

(C) "Nonprofit hospital agency" means a corporation or 13792
association not for profit, no part of the net earnings of which 13793
inures or may lawfully inure to the benefit of any private 13794
shareholder or individual, that has authority to own or operate a 13795
hospital facility or provides or is to provide services to one or 13796
more other hospital agencies. 13797

(D) "Governing body" means, in the case of a county, the 13798
board of county commissioners or other legislative body; in the 13799
case of a board of county hospital trustees, the board; in the 13800
case of a county hospital commission, the commission; in the case 13801
of a municipal corporation, the council or other legislative 13802
authority; in the case of a new community authority, its board of 13803
trustees; in the case of a joint township hospital district, the 13804
joint township district hospital board; in the case of a state or 13805
municipal university or college, its board of trustees or board of 13806
directors; in the case of a nonprofit hospital agency, the board 13807
of trustees or other body having general management of the agency; 13808
and, in the case of the state, the director of development 13809
services or the Ohio higher educational facility commission. 13810

(E) "Hospital facilities" means buildings, structures and 13811

other improvements, additions thereto and extensions thereof, 13812
furnishings, equipment, and real estate and interests in real 13813
estate, used or to be used for or in connection with one or more 13814
hospitals, emergency, intensive, intermediate, extended, 13815
long-term, or self-care facilities, diagnostic and treatment and 13816
out-patient facilities, facilities related to programs for home 13817
health services, clinics, laboratories, public health centers, 13818
research facilities, and rehabilitation facilities, for or 13819
pertaining to diagnosis, treatment, care, or rehabilitation of 13820
sick, ill, injured, infirm, impaired, disabled, or handicapped 13821
persons, or the prevention, detection, and control of disease, and 13822
also includes education, training, and food service facilities for 13823
health professions personnel, housing facilities for such 13824
personnel and their families, and parking and service facilities 13825
in connection with any of the foregoing; and includes any one, 13826
part of, or any combination of the foregoing; and further includes 13827
site improvements, utilities, machinery, facilities, furnishings, 13828
and any separate or connected buildings, structures, improvements, 13829
sites, utilities, facilities, or equipment to be used in, or in 13830
connection with the operation or maintenance of, or supplementing 13831
or otherwise related to the services or facilities to be provided 13832
by, any one or more of such hospital facilities. 13833

(F) "Costs of hospital facilities" means the costs of 13834
acquiring hospital facilities or interests in hospital facilities, 13835
including membership interests in nonprofit hospital agencies, 13836
costs of constructing hospital facilities, costs of improving one 13837
or more hospital facilities, including reconstructing, 13838
rehabilitating, remodeling, renovating, and enlarging, costs of 13839
equipping and furnishing such facilities, and all financing costs 13840
pertaining thereto, including, without limitation thereto, costs 13841
of engineering, architectural, and other professional services, 13842
designs, plans, specifications and surveys, and estimates of cost, 13843
costs of tests and inspections, the costs of any indemnity or 13844

surety bonds and premiums on insurance, all related direct or 13845
allocable administrative expenses pertaining thereto, fees and 13846
expenses of trustees, depositories, and paying agents for the 13847
obligations, cost of issuance of the obligations and financing 13848
charges and fees and expenses of financial advisors, attorneys, 13849
accountants, consultants and rating services in connection 13850
therewith, capitalized interest on the obligations, amounts 13851
necessary to establish reserves as required by the bond 13852
proceedings, the reimbursement of all moneys advanced or applied 13853
by the hospital agency or others or borrowed from others for the 13854
payment of any item or items of costs of such facilities, and all 13855
other expenses necessary or incident to planning or determining 13856
feasibility or practicability with respect to such facilities, and 13857
such other expenses as may be necessary or incident to the 13858
acquisition, construction, reconstruction, rehabilitation, 13859
remodeling, renovation, enlargement, improvement, equipment, and 13860
furnishing of such facilities, the financing thereof, and the 13861
placing of the same in use and operation, including any one, part 13862
of, or combination of such classes of costs and expenses, and 13863
means the costs of refinancing obligations issued by, or 13864
reimbursement of money advanced by, nonprofit hospital agencies or 13865
others the proceeds of which were used for the payment of costs of 13866
hospital facilities, if the governing body of the public hospital 13867
agency determines that the refinancing or reimbursement advances 13868
the purposes of this chapter, whether or not the refinancing or 13869
reimbursement is in conjunction with the acquisition or 13870
construction of additional hospital facilities. 13871

(G) "Hospital receipts" means all moneys received by or on 13872
behalf of a hospital agency from or in connection with the 13873
ownership, operation, acquisition, construction, improvement, 13874
equipping, or financing of any hospital facilities, including, 13875
without limitation thereto, any rentals and other moneys received 13876
from the lease, sale, or other disposition of hospital facilities, 13877

and any gifts, grants, interest subsidies, or other moneys 13878
received under any federal program for assistance in financing the 13879
costs of hospital facilities, and any other gifts, grants, and 13880
donations, and receipts therefrom, available for financing the 13881
costs of hospital facilities. 13882

(H) "Obligations" means bonds, notes, or other evidences of 13883
indebtedness or obligation, including interest coupons pertaining 13884
thereto, issued or issuable by a public hospital agency to pay 13885
costs of hospital facilities. 13886

(I) "Bond service charges" means principal, interest, and 13887
call premium, if any, required to be paid on obligations. 13888

(J) "Bond proceedings" means one or more ordinances, 13889
resolutions, trust agreements, indentures, and other agreements or 13890
documents, and amendments and supplements to the foregoing, or any 13891
combination thereof, authorizing or providing for the terms, 13892
including any variable interest rates, and conditions applicable 13893
to, or providing for the security of, obligations and the 13894
provisions contained in such obligations. 13895

(K) "Nursing home" has the same meaning as in division (A)(1) 13896
of section 5701.13 of the Revised Code. 13897

(L) "Residential care facility" has the same meaning as in 13898
division (A)(2) of section 5701.13 of the Revised Code. 13899

(M) "Independent living facility" means any self-care 13900
facility or other housing facility designed or used as a residence 13901
for elderly persons. An "independent living facility" does not 13902
include a residential facility, or that part of a residential 13903
facility, that is any of the following: 13904

(1) A hospital required to be certified by section 3727.02 of 13905
the Revised Code; 13906

(2) A nursing home or residential care facility; 13907

(3) A facility operated by a hospice care program licensed 13908
under section 3712.04 of the Revised Code and used for the 13909
program's hospice patients; 13910

(4) A residential facility licensed by the department of 13911
mental health and addiction services under section 5119.34 of the 13912
Revised Code that provides accommodations, supervision, and 13913
personal care services for three to sixteen unrelated adults; 13914

(5) A residential facility licensed by the department of 13915
mental health and addiction services under section 5119.34 of the 13916
Revised Code that is not a residential facility described in 13917
division (M)(4) of this section; 13918

(6) A facility licensed to provide methadone treatment under 13919
section 5119.391 of the Revised Code; 13920

(7) A ~~facility certified as a~~ community addiction services 13921
~~provider under section 5119.36,~~ as defined in section 5119.01 of 13922
the Revised Code; 13923

(8) A residential facility licensed under section 5123.19 of 13924
the Revised Code or a facility providing services under a contract 13925
with the department of developmental disabilities under section 13926
5123.18 of the Revised Code; 13927

(9) A residential facility used as part of a hospital to 13928
provide housing for staff of the hospital or students pursuing a 13929
course of study at the hospital. 13930

Sec. 141.04. (A) The annual salaries of the chief justice of 13931
the supreme court and of the justices and judges named in this 13932
section payable from the state treasury are as follows, ~~rounded to~~ 13933
~~the nearest fifty dollars:~~ 13934

(1) For the chief justice of the supreme court, the following 13935
amounts effective in the following years: 13936

(a) Beginning January 1, ~~2000~~ 2014, one hundred ~~twenty-four~~ 13937

<u>fifty thousand ~~nine~~ <u>eight</u> hundred <u>fifty</u> dollars;</u>	13938
(b) <u>Beginning January 1, ~~2001~~ on the effective date of this</u>	13939
<u>~~amendment~~, one hundred ~~twenty-eight~~ <u>fifty-eight</u> thousand ~~six~~ <u>four</u></u>	13940
<u>hundred ~~fifty~~ dollars;</u>	13941
(c) <u>After ~~2001~~, the amount determined under division (E)(1)</u>	13942
<u>~~of this section~~ Beginning January 1, 2017, one hundred sixty-six</u>	13943
<u>thousand three hundred fifty dollars;</u>	13944
(d) <u>Beginning January 1, 2018, one hundred seventy-four</u>	13945
<u>thousand seven hundred dollars;</u>	13946
(e) <u>Beginning January 1, 2019, and each calendar year</u>	13947
<u>thereafter, one hundred eighty-three thousand four hundred fifty</u>	13948
<u>dollars.</u>	13949
(2) For the justices of the supreme court, the following	13950
amounts effective in the following years:	13951
(a) <u>Beginning January 1, ~~2000~~ <u>2014</u>, one hundred ~~seventeen~~</u>	13952
<u>~~forty-one~~ thousand ~~two~~ <u>six</u> hundred <u>fifty</u> dollars;</u>	13953
(b) <u>Beginning January 1, ~~2001~~ on the effective date of this</u>	13954
<u>~~amendment~~, one hundred ~~twenty~~ <u>forty-eight</u> thousand seven hundred</u>	13955
<u>~~fifty~~ dollars;</u>	13956
(c) <u>After ~~2001~~, the amount determined under division (E)(1)</u>	13957
<u>~~of this section~~ Beginning January 1, 2017, one hundred <u>fifty-six</u></u>	13958
<u>thousand one hundred fifty dollars;</u>	13959
(d) <u>Beginning January 1, 2018, one hundred sixty-four</u>	13960
<u>thousand dollars;</u>	13961
(e) <u>Beginning January 1, 2019, and each calendar year</u>	13962
<u>thereafter, one hundred seventy-two thousand two hundred dollars.</u>	13963
(3) For the judges of the courts of appeals, the following	13964
amounts effective in the following years:	13965
(a) <u>Beginning January 1, ~~2000~~ <u>2014</u>, one hundred ~~nine~~</u>	13966

~~thirty-two thousand two hundred fifty~~ dollars; 13967

(b) Beginning ~~January 1, 2001~~ on the effective date of this 13968
amendment, one hundred ~~twelve~~ thirty-eight thousand ~~five six~~ 13969
hundred ~~fifty~~ dollars; 13970

(c) ~~After 2001, the amount determined under division (E)(1)~~ 13971
~~of this section~~ Beginning January 1, 2017, one hundred forty-five 13972
thousand five hundred fifty dollars; 13973

(d) Beginning January 1, 2018, one hundred fifty-two thousand 13974
eight hundred fifty dollars; 13975

(e) Beginning January 1, 2019, and each calendar year 13976
thereafter, one hundred sixty thousand five hundred dollars. 13977

(4) For the judges of the courts of common pleas, the 13978
following amounts effective in the following years, reduced by an 13979
amount equal to the annual compensation paid to that judge from 13980
the county treasury pursuant to section 141.05 of the Revised 13981
Code: 13982

(a) Beginning January 1, ~~2000~~ 2014, one hundred twenty-one 13983
thousand ~~five~~ three hundred ~~fifty~~ dollars, ~~reduced by an amount~~ 13984
~~equal to the annual compensation paid to that judge from the~~ 13985
~~county treasury pursuant to section 141.05 of the Revised Code;~~ 13986

(b) Beginning ~~January 1, 2001~~ on the effective date of this 13987
amendment, one hundred ~~three~~ twenty-seven thousand ~~five four~~ 13988
hundred fifty dollars, ~~reduced by an amount equal to the annual~~ 13989
~~compensation paid to that judge from the county treasury pursuant~~ 13990
~~to section 141.05 of the Revised Code;~~ 13991

(c) ~~After 2001, the aggregate annual salary amount determined~~ 13992
~~under division (E)(2) of this section reduced by an amount equal~~ 13993
~~to the annual compensation paid to that judge from the county~~ 13994
~~treasury pursuant to section 141.05 of the Revised Code~~ Beginning 13995
January 1, 2017, one hundred thirty-three thousand eight hundred 13996

<u>fifty dollars;</u>	13997
<u>(d) Beginning January 1, 2018, one hundred forty thousand</u>	13998
<u>five hundred fifty dollars;</u>	13999
<u>(e) Beginning January 1, 2019, and each calendar year</u>	14000
<u>thereafter, one hundred forty-seven thousand six hundred dollars.</u>	14001
(5) For the full-time judges of a municipal court or the	14002
part-time judges of a municipal court of a territory having a	14003
population of more than fifty thousand, the following amounts	14004
effective in the following years, ~~which amounts shall be in~~	14005
~~addition to all amounts received~~ <u>reduced by an amount equal to the</u>	14006
<u>annual compensation paid to that judge pursuant to divisions</u>	14007
<u>division (B)(1)(a) and (2) of section 1901.11 of the Revised Code</u>	14008
from municipal corporations and counties:	14009
(a) Beginning January 1, ~~2000~~ <u>2014</u> , ~~thirty-two~~ <u>one hundred</u>	14010
<u>fourteen thousand six</u> ~~one hundred fifty~~ dollars;	14011
(b) Beginning ~~January 1, 2001~~ <u>on the effective date of this</u>	14012
<u>amendment, thirty-five</u> ~~one hundred nineteen~~ thousand ~~five~~ <u>eight</u>	14013
hundred ~~fifty~~ dollars;	14014
(c) ~~After 2001, the amount determined under division (E)(3)~~	14015
~~of this section~~ <u>Beginning January 1, 2017, one hundred twenty-five</u>	14016
<u>thousand eight hundred fifty dollars;</u>	14017
<u>(d) Beginning January 1, 2018, one hundred thirty-two</u>	14018
<u>thousand one hundred fifty dollars;</u>	14019
<u>(e) Beginning January 1, 2019, and each calendar year</u>	14020
<u>thereafter, one hundred thirty-eight thousand eight hundred</u>	14021
<u>dollars.</u>	14022
(6) For judges of a municipal court designated as part-time	14023
judges by section 1901.08 of the Revised Code, other than	14024
part-time judges to whom division (A)(5) of this section applies,	14025
and for judges of a county court, the following amounts effective	14026

in the following years, ~~which amounts shall be in addition to any~~ 14027
~~amounts received~~ reduced by an amount equal to the annual 14028
compensation paid to that judge pursuant to division (A) of 14029
section 1901.11 of the Revised Code from municipal corporations 14030
and counties or pursuant to division (A) of section 1907.16 of the 14031
Revised Code from counties: 14032

(a) Beginning January 1, ~~2000~~ 2014, ~~eighteen~~ sixty-five 14033
thousand ~~eight~~ six hundred fifty dollars; 14034

(b) Beginning ~~January 1, 2001~~ on the effective date of this 14035
amendment, ~~twenty~~ sixty-eight thousand ~~four~~ nine hundred fifty 14036
dollars; 14037

(c) ~~After 2001, the amount determined under division (E)(4)~~ 14038
~~of this section~~ Beginning January 1, 2017, seventy-two thousand 14039
four hundred dollars; 14040

(d) Beginning January 1, 2018, seventy-six thousand fifty 14041
dollars; 14042

(e) Beginning January 1, 2019, and each calendar year 14043
thereafter, seventy-nine thousand nine hundred dollars. 14044

(B) Except as provided in sections 1901.122 and 1901.123 of 14045
the Revised Code, except as otherwise provided in this division, 14046
and except for the compensation to which the judges described in 14047
division (A)(5) of this section are entitled pursuant to divisions 14048
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 14049
annual salary of the chief justice of the supreme court and of 14050
each justice or judge listed in division (A) of this section shall 14051
be paid in equal monthly installments from the state treasury. If 14052
the chief justice of the supreme court or any justice or judge 14053
listed in division (A)(2), (3), or (4) of this section delivers a 14054
written request to be paid biweekly to the administrative director 14055
of the supreme court prior to the first day of January of any 14056
year, the annual salary of the chief justice or the justice or 14057

judge that is listed in division (A)(2), (3), or (4) of this 14058
section shall be paid, during the year immediately following the 14059
year in which the request is delivered to the administrative 14060
director of the supreme court, biweekly from the state treasury. 14061

(C) Upon the death of the chief justice or a justice of the 14062
supreme court during that person's term of office, an amount shall 14063
be paid in accordance with section 2113.04 of the Revised Code, or 14064
to that person's estate. The amount shall equal the amount of the 14065
salary that the chief justice or justice would have received 14066
during the remainder of the unexpired term or an amount equal to 14067
the salary of office for two years, whichever is less. 14068

(D) Neither the chief justice of the supreme court nor any 14069
justice or judge of the supreme court, the court of appeals, the 14070
court of common pleas, or the probate court shall hold any other 14071
office of trust or profit under the authority of this state or the 14072
United States. 14073

~~(E)(1) Each year from 2002 through 2008, the annual salaries 14074~~
~~of the chief justice of the supreme court and of the justices and 14075~~
~~judges named in divisions (A)(2) and (3) of this section shall be 14076~~
~~increased by an amount equal to the adjustment percentage for that 14077~~
~~year multiplied by the compensation paid the preceding year 14078~~
~~pursuant to division (A)(1), (2), or (3) of this section. 14079~~

~~(2) Each year from 2002 through 2008, the aggregate annual 14080~~
~~salary payable under division (A)(4) of this section to the judges 14081~~
~~named in that division shall be increased by an amount equal to 14082~~
~~the adjustment percentage for that year multiplied by the 14083~~
~~aggregate compensation paid the preceding year pursuant to 14084~~
~~division (A)(4) of this section and section 141.05 of the Revised 14085~~
~~Code. 14086~~

~~(3) Each year from 2002 through 2008, the salary payable from 14087~~
~~the state treasury under division (A)(5) of this section to the 14088~~

~~judges named in that division shall be increased by an amount 14089~~
~~equal to the adjustment percentage for that year multiplied by the 14090~~
~~aggregate compensation paid the preceding year pursuant to 14091~~
~~division (A)(5) of this section and division (B)(1)(a) of section 14092~~
~~1901.11 of the Revised Code. 14093~~

~~(4) Each year from 2002 through 2008, the salary payable from 14094~~
~~the state treasury under division (A)(6) of this section to the 14095~~
~~judges named in that division shall be increased by an amount 14096~~
~~equal to the adjustment percentage for that year multiplied by the 14097~~
~~aggregate compensation paid the preceding year pursuant to 14098~~
~~division (A)(6) of this section and division (A) of section 14099~~
~~1901.11 of the Revised Code from municipal corporations and 14100~~
~~counties or division (A) of section 1907.16 of the Revised Code 14101~~
~~from counties. 14102~~

~~(F)~~ In addition to the salaries payable pursuant to this 14103
section, the chief justice of the supreme court and the justices 14104
of the supreme court shall be entitled to a vehicle allowance of 14105
five hundred dollars per month, payable from the state treasury. 14106
The allowance shall be increased on the first day of January of 14107
each odd-numbered year by an amount equal to the percentage 14108
increase, if any, in the consumer price index for the immediately 14109
preceding twenty-four month period for which information is 14110
available. 14111

~~(G)~~~~(F)~~ On or before the first day of December of each year, 14112
the Ohio supreme court, through its chief administrator, shall 14113
notify the administrative judge of the Montgomery county municipal 14114
court, the board of county commissioners of Montgomery county, and 14115
the treasurer of the state of the yearly salary cost of five 14116
part-time county court judges as of that date. If the total yearly 14117
salary costs of all of the judges of the Montgomery county 14118
municipal court as of the first day of December of that same year 14119
exceeds that amount, the administrative judge of the Montgomery 14120

county municipal court shall cause payment of the excess between 14121
those two amounts less any reduced amount paid for the health care 14122
costs of the Montgomery county municipal court judges in 14123
comparison to the health care costs of five part-time county court 14124
judges from the general special projects fund or the fund for a 14125
specific special project created pursuant to section 1901.26 of 14126
the Revised Code to the treasurer of Montgomery county and to the 14127
treasurer of the state in amounts proportional to the percentage 14128
of the salaries of the municipal court judges paid by the county 14129
and by the state. 14130

~~(H)~~(G) As used in this section: 14131

(1) The ~~"adjustment percentage" for a year is the lesser of~~ 14132
~~the following:~~ 14133

~~(a) Three per cent;~~ 14134

~~(b) The percentage increase, if any, in the consumer price 14135
index over the twelve-month period that ends on the thirtieth day 14136
of September of the immediately preceding year, rounded to the 14137
nearest one-tenth of one per cent.~~ 14138

~~(2)~~ "Consumer price index" has the same meaning as in section 14139
101.27 of the Revised Code. 14140

~~(3)~~(2) "Salary" does not include any portion of the cost, 14141
premium, or charge for health, medical, hospital, dental, or 14142
surgical benefits, or any combination of those benefits, covering 14143
the chief justice of the supreme court or a justice or judge named 14144
in this section and paid on the chief justice's or the justice's 14145
or judge's behalf by a governmental entity. 14146

Sec. 145.114. (A) As used in this section and in section 14147
145.116 of the Revised Code: 14148

(1) "Agent" means a dealer, as defined in section 1707.01 of 14149
the Revised Code, who is licensed under sections 1707.01 to 14150

1707.45 of the Revised Code or under comparable laws of another 14151
state or of the United States. 14152

(2) "Minority business enterprise" has the same meaning as in 14153
section 122.71 of the Revised Code. 14154

(3) "Ohio-qualified agent" means an agent designated as such 14155
by the public employees retirement board. 14156

(4) "Ohio-qualified investment manager" means an investment 14157
manager designated as such by the public employees retirement 14158
board. 14159

(5) "Principal place of business" means an office in which 14160
the agent regularly provides securities or investment advisory 14161
services and solicits, meets with, or otherwise communicates with 14162
clients. 14163

(B) The public employees retirement board shall, for the 14164
purposes of this section, designate an agent as an Ohio-qualified 14165
agent if the agent meets all of the following requirements: 14166

(1) The agent is subject to taxation under Chapter 5725., 14167
5726., 5733., 5747., or 5751. of the Revised Code; 14168

(2) The agent is authorized to conduct business in this 14169
state; 14170

(3) The agent maintains a principal place of business in this 14171
state and employs at least five residents of this state. 14172

(C) The public employees retirement board shall adopt and 14173
implement a written policy to establish criteria and procedures 14174
used to select agents to execute securities transactions on behalf 14175
of the retirement system. The policy shall address each of the 14176
following: 14177

(1) Commissions charged by the agent, both in the aggregate 14178
and on a per share basis; 14179

(2) The execution speed and trade settlement capabilities of 14180

the agent; 14181

(3) The responsiveness, reliability, and integrity of the 14182
agent; 14183

(4) The nature and value of research provided by the agent; 14184

(5) Any special capabilities of the agent. 14185

(D)(1) The board shall, at least annually, establish a policy 14186
with the goal to increase utilization by the board of 14187
Ohio-qualified agents for the execution of domestic equity and 14188
fixed income trades on behalf of the retirement system, when an 14189
Ohio-qualified agent offers quality, services, and safety 14190
comparable to other agents otherwise available to the board and 14191
meets the criteria established under division (C) of this section. 14192

(2) The board shall review, at least annually, the 14193
performance of the agents that execute securities transactions on 14194
behalf of the board. 14195

(3) The board shall determine whether an agent is an 14196
Ohio-qualified agent, meets the criteria established by the board 14197
pursuant to division (C) of this section, and offers quality, 14198
services, and safety comparable to other agents otherwise 14199
available to the board. The board's determination shall be final. 14200

~~(E) The board shall, at least annually, submit to the Ohio 14201
retirement study council a report containing the following 14202
information: 14203~~

~~(1) The name of each agent designated as an Ohio-qualified 14204
agent under this section; 14205~~

~~(2) The name of each agent that executes securities 14206
transactions on behalf of the board; 14207~~

~~(3) The amount of equity and fixed income trades that are 14208
executed by Ohio-qualified agents, expressed as a percentage of 14209
all equity and fixed income trades that are executed by agents on 14210~~

~~behalf of the board;~~	14211
~~(4) The compensation paid to Ohio-qualified agents, expressed~~	14212
~~as a percentage of total compensation paid to all agents that~~	14213
~~execute securities transactions on behalf of the board;~~	14214
~~(5) The amount of equity and fixed-income trades that are~~	14215
~~executed by agents that are minority business enterprises,~~	14216
~~expressed as a percentage of all equity and fixed-income trades~~	14217
~~that are executed by agents on behalf of the board;~~	14218
~~(6) Any other information requested by the Ohio retirement~~	14219
~~study council regarding the board's use of agents.~~	14220
 Sec. 145.116. (A) The public employees retirement board	14221
shall, for the purposes of this section, designate an investment	14222
manager as an Ohio-qualified investment manager if the investment	14223
manager meets all of the following requirements:	14224
 (1) The investment manager is subject to taxation under	14225
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code;	14226
 (2) The investment manager meets one of the following	14227
requirements:	14228
 (a) Has its corporate headquarters or principal place of	14229
business in this state;	14230
 (b) Employs at least five hundred individuals in this state;	14231
 (c) Has a principal place of business in this state and	14232
employs at least ~~20~~ <u>twenty</u> residents of this state.	14233
 (B)(1) The board shall, at least annually, establish a policy	14234
with the goal to increase utilization by the board of	14235
Ohio-qualified investment managers, when an Ohio-qualified	14236
investment manager offers quality, services, and safety comparable	14237
to other investment managers otherwise available to the board. The	14238
policy shall also provide for the following:	14239

(a) A process whereby the board can develop a list of 14240
Ohio-qualified investment managers and their investment products; 14241

(b) A process whereby the board can give public notice to 14242
Ohio-qualified investment managers of the board's search for an 14243
investment manager that includes the board's search criteria. 14244

(2) The board shall determine whether an investment manager 14245
is an Ohio-qualified investment manager and whether the investment 14246
manager offers quality, services, and safety comparable to other 14247
investment managers otherwise available to the board. The board's 14248
determination shall be final. 14249

~~(C) The board shall, at least annually, submit to the Ohio 14250
retirement study council a report containing the following 14251
information: 14252~~

~~(1) The name of each investment manager designated as an 14253
Ohio-qualified investment manager under this section; 14254~~

~~(2) The name of each investment manager with which the board 14255
contracts; 14256~~

~~(3) The amount of assets managed by Ohio-qualified investment 14257
managers, expressed as a percentage of the total assets held by 14258
the retirement system and as a percentage of assets managed by 14259
investment managers with which the board has contracted; 14260~~

~~(4) The compensation paid to Ohio-qualified investment 14261
managers, expressed as a percentage of total compensation paid to 14262
all investment managers with which the board has contracted; 14263~~

~~(5) Any other information requested by the Ohio retirement 14264
study council regarding the board's use of investment managers. 14265~~

Sec. 145.56. The right of an individual to a pension, an 14266
annuity, or a retirement allowance itself, the right of an 14267
individual to any optional benefit, any other right accrued or 14268
accruing to any individual, under this chapter, or under any 14269

municipal retirement system established subject to this chapter 14270
under the laws of this state or any charter, the various funds 14271
created by this chapter, or under such municipal retirement 14272
system, and all moneys, investments, and income from moneys or 14273
investments are exempt from any state tax, except the tax imposed 14274
by section 5747.02 of the Revised Code, and are exempt from any 14275
county, municipal, or other local tax, except income taxes imposed 14276
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 14277
Code, and, except as provided in sections 145.57, 145.572, 14278
145.573, 145.574, 3105.171, 3105.65, and ~~3115.32~~ 3115.501 and 14279
Chapters 3119., 3121., 3123., and 3125. of the Revised Code, shall 14280
not be subject to execution, garnishment, attachment, the 14281
operation of bankruptcy or insolvency laws, or other process of 14282
law whatsoever, and shall be unassignable except as specifically 14283
provided in this chapter and sections 3105.171, 3105.65, and 14284
~~3115.32~~ 3115.501 and Chapters 3119., 3121., 3123., and 3125. of 14285
the Revised Code. 14286

Sec. 145.571. (A) As used in this section, "alternate payee," 14287
"benefit," "lump sum payment," "participant," and "public 14288
retirement program" have the same meanings as in section 3105.80 14289
of the Revised Code. 14290

(B) On receipt of an order issued under section 3105.171 or 14291
3105.65 of the Revised Code, the public employees retirement 14292
system shall determine whether the order meets the requirements of 14293
sections 3105.80 to 3105.90 of the Revised Code. The system shall 14294
retain in the participant's record an order the system determines 14295
meets the requirements. Not later than sixty days after receipt, 14296
the system shall return to the court that issued the order any 14297
order the system determines does not meet the requirements. 14298

(C) The system shall comply with an order retained under 14299
division (B) of this section at the following times as 14300

appropriate: 14301

(1) If the participant has applied for or is receiving a 14302
benefit or has applied for but not yet received a lump sum 14303
payment, as soon as practicable; 14304

(2) If the participant has not applied for a benefit or lump 14305
sum payment, on application by the participant for a benefit or 14306
lump sum payment. 14307

(D) If the system transfers a participant's service credit or 14308
contributions made by or on behalf of a participant to a public 14309
retirement program that is not named in the order, the system 14310
shall do both of the following: 14311

(1) Notify the court that issued the order by sending the 14312
court a copy of the order and the name and address of the public 14313
retirement program to which the transfer was made; 14314

(2) Send a copy of the order to the public retirement program 14315
to which the transfer was made. 14316

(E) If it receives a participant's service credit or 14317
contributions and a copy of an order as provided in division (D) 14318
of this section, the system shall administer the order as if it 14319
were the public retirement program named in the order. 14320

(F) If a participant's benefit or lump sum payment is or will 14321
be subject to more than one order described in section 3105.81 of 14322
the Revised Code or to an order described in section 3105.81 of 14323
the Revised Code and a withholding order under section 3111.23 or 14324
3113.21 of the Revised Code, the system shall, after determining 14325
that the amounts that are or will be withheld will cause the 14326
benefit or lump sum payment to fall below the limits described in 14327
section 3105.85 of the Revised Code, do all of the following: 14328

(1) Establish, in accordance with division (G) of this 14329
section and subject to the limits described in section 3105.85 of 14330

the Revised Code, the priority in which the orders are or will be 14331
paid by the system; 14332

(2) Reduce the amount paid to an alternate payee based on the 14333
priority established under division (F)(1) of this section; 14334

(3) Notify, by regular mail, a participant and alternate 14335
payee of any action taken under this division. 14336

(G) A withholding or deduction notice issued under section 14337
3111.23 or 3113.21 of the Revised Code or an order described in 14338
section ~~3115.32~~ 3115.501 of the Revised Code has priority over all 14339
other orders and shall be complied with in accordance with child 14340
support enforcement laws. All other orders are entitled to 14341
priority in order of earliest retention by the system. The system 14342
is not to retain an order that provides for the division of 14343
property unless the order is filed in a court with jurisdiction in 14344
this state. 14345

(H) The system is not liable in civil damages for loss 14346
resulting from any action or failure to act in compliance with 14347
this section. 14348

Sec. 149.04. Messages of the governor, and the inaugural 14349
address of the governor-elect, shall be ~~printed~~ produced and 14350
distributed in ~~pamphlet~~ electronic form and ~~distributed as~~ 14351
~~follows:~~ 14352

~~(A) To to the governor delivering a message or address, two~~ 14353
~~hundred fifty copies;~~ 14354

~~(B) To to each member of the general assembly, five copies;~~ 14355

~~(C) To and to the state library, two copies. A physical copy~~ 14356
of the message or address shall be provided, upon request, to any 14357
recipient named in this section. 14358

Sec. 149.43. (A) As used in this section: 14359

(1) "Public record" means records kept by any public office, 14360
including, but not limited to, state, county, city, village, 14361
township, and school district units, and records pertaining to the 14362
delivery of educational services by an alternative school in this 14363
state kept by the nonprofit or for-profit entity operating the 14364
alternative school pursuant to section 3313.533 of the Revised 14365
Code. "Public record" does not mean any of the following: 14366

(a) Medical records; 14367

(b) Records pertaining to probation and parole proceedings or 14368
to proceedings related to the imposition of community control 14369
sanctions and post-release control sanctions; 14370

(c) Records pertaining to actions under section 2151.85 and 14371
division (C) of section 2919.121 of the Revised Code and to 14372
appeals of actions arising under those sections; 14373

(d) Records pertaining to adoption proceedings, including the 14374
contents of an adoption file maintained by the department of 14375
health under sections 3705.12 to 3705.124 of the Revised Code; 14376

(e) Information in a record contained in the putative father 14377
registry established by section 3107.062 of the Revised Code, 14378
regardless of whether the information is held by the department of 14379
job and family services or, pursuant to section 3111.69 of the 14380
Revised Code, the office of child support in the department or a 14381
child support enforcement agency; 14382

(f) Records specified in division (A) of section 3107.52 of 14383
the Revised Code; 14384

(g) Trial preparation records; 14385

(h) Confidential law enforcement investigatory records; 14386

(i) Records containing information that is confidential under 14387
section 2710.03 or 4112.05 of the Revised Code; 14388

(j) DNA records stored in the DNA database pursuant to 14389

section 109.573 of the Revised Code;	14390
(k) Inmate records released by the department of	14391
rehabilitation and correction to the department of youth services	14392
or a court of record pursuant to division (E) of section 5120.21	14393
of the Revised Code;	14394
(l) Records maintained by the department of youth services	14395
pertaining to children in its custody released by the department	14396
of youth services to the department of rehabilitation and	14397
correction pursuant to section 5139.05 of the Revised Code;	14398
(m) Intellectual property records;	14399
(n) Donor profile records;	14400
(o) Records maintained by the department of job and family	14401
services pursuant to section 3121.894 of the Revised Code;	14402
(p) Peace officer, parole officer, probation officer,	14403
bailiff, prosecuting attorney, assistant prosecuting attorney,	14404
correctional employee, community-based correctional facility	14405
employee, youth services employee, firefighter, EMT, or	14406
investigator of the bureau of criminal identification and	14407
investigation residential and familial information;	14408
(q) In the case of a county hospital operated pursuant to	14409
Chapter 339. of the Revised Code or a municipal hospital operated	14410
pursuant to Chapter 749. of the Revised Code, information that	14411
constitutes a trade secret, as defined in section 1333.61 of the	14412
Revised Code;	14413
(r) Information pertaining to the recreational activities of	14414
a person under the age of eighteen;	14415
(s) ~~Records provided to, statements made by review board~~	14416
~~members during meetings of, and all work products~~ <u>In the case</u> of a	14417
child fatality review board acting under sections 307.621 to	14418
307.629 of the Revised Code <u>or a review conducted pursuant to</u>	14419

guidelines established by the director of health under section 14420
3701.70 of the Revised Code, records provided to the board or 14421
director, statements made by board members during meetings of the 14422
board or by persons participating in the director's review, and 14423
all work products of the board or director, and in the case of a 14424
child fatality review board, child fatality review data submitted 14425
by the ~~child fatality review~~ board to the department of health or 14426
a national child death review database, other than the report 14427
prepared pursuant to division (A) of section 307.626 of the 14428
Revised Code; 14429

(t) Records provided to and statements made by the executive 14430
director of a public children services agency or a prosecuting 14431
attorney acting pursuant to section 5153.171 of the Revised Code 14432
other than the information released under that section; 14433

(u) Test materials, examinations, or evaluation tools used in 14434
an examination for licensure as a nursing home administrator that 14435
the board of executives of long-term services and supports 14436
administers under section 4751.04 of the Revised Code or contracts 14437
under that section with a private or government entity to 14438
administer; 14439

(v) Records the release of which is prohibited by state or 14440
federal law; 14441

(w) Proprietary information of or relating to any person that 14442
is submitted to or compiled by the Ohio venture capital authority 14443
created under section 150.01 of the Revised Code; 14444

(x) Financial statements and data any person submits for any 14445
purpose to the Ohio housing finance agency or the controlling 14446
board in connection with applying for, receiving, or accounting 14447
for financial assistance from the agency, and information that 14448
identifies any individual who benefits directly or indirectly from 14449
financial assistance from the agency; 14450

(y) Records listed in section 5101.29 of the Revised Code;	14451
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	14452 14453 14454
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	14455 14456 14457
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	14458 14459 14460
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code.	14461 14462 14463
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	14464 14465 14466 14467 14468
(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;	14469 14470 14471 14472
(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;	14473 14474 14475 14476
(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	14477 14478
(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or	14479 14480

a confidential information source. 14481

(3) "Medical record" means any document or combination of 14482
documents, except births, deaths, and the fact of admission to or 14483
discharge from a hospital, that pertains to the medical history, 14484
diagnosis, prognosis, or medical condition of a patient and that 14485
is generated and maintained in the process of medical treatment. 14486

(4) "Trial preparation record" means any record that contains 14487
information that is specifically compiled in reasonable 14488
anticipation of, or in defense of, a civil or criminal action or 14489
proceeding, including the independent thought processes and 14490
personal trial preparation of an attorney. 14491

(5) "Intellectual property record" means a record, other than 14492
a financial or administrative record, that is produced or 14493
collected by or for faculty or staff of a state institution of 14494
higher learning in the conduct of or as a result of study or 14495
research on an educational, commercial, scientific, artistic, 14496
technical, or scholarly issue, regardless of whether the study or 14497
research was sponsored by the institution alone or in conjunction 14498
with a governmental body or private concern, and that has not been 14499
publicly released, published, or patented. 14500

(6) "Donor profile record" means all records about donors or 14501
potential donors to a public institution of higher education 14502
except the names and reported addresses of the actual donors and 14503
the date, amount, and conditions of the actual donation. 14504

(7) "Peace officer, parole officer, probation officer, 14505
bailiff, prosecuting attorney, assistant prosecuting attorney, 14506
correctional employee, community-based correctional facility 14507
employee, youth services employee, firefighter, EMT, or 14508
investigator of the bureau of criminal identification and 14509
investigation residential and familial information" means any 14510
information that discloses any of the following about a peace 14511

officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation:

(a) The address of the actual personal residence of a peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or an investigator of the bureau of criminal identification and investigation, except for the state or political subdivision in which the peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional

employee, community-based correctional facility employee, youth 14544
services employee, firefighter, EMT, or investigator of the bureau 14545
of criminal identification and investigation by the peace 14546
officer's, parole officer's, probation officer's, bailiff's, 14547
prosecuting attorney's, assistant prosecuting attorney's, 14548
correctional employee's, community-based correctional facility 14549
employee's, youth services employee's, firefighter's, EMT's, or 14550
investigator of the bureau of criminal identification and 14551
investigation's employer; 14552

(e) The identity and amount of any charitable or employment 14553
benefit deduction made by the peace officer's, parole officer's, 14554
probation officer's, bailiff's, prosecuting attorney's, assistant 14555
prosecuting attorney's, correctional employee's, community-based 14556
correctional facility employee's, youth services employee's, 14557
firefighter's, EMT's, or investigator of the bureau of criminal 14558
identification and investigation's employer from the peace 14559
officer's, parole officer's, probation officer's, bailiff's, 14560
prosecuting attorney's, assistant prosecuting attorney's, 14561
correctional employee's, community-based correctional facility 14562
employee's, youth services employee's, firefighter's, EMT's, or 14563
investigator of the bureau of criminal identification and 14564
investigation's compensation unless the amount of the deduction is 14565
required by state or federal law; 14566

(f) The name, the residential address, the name of the 14567
employer, the address of the employer, the social security number, 14568
the residential telephone number, any bank account, debit card, 14569
charge card, or credit card number, or the emergency telephone 14570
number of the spouse, a former spouse, or any child of a peace 14571
officer, parole officer, probation officer, bailiff, prosecuting 14572
attorney, assistant prosecuting attorney, correctional employee, 14573
community-based correctional facility employee, youth services 14574
employee, firefighter, EMT, or investigator of the bureau of 14575

criminal identification and investigation; 14576

(g) A photograph of a peace officer who holds a position or 14577
has an assignment that may include undercover or plain clothes 14578
positions or assignments as determined by the peace officer's 14579
appointing authority. 14580

As used in divisions (A)(7) and (B)(9) of this section, 14581
"peace officer" has the same meaning as in section 109.71 of the 14582
Revised Code and also includes the superintendent and troopers of 14583
the state highway patrol; it does not include the sheriff of a 14584
county or a supervisory employee who, in the absence of the 14585
sheriff, is authorized to stand in for, exercise the authority of, 14586
and perform the duties of the sheriff. 14587

As used in divisions (A)(7) and (B)(9) of this section, 14588
"correctional employee" means any employee of the department of 14589
rehabilitation and correction who in the course of performing the 14590
employee's job duties has or has had contact with inmates and 14591
persons under supervision. 14592

As used in divisions (A)(7) and (B)(9) of this section, 14593
"youth services employee" means any employee of the department of 14594
youth services who in the course of performing the employee's job 14595
duties has or has had contact with children committed to the 14596
custody of the department of youth services. 14597

As used in divisions (A)(7) and (B)(9) of this section, 14598
"firefighter" means any regular, paid or volunteer, member of a 14599
lawfully constituted fire department of a municipal corporation, 14600
township, fire district, or village. 14601

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 14602
means EMTs-basic, EMTs-I, and paramedics that provide emergency 14603
medical services for a public emergency medical service 14604
organization. "Emergency medical service organization," 14605
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 14606

section 4765.01 of the Revised Code. 14607

As used in divisions (A)(7) and (B)(9) of this section, 14608
"investigator of the bureau of criminal identification and 14609
investigation" has the meaning defined in section 2903.11 of the 14610
Revised Code. 14611

(8) "Information pertaining to the recreational activities of 14612
a person under the age of eighteen" means information that is kept 14613
in the ordinary course of business by a public office, that 14614
pertains to the recreational activities of a person under the age 14615
of eighteen years, and that discloses any of the following: 14616

(a) The address or telephone number of a person under the age 14617
of eighteen or the address or telephone number of that person's 14618
parent, guardian, custodian, or emergency contact person; 14619

(b) The social security number, birth date, or photographic 14620
image of a person under the age of eighteen; 14621

(c) Any medical record, history, or information pertaining to 14622
a person under the age of eighteen; 14623

(d) Any additional information sought or required about a 14624
person under the age of eighteen for the purpose of allowing that 14625
person to participate in any recreational activity conducted or 14626
sponsored by a public office or to use or obtain admission 14627
privileges to any recreational facility owned or operated by a 14628
public office. 14629

(9) "Community control sanction" has the same meaning as in 14630
section 2929.01 of the Revised Code. 14631

(10) "Post-release control sanction" has the same meaning as 14632
in section 2967.01 of the Revised Code. 14633

(11) "Redaction" means obscuring or deleting any information 14634
that is exempt from the duty to permit public inspection or 14635
copying from an item that otherwise meets the definition of a 14636

"record" in section 149.011 of the Revised Code. 14637

(12) "Designee" and "elected official" have the same meanings 14638
as in section 109.43 of the Revised Code. 14639

(B)(1) Upon request and subject to division (B)(8) of this 14640
section, all public records responsive to the request shall be 14641
promptly prepared and made available for inspection to any person 14642
at all reasonable times during regular business hours. Subject to 14643
division (B)(8) of this section, upon request, a public office or 14644
person responsible for public records shall make copies of the 14645
requested public record available at cost and within a reasonable 14646
period of time. If a public record contains information that is 14647
exempt from the duty to permit public inspection or to copy the 14648
public record, the public office or the person responsible for the 14649
public record shall make available all of the information within 14650
the public record that is not exempt. When making that public 14651
record available for public inspection or copying that public 14652
record, the public office or the person responsible for the public 14653
record shall notify the requester of any redaction or make the 14654
redaction plainly visible. A redaction shall be deemed a denial of 14655
a request to inspect or copy the redacted information, except if 14656
federal or state law authorizes or requires a public office to 14657
make the redaction. 14658

(2) To facilitate broader access to public records, a public 14659
office or the person responsible for public records shall organize 14660
and maintain public records in a manner that they can be made 14661
available for inspection or copying in accordance with division 14662
(B) of this section. A public office also shall have available a 14663
copy of its current records retention schedule at a location 14664
readily available to the public. If a requester makes an ambiguous 14665
or overly broad request or has difficulty in making a request for 14666
copies or inspection of public records under this section such 14667
that the public office or the person responsible for the requested 14668

public record cannot reasonably identify what public records are 14669
being requested, the public office or the person responsible for 14670
the requested public record may deny the request but shall provide 14671
the requester with an opportunity to revise the request by 14672
informing the requester of the manner in which records are 14673
maintained by the public office and accessed in the ordinary 14674
course of the public office's or person's duties. 14675

(3) If a request is ultimately denied, in part or in whole, 14676
the public office or the person responsible for the requested 14677
public record shall provide the requester with an explanation, 14678
including legal authority, setting forth why the request was 14679
denied. If the initial request was provided in writing, the 14680
explanation also shall be provided to the requester in writing. 14681
The explanation shall not preclude the public office or the person 14682
responsible for the requested public record from relying upon 14683
additional reasons or legal authority in defending an action 14684
commenced under division (C) of this section. 14685

(4) Unless specifically required or authorized by state or 14686
federal law or in accordance with division (B) of this section, no 14687
public office or person responsible for public records may limit 14688
or condition the availability of public records by requiring 14689
disclosure of the requester's identity or the intended use of the 14690
requested public record. Any requirement that the requester 14691
disclose the requestor's identity or the intended use of the 14692
requested public record constitutes a denial of the request. 14693

(5) A public office or person responsible for public records 14694
may ask a requester to make the request in writing, may ask for 14695
the requester's identity, and may inquire about the intended use 14696
of the information requested, but may do so only after disclosing 14697
to the requester that a written request is not mandatory and that 14698
the requester may decline to reveal the requester's identity or 14699
the intended use and when a written request or disclosure of the 14700

identity or intended use would benefit the requester by enhancing 14701
the ability of the public office or person responsible for public 14702
records to identify, locate, or deliver the public records sought 14703
by the requester. 14704

(6) If any person chooses to obtain a copy of a public record 14705
in accordance with division (B) of this section, the public office 14706
or person responsible for the public record may require that 14707
person to pay in advance the cost involved in providing the copy 14708
of the public record in accordance with the choice made by the 14709
person seeking the copy under this division. The public office or 14710
the person responsible for the public record shall permit that 14711
person to choose to have the public record duplicated upon paper, 14712
upon the same medium upon which the public office or person 14713
responsible for the public record keeps it, or upon any other 14714
medium upon which the public office or person responsible for the 14715
public record determines that it reasonably can be duplicated as 14716
an integral part of the normal operations of the public office or 14717
person responsible for the public record. When the person seeking 14718
the copy makes a choice under this division, the public office or 14719
person responsible for the public record shall provide a copy of 14720
it in accordance with the choice made by the person seeking the 14721
copy. Nothing in this section requires a public office or person 14722
responsible for the public record to allow the person seeking a 14723
copy of the public record to make the copies of the public record. 14724

(7) Upon a request made in accordance with division (B) of 14725
this section and subject to division (B)(6) of this section, a 14726
public office or person responsible for public records shall 14727
transmit a copy of a public record to any person by United States 14728
mail or by any other means of delivery or transmission within a 14729
reasonable period of time after receiving the request for the 14730
copy. The public office or person responsible for the public 14731
record may require the person making the request to pay in advance 14732

the cost of postage if the copy is transmitted by United States 14733
mail or the cost of delivery if the copy is transmitted other than 14734
by United States mail, and to pay in advance the costs incurred 14735
for other supplies used in the mailing, delivery, or transmission. 14736

Any public office may adopt a policy and procedures that it 14737
will follow in transmitting, within a reasonable period of time 14738
after receiving a request, copies of public records by United 14739
States mail or by any other means of delivery or transmission 14740
pursuant to this division. A public office that adopts a policy 14741
and procedures under this division shall comply with them in 14742
performing its duties under this division. 14743

In any policy and procedures adopted under this division, a 14744
public office may limit the number of records requested by a 14745
person that the office will transmit by United States mail to ten 14746
per month, unless the person certifies to the office in writing 14747
that the person does not intend to use or forward the requested 14748
records, or the information contained in them, for commercial 14749
purposes. For purposes of this division, "commercial" shall be 14750
narrowly construed and does not include reporting or gathering 14751
news, reporting or gathering information to assist citizen 14752
oversight or understanding of the operation or activities of 14753
government, or nonprofit educational research. 14754

(8) A public office or person responsible for public records 14755
is not required to permit a person who is incarcerated pursuant to 14756
a criminal conviction or a juvenile adjudication to inspect or to 14757
obtain a copy of any public record concerning a criminal 14758
investigation or prosecution or concerning what would be a 14759
criminal investigation or prosecution if the subject of the 14760
investigation or prosecution were an adult, unless the request to 14761
inspect or to obtain a copy of the record is for the purpose of 14762
acquiring information that is subject to release as a public 14763
record under this section and the judge who imposed the sentence 14764

or made the adjudication with respect to the person, or the 14765
judge's successor in office, finds that the information sought in 14766
the public record is necessary to support what appears to be a 14767
justiciable claim of the person. 14768

(9)(a) Upon written request made and signed by a journalist 14769
on or after December 16, 1999, a public office, or person 14770
responsible for public records, having custody of the records of 14771
the agency employing a specified peace officer, parole officer, 14772
probation officer, bailiff, prosecuting attorney, assistant 14773
prosecuting attorney, correctional employee, community-based 14774
correctional facility employee, youth services employee, 14775
firefighter, EMT, or investigator of the bureau of criminal 14776
identification and investigation shall disclose to the journalist 14777
the address of the actual personal residence of the peace officer, 14778
parole officer, probation officer, bailiff, prosecuting attorney, 14779
assistant prosecuting attorney, correctional employee, 14780
community-based correctional facility employee, youth services 14781
employee, firefighter, EMT, or investigator of the bureau of 14782
criminal identification and investigation and, if the peace 14783
officer's, parole officer's, probation officer's, bailiff's, 14784
prosecuting attorney's, assistant prosecuting attorney's, 14785
correctional employee's, community-based correctional facility 14786
employee's, youth services employee's, firefighter's, EMT's, or 14787
investigator of the bureau of criminal identification and 14788
investigation's spouse, former spouse, or child is employed by a 14789
public office, the name and address of the employer of the peace 14790
officer's, parole officer's, probation officer's, bailiff's, 14791
prosecuting attorney's, assistant prosecuting attorney's, 14792
correctional employee's, community-based correctional facility 14793
employee's, youth services employee's, firefighter's, EMT's, or 14794
investigator of the bureau of criminal identification and 14795
investigation's spouse, former spouse, or child. The request shall 14796
include the journalist's name and title and the name and address 14797

of the journalist's employer and shall state that disclosure of 14798
the information sought would be in the public interest. 14799

(b) Division (B)(9)(a) of this section also applies to 14800
journalist requests for customer information maintained by a 14801
municipally owned or operated public utility, other than social 14802
security numbers and any private financial information such as 14803
credit reports, payment methods, credit card numbers, and bank 14804
account information. 14805

(c) As used in division (B)(9) of this section, "journalist" 14806
means a person engaged in, connected with, or employed by any news 14807
medium, including a newspaper, magazine, press association, news 14808
agency, or wire service, a radio or television station, or a 14809
similar medium, for the purpose of gathering, processing, 14810
transmitting, compiling, editing, or disseminating information for 14811
the general public. 14812

(C)(1) If a person allegedly is aggrieved by the failure of a 14813
public office or the person responsible for public records to 14814
promptly prepare a public record and to make it available to the 14815
person for inspection in accordance with division (B) of this 14816
section or by any other failure of a public office or the person 14817
responsible for public records to comply with an obligation in 14818
accordance with division (B) of this section, the person allegedly 14819
aggrieved may commence a mandamus action to obtain a judgment that 14820
orders the public office or the person responsible for the public 14821
record to comply with division (B) of this section, that awards 14822
court costs and reasonable attorney's fees to the person that 14823
instituted the mandamus action, and, if applicable, that includes 14824
an order fixing statutory damages under division (C)(1) of this 14825
section. The mandamus action may be commenced in the court of 14826
common pleas of the county in which division (B) of this section 14827
allegedly was not complied with, in the supreme court pursuant to 14828
its original jurisdiction under Section 2 of Article IV, Ohio 14829

Constitution, or in the court of appeals for the appellate 14830
district in which division (B) of this section allegedly was not 14831
complied with pursuant to its original jurisdiction under Section 14832
3 of Article IV, Ohio Constitution. 14833

If a requestor transmits a written request by hand delivery 14834
or certified mail to inspect or receive copies of any public 14835
record in a manner that fairly describes the public record or 14836
class of public records to the public office or person responsible 14837
for the requested public records, except as otherwise provided in 14838
this section, the requestor shall be entitled to recover the 14839
amount of statutory damages set forth in this division if a court 14840
determines that the public office or the person responsible for 14841
public records failed to comply with an obligation in accordance 14842
with division (B) of this section. 14843

The amount of statutory damages shall be fixed at one hundred 14844
dollars for each business day during which the public office or 14845
person responsible for the requested public records failed to 14846
comply with an obligation in accordance with division (B) of this 14847
section, beginning with the day on which the requester files a 14848
mandamus action to recover statutory damages, up to a maximum of 14849
one thousand dollars. The award of statutory damages shall not be 14850
construed as a penalty, but as compensation for injury arising 14851
from lost use of the requested information. The existence of this 14852
injury shall be conclusively presumed. The award of statutory 14853
damages shall be in addition to all other remedies authorized by 14854
this section. 14855

The court may reduce an award of statutory damages or not 14856
award statutory damages if the court determines both of the 14857
following: 14858

(a) That, based on the ordinary application of statutory law 14859
and case law as it existed at the time of the conduct or 14860
threatened conduct of the public office or person responsible for 14861

the requested public records that allegedly constitutes a failure 14862
to comply with an obligation in accordance with division (B) of 14863
this section and that was the basis of the mandamus action, a 14864
well-informed public office or person responsible for the 14865
requested public records reasonably would believe that the conduct 14866
or threatened conduct of the public office or person responsible 14867
for the requested public records did not constitute a failure to 14868
comply with an obligation in accordance with division (B) of this 14869
section; 14870

(b) That a well-informed public office or person responsible 14871
for the requested public records reasonably would believe that the 14872
conduct or threatened conduct of the public office or person 14873
responsible for the requested public records would serve the 14874
public policy that underlies the authority that is asserted as 14875
permitting that conduct or threatened conduct. 14876

(2)(a) If the court issues a writ of mandamus that orders the 14877
public office or the person responsible for the public record to 14878
comply with division (B) of this section and determines that the 14879
circumstances described in division (C)(1) of this section exist, 14880
the court shall determine and award to the relator all court 14881
costs. 14882

(b) If the court renders a judgment that orders the public 14883
office or the person responsible for the public record to comply 14884
with division (B) of this section, the court may award reasonable 14885
attorney's fees subject to reduction as described in division 14886
(C)(2)(c) of this section. The court shall award reasonable 14887
attorney's fees, subject to reduction as described in division 14888
(C)(2)(c) of this section when either of the following applies: 14889

(i) The public office or the person responsible for the 14890
public records failed to respond affirmatively or negatively to 14891
the public records request in accordance with the time allowed 14892
under division (B) of this section. 14893

(ii) The public office or the person responsible for the 14894
public records promised to permit the relator to inspect or 14895
receive copies of the public records requested within a specified 14896
period of time but failed to fulfill that promise within that 14897
specified period of time. 14898

(c) Court costs and reasonable attorney's fees awarded under 14899
this section shall be construed as remedial and not punitive. 14900
Reasonable attorney's fees shall include reasonable fees incurred 14901
to produce proof of the reasonableness and amount of the fees and 14902
to otherwise litigate entitlement to the fees. The court may 14903
reduce an award of attorney's fees to the relator or not award 14904
attorney's fees to the relator if the court determines both of the 14905
following: 14906

(i) That, based on the ordinary application of statutory law 14907
and case law as it existed at the time of the conduct or 14908
threatened conduct of the public office or person responsible for 14909
the requested public records that allegedly constitutes a failure 14910
to comply with an obligation in accordance with division (B) of 14911
this section and that was the basis of the mandamus action, a 14912
well-informed public office or person responsible for the 14913
requested public records reasonably would believe that the conduct 14914
or threatened conduct of the public office or person responsible 14915
for the requested public records did not constitute a failure to 14916
comply with an obligation in accordance with division (B) of this 14917
section; 14918

(ii) That a well-informed public office or person responsible 14919
for the requested public records reasonably would believe that the 14920
conduct or threatened conduct of the public office or person 14921
responsible for the requested public records as described in 14922
division (C)(2)(c)(i) of this section would serve the public 14923
policy that underlies the authority that is asserted as permitting 14924
that conduct or threatened conduct. 14925

(D) Chapter 1347. of the Revised Code does not limit the 14926
provisions of this section. 14927

(E)(1) To ensure that all employees of public offices are 14928
appropriately educated about a public office's obligations under 14929
division (B) of this section, all elected officials or their 14930
appropriate designees shall attend training approved by the 14931
attorney general as provided in section 109.43 of the Revised 14932
Code. In addition, all public offices shall adopt a public records 14933
policy in compliance with this section for responding to public 14934
records requests. In adopting a public records policy under this 14935
division, a public office may obtain guidance from the model 14936
public records policy developed and provided to the public office 14937
by the attorney general under section 109.43 of the Revised Code. 14938
Except as otherwise provided in this section, the policy may not 14939
limit the number of public records that the public office will 14940
make available to a single person, may not limit the number of 14941
public records that it will make available during a fixed period 14942
of time, and may not establish a fixed period of time before it 14943
will respond to a request for inspection or copying of public 14944
records, unless that period is less than eight hours. 14945

(2) The public office shall distribute the public records 14946
policy adopted by the public office under division (E)(1) of this 14947
section to the employee of the public office who is the records 14948
custodian or records manager or otherwise has custody of the 14949
records of that office. The public office shall require that 14950
employee to acknowledge receipt of the copy of the public records 14951
policy. The public office shall create a poster that describes its 14952
public records policy and shall post the poster in a conspicuous 14953
place in the public office and in all locations where the public 14954
office has branch offices. The public office may post its public 14955
records policy on the internet web site of the public office if 14956
the public office maintains an internet web site. A public office 14957

that has established a manual or handbook of its general policies 14958
and procedures for all employees of the public office shall 14959
include the public records policy of the public office in the 14960
manual or handbook. 14961

(F)(1) The bureau of motor vehicles may adopt rules pursuant 14962
to Chapter 119. of the Revised Code to reasonably limit the number 14963
of bulk commercial special extraction requests made by a person 14964
for the same records or for updated records during a calendar 14965
year. The rules may include provisions for charges to be made for 14966
bulk commercial special extraction requests for the actual cost of 14967
the bureau, plus special extraction costs, plus ten per cent. The 14968
bureau may charge for expenses for redacting information, the 14969
release of which is prohibited by law. 14970

(2) As used in division (F)(1) of this section: 14971

(a) "Actual cost" means the cost of depleted supplies, 14972
records storage media costs, actual mailing and alternative 14973
delivery costs, or other transmitting costs, and any direct 14974
equipment operating and maintenance costs, including actual costs 14975
paid to private contractors for copying services. 14976

(b) "Bulk commercial special extraction request" means a 14977
request for copies of a record for information in a format other 14978
than the format already available, or information that cannot be 14979
extracted without examination of all items in a records series, 14980
class of records, or database by a person who intends to use or 14981
forward the copies for surveys, marketing, solicitation, or resale 14982
for commercial purposes. "Bulk commercial special extraction 14983
request" does not include a request by a person who gives 14984
assurance to the bureau that the person making the request does 14985
not intend to use or forward the requested copies for surveys, 14986
marketing, solicitation, or resale for commercial purposes. 14987

(c) "Commercial" means profit-seeking production, buying, or 14988

selling of any good, service, or other product. 14989

(d) "Special extraction costs" means the cost of the time 14990
spent by the lowest paid employee competent to perform the task, 14991
the actual amount paid to outside private contractors employed by 14992
the bureau, or the actual cost incurred to create computer 14993
programs to make the special extraction. "Special extraction 14994
costs" include any charges paid to a public agency for computer or 14995
records services. 14996

(3) For purposes of divisions (F)(1) and (2) of this section, 14997
"surveys, marketing, solicitation, or resale for commercial 14998
purposes" shall be narrowly construed and does not include 14999
reporting or gathering news, reporting or gathering information to 15000
assist citizen oversight or understanding of the operation or 15001
activities of government, or nonprofit educational research. 15002

Sec. 153.08. On the day and at the place named in the notice 15003
provided for in section 153.06 of the Revised Code, the owner 15004
referred to in section 153.01 of the Revised Code shall open the 15005
bids and shall publicly, with the assistance of the architect or 15006
engineer, immediately proceed to tabulate the bids ~~upon duplicate~~ 15007
~~sheets. The~~ For a bid filed electronically, the public bid opening 15008
may be broadcast by electronic means pursuant to rules established 15009
by the Ohio facilities construction commission. A bid shall be 15010
invalid and not considered unless a bid guaranty meeting the 15011
requirements of section 153.54 of the Revised Code and in the form 15012
approved by the commission is filed with such bid. For a bid that 15013
is not filed electronically, the bid and bid guaranty shall be 15014
filed in one sealed envelope. If the bid and bid guaranty are 15015
filed electronically, they must be received electronically before 15016
the deadline published pursuant to section 153.06 of the Revised 15017
Code. For all bids filed electronically, the original, unaltered 15018
bid guaranty shall be made available to the public authority after 15019

the public bid opening, which may be achieved by means of an 15020
electronic verification and security system established under 15021
rules adopted by the Ohio facilities construction commission under 15022
Chapter 119. of the Revised Code. After investigation, which shall 15023
be completed within thirty days, the contract shall be awarded by 15024
such owner to the lowest responsive and responsible bidder in 15025
accordance with section 9.312 of the Revised Code. 15026

No contract shall be entered into until the industrial 15027
commission has certified that the person so awarded the contract 15028
has complied with sections 4123.01 to 4123.94 of the Revised Code, 15029
until, if the bidder so awarded the contract is a foreign 15030
corporation, the secretary of state has certified that such 15031
corporation is authorized to do business in this state, until, if 15032
the bidder so awarded the contract is a person nonresident of this 15033
state, such person has filed with the secretary of state a power 15034
of attorney designating the secretary of state as its agent for 15035
the purpose of accepting service of summons in any action brought 15036
under section 153.05 of the Revised Code or under sections 4123.01 15037
to 4123.94 of the Revised Code, and until the contract and bond, 15038
if any, are submitted to the attorney general and the attorney 15039
general's approval certified thereon. 15040

No contract shall be entered into unless the bidder possesses 15041
a valid certificate of compliance with affirmative action programs 15042
issued pursuant to section 9.47 of the Revised Code and dated no 15043
earlier than one hundred eighty days prior to the date fixed for 15044
the opening of bids for a particular project. 15045

Sec. 153.70. (A) Except for any person providing professional 15046
design services of a research or training nature, any person 15047
rendering professional design services to a public authority or to 15048
a design-build firm, including a criteria architect or engineer 15049
and person performing architect or engineer of record services, 15050

shall have and maintain, or be covered by, during the period the
services are rendered, a professional liability insurance policy
or policies with a company or companies that are authorized to do
business in this state and that afford professional liability
coverage for the professional design services rendered. The
insurance shall be in an amount considered sufficient by the
public authority. At the public authority's discretion, the
design-build firm shall carry contractor's professional liability
insurance and any other insurance the public authority considers
appropriate.

(B) The requirement for professional liability insurance set
forth in division (A) of this section may be waived by the public
authority for good cause, or the public authority may allow the
person providing the professional design services to provide other
assurances of financial responsibility.

(C) Before construction begins pursuant to a contract for
design-build services with a design-build firm, the design-build
firm shall provide a surety bond to the public authority in
accordance with rules adopted by the executive director of
~~administrative services~~ the Ohio facilities construction
commission under Chapter 119. of the Revised Code.

Sec. 153.83. (A) As used in this section, "public
improvement" means any of the following:

(1) A road, bridge, highway, street, or tunnel;

(2) A waste water treatment system or water supply system;

(3) A solid waste disposal facility or a storm water and
sanitary collection, storage, and treatment facility;

(4) Any structure or work constructed by a state agency or by
another person on behalf of a state agency pursuant to a contract
with the state agency.

(B) Before a state agency may issue a bid specification for a proposed public improvement that requires a contractor or subcontractor to enter into a project labor agreement, the state agency shall hold a public hearing on the matter.

(C) The state agency shall publish notice of the hearing not less than thirty days before the date of the hearing.

(D) A state agency shall decide whether to include the requirement described in division (B) of this section for a proposed public improvement not earlier than thirty days after the hearing required under that division.

Sec. 156.01. As used in sections 156.01 to 156.05 of the Revised Code:

(A) "Avoided capital costs" means a measured reduction in the cost of future equipment or other capital purchases that results from implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such cost.

(B) "Energy conservation measure" means an installation or modification of an installation in, or a remodeling of, an existing building in order to reduce energy consumption and operating costs. The term includes any of the following:

(1) Installation or modification of insulation in the building structure and systems within the building;

(2) Installation or modification of storm windows and doors, multiglazed windows and doors, and heat absorbing or heat reflective glazed and coated window and door systems; installation of additional glazing; reductions in glass area; and other window and door system modifications that reduce energy consumption and operating costs;

(3) Installation or modification of automatic energy control

systems;	15111
(4) Replacement or modification of heating, ventilating, or	15112
air conditioning systems;	15113
(5) Application of caulking and weather stripping;	15114
(6) Replacement or modification of lighting fixtures to	15115
increase the energy efficiency of the lighting system without	15116
increasing the overall illumination of a building unless the	15117
increase in illumination is necessary to conform to the applicable	15118
state or local building code for the proposed lighting system;	15119
(7) Installation or modification of energy recovery systems;	15120
(8) Installation or modification of cogeneration systems that	15121
produce steam or forms of energy such as heat, as well as	15122
electricity, for use primarily within a building or complex of	15123
buildings;	15124
(9) Installation or modification of trigeneration systems	15125
that produce heat and cooling, as well as electricity, for use	15126
primarily within a building or complex of buildings;	15127
(10) Installation or modification of systems that harvest	15128
renewable energy from solar, wind, water, biomass, bio-gas, or	15129
geothermal sources, for use primarily within a building or complex	15130
of buildings;	15131
(11) Retro-commissioning or recommissioning energy-related	15132
systems to verify that they are installed and calibrated to	15133
optimize energy and operational performance within a building or	15134
complex of buildings;	15135
(12) Consolidation, virtualization, and optimization of	15136
computer servers, data storage devices, or other information	15137
technology hardware and infrastructure;	15138
(13) Any other modification, installation, or remodeling	15139
approved by the <u>executive</u> director of ~~administrative services~~ <u>the</u>	15140

Ohio facilities construction commission as an energy conservation 15141
measure for one or more buildings owned by either of the 15142
following: 15143

(a) The state; 15144

(b) A state institution of higher education as defined in 15145
section 3345.011 of the Revised Code that implements the energy 15146
conservation measure in consultation with the executive director. 15147

(C) "Energy saving measure" means the acquisition and 15148
installation, by purchase, lease, lease-purchase, lease with an 15149
option to buy, or installment purchase, of an energy conservation 15150
measure and any attendant architectural and engineering consulting 15151
services. 15152

(D) "Energy, water, or wastewater cost savings" means a 15153
measured reduction in, as applicable, the cost of fuel, energy or 15154
water consumption, wastewater production, or stipulated operation 15155
or maintenance resulting from the implementation of one or more 15156
energy or water conservation measures, when compared to an 15157
established baseline for previous such costs, respectively. 15158

(E) "Operating cost savings" means a measured reduction in 15159
the cost of stipulated operation or maintenance created by the 15160
installation of new equipment or implementation of a new service, 15161
when compared with an established baseline for previous such 15162
stipulated costs. 15163

(F) "Water conservation measure" means an installation or 15164
modification of an installation in, or a remodeling of, an 15165
existing building or the surrounding grounds in order to reduce 15166
water consumption. The term includes any of the following: 15167

(1) Water-conserving fixture, appliance, or equipment, or the 15168
substitution of a nonwater-using fixture, appliance, or equipment; 15169

(2) Water-conserving, landscape irrigation equipment; 15170

(3) Landscaping measure that reduces storm water runoff 15171
demand and capture and hold applied water and rainfall, including 15172
landscape contouring such as the use of a berm, swale, or terrace 15173
and including the use of a soil amendment, including compost, that 15174
increases the water-holding capacity of the soil; 15175

(4) Rainwater harvesting equipment or equipment to make use 15176
of water collected as part of a storm water system installed for 15177
water quality control; 15178

(5) Equipment for recycling or reuse of water originating on 15179
the premises or from another source, including treated, municipal 15180
effluent; 15181

(6) Equipment needed to capture water for nonpotable uses 15182
from any nonconventional, alternate source, including air 15183
conditioning condensate or gray water; 15184

(7) Any other modification, installation, or remodeling 15185
approved by the executive director of ~~administrative services~~ the 15186
Ohio facilities construction commission as a water conservation 15187
measure for one or more buildings or the surrounding grounds owned 15188
by either of the following: 15189

(a) The state; 15190

(b) A state institution of higher education as defined in 15191
section 3345.011 of the Revised Code that implements the water 15192
conservation measure in consultation with the executive director. 15193

(G) "Water saving measure" means the acquisition and 15194
installation, by the purchase, lease, lease-purchase, lease with 15195
an option to buy, or installment purchases of a water conservation 15196
measure and any attendant architectural and engineering consulting 15197
services. 15198

Sec. 156.02. The executive director of the Ohio facilities 15199
construction commission may, on the executive director's own 15200

initiative or at the request of a state agency, contract with an 15201
energy or a water services company, architect, professional 15202
engineer, contractor, or other person experienced in the design 15203
and implementation of energy or water conservation measures for a 15204
report containing an analysis and recommendations pertaining to 15205
the implementation of energy or water conservation measures that 15206
result in energy, water, or wastewater cost savings, operating 15207
cost savings, or avoided capital costs for the institution. The 15208
report shall include estimates of all costs of such installations, 15209
including the costs of design, engineering, installation, 15210
maintenance, repairs, and debt service, and estimates of the 15211
energy, water, or wastewater cost savings, operating cost savings, 15212
and avoided capital costs created. 15213

Sec. 156.04. (A) In accordance with this section and section 15214
156.03 of the Revised Code, the executive director of the Ohio 15215
facilities construction commission may, on the executive 15216
director's own initiative or at the request of a state agency, 15217
enter into an installment payment contract for the implementation 15218
of one or more energy or water saving measures. If the executive 15219
director wishes an installment payment contract to be exempted 15220
from Chapter 153. of the Revised Code, the executive director 15221
shall proceed pursuant to section 156.03 of the Revised Code. 15222

(B) Any installment payment contract under this section shall 15223
provide that all payments, except payments for repairs and 15224
obligations on termination of the contract prior to its 15225
expiration, are to be a stated percentage of calculated energy, 15226
water, or wastewater cost savings, operating costs, and avoided 15227
capital costs attributable to the one or more measures over a 15228
defined period of time and are to be made only to the extent that 15229
those calculated amounts actually occur. No such contract shall 15230
contain either of the following: 15231

(1) A requirement of any additional capital investment or 15232
contribution of funds, other than funds available from state or 15233
federal grants; 15234

(2) In the case of a contract for a cogeneration system 15235
described in division (B)(8) of section 156.01 of the Revised 15236
Code, a payment term longer than twenty years, and, in the case of 15237
all other contracts, a payment term longer than fifteen years. 15238

(C) Any installment payment contract entered into under this 15239
section shall terminate no later than the last day of the fiscal 15240
biennium for which funds have been appropriated ~~to the Ohio~~ 15241
~~facilities construction commission~~ by the general assembly and 15242
shall be renewed in each succeeding fiscal biennium in which any 15243
balance of the contract remains unpaid, provided that both an 15244
appropriation for that succeeding fiscal biennium and the 15245
certification required by section 126.07 of the Revised Code are 15246
made. 15247

(D) Any installment payment contract entered into under this 15248
section shall be eligible for financing provided through the Ohio 15249
air quality development authority under Chapter 3706. of the 15250
Revised Code. 15251

Sec. 167.041. An educational service center serving as a 15252
fiscal agent for a regional council of governments may establish a 15253
program for the council in which the fiscal agent may enter into 15254
agreements with the governing body of one or more member 15255
governments to lend money to the member or members for the purpose 15256
of improving infrastructure within the territory of the member or 15257
members located within this state. 15258

Sec. 167.06. (A) The governing bodies of the member 15259
governments may appropriate funds to meet the expenses of the 15260
council. Services of personnel, use of equipment, and office 15261

space, and other necessary services may be accepted from members 15262
as part of their financial support. The members of the council, or 15263
the state of Ohio, its departments, agencies, instrumentalities, 15264
or political subdivisions or any governmental unit may give to the 15265
council moneys, real property, personal property, or services. The 15266
council may establish schedules of dues to be paid by its voting 15267
members to aid the financing of the operations and programs of the 15268
council in the manner provided in the agreement establishing the 15269
council or in the by-laws of the council. The council may permit 15270
non-member political subdivisions to participate in any of its 15271
activities regardless of whether such political subdivisions have 15272
paid dues to the council. 15273

(B) The council may accept funds, grants, gifts, and services 15274
from the government of the United States or its agencies, from 15275
this state or its departments, agencies, instrumentalities, or 15276
from political subdivisions or from any other governmental unit 15277
whether participating in the council or not, and from private and 15278
civic sources. 15279

(C) A regional council of governments established to provide 15280
health care benefits to the member governments' employees and the 15281
employees' dependents may pool funds received from all the members 15282
of the council, including members from other states to the extent 15283
that the laws of such other states permit, for the payment of 15284
health care related claims and expenses. 15285

(D) The council shall make an annual report of its activities 15286
to the member governments. 15287

Sec. 169.051. (A) As used in this section, "United States 15288
savings bond" means property, tangible or intangible, in the form 15289
of a savings bond issued by the United States treasury whether in 15290
paper form, electric, or paperless form, along with all proceeds 15291
thereof. 15292

(B) Notwithstanding any provision of the Revised Code to the contrary, United States savings bonds held or owing in this state by any person, or issued or owed in the course of a holder's business, or by a state or other government, political subdivision, agency, or instrumentality, and all proceeds thereof, shall be presumed abandoned in this state and constitute unclaimed funds under this chapter if both of the following apply:

(1) The last known address of the owner of the United States savings bond is in this state;

(2) The United States savings bond has remained unclaimed and unredeemed for three years after final maturity.

(C) United States savings bonds that are presumed abandoned and constitute unclaimed funds under division (B) of this section, including bonds in the possession of the director of commerce, shall escheat to the state three years after becoming abandoned and unclaimed property. All property rights and legal title to and ownership of such bonds or proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the state as provided in divisions (D) to (H) of this section.

(D) If, within one hundred eighty days after the three-year period prescribed under division (C) of this section, no claim has been filed under this chapter for the bond, the director shall commence a civil action in a court of competent jurisdiction for a determination that the bond escheats to the state. The director may postpone the commencement of an action until a sufficient number of bonds have accumulated in the director's custody to justify the expense of the proceedings.

(E) Service by publication shall be made in accordance with Rule 4.4 of the Rules of Civil Procedure.

(F) If no person files a claim or appears at the hearing to

substantiate a claim or if the court determines that a claimant is 15324
not entitled to the property claimed, and if the court is 15325
satisfied by the evidence that the director has substantially 15326
complied with the laws of this state, the court shall enter a 15327
judgment that the bonds have escheated to the state and all 15328
property rights and legal title to and ownership of the bonds or 15329
the proceeds from the bonds, including all rights, powers, and 15330
privileges of survivorship of any owner, co-owner, or beneficiary, 15331
have vested solely in the state. 15332

(G) The director shall redeem the United States savings bonds 15333
escheated to the state by judgment of the court. When the proceeds 15334
that have escheated have been recovered by the director, the 15335
director shall pay all costs incident to the collection and 15336
recovery of the proceeds from the redemption of the bonds and 15337
disburse the remaining balance of the proceeds in the manner 15338
provided under section 169.05 of the Revised Code for all other 15339
unclaimed funds. 15340

(H) Notwithstanding section 169.08 of the Revised Code, any 15341
person claiming a United States savings bond that has escheated to 15342
the state under this section, or for the proceeds from the bond, 15343
may file a claim with the director. Upon providing sufficient 15344
proof of the validity of the person's claim, the director may, in 15345
the director's discretion, pay the claim less any expenses and 15346
costs incurred by the state in securing full title and ownership 15347
of the property by escheat. If payment has been made to a 15348
claimant, no action thereafter may be maintained by any other 15349
claimant against the state or any officer of the state, for or on 15350
account of the payment of the claim. 15351

Sec. 173.47. (A) For purposes of publishing the Ohio 15352
long-term care consumer guide, the department of aging shall 15353
conduct or provide for the conduct of an annual customer 15354

satisfaction survey of each long-term care facility. The results 15355
of the surveys may include information obtained from long-term 15356
care facility residents, their families, or both. ~~A survey that is~~ 15357
~~to include information obtained from nursing facility residents~~ 15358
~~shall include the questions specified in divisions (C)(7)(a) and~~ 15359
~~(b) of section 5165.25 of the Revised Code. A survey that is to~~ 15360
~~include information obtained from the families of nursing facility~~ 15361
~~residents shall include the questions specified in divisions~~ 15362
~~(C)(8)(a) and (b) of section 5165.25 of the Revised Code.~~ 15363

(B) Each long-term care facility shall cooperate in the 15364
conduct of its annual customer satisfaction survey. 15365

Sec. 173.48. (A)(1) The department of aging may charge annual 15366
fees to long-term care facilities for the publication of the Ohio 15367
long-term care consumer guide. The department may contract with 15368
any person or government entity to collect the fees on its behalf. 15369
All fees collected under this section shall be deposited in 15370
accordance with division (B) of this section. 15371

(2) The annual fees charged under this section shall not 15372
exceed the following amounts: 15373

(a) ~~Six hundred fifty dollars for~~ For each long-term care 15374
facility that is a nursing home, six hundred fifty dollars; 15375

(b) ~~Three hundred dollars for~~ For each long-term care 15376
facility that is a residential care facility; 15377

(i) Until June 30, 2016, three hundred dollars; 15378

(ii) Beginning July 1, 2016, three hundred fifty dollars. 15379

(3) Fees paid by a long-term care facility that is a nursing 15380
facility shall be reimbursed through the medicaid program. 15381

(B) There is hereby created in the state treasury the 15382
long-term care consumer guide fund. Money collected from the fees 15383

charged for the publication of the Ohio long-term care consumer 15384
guide under division (A) of this section shall be credited to the 15385
fund. The department shall use money in the fund for costs 15386
associated with publishing the Ohio long-term care consumer guide, 15387
including, but not limited to, costs incurred in conducting or 15388
providing for the conduct of customer satisfaction surveys. 15389

Sec. 173.522. (A) The department of aging shall create and 15390
administer the state-funded component of the PASSPORT program. The 15391
state-funded component shall not be administered as part of the 15392
medicaid program. 15393

(B) For an individual to be eligible for the state-funded 15394
component of the PASSPORT program, the individual must meet one of 15395
the following requirements and meet the additional eligibility 15396
requirements applicable to the individual established in rules 15397
adopted under division (D) of this section: 15398

(1) The individual must have been enrolled in the 15399
state-funded component on September 1, 1991, (as the state-funded 15400
component was authorized by uncodified law in effect at that time) 15401
and have had one or more applications for enrollment in the 15402
medicaid-funded component of the PASSPORT program (or, if the 15403
medicaid-funded component is terminated under division (C) of 15404
section 173.52 of the Revised Code, the unified long-term services 15405
and support medicaid waiver component) denied. 15406

~~(2) The individual must have had the individual's enrollment 15407
in the medicaid-funded component of the PASSPORT program (or, if 15408
the medicaid-funded component is terminated under division (C) of 15409
section 173.52 of the Revised Code, the unified long-term services 15410
and support medicaid waiver component) terminated and the 15411
individual must still need the home and community-based services 15412
provided under the PASSPORT program to protect the individual's 15413
health and safety. 15414~~

~~(3)~~ The individual must have an application for the 15415
medicaid-funded component of the PASSPORT program (or, if the 15416
medicaid-funded component is terminated under division (C) of 15417
section 173.52 of the Revised Code, the unified long-term services 15418
and support medicaid waiver component) pending and the department 15419
or the department's designee must have determined that the 15420
individual meets the nonfinancial eligibility requirements of the 15421
medicaid-funded component (or, if the medicaid-funded component is 15422
terminated under division (C) of section 173.52 of the Revised 15423
Code, the unified long-term services and support medicaid waiver 15424
component) and not have reason to doubt that the individual meets 15425
the financial eligibility requirements of the medicaid-funded 15426
component (or, if the medicaid-funded component is terminated 15427
under division (C) of section 173.52 of the Revised Code, the 15428
unified long-term services and support medicaid waiver component). 15429

(C) An individual who is eligible for the state-funded 15430
component of the PASSPORT program because the individual meets the 15431
requirement of division (B)~~(3)~~(2) of this section may participate 15432
in the component on that basis for ~~not more than ninety days a~~ 15433
period of time specified in rules adopted under division (D) of 15434
this section. 15435

(D)~~(1)~~ The director of aging shall adopt rules in accordance 15436
with section 111.15 of the Revised Code to implement the 15437
state-funded component of the PASSPORT program. The 15438

The rules shall include all of the following: 15439

(a) Additional eligibility requirements for an individual to 15440
be eligible for the state-funded component of the PASSPORT 15441
program; 15442

(b) The duration that an individual eligible for the 15443
state-funded component of the PASSPORT program under division 15444
(B)(2) of this section may participate in that component; 15445

(c) Any other rules the director considers appropriate to 15446
implement the state-funded component of the PASSPORT program. 15447

(2) The additional eligibility requirements established in 15448
the rules may vary for the different groups of individuals 15449
specified in divisions (B)(1), and (2), ~~and (3)~~ of this section. 15450

Sec. 173.523. (A) An individual who is an applicant for or 15451
participant or former participant in the state-funded component of 15452
the PASSPORT program may appeal an adverse action taken or 15453
proposed to be taken by the department of aging or an entity 15454
designated by the department concerning participation in or 15455
services provided under the component if the action will result in 15456
any of the following: 15457

(1) Denial of enrollment or continued enrollment in the 15458
component; 15459

(2) Denial of or reduction in the amount of services 15460
requested by or offered to the individual under the component; 15461

(3) Assessment of any patient liability payment pursuant to 15462
rules adopted by the department under this section. 15463

The appeal shall be made in accordance with section 173.56 of 15464
the Revised Code and rules adopted pursuant to that section. 15465

(B) An individual who is an applicant for or participant or 15466
former participant in the state-funded component of the PASSPORT 15467
program may not bring an appeal under this or any other section of 15468
the Revised Code if any of the following is the case: 15469

(1) The individual has voluntarily withdrawn the application 15470
for enrollment in the component; 15471

(2) The individual has voluntarily terminated enrollment in 15472
the component; 15473

(3) The individual agrees with the action being taken or 15474

proposed; 15475

(4) The individual fails to submit a written request for a 15476
hearing to the director of aging within the time specified in the 15477
rules adopted pursuant to section 173.56 of the Revised Code; 15478

(5) The individual has received services under the component 15479
for the maximum time permitted by ~~this~~ section 173.522 of the 15480
Revised Code. 15481

Sec. 173.543. The department of aging shall create and 15482
administer the state-funded component of the assisted living 15483
program. The state-funded component shall not be administered as 15484
part of the medicaid program. 15485

An individual who is eligible for the state-funded component 15486
may participate in the component for ~~not more than ninety days a~~ 15487
period of time specified in rules adopted under this section. 15488

The director of aging shall adopt rules in accordance with 15489
section 111.15 of the Revised Code to implement the state-funded 15490
component. The rules shall specify the period that an individual 15491
eligible for the state-funded component may participate in the 15492
component. 15493

Sec. 173.544. To be eligible for the state-funded component 15494
of the assisted living program, an individual must meet all of the 15495
following requirements: 15496

(A) The individual must need an intermediate level of care as 15497
determined by an assessment conducted under section 173.546 of the 15498
Revised Code. 15499

(B) The individual must have an application for the 15500
medicaid-funded component of the assisted living program (or, if 15501
the medicaid-funded component is terminated under division (C) of 15502
section 173.54 of the Revised Code, the unified long-term services 15503

and support medicaid waiver component) pending and the department 15504
or the department's designee must have determined that the 15505
individual meets the nonfinancial eligibility requirements of the 15506
medicaid-funded component (or, if the medicaid-funded component is 15507
terminated under division (C) of section 173.54 of the Revised 15508
Code, the unified long-term services and support medicaid waiver 15509
component) and not have reason to doubt that the individual meets 15510
the financial eligibility requirements of the medicaid-funded 15511
component (or, if the medicaid-funded component is terminated 15512
under division (C) of section 173.54 of the Revised Code, the 15513
unified long-term services and support medicaid waiver component). 15514

(C) While receiving assisted living services under the 15515
state-funded component, the individual must reside in a 15516
residential care facility that is authorized by a valid provider 15517
agreement to participate in the component, including both of the 15518
following: 15519

(1) A residential care facility that is owned or operated by 15520
a metropolitan housing authority that has a contract with the 15521
United States department of housing and urban development to 15522
receive an operating subsidy or rental assistance for the 15523
residents of the facility; 15524

(2) A county or district home licensed as a residential care 15525
facility. 15526

(D) The individual must meet all other eligibility 15527
requirements for the state-funded component established in rules 15528
adopted under section ~~173.54~~ 173.543 of the Revised Code. 15529

Sec. 173.545. (A) An individual who is an applicant for or 15530
participant or former participant in the state-funded component of 15531
the assisted living program may appeal an adverse action taken or 15532
proposed to be taken by the department of aging or an entity 15533
designated by the department concerning participation in or 15534

services provided under the component if the action will result in 15535
any of the following: 15536

(1) Denial of enrollment or continued enrollment in the 15537
component; 15538

(2) Denial of or reduction in the amount of services 15539
requested by or offered to the individual under the component; 15540

(3) Assessment of any patient liability payment pursuant to 15541
rules adopted by the department under this section. 15542

The appeal shall be made in accordance with section 173.56 of 15543
the Revised Code and rules adopted pursuant to that section. 15544

(B) An individual who is an applicant for or participant or 15545
former participant in the state-funded component of the assisted 15546
living program may not bring an appeal under this or any other 15547
section of the Revised Code if any of the following is the case: 15548

(1) The individual has voluntarily withdrawn the application 15549
for enrollment in the component; 15550

(2) The individual has voluntarily terminated enrollment in 15551
the component; 15552

(3) The individual agrees with the action being taken or 15553
proposed; 15554

(4) The individual fails to submit a written request for a 15555
hearing to the director of aging within the time specified in the 15556
rules adopted pursuant to section 173.56 of the Revised Code; 15557

(5) The individual has received services under the component 15558
for the maximum time permitted by ~~this~~ section 173.543 of the 15559
Revised Code. 15560

Sec. 173.548. An individual enrolled in the medicaid-funded 15561
component of the assisted living program may choose a single 15562

occupancy room or multiple occupancy room in the residential care 15563
facility in which the individual resides. The choice of a multiple 15564
occupancy room is subject to approval pursuant to a process the 15565
director of aging shall establish in rules adopted under section 15566
173.54 of the Revised Code. 15567

Sec. 174.02. (A) The low- and moderate-income housing trust 15568
fund is hereby created in the state treasury. The fund consists of 15569
all appropriations made to the fund, housing trust fund fees 15570
collected by county recorders pursuant to section 317.36 of the 15571
Revised Code and deposited into the fund pursuant to section 15572
319.63 of the Revised Code, money transferred from the housing 15573
trust reserve fund pursuant to section 174.09 of the Revised Code, 15574
and all grants, gifts, loan repayments, and contributions of money 15575
made from any source to the ~~department of~~ development services 15576
agency for deposit in the fund. All investment earnings of the 15577
fund shall be credited to the fund. The director of development 15578
services shall allocate a portion of the money in the fund to an 15579
account of the Ohio housing finance agency. The ~~department~~ 15580
development services agency shall administer the fund. The Ohio 15581
housing finance agency shall use money allocated to it for 15582
implementing and administering its programs and duties under 15583
sections 174.03 and 174.05 of the Revised Code, and the ~~department~~ 15584
development services agency shall use the remaining money in the 15585
fund for implementing and administering its programs and duties 15586
under sections 174.03 to 174.06 of the Revised Code. Use of all 15587
money drawn from the fund is subject to the following 15588
restrictions: 15589

(1)(a) Not more than five per cent of the current year 15590
appropriation authority for the fund shall be allocated between 15591
grants to community development corporations for the community 15592
development corporation grant program and grants and loans to the 15593
Ohio community development finance fund, a private nonprofit 15594

corporation. 15595

(b) In any year in which the amount in the fund exceeds one 15596
hundred thousand dollars and at least that much is allocated for 15597
the uses described in this section, not less than one hundred 15598
thousand dollars shall be used to provide training, technical 15599
assistance, and capacity building assistance to nonprofit 15600
development organizations. 15601

(2) Not more than ten per cent of any current year 15602
appropriation authority for the fund shall be used for the 15603
emergency shelter housing grants program to make grants to 15604
private, nonprofit organizations and municipal corporations, 15605
counties, and townships for emergency shelter housing for the 15606
homeless and emergency shelter facilities serving unaccompanied 15607
youth seventeen years of age and younger. The grants shall be 15608
distributed pursuant to rules the director adopts and qualify as 15609
matching funds for funds obtained pursuant to the McKinney Act, 15610
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 15611

(3) In any fiscal year in which the amount in the fund 15612
exceeds the amount awarded pursuant to division (A)(1)(b) of this 15613
section by at least two hundred fifty thousand dollars, at least 15614
two hundred fifty thousand dollars from the fund shall be provided 15615
to the department of aging for the resident services coordinator 15616
program as established in section 173.08 of the Revised Code. 15617

(4) Of all current year appropriation authority for the fund, 15618
not more than five per cent shall be used for administration. 15619

(5) Not less than forty-five per cent of the funds awarded 15620
during any one fiscal year shall be for grants and loans to 15621
nonprofit organizations under section 174.03 of the Revised Code. 15622

(6) Not less than fifty per cent of the funds awarded during 15623
any one fiscal year, excluding the amounts awarded pursuant to 15624
divisions (A)(1), (2), and (7) of this section, shall be for 15625

grants and loans for activities that provide housing and housing 15626
assistance to families and individuals in rural areas and small 15627
cities that are not eligible to participate as a participating 15628
jurisdiction under the "HOME Investment Partnerships Act," 104 15629
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 15630

(7) No money in the fund shall be used to pay for any legal 15631
services other than the usual and customary legal services 15632
associated with the acquisition of housing. 15633

(8) Money in the fund may be used as matching money for 15634
federal funds received by the state, counties, municipal 15635
corporations, and townships for the activities listed in section 15636
174.03 of the Revised Code. 15637

(B) If, after the second quarter of any year, it appears to 15638
the director of development services that the full amount of the 15639
money in the fund designated in that year for activities that 15640
provide housing and housing assistance to families and individuals 15641
in rural areas and small cities under division (A) of this section 15642
will not be used for that purpose, the director may reallocate all 15643
or a portion of that amount for other housing activities. In 15644
determining whether or how to reallocate money under this 15645
division, the director may consult with and shall receive advice 15646
from the housing trust fund advisory committee. 15647

Sec. 174.09. (A) The housing trust reserve fund is hereby 15648
created in the state treasury. The fund shall consist of housing 15649
trust fund fees collected by county recorders pursuant to section 15650
317.36 of the Revised Code and deposited into the fund pursuant to 15651
section 319.63 of the Revised Code. All investment earnings of the 15652
fund shall be credited to the fund. 15653

(B) If, in the prior fiscal year, the housing trust fund fees 15654
received by the treasurer of state under section 319.63 of the 15655
Revised Code amount to less than fifty million dollars, the 15656

director of development services may request the director of 15657
budget and management to transfer money from the housing trust 15658
reserve fund to the low- and moderate-income housing trust fund 15659
created under section 174.02 of the Revised Code. The amount 15660
transferred, when combined with the housing trust fund fees 15661
received by the treasurer of state in the prior fiscal year, shall 15662
not exceed fifty million dollars. The director of development 15663
services shall provide any additional information regarding a 15664
transfer request that the director of budget and management may 15665
require. Based on that information, the director of budget and 15666
management shall determine the amount to be transferred. 15667

Sec. 187.03. (A) JobsOhio may perform such functions as 15668
permitted and shall perform such duties as prescribed by law and 15669
as set forth in any contract entered into under section 187.04 of 15670
the Revised Code, but shall not be considered a state or public 15671
department, agency, office, body, institution, or instrumentality 15672
for purposes of section 1.60 or Chapter 102., 121., 125., or 149. 15673
of the Revised Code. JobsOhio and its board of directors are not 15674
subject to the following sections of Chapter 1702. of the Revised 15675
Code: sections 1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 15676
1702.26, 1702.27, 1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 15677
1702.37, 1702.38, 1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 15678
1702.58, 1702.59, 1702.60, 1702.80, and 1702.99. Nothing in this 15679
division shall be construed to impair the powers and duties of the 15680
Ohio ethics commission described in section 102.06 of the Revised 15681
Code to investigate and enforce section 102.02 of the Revised Code 15682
with regard to individuals required to file statements under 15683
division (B)(2) of this section. 15684

(B)(1) Directors and employees of JobsOhio are not employees 15685
or officials of the state and, except as provided in division 15686
(B)(2) of this section, are not subject to Chapter 102., 124., 15687
145., or 4117. of the Revised Code. 15688

(2) The chief investment officer, any other officer or employee with significant administrative, supervisory, contracting, or investment authority, and any director of JobsOhio shall file, with the Ohio ethics commission, a financial disclosure statement pursuant to section 102.02 of the Revised Code that includes, in place of the information required by divisions (A)(2)(b), ~~(7)(g)~~, ~~(8)(h)~~, and ~~(9)(i)~~ of that section, the information required by divisions (A) and (B) of section 102.022 of the Revised Code. The governor shall comply with all applicable requirements of section 102.02 of the Revised Code.

(3) Actual or in-kind expenditures for the travel, meals, or lodging of the governor or of any public official or employee designated by the governor for the purpose of this division shall not be considered a violation of section 102.03 of the Revised Code if the expenditures are made by the corporation, or on behalf of the corporation by any person, in connection with the governor's performance of official duties related to JobsOhio. The governor may designate any person, including a person who is a public official or employee as defined in section 102.01 of the Revised Code, for the purpose of this division if such expenditures are made on behalf of the person in connection with the governor's performance of official duties related to JobsOhio. A public official or employee so designated by the governor shall comply with all applicable requirements of section 102.02 of the Revised Code.

At the times and frequency agreed to under division (B)(2)(b) of section 187.04 of the Revised Code, beginning in 2012, the corporation shall file with the development services agency a written report of all such expenditures paid or incurred during the preceding calendar year. The report shall state the dollar value and purpose of each expenditure, the date of each expenditure, the name of the person that paid or incurred each

expenditure, and the location, if any, where services or benefits
of an expenditure were received, provided that any such
information that may disclose proprietary information as defined
in division (C) of this section shall not be included in the
report.

(4) The prohibition applicable to former public officials or
employees in division (A)(1) of section 102.03 of the Revised Code
does not apply to any person appointed to be a director or hired
as an employee of JobsOhio.

(5) Notwithstanding division (A)(2) of section 145.01 of the
Revised Code, any person who is a former state employee shall no
longer be considered a public employee for purposes of Chapter
145. of the Revised Code upon commencement of employment with
JobsOhio.

(6) Any director, officer, or employee of JobsOhio may
request an advisory opinion from the Ohio ethics commission with
regard to questions concerning the provisions of sections 102.02
and 102.022 of the Revised Code to which the person is subject.

(C) Meetings of the board of directors at which a quorum of
the board is required to be physically present pursuant to
division (F) of section 187.01 of the Revised Code shall be open
to the public except, by a majority vote of the directors present
at the meeting, such a meeting may be closed to the public only
for one or more of the following purposes:

(1) To consider business strategy of the corporation;

(2) To consider proprietary information belonging to
potential applicants or potential recipients of business
recruitment, retention, or creation incentives. For the purposes
of this division, "proprietary information" means marketing plans,
specific business strategy, production techniques and trade
secrets, financial projections, or personal financial statements

of applicants or members of the applicants' immediate family, 15752
including, but not limited to, tax records or other similar 15753
information not open to the public inspection. 15754

(3) To consider legal matters, including litigation, in which 15755
the corporation is or may be involved; 15756

(4) To consider personnel matters related to an individual 15757
employee of the corporation. 15758

(D) The board of directors shall establish a reasonable 15759
method whereby any person may obtain the time and place of all 15760
public meetings described in division (C) of this section. The 15761
method shall provide that any person, upon request and payment of 15762
a reasonable fee, may obtain reasonable advance notification of 15763
all such meetings. 15764

(E) The board of directors shall promptly prepare, file, and 15765
maintain minutes of all public meetings described in division (C) 15766
of this section. 15767

(F) Not later than March 1, 2012, and the first day of March 15768
of each year thereafter, the chief investment officer of JobsOhio 15769
shall prepare and submit a report of the corporation's activities 15770
for the preceding year to the governor, the speaker and minority 15771
leader of the house of representatives, and the president and 15772
minority leader of the senate. The annual report shall include the 15773
following: 15774

(1) An analysis of the state's economy; 15775

(2) A description of the structure, operation, and financial 15776
status of the corporation; 15777

(3) A description of the corporation's strategy to improve 15778
the state economy and the standards of measure used to evaluate 15779
its progress; 15780

(4) An evaluation of the performance of current strategies 15781

and major initiatives; 15782

(5) An analysis of any statutory or administrative barriers 15783
to successful economic development, business recruitment, and job 15784
growth in the state identified by JobsOhio during the preceding 15785
year. 15786

Sec. 191.04. (A) In accordance with federal laws governing 15787
the confidentiality of individually identifiable health 15788
information, including the "Health Insurance Portability and 15789
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 15790
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 15791
by the United States department of health and human services to 15792
implement the act, a state agency may exchange protected health 15793
information with another state agency relating to eligibility for 15794
or enrollment in a health plan or relating to participation in a 15795
government program providing public benefits if the exchange of 15796
information is necessary for either or both of the following: 15797

(1) Operating a health plan; 15798

(2) Coordinating, or improving the administration or 15799
management of, the health care-related functions of at least one 15800
government program providing public benefits. 15801

(B) For fiscal years 2013, ~~2014, and 2015~~ through 2017 only, 15802
a state agency also may exchange personally identifiable 15803
information with another state agency for purposes related to and 15804
in support of a health transformation initiative identified by the 15805
executive director of the office of health transformation pursuant 15806
to division (C) of section 191.06 of the Revised Code. 15807

(C) With respect to a state agency that uses or discloses 15808
personally identifiable information, all of the following 15809
conditions apply: 15810

(1) The state agency shall use or disclose the information 15811

only as permitted or required by state and federal law. In 15812
addition, if the information is obtained during fiscal year 2013, 15813
2014, or 2015 from an exchange of personally identifiable 15814
information permitted under division (B) of this section, the 15815
agency shall also use or disclose the information in accordance 15816
with all operating protocols that apply to the use or disclosure. 15817

(2) If the state agency is a state agency other than the 15818
department of medicaid and it uses or discloses protected health 15819
information that is related to a medicaid recipient and obtained 15820
from the department of medicaid or another agency operating a 15821
component of the medicaid program, the state agency shall comply 15822
with all state and federal laws that apply to the department of 15823
medicaid when that department, as the state's single state agency 15824
to supervise the medicaid program, uses or discloses protected 15825
health information. 15826

(3) A state agency shall implement administrative, physical, 15827
and technical safeguards for the purpose of protecting the 15828
confidentiality, integrity, and availability of personally 15829
identifiable information the creation, receipt, maintenance, or 15830
transmittal of which is affected or governed by this section. 15831

(4) If a state agency discovers an unauthorized use or 15832
disclosure of unsecured protected health information or unsecured 15833
individually identifiable health information, the state agency 15834
shall, not later than seventy-two hours after the discovery, do 15835
all of the following: 15836

(a) Identify the individuals who are the subject of the 15837
protected health information or individually identifiable health 15838
information; 15839

(b) Report the discovery and the names of all individuals 15840
identified pursuant to division (C)(4)(a) of this section to all 15841
other state agencies and the executive director of the office of 15842

health transformation or the executive director's designee; 15843

(c) Mitigate, to the extent reasonably possible, any 15844
potential adverse effects of the unauthorized use or disclosure. 15845

(5) A state agency shall make available to the executive 15846
director of the office of health transformation or the executive 15847
director's designee, and to any other state or federal 15848
governmental entity required by law to have access on that 15849
entity's request, all internal practices, records, and 15850
documentation relating to personally identifiable information it 15851
receives, uses, or discloses that is affected or governed by this 15852
section. 15853

(6) On termination or expiration of an operating protocol and 15854
if feasible, a state agency shall return or destroy all personally 15855
identifiable information received directly from or received on 15856
behalf of another state agency. If the personally identifiable 15857
information is not returned or destroyed, the state agency 15858
maintaining the information shall extend the protections set forth 15859
in this section for as long as it is maintained. 15860

(7) If a state agency enters into a subcontract or, when 15861
required by 45 C.F.R. 164.502(e)(2), a business associate 15862
agreement, the subcontract or business associate agreement shall 15863
require the subcontractor or business associate to comply with the 15864
terms of this section as if the subcontractor or business 15865
associate were a state agency. 15866

Sec. 191.06. (A) The provisions of this section shall apply 15867
only for fiscal years 2013, ~~2014, and 2015~~ through 2017. 15868

(B) The executive director of the office of health 15869
transformation or the executive director's designee may facilitate 15870
the coordination of operations and exchange of information between 15871
state agencies. The purpose of the executive director's authority 15872

under this section is to support agency collaboration for health 15873
transformation purposes, including modernization of the medicaid 15874
program, streamlining of health and human services programs in 15875
this state, and improving the quality, continuity, and efficiency 15876
of health care and health care support systems in this state. 15877

(C) In furtherance of the authority of the executive director 15878
of the office of health transformation under division (B) of this 15879
section, the executive director or the executive director's 15880
designee shall identify each health transformation initiative in 15881
this state that involves the participation of two or more state 15882
agencies and that permits or requires an interagency agreement to 15883
be entered into for purposes of specifying each participating 15884
agency's role in coordinating, operating, or funding the 15885
initiative, or facilitating the exchange of data or other 15886
information for the initiative. The executive director shall 15887
publish a list of the identified health transformation initiatives 15888
on the internet web site maintained by the office of health 15889
transformation. 15890

(D) For each health transformation initiative that is 15891
identified under division (C) of this section, the executive 15892
director or the executive director's designee shall, in 15893
consultation with each participating agency, adopt one or more 15894
operating protocols. Notwithstanding any law enacted by the 15895
general assembly or rule adopted by a state agency, the provisions 15896
in a protocol shall supersede any provisions in an interagency 15897
agreement, including an interagency agreement entered into under 15898
section 5101.10 or 5162.35 of the Revised Code, that differ from 15899
the provisions of the protocol. 15900

(E)(1) An operating protocol adopted under division (D) of 15901
this section shall include both of the following: 15902

(a) All terms necessary to meet the requirements of "other 15903
arrangements" between a covered entity and a business associate 15904

that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 15905

(b) If known, the date on which the protocol will terminate 15906
or expire. 15907

(2) In addition, a protocol may specify the extent to which 15908
each participating agency is responsible and accountable for 15909
completing the tasks necessary for successful completion of the 15910
initiative, including tasks relating to the following components 15911
of the initiative: 15912

(a) Workflow; 15913

(b) Funding; 15914

(c) Exchange of data or other information that is 15915
confidential pursuant to state or federal law. 15916

(F) An operating protocol adopted under division (D) of this 15917
section shall have the same force and effect as an interagency 15918
agreement or data sharing agreement, and each participating agency 15919
shall comply with it. 15920

Sec. 305.31. The procedure for submitting to a referendum a 15921
resolution adopted by a board of county commissioners under 15922
division (H) of section 307.695 of the Revised Code that is not 15923
submitted to the electors of the county for their approval or 15924
disapproval; any resolution adopted by a board of county 15925
commissioners pursuant to division (D)(1) of section 307.697, 15926
section 322.02, 322.06, or 324.02, sections ~~1515.22~~ 940.31 and 15927
~~1515.24~~ 940.33, division (B)(1) of section 4301.421, section 15928
4504.02, 5739.021, or 5739.026, division (A)(6), (A)(10), or (M) 15929
of section 5739.09, section 5741.021 or 5741.023, or division 15930
(C)(1) of section 5743.024 of the Revised Code; or a rule adopted 15931
pursuant to section 307.79 of the Revised Code shall be as 15932
prescribed by this section. 15933

Except as otherwise provided in this paragraph, when a 15934

petition, signed by ten per cent of the number of electors who 15935
voted for governor at the most recent general election for the 15936
office of governor in the county, is filed with the county auditor 15937
within thirty days after the date the resolution is passed or rule 15938
is adopted by the board of county commissioners, or is filed 15939
within forty-five days after the resolution is passed, in the case 15940
of a resolution adopted pursuant to section 5739.021 of the 15941
Revised Code that is passed within one year after a resolution 15942
adopted pursuant to that section has been rejected or repealed by 15943
the electors, requesting that the resolution be submitted to the 15944
electors of the county for their approval or rejection, the county 15945
auditor shall, after ten days following the filing of the 15946
petition, and not later than four p.m. of the ninetieth day before 15947
the day of election, transmit a certified copy of the text of the 15948
resolution or rule to the board of elections. In the case of a 15949
petition requesting that a resolution adopted under division 15950
(D)(1) of section 307.697, division (B)(1) of section 4301.421, or 15951
division (C)(1) of section 5743.024 of the Revised Code be 15952
submitted to electors for their approval or rejection, the 15953
petition shall be signed by seven per cent of the number of 15954
electors who voted for governor at the most recent election for 15955
the office of governor in the county. The county auditor shall 15956
transmit the petition to the board together with the certified 15957
copy of the resolution or rule. The board shall examine all 15958
signatures on the petition to determine the number of electors of 15959
the county who signed the petition. The board shall return the 15960
petition to the auditor within ten days after receiving it, 15961
together with a statement attesting to the number of such electors 15962
who signed the petition. The board shall submit the resolution or 15963
rule to the electors of the county, for their approval or 15964
rejection, at the succeeding general election held in the county 15965
in any year, or on the day of the succeeding primary election held 15966
in the county in even-numbered years, occurring subsequent to 15967

ninety days after the auditor certifies the sufficiency and 15968
validity of the petition to the board of elections. 15969

No resolution shall go into effect until approved by the 15970
majority of those voting upon it. However, a rule shall take 15971
effect and remain in effect unless and until a majority of the 15972
electors voting on the question of repeal approve the repeal. 15973
Sections 305.31 to 305.41 of the Revised Code do not prevent a 15974
county, after the passage of any resolution or adoption of any 15975
rule, from proceeding at once to give any notice or make any 15976
publication required by the resolution or rule. 15977

The board of county commissioners shall make available to any 15978
person, upon request, a certified copy of any resolution or rule 15979
subject to the procedure for submitting a referendum under 15980
sections 305.31 to 305.42 of the Revised Code beginning on the 15981
date the resolution or rule is adopted by the board. The board may 15982
charge a fee for the cost of copying the resolution or rule. 15983

As used in this section, "certified copy" means a copy 15984
containing a written statement attesting that it is a true and 15985
exact reproduction of the original resolution or rule. 15986

Sec. 306.35. Upon the creation of a regional transit 15987
authority as provided by section 306.32 of the Revised Code, and 15988
upon the qualifying of its board of trustees and the election of a 15989
president and a vice-president, the authority shall exercise in 15990
its own name all the rights, powers, and duties vested in and 15991
conferred upon it by sections 306.30 to 306.53 of the Revised 15992
Code. Subject to any reservations, limitations, and qualifications 15993
that are set forth in those sections, the regional transit 15994
authority: 15995

(A) May sue or be sued in its corporate name; 15996

(B) May make contracts in the exercise of the rights, powers, 15997

and duties conferred upon it; 15998

(C) May adopt and at will alter a seal and use such seal by 15999
causing it to be impressed, affixed, reproduced, or otherwise 16000
used, but failure to affix the seal shall not affect the validity 16001
of any instrument; 16002

(D)(1) May adopt, amend, and repeal bylaws for the 16003
administration of its affairs and rules for the control of the 16004
administration and operation of transit facilities under its 16005
jurisdiction, and for the exercise of all of its rights of 16006
ownership in those transit facilities; 16007

(2) The regional transit authority also may adopt bylaws and 16008
rules for the following purposes: 16009

(a) To prohibit selling, giving away, or using any beer or 16010
intoxicating liquor on transit vehicles or transit property; 16011

(b) For the preservation of good order within or on transit 16012
vehicles or transit property; 16013

(c) To provide for the protection and preservation of all 16014
property and life within or on transit vehicles or transit 16015
property; 16016

(d) To regulate and enforce the collection of fares. 16017

(3) Before a bylaw or rule adopted under division (D)(2) of 16018
this section takes effect, the regional transit authority shall 16019
provide for a notice of its adoption to be published once a week 16020
for two consecutive weeks in a newspaper of general circulation 16021
within the territorial boundaries of the regional transit 16022
authority, or as provided in section 7.16 of the Revised Code. 16023

(4) No person shall violate any bylaw or rule of a regional 16024
transit authority adopted under division (D)(2) of this section. 16025

(E) May fix, alter, and collect fares, rates, and rentals and 16026
other charges for the use of transit facilities under its 16027

jurisdiction to be determined exclusively by it for the purpose of 16028
providing for the payment of the expenses of the regional transit 16029
authority, the acquisition, construction, improvement, extension, 16030
repair, maintenance, and operation of transit facilities under its 16031
jurisdiction, the payment of principal and interest on its 16032
obligations, and to fulfill the terms of any agreements made with 16033
purchasers or holders of any such obligations, or with any person 16034
or political subdivision; 16035

(F) Shall have jurisdiction, control, possession, and 16036
supervision of all property, rights, easements, licenses, moneys, 16037
contracts, accounts, liens, books, records, maps, or other 16038
property rights and interests conveyed, delivered, transferred, or 16039
assigned to it; 16040

(G)(1) Except as provided in division (G)(2) of this section, 16041
may acquire, construct, improve, extend, repair, lease, operate, 16042
maintain, or manage transit facilities within or without its 16043
territorial boundaries, considered necessary to accomplish the 16044
purposes of its organization and make charges for the use of 16045
transit facilities. 16046

(2) Beginning on July 1, 2011, a regional transit authority 16047
shall not extend its service or facilities into a political 16048
subdivision outside the territorial boundaries of the authority 16049
without giving prior notice to the legislative authority of the 16050
political subdivision. The legislative authority shall have thirty 16051
days after receiving the notice to comment on the proposal. 16052

(H) May levy and collect taxes as provided in sections 306.40 16053
and 306.49 of the Revised Code; 16054

(I) May issue bonds secured by its general credit as provided 16055
in section 306.40 of the Revised Code; 16056

(J) May hold, encumber, control, acquire by donation, by 16057
purchase for cash or by installment payments, by lease-purchase 16058

agreement, by lease with option to purchase, by borrowing from any 16059
federal, state, or other governmental or private source, or by 16060
condemnation, and may construct, own, lease as lessee or lessor, 16061
use, and sell, real and personal property, or any interest or 16062
right in real and personal property, within or without its 16063
territorial boundaries, for the location or protection of transit 16064
facilities and improvements and access to transit facilities and 16065
improvements, the relocation of buildings, structures, and 16066
improvements situated on lands acquired by the regional transit 16067
authority, or for any other necessary purpose, or for obtaining or 16068
storing materials to be used in constructing, maintaining, and 16069
improving transit facilities under its jurisdiction; 16070

(K) May exercise the power of eminent domain to acquire 16071
property or any interest in property, within or without its 16072
territorial boundaries, that is necessary or proper for the 16073
construction or efficient operation of any transit facility or 16074
access to any transit facility under its jurisdiction in 16075
accordance with section 306.36 of the Revised Code; 16076

(L) May provide by agreement with any county, including the 16077
counties within its territorial boundaries, or any municipal 16078
corporation or any combination of counties or municipal 16079
corporations for the making of necessary surveys, appraisals, and 16080
examinations preliminary to the acquisition or construction of any 16081
transit facility and the amount of the expense for the surveys, 16082
appraisals, and examinations to be paid by each such county or 16083
municipal corporation; 16084

(M) May provide by agreement with any county, including the 16085
counties within its territorial boundaries, or any municipal 16086
corporation or any combination of those counties or municipal 16087
corporations for the acquisition, construction, improvement, 16088
extension, maintenance, or operation of any transit facility owned 16089
or to be owned and operated by it or owned or to be owned and 16090

operated by any such county or municipal corporation and the terms 16091
on which it shall be acquired, leased, constructed, maintained, or 16092
operated, and the amount of the cost and expense of the 16093
acquisition, lease, construction, maintenance, or operation to be 16094
paid by each such county or municipal corporation; 16095

(N) May issue revenue bonds for the purpose of acquiring, 16096
replacing, improving, extending, enlarging, or constructing any 16097
facility or permanent improvement that it is authorized to 16098
acquire, replace, improve, extend, enlarge, or construct, 16099
including all costs in connection with and incidental to the 16100
acquisition, replacement, improvement, extension, enlargement, or 16101
construction, and their financing, as provided by section 306.37 16102
of the Revised Code; 16103

(O) May enter into and supervise franchise agreements for the 16104
operation of a transit system; 16105

(P) May accept the assignment of and supervise an existing 16106
franchise agreement for the operation of a transit system; 16107

(Q) May exercise a right to purchase a transit system in 16108
accordance with the acquisition terms of an existing franchise 16109
agreement; and in connection with the purchase the regional 16110
transit authority may issue revenue bonds as provided by section 16111
306.37 of the Revised Code or issue bonds secured by its general 16112
credit as provided in section 306.40 of the Revised Code; 16113

(R) May apply for and accept grants or loans from the United 16114
States, the state, or any other public ~~body~~ or any private source 16115
for the purpose of providing for the development or improvement of 16116
transit facilities, mass transportation facilities, equipment, 16117
techniques, methods, or services, and grants or loans needed to 16118
exercise a right to purchase a transit system pursuant to 16119
agreement with the owner of those transit facilities, or for 16120
providing lawful financial assistance to existing transit systems; 16121

and may provide any consideration that may be required in order to 16122
obtain those grants or loans from the United States, the state, or 16123
other public ~~body~~ or private source, either of which grants or 16124
loans may be evidenced by the issuance of revenue bonds as 16125
provided by section 306.37 of the Revised Code or general 16126
obligation bonds as provided by section 306.40 of the Revised 16127
Code; 16128

(S) May employ and fix the compensation of consulting 16129
engineers, superintendents, managers, and such other engineering, 16130
construction, accounting and financial experts, attorneys, and 16131
other employees and agents necessary for the accomplishment of its 16132
purposes; 16133

(T) May procure insurance against loss to it by reason of 16134
damages to its properties resulting from fire, theft, accident, or 16135
other casualties or by reason of its liability for any damages to 16136
persons or property occurring in the construction or operation of 16137
transit facilities under its jurisdiction or the conduct of its 16138
activities; 16139

(U) May maintain funds that it considers necessary for the 16140
efficient performance of its duties; 16141

(V) May direct its agents or employees, when properly 16142
identified in writing, after at least five days' written notice, 16143
to enter upon lands within or without its territorial boundaries 16144
in order to make surveys and examinations preliminary to the 16145
location and construction of transit facilities, without liability 16146
to it or its agents or employees except for actual damage done; 16147

(W) On its own motion, may request the appropriate zoning 16148
board, as defined in section 4563.03 of the Revised Code, to 16149
establish and enforce zoning regulations pertaining to any transit 16150
facility under its jurisdiction in the manner prescribed by 16151
sections 4563.01 to 4563.21 of the Revised Code; 16152

(X) If it acquires any existing transit system, shall assume 16153
all the employer's obligations under any existing labor contract 16154
between the employees and management of the system. If the board 16155
acquires, constructs, controls, or operates any such facilities, 16156
it shall negotiate arrangements to protect the interests of 16157
employees affected by the acquisition, construction, control, or 16158
operation. The arrangements shall include, but are not limited to: 16159

(1) The preservation of rights, privileges, and benefits 16160
under existing collective bargaining agreements or otherwise, the 16161
preservation of rights and benefits under any existing pension 16162
plans covering prior service, and continued participation in 16163
social security in addition to participation in the public 16164
employees retirement system as required in Chapter 145. of the 16165
Revised Code; 16166

(2) The continuation of collective bargaining rights; 16167

(3) The protection of individual employees against a 16168
worsening of their positions with respect to their employment; 16169

(4) Assurances of employment to employees of those transit 16170
systems and priority reemployment of employees terminated or laid 16171
off; 16172

(5) Paid training or retraining programs; 16173

(6) Signed written labor agreements. 16174

The arrangements may include provisions for the submission of 16175
labor disputes to final and binding arbitration. 16176

(Y) May provide for and maintain security operations, 16177
including a transit police department, subject to section 306.352 16178
of the Revised Code. Regional transit authority police officers 16179
shall have the power and duty to act as peace officers within 16180
transit facilities owned, operated, or leased by the transit 16181
authority to protect the transit authority's property and the 16182

person and property of passengers, to preserve the peace, and to 16183
enforce all laws of the state and ordinances and regulations of 16184
political subdivisions in which the transit authority operates. 16185
Regional transit authority police officers also shall have the 16186
power and duty to act as peace officers when they render emergency 16187
assistance outside their jurisdiction to any other peace officer 16188
who is not a regional transit authority police officer and who has 16189
arrest authority under section 2935.03 of the Revised Code. 16190
Regional transit authority police officers may render emergency 16191
assistance if there is a threat of imminent physical danger to the 16192
peace officer, a threat of physical harm to another person, or any 16193
other serious emergency situation and if either the peace officer 16194
who is assisted requests emergency assistance or it appears that 16195
the peace officer who is assisted is unable to request emergency 16196
assistance and the circumstances observed by the regional transit 16197
authority police officer reasonably indicate that emergency 16198
assistance is appropriate. 16199

Before exercising powers of arrest and the other powers and 16200
duties of a peace officer, each regional transit authority police 16201
officer shall take an oath and give bond to the state in a sum 16202
that the board of trustees prescribes for the proper performance 16203
of the officer's duties. 16204

Persons employed as regional transit authority police 16205
officers shall complete training for the position to which they 16206
have been appointed as required by the Ohio peace officer training 16207
commission as authorized in section 109.77 of the Revised Code, or 16208
be otherwise qualified. The cost of the training shall be provided 16209
by the regional transit authority. 16210

(Z) May procure a policy or policies insuring members of its 16211
board of trustees against liability on account of damages or 16212
injury to persons and property resulting from any act or omission 16213
of a member in the member's official capacity as a member of the 16214

board or resulting solely out of the member's membership on the 16215
board; 16216

(AA) May enter into any agreement for the sale and leaseback 16217
or lease and leaseback of transit facilities, which agreement may 16218
contain all necessary covenants for the security and protection of 16219
any lessor or the regional transit authority including, but not 16220
limited to, indemnification of the lessor against the loss of 16221
anticipated tax benefits arising from acts, omissions, or 16222
misrepresentations of the regional transit authority. In 16223
connection with that transaction, the regional transit authority 16224
may contract for insurance and letters of credit and pay any 16225
premiums or other charges for the insurance and letters of credit. 16226
The fiscal officer shall not be required to furnish any 16227
certificate under section 5705.41 of the Revised Code in 16228
connection with the execution of any such agreement. 16229

(BB) In regard to any contract entered into on or after March 16230
19, 1993, for the rendering of services or the supplying of 16231
materials or for the construction, demolition, alteration, repair, 16232
or reconstruction of transit facilities in which a bond is 16233
required for the faithful performance of the contract, may permit 16234
the person awarded the contract to utilize a letter of credit 16235
issued by a bank or other financial institution in lieu of the 16236
bond; 16237

(CC) May enter into agreements with municipal corporations 16238
located within the territorial jurisdiction of the regional 16239
transit authority permitting regional transit authority police 16240
officers employed under division (Y) of this section to exercise 16241
full arrest powers, as provided in section 2935.03 of the Revised 16242
Code, for the purpose of preserving the peace and enforcing all 16243
laws of the state and ordinances and regulations of the municipal 16244
corporation within the areas that may be agreed to by the regional 16245
transit authority and the municipal corporation. 16246

Sec. 307.679. (A) As used in this section: 16247

(1) "Sports park" means any facility designed and constructed 16248
as a venue for public entertainment and recreation by the 16249
presentation of sporting and athletic events, or other events and 16250
exhibitions, including a facility designed to provide a site for 16251
one or more athletic or sports teams or activities, spectator 16252
facilities, parking facilities, walkways, and auxiliary 16253
facilities; real and personal property; property rights; 16254
easements; leasehold estates; and other interests appropriate for, 16255
or used in connection with, the operation of those facilities. 16256
"Sports park" includes sports complexes consisting of multiple 16257
athletic fields for youth and secondary school students and 16258
related spectator, parking, and auxiliary facilities. 16259

(2) "Sports park bonds" means bonds, notes, or any other debt 16260
issued by a county or a port authority for a project, including 16261
any bonds issued to refinance or otherwise refund such debt. 16262

(3) "Debt service charges" means the principal of and 16263
interest and any premium due on sports park bonds whether due at 16264
maturity or upon mandatory redemption, together with any required 16265
deposits to reserves for the payment of principal of and interest 16266
on such sports park bonds, and includes any payments required by a 16267
port authority to satisfy any of its obligations arising from any 16268
guaranty agreements, reimbursement agreements, or other credit 16269
enhancement agreements described in this section. 16270

(4) "Eligible corporation" means a nonprofit corporation that 16271
is organized under the laws of this state the authorized purposes 16272
of which encompasses the ability to construct, lease, and operate 16273
a sports park, including a nonprofit corporation established under 16274
Chapter 1702. or a community improvement corporation established 16275
under Chapter 1724. of the Revised Code. 16276

(5) "Operator" means the person that leases or subleases a 16277

sports park from a county, port authority, or eligible corporation 16278
and that operates and manages the sports park. 16279

(6) "Port authority" means a port authority created under 16280
Chapter 4582. of the Revised Code. 16281

(7) "Project" means acquiring, constructing, reconstructing, 16282
renovating, rehabilitating, expanding, adding to, equipping, 16283
furnishing, or otherwise improving a sports park. 16284

(8) "One purpose," "permanent improvement," and "person," 16285
have the same meanings as in section 133.01 of the Revised Code. 16286

(B) The board of county commissioners of a county having a 16287
population greater than seventy-five thousand but less than 16288
seventy-eight thousand according to the 2010 federal decennial 16289
census may enter into a cooperative agreement with a port 16290
authority, eligible corporation, operator, or any other person 16291
under which: 16292

(1) The board agrees to do any or all of the following: 16293

(a) Levy a tax or increase the rate of a tax under section 16294
5739.09 of the Revised Code, as authorized by that section; 16295

(b) Acquire, convey, or lease real or other property for a 16296
project; 16297

(c) Issue sports park bonds for a project; 16298

(d) Pledge and contribute all or a portion of the revenue 16299
from a tax levied under section 5739.09 of the Revised Code, 16300
together with any investment and earnings on that revenue, to pay 16301
debt service charges; 16302

(e) Pledge and contribute nontax revenues, together with any 16303
investment and earnings on such revenues, to pay the debt service 16304
charges, and, as the board considers appropriate, use all or any 16305
portion of a tax levied under section 5739.09 of the Revised Code 16306
to maintain, pay, or otherwise satisfy county obligations and 16307

<u>expenses that such nontax revenues would otherwise pay;</u>	16308
<u>(f) Acquire, construct, reconstruct, renovate, rehabilitate,</u>	16309
<u>expand, add to, equip, furnish, or otherwise improve a sports</u>	16310
<u>park;</u>	16311
<u>(g) Authorize the port authority, eligible corporation,</u>	16312
<u>operator, or other person to administer on behalf of the county</u>	16313
<u>any contracts for a project.</u>	16314
<u>(2) The port authority agrees to do any or all of the</u>	16315
<u>following:</u>	16316
<u>(a) Acquire, convey, or lease real or other property for a</u>	16317
<u>project;</u>	16318
<u>(b) Issue sports park bonds for a project;</u>	16319
<u>(c) Acquire, construct, reconstruct, renovate, rehabilitate,</u>	16320
<u>expand, add to, equip, furnish, or otherwise improve a sports</u>	16321
<u>park;</u>	16322
<u>(d) Authorize the eligible corporation, operator, or other</u>	16323
<u>person to administer on behalf of the port authority any contracts</u>	16324
<u>for a project.</u>	16325
<u>(3) The eligible corporation agrees to do any or all of the</u>	16326
<u>following:</u>	16327
<u>(a) Acquire, convey, or lease real or other property for a</u>	16328
<u>project;</u>	16329
<u>(b) Acquire, construct, reconstruct, renovate, rehabilitate,</u>	16330
<u>expand, add to, equip, furnish, or otherwise improve a sports</u>	16331
<u>park;</u>	16332
<u>(c) Authorize the operator or another person to administer on</u>	16333
<u>behalf of the corporation any contracts for a project.</u>	16334
<u>(4) The operator agrees to do any or all of the following:</u>	16335
<u>(a) Acquire, convey, or lease real or other property for a</u>	16336

project; 16337

(b) Administer on behalf of the county, port authority, or 16338
corporation, any contracts for a project; 16339

(c) Lease a sports park from the county, port authority, or 16340
corporation on terms to be agreed upon between the operator and 16341
the lessor, including a lease-purchase agreement under which the 16342
operator agrees to acquire for one dollar the sports park at the 16343
later of the end of the lease or upon retirement of the sports 16344
park bonds; 16345

(d) Operate and maintain the sports park. 16346

(C) The pledges and contributions provided for in a 16347
cooperative agreement entered into under this section shall be for 16348
the period prescribed in the cooperative agreement, but shall not 16349
exceed the period necessary to retire any sports park bonds and to 16350
satisfy any sports park bond issuing authority's obligations 16351
arising from a guaranty agreement, reimbursement agreement, or 16352
other credit enhancement agreement relating to sports park bonds 16353
or to the revenues pledged to such bonds. 16354

The cooperative agreement shall provide for its termination, 16355
including termination of the pledges and contributions described 16356
in division (B) of this section if the sports park bonds have not 16357
been issued, sold, and delivered within two years after the 16358
effective date of the cooperative agreement. The cooperative 16359
agreement shall provide that any sports park bonds shall be 16360
secured by a trust agreement between the issuing authority and a 16361
corporate trustee that is a trust company or bank having the 16362
powers of a trust company. If the bonds are issued by the port 16363
authority, the county may be a party to such trust agreement for 16364
the purpose of securing the pledge by the county of its 16365
contribution to the corporation pursuant to division (B)(1) of 16366
this section. 16367

A pledge of money by a county under this section shall not be 16368
net indebtedness of the county for purposes of section 133.07 of 16369
the Revised Code. Transactions described in divisions (B)(1)(b), 16370
(2)(a), (3)(a), and (4)(a) and (c) of this section are not subject 16371
to the requirements and limitations of sections 307.02, 307.09, 16372
307.12, 307.86, 307.862, and 4582.12 of the Revised Code. A 16373
project is a permanent improvement for one purpose for the 16374
purposes of Chapter 133. of the Revised Code. 16375

Sec. 319.63. (A) During the first thirty days of each 16376
calendar quarter, the county auditor shall pay to the treasurer of 16377
state all amounts that the county recorder collected as housing 16378
trust fund fees pursuant to section 317.36 of the Revised Code 16379
during the previous calendar quarter. If payment is made to the 16380
treasurer of state within the first thirty days of the quarter, 16381
the county auditor may retain an administrative fee of one per 16382
cent of the amount of the trust fund fees collected during the 16383
previous calendar quarter. 16384

(B) The treasurer of state shall deposit the first fifty 16385
million dollars of housing trust fund fees received each year 16386
pursuant to this section into the low- and moderate-income housing 16387
trust fund, created under section 174.02 of the Revised Code, ~~and~~ 16388
The treasurer of state shall deposit any amounts received each 16389
year in excess of fifty million dollars into the housing trust 16390
reserve fund created under section 174.09 of the Revised Code, 16391
unless the cash balance of the housing trust reserve fund is 16392
greater than fifteen million dollars. In that event, the treasurer 16393
of state shall deposit any amounts received each year in excess of 16394
fifty million dollars into the state general revenue fund. 16395

(C) The county auditor shall deposit the administrative fee 16396
that the auditor is permitted to retain pursuant to division (A) 16397
of this section into the county general fund for the county 16398

recorder to use in administering the trust fund fee. 16399

Sec. 321.24. (A) On or before the fifteenth day of February, 16400
in each year, the county treasurer shall settle with the county 16401
auditor for all taxes and assessments that the treasurer has 16402
collected on the general duplicate of real and public utility 16403
property at the time of making the settlement. If the county 16404
treasurer has made or will make advance payments to the several 16405
taxing districts of current year unpaid taxes under section 16406
321.341 of the Revised Code before collecting them, the county 16407
treasurer shall take the advance payments into account for 16408
purposes of the settlement with the county auditor under this 16409
division. 16410

(B) On or before the thirtieth day of June, in each year, the 16411
treasurer shall settle with the auditor for all advance payments 16412
of general personal and classified property taxes that the 16413
treasurer has received at the time of making the settlement. 16414

(C) On or before the tenth day of August, in each year, the 16415
treasurer shall settle with the auditor for all taxes and 16416
assessments that the treasurer has collected on the general 16417
duplicates of real and public utility property at the time of 16418
making such settlement, not included in the preceding February 16419
settlement. If the county treasurer has made or will make advance 16420
payments to the several taxing districts of the current year 16421
delinquent taxes under section 321.341 of the Revised Code before 16422
collecting them, the county treasurer shall take the advance 16423
payments into account for purposes of the settlement with the 16424
county auditor under this division. 16425

(D) On or before the thirty-first day of October, in each 16426
year, the treasurer shall settle with the auditor for all taxes 16427
that the treasurer has collected on the general personal and 16428
classified property duplicates, and for all advance payments of 16429

general personal and classified property taxes, not included in 16430
the preceding June settlement, that the treasurer has received at 16431
the time of making such settlement. 16432

(E) In the event the time for the payment of taxes is 16433
extended, pursuant to section 323.17 of the Revised Code, the date 16434
on or before which settlement for the taxes so extended must be 16435
made, as herein prescribed, shall be deemed to be extended for a 16436
like period of time. At each such settlement, the auditor shall 16437
allow to the treasurer, on the moneys received or collected and 16438
accounted for by the treasurer, the treasurer's fees, at the rate 16439
or percentage allowed by law, at a full settlement of the 16440
treasurer. 16441

(F) Within thirty days after the day of each settlement of 16442
taxes required under divisions (A) and (C) of this section, the 16443
treasurer shall certify to the tax commissioner any adjustments 16444
that have been made to the amount certified previously pursuant to 16445
section 319.302 of the Revised Code and that the settlement has 16446
been completed. Upon receipt of such certification, the 16447
commissioner shall provide for payment to the county treasurer 16448
from the general revenue fund of an amount equal to one-half of 16449
the amount certified by the treasurer in the preceding tax year 16450
under section 319.302 of the Revised Code, less one-half of the 16451
amount computed for all taxing districts in that county for the 16452
current fiscal year under section 5703.80 of the Revised Code for 16453
crediting to the property tax administration fund. Such payment 16454
shall be credited upon receipt to the county's undivided income 16455
tax fund, and the county auditor shall transfer to the county 16456
general fund from the amount thereof the total amount of all fees 16457
and charges which the auditor and treasurer would have been 16458
authorized to receive had such section not been in effect and that 16459
amount had been levied and collected as taxes. The county auditor 16460
shall distribute the amount remaining among the various taxing 16461

districts in the county as if it had been levied, collected, and 16462
settled as real property taxes. The amount distributed to each 16463
taxing district shall be reduced by the total of the amounts 16464
computed for the district under section 5703.80 of the Revised 16465
Code, but the reduction shall not exceed the amount that otherwise 16466
would be distributed to the taxing district under this division. 16467
The tax commissioner shall make available to taxing districts such 16468
information as is sufficient for a taxing district to be able to 16469
determine the amount of the reduction in its distribution under 16470
this section. 16471

(G)(1) Within thirty days after the day of the settlement 16472
required in division (D) of this section, the county treasurer 16473
shall notify the tax commissioner that the settlement has been 16474
completed. Upon receipt of that notification, the commissioner 16475
shall provide for payment to the county treasurer from the general 16476
revenue fund of an amount equal to the amount certified under 16477
former section 319.311 of the Revised Code and paid in the state's 16478
fiscal year 2003 multiplied by the percentage specified in 16479
division (G)(2) of this section. The payment shall be credited 16480
upon receipt to the county's undivided income tax fund, and the 16481
county auditor shall distribute the amount thereof among the 16482
various taxing districts of the county as if it had been levied, 16483
collected, and settled as personal property taxes. The amount 16484
received by a taxing district under this division shall be 16485
apportioned among its funds in the same proportion as the current 16486
year's personal property taxes are apportioned. 16487

(2) Payments required under division (G)(1) of this section 16488
shall be made at the following percentages of the amount certified 16489
under former section 319.311 of the Revised Code and paid under 16490
division (G)(1) of this section in the state's fiscal year 2003: 16491

(a) In fiscal year 2004, ninety per cent; 16492

(b) In fiscal year 2005, eighty per cent; 16493

(c) In fiscal year 2006, sixty-four per cent; 16494

(d) In fiscal year 2007, forty per cent; 16495

(e) In fiscal year 2008, thirty-two per cent; 16496

(f) In fiscal year 2009, sixteen per cent. 16497

After fiscal year 2009, no payments shall be made under 16498
division (G)(1) of this section. 16499

(H)(1) On or before the fifteenth day of April each year, the 16500
county treasurer shall settle with the county auditor for all 16501
manufactured home taxes that the county treasurer has collected on 16502
the manufactured home tax duplicate at the time of making the 16503
settlement. 16504

(2) On or before the fifteenth day of September each year, 16505
the county treasurer shall settle with the county auditor for all 16506
remaining manufactured home taxes that the county treasurer has 16507
collected on the manufactured home tax duplicate at the time of 16508
making the settlement. 16509

(3) If the time for payment of such taxes is extended under 16510
section 4503.06 of the Revised Code, the time for making the 16511
settlement as prescribed by divisions (H)(1) and (2) of this 16512
section is extended for a like period of time. 16513

(I) On or before the second Monday in September of each year, 16514
the county treasurer shall certify to the tax commissioner the 16515
total amount by which the manufactured home taxes levied in that 16516
year were reduced pursuant to section 319.302 of the Revised Code. 16517
Within ninety days after the receipt of such certification, the 16518
commissioner shall provide for payment to the county treasurer 16519
from the general revenue fund of an amount equal to the amount 16520
certified by the treasurer. Such payment shall be credited upon 16521
receipt to the county's undivided income tax fund, and the county 16522
auditor shall transfer to the county general fund from the amount 16523

thereof the total amount of all fees and charges that the auditor 16524
and treasurer would have been authorized to receive had such 16525
section not been in effect and that amount had been levied and 16526
collected as manufactured home taxes. The county auditor shall 16527
distribute the amount remaining among the various taxing districts 16528
in the county as if it had been levied, collected, and settled as 16529
manufactured home taxes. 16530

(J) On the same date as each settlement of taxes under 16531
divisions (A) and (C) of this section, and notwithstanding any 16532
other provision of this section, the county treasurer shall 16533
provide for payment to the treasurer of state, from the county 16534
undivided general tax fund, of an amount equal to the amount of 16535
the taxes the treasurer has collected with respect to the tangible 16536
personal property of electric companies and energy companies, as 16537
those terms are defined in section 5727.01 of the Revised Code, 16538
multiplied by a fraction, the numerator of which is the difference 16539
between the percentage determined for that tax year under division 16540
(B)(3) of section 5727.09 of the Revised Code and eighty-five per 16541
cent, and the denominator of which is the percentage determined 16542
for that tax year under that division. The treasurer of state 16543
shall place all money transferred pursuant to this division to the 16544
credit of the production equipment property tax replacement fund, 16545
which is hereby created in the state treasury. 16546

Sec. 323.13. Except as provided in section 323.134 of the 16547
Revised Code, immediately upon receipt of any tax duplicate from 16548
the county auditor, but not less than twenty days prior to the 16549
last date on which the first one-half taxes may be paid without 16550
penalty as prescribed in section 323.12 or 323.17 of the Revised 16551
Code, the county treasurer shall cause to be prepared and mailed 16552
or delivered to each person charged on such duplicate with taxes 16553
or to an agent designated by such person, the tax bill prescribed 16554
by the commissioner of tax equalization under section 323.131 of 16555

the Revised Code. When taxes are paid by installments, the county treasurer shall mail or deliver to each person charged on such duplicate or the agent designated by such person, a second tax bill showing the amount due at the time of the second tax collection. The second_half tax bill shall be mailed or delivered at least twenty days prior to the close of the second_half tax collection period. The treasurer shall maintain a record of the person or agent to whom each bill is mailed or delivered.

After delivery of the delinquent land duplicate as prescribed in section 5721.011 of the Revised Code, the county treasurer may prepare and mail to each person in whose name property therein is listed an additional tax bill showing the total amount of delinquent taxes appearing on such duplicate against such property. The tax bill shall include a notice that the interest charge prescribed by division (B) of section 323.121 of the Revised Code has begun to accrue.

A change in the mailing address of any tax bill shall be made in writing to the county treasurer.

Upon certification by the county auditor of the apportionment of taxes following the transfer of a part of a tract or lot of real estate, and upon request by the owner of any transferred or remaining part of such tract or parcel, the treasurer shall cause to be prepared and mailed or delivered to such owner a tax bill for the taxes allocated to the owner's part, together with the penalties, interest, and other charges.

Failure to receive any bill required by this section does not excuse failure or delay to pay any taxes shown on such bill or, except as provided in division (B)(1) of section 5715.39 of the Revised Code, avoid any penalty, interest, or charge for such delay.

Sec. 325.03. Each county auditor shall be classified, for

salary purposes, according to the population of the county. All 16587
county auditors shall receive annual compensation in accordance 16588
with the following schedules and in accordance with section 325.18 16589
of the Revised Code: 16590

16591

~~(A) CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16592

~~FOR CALENDAR YEAR 2000~~ 16593

~~Class~~	~~Population Range~~	~~Compensation~~	16594
~~1~~	~~1 — 20,000~~	~~\$39,368~~	16595
~~2~~	~~20,001 — 40,000~~	~~41,706~~	16596
~~3~~	~~40,001 — 55,000~~	~~43,911~~	16597
~~4~~	~~55,001 — 70,000~~	~~45,376~~	16598
~~5~~	~~70,001 — 85,000~~	~~46,876~~	16599
~~6~~	~~85,001 — 95,000~~	~~51,801~~	16600
~~7~~	~~95,001 — 105,000~~	~~53,383~~	16601
~~8~~	~~105,001 — 125,000~~	~~54,927~~	16602
~~9~~	~~125,001 — 175,000~~	~~57,950~~	16603
~~10~~	~~175,001 — 275,000~~	~~59,911~~	16604
~~11~~	~~275,001 — 400,000~~	~~65,004~~	16605
~~12~~	~~400,001 — 550,000~~	~~67,213~~	16606
~~13~~	~~550,001 — 1,000,000~~	~~69,267~~	16607
~~14~~	~~Over 1,000,000~~	~~71,225~~	16608

~~(B) CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16609

~~FOR CALENDAR YEAR 2001~~ 16610

~~Class~~	~~Population Range~~	~~Compensation~~	16611
~~1~~	~~1 — 20,000~~	~~\$40,549~~	16612
~~2~~	~~20,001 — 40,000~~	~~42,957~~	16613
~~3~~	~~40,001 — 55,000~~	~~45,228~~	16614
~~4~~	~~55,001 — 70,000~~	~~46,737~~	16615
~~5~~	~~70,001 — 85,000~~	~~48,282~~	16616
~~6~~	~~85,001 — 95,000~~	~~53,356~~	16617
~~7~~	~~95,001 — 105,000~~	~~54,983~~	16618

8	~~105,001 - 125,000~~	56,575	16619
9	~~125,001 - 175,000~~	59,690	16620
10	~~175,001 - 275,000~~	61,708	16621
11	~~275,001 - 400,000~~	66,953	16622
12	~~400,001 - 550,000~~	69,229	16623
13	~~550,001 - 1,000,000~~	71,345	16624
14	~~Over 1,000,000~~	73,362	16625

~~(C)~~ CLASSIFICATION AND COMPENSATION SCHEDULE 16626

FOR CALENDAR YEAR 2002 16627

Class	Population Range	Compensation	
1	1 - 20,000	\$41,765	16629
2	20,001 - 40,000	44,246	16630
3	40,001 - 55,000	46,585	16631
4	55,001 - 70,000	48,139	16632
5	70,001 - 85,000	49,731	16633
6	85,001 - 95,000	54,957	16634
7	95,001 - 105,000	56,633	16635
8	105,001 - 125,000	58,272	16636
9	125,001 - 175,000	61,480	16637
10	175,001 - 275,000	63,560	16638
11	275,001 - 400,000	68,962	16639
12	400,001 - 550,000	71,306	16640
13	550,001 - 1,000,000	73,485	16641
14	Over 1,000,000	75,563	16642

~~(D)~~ CLASSIFICATION AND COMPENSATION SCHEDULE 16643

~~AFTER FOR~~ CALENDAR YEAR ~~2002~~ 2016 16644

Class	Population Range	Compensation	
1	1 - 20,000	~~\$45,573~~ <u>56,103</u>	16646
2	20,001 - 35,000	~~47,983~~ <u>59,069</u>	16647
3	35,001 - 55,000	~~49,584~~ <u>61,039</u>	16648
4	55,001 - 95,000	~~58,332~~ <u>71,810</u>	16649
5	95,001 - 200,000	~~65,466~~ <u>80,592</u>	16650
6	200,001 - 400,000	~~73,445~~ <u>90,414</u>	16651

7	400,001 - 1,000,000	77,829 <u>95,810</u>	16652
8	1,000,001 or more	80,164 <u>98,684</u>	16653

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2017 AND THEREAFTER

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16656
<u>1</u>	<u>1 - 55,000</u>	<u>\$64,091</u>	16657
<u>2</u>	<u>55,001 - 95,000</u>	<u>75,400</u>	16658
<u>3</u>	<u>95,001 - 200,000</u>	<u>84,621</u>	16659
<u>4</u>	<u>200,001 - 400,000</u>	<u>94,935</u>	16660
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>100,601</u>	16661
<u>6</u>	<u>1,000,001 or more</u>	<u>103,618</u>	16662

Sec. 325.04. Each county treasurer shall be classified, for 16663
salary purposes, according to the population of the county. All 16664
county treasurers shall receive annual compensation in accordance 16665
with the following schedules and in accordance with section 325.18 16666
of the Revised Code: 16667

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~

~~FOR CALENDER YEAR 2000~~

~~Class~~	~~Population Range~~	~~Compensation~~	16670
~~1~~	~~1 — 20,000~~	~~\$29,932~~	16671
~~2~~	~~20,001 — 40,000~~	~~32,426~~	16672
~~3~~	~~40,001 — 55,000~~	~~34,921~~	16673
~~4~~	~~55,001 — 70,000~~	~~37,415~~	16674
~~5~~	~~70,001 — 85,000~~	~~39,078~~	16675
~~6~~	~~85,001 — 95,000~~	~~42,404~~	16676
~~7~~	~~95,001 — 105,000~~	~~44,067~~	16677
~~8~~	~~105,001 — 125,000~~	~~45,729~~	16678
~~9~~	~~125,001 — 175,000~~	~~48,640~~	16679
~~10~~	~~175,001 — 275,000~~	~~50,718~~	16680
~~11~~	~~275,001 — 400,000~~	~~54,460~~	16681
~~12~~	~~400,001 — 550,000~~	~~56,538~~	16682
~~13~~	~~550,001 — 1,000,000~~	~~58,617~~	16683

14	Over ~~1,000,000~~	60,695	16684
CLASSIFICATION AND COMPENSATION SCHEDULE			16685
FOR ~~CALENDAR~~ <u>CALENDAR</u> YEAR 2001			16686
Class	Population Range	Compensation	16687
1	1 - 20,000	\$33,399	16688
2	20,001 - 35,000	35,969	16689
3	35,001 - 55,000	38,537	16690
4	55,001 - 95,000	45,389	16691
5	95,001 - 200,000	52,240	16692
6	200,001 - 400,000	58,234	16693
7	400,001 - 1,000,000	62,516	16694
8	1,000,001 or more	64,704	16695
<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>			16696
<u>FOR CALENDAR YEAR 2016</u>			16697
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16698
<u>1</u>	<u>1 - 20,000</u>	<u>\$41,115</u>	16699
<u>2</u>	<u>20,001 - 35,000</u>	<u>44,281</u>	16700
<u>3</u>	<u>35,001 - 55,000</u>	<u>47,441</u>	16701
<u>4</u>	<u>55,001 - 95,000</u>	<u>55,875</u>	16702
<u>5</u>	<u>95,001 - 200,000</u>	<u>64,309</u>	16703
<u>6</u>	<u>200,001 - 400,000</u>	<u>71,689</u>	16704
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>76,959</u>	16705
<u>8</u>	<u>1,000,001 or more</u>	<u>79,653</u>	16706
<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>			16707
<u>FOR CALENDAR YEAR 2017 AND THEREAFTER</u>			16708
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16709
<u>1</u>	<u>1 - 55,000</u>	<u>\$49,813</u>	16710
<u>2</u>	<u>55,001 - 95,000</u>	<u>58,668</u>	16711
<u>3</u>	<u>95,001 - 200,000</u>	<u>67,525</u>	16712
<u>4</u>	<u>200,001 - 400,000</u>	<u>75,273</u>	16713
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>80,807</u>	16714
<u>6</u>	<u>1,000,001 or more</u>	<u>83,636</u>	16715

Sec. 325.06. (A) Each sheriff shall be classified, for salary 16716
purposes, according to the population of the county. All sheriffs 16717
shall receive annual compensation in accordance with the following 16718
schedules and in accordance with section 325.18 of the Revised 16719
Code: 16720

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16721

~~FOR CALENDER YEAR 2000~~ 16722

~~Class~~	~~Population Range~~	~~Compensation~~	
~~1~~	~~1 — 20,000~~	~~\$37,172~~	16723
~~2~~	~~20,001 — 40,000~~	~~39,666~~	16724
~~3~~	~~40,001 — 55,000~~	~~42,160~~	16725
~~4~~	~~55,001 — 70,000~~	~~43,824~~	16726
~~5~~	~~70,001 — 85,000~~	~~47,737~~	16727
~~6~~	~~85,001 — 95,000~~	~~49,401~~	16728
~~7~~	~~95,001 — 105,000~~	~~51,063~~	16729
~~8~~	~~105,001 — 125,000~~	~~52,727~~	16730
~~9~~	~~125,001 — 175,000~~	~~55,636~~	16731
~~10~~	~~175,001 — 275,000~~	~~62,216~~	16732
~~11~~	~~275,001 — 400,000~~	~~64,296~~	16733
~~12~~	~~400,001 — 600,000~~	~~69,699~~	16734
~~13~~	~~600,001 — 1,000,000~~	~~71,778~~	16735
~~14~~	~~Over 1,000,000~~	~~73,857~~	16736

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16737

~~FOR CALENDER~~ CALENDAR YEAR 2001 16738

~~Class~~	~~Population Range~~	~~Compensation~~	
~~1~~	~~1 - 20,000~~	~~\$40,855~~	16739
~~2~~	~~20,001 - 35,000~~	~~43,425~~	16740
~~3~~	~~35,001 - 55,000~~	~~45,139~~	16741
~~4~~	~~55,001 - 95,000~~	~~52,595~~	16742
~~5~~	~~95,001 - 200,000~~	~~64,082~~	16743
~~6~~	~~200,001 - 400,000~~	~~71,790~~	16744
~~7~~	~~400,001 - 1,000,000~~	~~76,073~~	16745

8	1,000,001 or more	78,279	16748
<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>			16749
<u>FOR CALENDAR YEAR 2016</u>			16750
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16751
<u>1</u>	<u>1 - 20,000</u>	<u>\$50,295</u>	16752
<u>2</u>	<u>20,001 - 35,000</u>	<u>53,458</u>	16753
<u>3</u>	<u>35,001 - 55,000</u>	<u>55,568</u>	16754
<u>4</u>	<u>55,001 - 95,000</u>	<u>64,747</u>	16755
<u>5</u>	<u>95,001 - 200,000</u>	<u>78,888</u>	16756
<u>6</u>	<u>200,001 - 400,000</u>	<u>88,379</u>	16757
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>93,650</u>	16758
<u>8</u>	<u>1,000,001 or more</u>	<u>96,364</u>	16759
<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>			16760
<u>FOR CALENDAR YEAR 2017</u>			16761
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16762
<u>1</u>	<u>1 - 55,000</u>	<u>\$58,347</u>	16763
<u>2</u>	<u>55,001 - 95,000</u>	<u>67,985</u>	16764
<u>3</u>	<u>95,001 - 200,000</u>	<u>82,832</u>	16765
<u>4</u>	<u>200,001 - 400,000</u>	<u>92,797</u>	16766
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>98,332</u>	16767
<u>6</u>	<u>1,000,001 or more</u>	<u>101,182</u>	16768
<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>			16769
<u>FOR CALENDAR YEAR 2018</u>			16770
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16771
<u>1</u>	<u>1 - 55,000</u>	<u>\$61,624</u>	16772
<u>2</u>	<u>55,001 - 95,000</u>	<u>71,384</u>	16773
<u>3</u>	<u>95,001 - 200,000</u>	<u>86,974</u>	16774
<u>4</u>	<u>200,001 - 400,000</u>	<u>97,437</u>	16775
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>103,249</u>	16776
<u>6</u>	<u>1,000,001 or more</u>	<u>106,241</u>	16777
<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>			16778
<u>FOR CALENDAR YEARS 2019 AND THEREAFTER</u>			16779
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16780

<u>1</u>	<u>1 - 55,000</u>	<u>\$64,327</u>	16781
<u>2</u>	<u>55,001 - 95,000</u>	<u>74,953</u>	16782
<u>3</u>	<u>95,001 - 200,000</u>	<u>91,322</u>	16783
<u>4</u>	<u>200,001 - 400,000</u>	<u>102,309</u>	16784
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>108,411</u>	16785
<u>6</u>	<u>1,000,001 or more</u>	<u>111,553</u>	16786

(B) In addition to the annual compensation that a sheriff receives under this section for performing the duties of sheriff prescribed by law, each sheriff shall receive in consideration of the impact of Amended Substitute Senate Bill No. 2 of the 121st general assembly on the workload of the sheriff, an additional amount equal to one-eighth of the annual compensation that the sheriff receives under division (A) of this section and section 325.18 of the Revised Code. This additional compensation shall be paid biweekly from the county treasury if adequate funds have been appropriated by the general assembly. If adequate funds have been appropriated by the general assembly for the purposes of this section, not later than the fifteenth day of March and September of each year, the attorney general shall reimburse the fiscal officer of the county the amount of additional compensation paid under this division, the related amount of employer contributions made under Chapter 145. of the Revised Code as required by the public employees retirement board, and the related amount of the payments to the social security administration for employer contributions for Medicare part A. The fiscal officer shall deposit the revenue in the county treasury.

Sec. 325.08. Each clerk of the court of common pleas shall be classified, for salary purposes, according to the population of the county. All clerks of the court of common pleas shall receive annual compensation in accordance with the following schedules and in accordance with section 325.18 of the Revised Code:

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~

	~~FOR CALENDER YEAR 2000~~		16813
Class	Population Range	Compensation	16814
1	~~1 — 20,000~~	~~\$29,932~~	16815
2	~~20,001 — 40,000~~	~~32,426~~	16816
3	~~40,001 — 55,000~~	~~34,921~~	16817
4	~~55,001 — 70,000~~	~~37,415~~	16818
5	~~70,001 — 85,000~~	~~39,078~~	16819
6	~~85,001 — 95,000~~	~~42,404~~	16820
7	~~95,001 — 105,000~~	~~44,067~~	16821
8	~~105,001 — 125,000~~	~~45,729~~	16822
9	~~125,001 — 175,000~~	~~48,640~~	16823
10	~~175,001 — 275,000~~	~~50,718~~	16824
11	~~275,001 — 400,000~~	~~54,460~~	16825
12	~~400,001 — 600,000~~	~~56,538~~	16826
13	~~600,001 — 1,000,000~~	~~58,616~~	16827
14	~~Over 1,000,000~~	~~60,695~~	16828

CLASSIFICATION AND COMPENSATION SCHEDULE

	~~FOR CALENDER~~ <u>CALENDAR</u> YEAR 2001		16830
Class	Population Range	Compensation	16831
1	1 - 20,000	\$33,399	16832
2	20,001 - 35,000	35,969	16833
3	35,001 - 55,000	38,537	16834
4	55,001 - 95,000	45,389	16835
5	95,001 - 200,000	52,240	16836
6	200,001 - 400,000	58,234	16837
7	400,001 - 1,000,000	62,516	16838
8	1,000,001 or more	64,704	16839

CLASSIFICATION AND COMPENSATION SCHEDULE

	<u>FOR CALENDAR YEAR 2016</u>		16841
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16842
<u>1</u>	<u>1 - 20,000</u>	<u>\$41,115</u>	16843
<u>2</u>	<u>20,001 - 35,000</u>	<u>44,281</u>	16844
<u>3</u>	<u>35,001 - 55,000</u>	<u>47,441</u>	16845

<u>4</u>	<u>55,001 - 95,000</u>	<u>55,875</u>	16846
<u>5</u>	<u>95,001 - 200,000</u>	<u>64,309</u>	16847
<u>6</u>	<u>200,001 - 400,000</u>	<u>71,689</u>	16848
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>76,959</u>	16849
<u>8</u>	<u>1,000,001 or more</u>	<u>79,653</u>	16850

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2017 AND THEREAFTER

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16853
<u>1</u>	<u>1 - 55,000</u>	<u>\$49,813</u>	16854
<u>2</u>	<u>55,001 - 95,000</u>	<u>58,668</u>	16855
<u>3</u>	<u>95,001 - 200,000</u>	<u>67,525</u>	16856
<u>4</u>	<u>200,001 - 400,000</u>	<u>75,273</u>	16857
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>80,807</u>	16858
<u>6</u>	<u>1,000,001 or more</u>	<u>83,636</u>	16859

Sec. 325.09. Each county recorder shall be classified, for 16860
salary purposes, according to the population of the county. All 16861
county recorders shall receive annual compensation in accordance 16862
with the following schedules and in accordance with section 325.18 16863
of the Revised Code: 16864

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~

~~FOR CALENDAR YEAR 2000~~

~~Class~~	~~Population Range~~	~~Compensation~~	16867
~~1~~	~~1 - 20,000~~	~~\$29,101~~	16868
~~2~~	~~20,001 - 40,000~~	~~31,595~~	16869
~~3~~	~~40,001 - 55,000~~	~~34,089~~	16870
~~4~~	~~55,001 - 70,000~~	~~35,752~~	16871
~~5~~	~~70,001 - 85,000~~	~~37,415~~	16872
~~6~~	~~85,001 - 95,000~~	~~40,741~~	16873
~~7~~	~~95,001 - 105,000~~	~~41,572~~	16874
~~8~~	~~105,001 - 125,000~~	~~42,404~~	16875
~~9~~	~~125,001 - 175,000~~	~~44,898~~	16876
~~10~~	~~175,001 - 275,000~~	~~47,392~~	16877

11	~~275,001 - 400,000~~	~~51,550~~	16878
12	~~400,001 - 600,000~~	~~54,044~~	16879
13	~~600,001 - 1,000,000~~	~~56,538~~	16880
14	~~Over 1,000,000~~	~~59,033~~	16881

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR ~~CALENDAR~~ CALENDAR YEAR 2001

Class	Population Range	Compensation	
1	1 - 20,000	\$32,543	16885
2	20,001 - 35,000	35,112	16886
3	35,001 - 55,000	36,825	16887
4	55,001 - 95,000	42,820	16888
5	95,001 - 200,000	48,815	16889
6	200,001 - 400,000	55,665	16890
7	400,001 - 1,000,000	60,803	16891
8	1,000,001 or more	63,479	16892

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2016

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$40,061</u>	16896
<u>2</u>	<u>20,001 - 35,000</u>	<u>43,223</u>	16897
<u>3</u>	<u>35,001 - 55,000</u>	<u>45,333</u>	16898
<u>4</u>	<u>55,001 - 95,000</u>	<u>52,713</u>	16899
<u>5</u>	<u>95,001 - 200,000</u>	<u>60,094</u>	16900
<u>6</u>	<u>200,001 - 400,000</u>	<u>68,525</u>	16901
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>74,851</u>	16902
<u>8</u>	<u>1,000,001 or more</u>	<u>78,144</u>	16903

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2017 AND THEREAFTER

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$47,599</u>	16907
<u>2</u>	<u>55,001 - 95,000</u>	<u>55,349</u>	16908
<u>3</u>	<u>95,001 - 200,000</u>	<u>63,098</u>	16909
<u>4</u>	<u>200,001 - 400,000</u>	<u>71,951</u>	16910

<u>5</u>	<u>400,001 - 1,000,000</u>	<u>78,594</u>	16911
<u>6</u>	<u>1,000,001 or more</u>	<u>82,051</u>	16912

Sec. 325.10. Each county commissioner shall be classified, 16913
for salary purposes, according to the population of the county. 16914
All county commissioners shall receive annual compensation in 16915
accordance with the following schedules and in accordance with 16916
section 325.18 of the Revised Code: 16917

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16918

~~FOR CALENDER YEAR 2000~~ 16919

~~Class~~	~~Population Range~~	~~Compensation~~	
~~1~~	~~1 - 20,000~~	~~\$28,006~~	16921
~~2~~	~~20,001 - 40,000~~	~~30,932~~	16922
~~3~~	~~40,001 - 55,000~~	~~33,858~~	16923
~~4~~	~~55,001 - 70,000~~	~~36,784~~	16924
~~5~~	~~70,001 - 85,000~~	~~39,710~~	16925
~~6~~	~~85,001 - 95,000~~	~~43,890~~	16926
~~7~~	~~95,001 - 105,000~~	~~45,980~~	16927
~~8~~	~~105,001 - 125,000~~	~~48,070~~	16928
~~9~~	~~125,001 - 175,000~~	~~51,205~~	16929
~~10~~	~~175,001 - 275,000~~	~~54,340~~	16930
~~11~~	~~275,001 - 400,000~~	~~59,565~~	16931
~~12~~	~~400,001 - 600,000~~	~~63,745~~	16932
~~13~~	~~600,001 - 1,000,000~~	~~67,925~~	16933
~~14~~	~~Over 1,000,000~~	~~72,105~~	16934

CLASSIFICATION AND COMPENSATION SCHEDULE 16935

FOR ~~CALENDER~~ CALENDAR YEAR 2001 16936

Class	Population Range	Compensation	
1	1 - 20,000	\$31,860	16938
2	20,001 - 35,000	34,874	16939
3	35,001 - 55,000	37,888	16940
4	55,001 - 95,000	47,359	16941
5	95,001 - 200,000	55,970	16942

6	200,001 - 400,000	65,656	16943
7	400,001 - 1,000,000	74,269	16944
8	1,000,001 or more	78,874	16945

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2016

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$39,221</u>	16948
<u>2</u>	<u>20,001 - 35,000</u>	<u>42,932</u>	16949
<u>3</u>	<u>35,001 - 55,000</u>	<u>46,642</u>	16950
<u>4</u>	<u>55,001 - 95,000</u>	<u>58,300</u>	16951
<u>5</u>	<u>95,001 - 200,000</u>	<u>68,901</u>	16952
<u>6</u>	<u>200,001 - 400,000</u>	<u>80,825</u>	16953
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>91,429</u>	16954
<u>8</u>	<u>1,000,001 or more</u>	<u>97,098</u>	16955

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2017 AND THEREAFTER

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$48,974</u>	16957
<u>2</u>	<u>55,001 - 95,000</u>	<u>61,215</u>	16958
<u>3</u>	<u>95,001 - 200,000</u>	<u>72,346</u>	16959
<u>4</u>	<u>200,001 - 400,000</u>	<u>84,866</u>	16960
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>96,000</u>	16961
<u>6</u>	<u>1,000,001 or more</u>	<u>101,953</u>	16962

Sec. 325.11. (A) Each prosecuting attorney shall be
classified, for salary purposes, according to the population of
the county. All prosecuting attorneys shall receive annual
compensation in accordance with the following schedules and in
accordance with section 325.18 of the Revised Code:

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~

~~FOR CALENDAR YEAR 2000 FOR~~

~~PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE~~

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	

1	~~1 — 20,000~~	~~\$43,235~~	16975
2	~~20,001 — 40,000~~	~~44,898~~	16976
3	~~40,001 — 55,000~~	~~46,561~~	16977
4	~~55,001 — 70,000~~	~~48,224~~	16978
5	~~70,001 — 85,000~~	~~49,471~~	16979
6	~~85,001 — 95,000~~	~~52,381~~	16980
7	~~95,001 — 105,000~~	~~53,628~~	16981
8	~~105,001 — 125,000~~	~~54,875~~	16982
9	~~125,001 — 175,000~~	~~56,538~~	16983
10	~~175,001 — 275,000~~	~~58,201~~	16984
11	~~275,001 — 400,000~~	~~61,527~~	16985
12	~~400,001 — 600,000~~	~~64,853~~	16986
13	~~600,001 — 1,000,000~~	~~66,516~~	16987
14	~~Over 1,000,000~~	~~69,010~~	16988
CLASSIFICATION AND COMPENSATION SCHEDULE			16989
FOR CALENDER YEAR 2000 FOR			16990
PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE			16991
Class	Population Range	Compensation	16992
1	~~1 — 20,000~~	~~\$76,651~~	16993
2	~~20,001 — 40,000~~	~~76,651~~	16994
3	~~40,001 — 55,000~~	~~86,233~~	16995
4	~~55,001 — 70,000~~	~~86,233~~	16996
5	~~70,001 — 85,000~~	~~95,815~~	16997
6	~~85,001 — 95,000~~	~~95,815~~	16998
7	~~95,001 — 105,000~~	~~95,815~~	16999
8	~~105,001 — 125,000~~	~~95,815~~	17000
9	~~125,001 — 175,000~~	~~95,815~~	17001
10	~~175,001 — 275,000~~	~~95,815~~	17002
11	~~275,001 — 400,000~~	~~95,815~~	17003
12	~~400,001 — 600,000~~	~~95,815~~	17004
13	~~600,001 — 1,000,000~~	~~95,815~~	17005
14	~~Over 1,000,000~~	~~95,815~~	17006
CLASSIFICATION AND COMPENSATION SCHEDULE			17007

FOR ~~CALENDER~~ <u>CALENDAR</u> YEAR 2001 FOR			17008
PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE			17009
Class	Population Range	Compensation	17010
1	1 - 20,000	\$46,245	17011
2	20,001 - 35,000	47,958	17012
3	35,001 - 55,000	49,671	17013
4	55,001 - 95,000	55,237	17014
5	95,001 - 200,000	59,947	17015
6	200,001 - 400,000	66,799	17016
7	400,001 - 1,000,000	71,079	17017
8	1,000,001 or more	73,709	17018
CLASSIFICATION AND COMPENSATION SCHEDULE			17019
FOR ~~CALENDER~~ <u>CALENDAR</u> YEAR 2001 FOR			17020
PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE			17021
Class	Population Range	Compensation	17022
1	1 - 20,000	\$78,952	17023
2	20,001 - 35,000	88,821	17024
3	35,001 - 55,000	88,821	17025
4	55,001 - 95,000	98,689	17026
5	95,001 - 200,000	98,689	17027
6	200,001 - 400,000	98,689	17028
7	400,001 - 1,000,000	101,085	17029
8	1,000,001 or more	103,480	17030
<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>			17031
<u>FOR CALENDAR YEAR 2016 FOR</u>			17032
<u>PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE</u>			17033
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17034
<u>1</u>	<u>1 - 20,000</u>	<u>\$56,929</u>	17035
<u>2</u>	<u>20,001 - 35,000</u>	<u>59,037</u>	17036
<u>3</u>	<u>35,001 - 55,000</u>	<u>61,146</u>	17037
<u>4</u>	<u>55,001 - 95,000</u>	<u>67,999</u>	17038
<u>5</u>	<u>95,001 - 200,000</u>	<u>73,798</u>	17039
<u>6</u>	<u>200,001 - 400,000</u>	<u>82,233</u>	17040

<u>7</u>	<u>400,001 - 1,000,000</u>	<u>87,502</u>	17041
<u>8</u>	<u>1,000,001 or more</u>	<u>90,739</u>	17042

CLASSIFICATION AND COMPENSATION SCHEDULE 17043

FOR CALENDAR YEAR 2016 FOR 17044

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 17045

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17046
<u>1</u>	<u>1 - 20,000</u>	<u>\$97,193</u>	17047
<u>2</u>	<u>20,001 - 35,000</u>	<u>109,342</u>	17048
<u>3</u>	<u>35,001 - 55,000</u>	<u>109,342</u>	17049
<u>4</u>	<u>55,001 - 95,000</u>	<u>121,488</u>	17050
<u>5</u>	<u>95,001 - 200,000</u>	<u>121,488</u>	17051
<u>6</u>	<u>200,001 - 400,000</u>	<u>121,488</u>	17052
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>124,439</u>	17053
<u>8</u>	<u>1,000,001 or more</u>	<u>127,389</u>	17054

CLASSIFICATION AND COMPENSATION SCHEDULE 17055

FOR CALENDAR YEAR 2017 FOR 17056

PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE 17057

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17058
<u>1</u>	<u>1 - 55,000</u>	<u>\$64,203</u>	17059
<u>2</u>	<u>55,001 - 95,000</u>	<u>71,399</u>	17060
<u>3</u>	<u>95,001 - 200,000</u>	<u>77,488</u>	17061
<u>4</u>	<u>200,001 - 400,000</u>	<u>86,344</u>	17062
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>91,877</u>	17063
<u>6</u>	<u>1,000,001 or more</u>	<u>95,276</u>	17064

CLASSIFICATION AND COMPENSATION SCHEDULE 17065

FOR CALENDAR YEAR 2017 FOR 17066

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 17067

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17068
<u>1</u>	<u>1 - 55,000</u>	<u>\$114,809</u>	17069
<u>2</u>	<u>55,001 - 95,000</u>	<u>127,563</u>	17070
<u>3</u>	<u>95,001 - 200,000</u>	<u>127,563</u>	17071
<u>4</u>	<u>200,001 - 400,000</u>	<u>127,563</u>	17072
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>130,661</u>	17073

<u>6</u>	<u>1,000,001 or more</u>	<u>133,759</u>	17074
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		17075
	<u>FOR CALENDAR YEAR 2018 FOR</u>		17076
	<u>PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE</u>		17077
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17078
<u>1</u>	<u>1 - 55,000</u>	<u>\$67,413</u>	17079
<u>2</u>	<u>55,001 - 95,000</u>	<u>74,969</u>	17080
<u>3</u>	<u>95,001 - 200,000</u>	<u>81,363</u>	17081
<u>4</u>	<u>200,001 - 400,000</u>	<u>90,662</u>	17082
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>96,471</u>	17083
<u>6</u>	<u>1,000,001 or more</u>	<u>100,040</u>	17084
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		17085
	<u>FOR CALENDAR YEAR 2018 FOR</u>		17086
	<u>PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE</u>		17087
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17088
<u>1</u>	<u>1 - 55,000</u>	<u>\$120,549</u>	17089
<u>2</u>	<u>55,001 - 95,000</u>	<u>133,941</u>	17090
<u>3</u>	<u>95,001 - 200,000</u>	<u>133,941</u>	17091
<u>4</u>	<u>200,001 - 400,000</u>	<u>133,941</u>	17092
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>137,194</u>	17093
<u>6</u>	<u>1,000,001 or more</u>	<u>140,447</u>	17094
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		17095
	<u>FOR CALENDAR YEARS 2019 AND THEREAFTER FOR</u>		17096
	<u>PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE</u>		17097
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17098
<u>1</u>	<u>1 - 55,000</u>	<u>\$70,784</u>	17099
<u>2</u>	<u>55,001 - 95,000</u>	<u>78,717</u>	17100
<u>3</u>	<u>95,001 - 200,000</u>	<u>85,431</u>	17101
<u>4</u>	<u>200,001 - 400,000</u>	<u>95,195</u>	17102
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>101,294</u>	17103
<u>6</u>	<u>1,000,001 or more</u>	<u>105,042</u>	17104
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		17105
	<u>FOR CALENDAR YEARS 2019 AND THEREAFTER FOR</u>		17106

<u>PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE</u>			17107
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17108
<u>1</u>	<u>1 - 55,000</u>	<u>\$126,577</u>	17109
<u>2</u>	<u>55,001 - 95,000</u>	<u>140,638</u>	17110
<u>3</u>	<u>95,001 - 200,000</u>	<u>140,638</u>	17111
<u>4</u>	<u>200,001 - 400,000</u>	<u>140,638</u>	17112
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>144,053</u>	17113
<u>6</u>	<u>1,000,001 or more</u>	<u>147,469</u>	17114
(B) <u>Notwithstanding the compensation specified in division</u>			17115
<u>(A) of this section, a prosecuting attorney in a county with a</u>			17116
<u>population of one million one or more who does not engage in the</u>			17117
<u>private practice of law shall receive in calendar year 2020 and in</u>			17118
<u>each calendar year thereafter annual compensation in an amount</u>			17119
<u>equal to the total compensation paid to a judge of the court of</u>			17120
<u>common pleas of that county pursuant to sections 141.04 and 141.05</u>			17121
<u>of the Revised Code for the same calendar year, reduced by one</u>			17122
<u>hundred dollars.</u>			17123
(C) A prosecuting attorney shall not engage in the private			17124
practice of law unless before taking office the prosecuting			17125
attorney notifies the board of county commissioners of the			17126
intention to engage in the private practice of law.			17127
A prosecuting attorney may elect to engage or not to engage			17128
in the private practice of law before the commencement of each new			17129
term of office, and a prosecuting attorney who engages in the			17130
private practice of law who intends not to engage in the private			17131
practice of law during the prosecuting attorney's next term of			17132
office shall so notify the board of county commissioners. A			17133
prosecuting attorney who elects not to engage in the private			17134
practice of law may, for a period of six months after taking			17135
office, engage in the private practice of law for the purpose of			17136
concluding the affairs of private practice of law without any			17137
diminution of salary as provided for in division (A) of this			17138

section and in section 325.18 of the Revised Code. 17139

~~(C)(D)~~ As used in this section, "salary" does not include any 17140
portion of the cost, premium, or charge for health, medical, 17141
hospital, dental, or surgical benefits, or any combination of 17142
those benefits, covering the prosecuting attorney and paid on that 17143
person's behalf by a governmental entity. 17144

Sec. 325.14. (A) Each county engineer shall be classified, 17145
for salary purposes, according to the population of the county. 17146
All county engineers shall receive annual compensation in 17147
accordance with the following schedules and in accordance with 17148
section 325.18 of the Revised Code: 17149

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 17150

~~FOR CALENDAR YEAR 2000 FOR~~ 17151

~~COUNTY ENGINEERS WITH A PRIVATE PRACTICE~~ 17152

Class	Population Range	Compensation	
1	~~1 — 20,000~~	~~\$44,898~~	17154
2	~~20,001 — 40,000~~	~~46,893~~	17155
3	~~40,001 — 55,000~~	~~48,889~~	17156
4	~~55,001 — 70,000~~	~~50,884~~	17157
5	~~70,001 — 85,000~~	~~52,215~~	17158
6	~~85,001 — 95,000~~	~~53,545~~	17159
7	~~95,001 — 105,000~~	~~54,875~~	17160
8	~~105,001 — 125,000~~	~~55,707~~	17161
9	~~125,001 — 175,000~~	~~57,370~~	17162
10	~~175,001 — 275,000~~	~~59,033~~	17163
11	~~275,001 — 400,000~~	~~60,695~~	17164
12	~~400,001 — 600,000~~	~~62,358~~	17165
13	~~600,001 — 1,000,000~~	~~64,021~~	17166
14	~~Over 1,000,000~~	~~66,516~~	17167

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 17168

~~FOR CALENDAR YEAR 2000 FOR~~ 17169

~~COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE~~			17170
Class	Population Range	Compensation	17171
1	~~1 - 20,000~~	~~\$64,694~~	17172
2	~~20,001 - 40,000~~	~~66,690~~	17173
3	~~40,001 - 55,000~~	~~68,686~~	17174
4	~~55,001 - 70,000~~	~~70,681~~	17175
5	~~70,001 - 85,000~~	~~72,011~~	17176
6	~~85,001 - 95,000~~	~~73,342~~	17177
7	~~95,001 - 105,000~~	~~74,672~~	17178
8	~~105,001 - 125,000~~	~~75,503~~	17179
9	~~125,001 - 175,000~~	~~77,166~~	17180
10	~~175,001 - 275,000~~	~~78,829~~	17181
11	~~275,001 - 400,000~~	~~80,492~~	17182
12	~~400,001 - 600,000~~	~~82,155~~	17183
13	~~600,001 - 1,000,000~~	~~83,818~~	17184
14	~~Over 1,000,000~~	~~86,312~~	17185
CLASSIFICATION AND COMPENSATION SCHEDULE			17186
FOR CALENDAR YEAR 2001 FOR			17187
COUNTY ENGINEERS WITH A PRIVATE PRACTICE			17188
Class	Population Range	Compensation	17189
1	1 - 20,000	\$48,300	17190
2	20,001 - 35,000	50,356	17191
3	35,001 - 55,000	52,411	17192
4	55,001 - 95,000	56,521	17193
5	95,001 - 200,000	60,803	17194
6	200,001 - 400,000	64,229	17195
7	400,001 - 1,000,000	68,510	17196
8	1,000,001 or more	71,182	17197
CLASSIFICATION AND COMPENSATION SCHEDULE			17198
FOR CALENDAR YEAR 2001 FOR			17199
COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE			17200
Class	Population Range	Compensation	17201
1	1 - 20,000	\$68,691	17202

2	20,001 - 35,000	70,746	17203
3	35,001 - 55,000	72,801	17204
4	55,001 - 95,000	76,912	17205
5	95,001 - 200,000	81,193	17206
6	200,001 - 400,000	84,619	17207
7	400,001 - 1,000,000	88,901	17208
8	1,000,001 or more	91,568	17209

CLASSIFICATION AND COMPENSATION SCHEDULE 17210

FOR CALENDAR YEAR 2016 FOR 17211

COUNTY ENGINEERS WITH A PRIVATE PRACTICE 17212

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17213
<u>1</u>	<u>1 - 20,000</u>	<u>\$59,460</u>	17214
<u>2</u>	<u>20,001 - 35,000</u>	<u>61,991</u>	17215
<u>3</u>	<u>35,001 - 55,000</u>	<u>64,520</u>	17216
<u>4</u>	<u>55,001 - 95,000</u>	<u>69,580</u>	17217
<u>5</u>	<u>95,001 - 200,000</u>	<u>74,851</u>	17218
<u>6</u>	<u>200,001 - 400,000</u>	<u>79,068</u>	17219
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>84,339</u>	17220
<u>8</u>	<u>1,000,001 or more</u>	<u>87,628</u>	17221

CLASSIFICATION AND COMPENSATION SCHEDULE 17222

FOR CALENDAR YEAR 2016 FOR 17223

COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE 17224

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17225
<u>1</u>	<u>1 - 20,000</u>	<u>\$84,563</u>	17226
<u>2</u>	<u>20,001 - 35,000</u>	<u>87,091</u>	17227
<u>3</u>	<u>35,001 - 55,000</u>	<u>89,622</u>	17228
<u>4</u>	<u>55,001 - 95,000</u>	<u>94,683</u>	17229
<u>5</u>	<u>95,001 - 200,000</u>	<u>99,953</u>	17230
<u>6</u>	<u>200,001 - 400,000</u>	<u>104,169</u>	17231
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>109,442</u>	17232
<u>8</u>	<u>1,000,001 or more</u>	<u>112,725</u>	17233

CLASSIFICATION AND COMPENSATION SCHEDULE 17234

FOR CALENDAR YEAR 2017 AND THEREAFTER FOR 17235

<u>COUNTY ENGINEERS WITH A PRIVATE PRACTICE</u>			17236
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17237
<u>1</u>	<u>1 - 55,000</u>	<u>\$67,746</u>	17238
<u>2</u>	<u>55,001 - 95,000</u>	<u>73,059</u>	17239
<u>3</u>	<u>95,001 - 200,000</u>	<u>78,594</u>	17240
<u>4</u>	<u>200,001 - 400,000</u>	<u>83,022</u>	17241
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>88,556</u>	17242
<u>6</u>	<u>1,000,001 or more</u>	<u>92,009</u>	17243
<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>			17244
<u>FOR CALENDAR YEAR 2017 AND THEREAFTER FOR</u>			17245
<u>COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE</u>			17246
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17247
<u>1</u>	<u>1 - 55,000</u>	<u>\$94,103</u>	17248
<u>2</u>	<u>55,001 - 95,000</u>	<u>99,417</u>	17249
<u>3</u>	<u>95,001 - 200,000</u>	<u>104,950</u>	17250
<u>4</u>	<u>200,001 - 400,000</u>	<u>109,378</u>	17251
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>114,914</u>	17252
<u>6</u>	<u>1,000,001 or more</u>	<u>118,361</u>	17253

Such salary may be paid monthly out of the general county fund or out of the county's share of the fund derived from the receipts from motor vehicle licenses, as distributed by section 4501.04 of the Revised Code, and the county's share of the fund derived from the motor vehicle fuel tax, as distributed by section 5735.27 of the Revised Code, as the board of county commissioners directs, upon the warrant of the county auditor and shall be in lieu of all fees, costs, per diem or other allowances, and other perquisites, of whatever kind, which any engineer collects and receives. The engineer shall be the county tax map draftperson, but shall receive no additional compensation for performing the duties of that position. When the engineer performs service in connection with ditches or drainage works, the engineer shall charge and collect the per diem allowances or other fees provided by law and shall pay all of those allowances and fees, monthly,

into the county treasury to the credit of the general county fund. 17269
The engineer shall pay into the county treasury all allowances and 17270
fees collected when the engineer performs services under sections 17271
315.28 to 315.34 of the Revised Code. 17272

(B) A county engineer may elect to engage or not to engage in 17273
the private practice of engineering or surveying before the 17274
commencement of each new term of office, and a county engineer who 17275
elects not to engage in the private practice of engineering or 17276
surveying may, for a period of six months after taking office, 17277
engage in the private practice of engineering or surveying for the 17278
purpose of concluding the affairs of private practice without any 17279
diminution of salary as provided in division (A) of this section 17280
and in section 325.18 of the Revised Code. 17281

Sec. 325.15. (A) Each coroner shall be classified, for salary 17282
purposes, according to the population of the county. All coroners 17283
shall receive annual compensation in accordance with the following 17284
schedules and in accordance with section 325.18 of the Revised 17285
Code: 17286

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 17287

~~FOR CALENDAR YEAR 2000 FOR~~ 17288

~~CORONERS WITH A PRIVATE PRACTICE~~ 17289

~~Class~~	~~Population Range~~	~~Compensation~~	
~~1~~	~~1 — 20,000~~	~~\$16,628~~	17291
~~2~~	~~20,001 — 40,000~~	~~18,293~~	17292
~~3~~	~~40,001 — 55,000~~	~~20,786~~	17293
~~4~~	~~55,001 — 70,000~~	~~23,280~~	17294
~~5~~	~~70,001 — 85,000~~	~~25,774~~	17295
~~6~~	~~85,001 — 95,000~~	~~31,595~~	17296
~~7~~	~~95,001 — 105,000~~	~~34,089~~	17297
~~8~~	~~105,001 — 125,000~~	~~36,584~~	17298
~~9~~	~~125,001 — 175,000~~	~~39,909~~	17299

10	~~175,001 — 275,000~~	~~42,404~~	17300
11	~~275,001 — 400,000~~	~~49,054~~	17301
12	~~400,001 — 600,000~~	~~52,380~~	17302
13	~~600,001 — 1,000,000~~	~~55,706~~	17303
14	~~Over 1,000,000~~	~~59,032~~	17304
CLASSIFICATION AND COMPENSATION SCHEDULE			17305
FOR CALENDAR YEAR 2000 FOR			17306
CORONERS WITHOUT A PRIVATE PRACTICE			17307
Class	Population Range	Compensation	17308
10	~~175,001 — 275,000~~	~~\$95,815~~	17309
11	~~275,001 — 400,000~~	~~95,815~~	17310
12	~~400,001 — 600,000~~	~~95,815~~	17311
13	~~600,001 — 1,000,000~~	~~95,815~~	17312
14	~~Over 1,000,000~~	~~95,815~~	17313
CLASSIFICATION AND COMPENSATION SCHEDULE			17314
FOR CALENDAR YEAR 2001 FOR			17315
CORONERS WITH A PRIVATE PRACTICE			17316
Class	Population Range	Compensation	17317
1	1 - 20,000	\$18,842	17318
2	20,001 - 35,000	21,410	17319
3	35,001 - 55,000	23,978	17320
4	55,001 - 95,000	35,112	17321
5	95,001 - 200,000	43,676	17322
6	200,001 - 400,000	53,951	17323
7	400,001 - 1,000,000	60,803	17324
8	1,000,001 or more	64,451	17325
CLASSIFICATION AND COMPENSATION SCHEDULE			17326
FOR CALENDAR YEAR 2001 FOR			17327
CORONERS WITHOUT A PRIVATE PRACTICE			17328
Class	Population Range	Compensation	17329
5	175,001 - 200,000	\$98,689	17330
6	200,001 - 400,000	98,689	17331
7	400,001 - 1,000,000	101,085	17332

8 1,000,001 or more 103,480 17333

CLASSIFICATION AND COMPENSATION SCHEDULE 17334

FOR CALENDAR YEAR 2016 FOR 17335

CORONERS WITH A PRIVATE PRACTICE 17336

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$23,195</u>	17338
<u>2</u>	<u>20,001 - 35,000</u>	<u>26,357</u>	17339
<u>3</u>	<u>35,001 - 55,000</u>	<u>29,518</u>	17340
<u>4</u>	<u>55,001 - 95,000</u>	<u>43,223</u>	17341
<u>5</u>	<u>95,001 - 200,000</u>	<u>53,769</u>	17342
<u>6</u>	<u>200,001 - 400,000</u>	<u>66,418</u>	17343
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>74,851</u>	17344
<u>8</u>	<u>1,000,001 or more</u>	<u>79,343</u>	17345

CLASSIFICATION AND COMPENSATION SCHEDULE 17346

FOR CALENDAR YEAR 2016 FOR 17347

CORONERS WITHOUT A PRIVATE PRACTICE 17348

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>5</u>	<u>175,001 - 200,000</u>	<u>\$121,488</u>	17350
<u>6</u>	<u>200,001 - 400,000</u>	<u>121,488</u>	17351
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>124,439</u>	17352
<u>8</u>	<u>1,000,001 or more</u>	<u>127,389</u>	17353

CLASSIFICATION AND COMPENSATION SCHEDULE 17354

FOR CALENDAR YEAR 2017 AND THEREAFTER FOR 17355

CORONERS WITH A PRIVATE PRACTICE 17356

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$30,993</u>	17358
<u>2</u>	<u>55,001 - 95,000</u>	<u>45,384</u>	17359
<u>3</u>	<u>95,001 - 200,000</u>	<u>56,458</u>	17360
<u>4</u>	<u>200,001 - 400,000</u>	<u>69,739</u>	17361
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>78,594</u>	17362
<u>6</u>	<u>1,000,001 or more</u>	<u>83,310</u>	17363

CLASSIFICATION AND COMPENSATION SCHEDULE 17364

FOR CALENDAR YEAR 2017 AND THEREAFTER FOR 17365

<u>CORONERS WITHOUT A PRIVATE PRACTICE</u>			17366
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	17367
<u>3</u>	<u>175,001 - 200,000</u>	<u>\$127,563</u>	17368
<u>4</u>	<u>200,001 - 400,000</u>	<u>127,563</u>	17369
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>130,661</u>	17370
<u>6</u>	<u>1,000,001 or more</u>	<u>133,759</u>	17371

(B) A coroner in a county with a population of one hundred 17372
seventy-five thousand one or more shall not engage in the private 17373
practice of medicine unless, before taking office, the coroner 17374
notifies the board of county commissioners of the intention to 17375
engage in that private practice. 17376

A coroner in a county with a population of one hundred 17377
seventy-five thousand one or more shall elect to engage or not to 17378
engage in the private practice of medicine before the commencement 17379
of each new term of office, and a coroner in such a county who 17380
engages in the private practice of medicine but who intends not to 17381
engage in the private practice of medicine during the coroner's 17382
next term of office shall so notify the board of county 17383
commissioners as specified in this division. For a period of six 17384
months after taking office, a coroner who elects not to engage in 17385
the private practice of medicine may engage in the private 17386
practice of medicine, without any reduction of the salary as 17387
provided in division (A) of this section and in section 325.18 of 17388
the Revised Code, for the purpose of concluding the affairs of the 17389
coroner's private practice of medicine. 17390

Sec. 339.06. (A) The board of county hospital trustees, upon 17391
completion of construction or leasing and equipping of a county 17392
hospital, shall assume and continue the operation of the hospital. 17393

(B) The board of county hospital trustees shall have the 17394
entire management and control of the county hospital. The board 17395
may in writing delegate its management and control of the county 17396

hospital to the administrator of the county hospital employed 17397
under section 339.07 of the Revised Code. The board shall 17398
establish such rules for the hospital's government, management, 17399
control, and the admission of persons as are expedient. 17400

(C) The board of county hospital trustees has control of the 17401
property of the county hospital, including management and disposal 17402
of surplus property other than real estate or an interest in real 17403
estate. 17404

(D) With respect to the use of funds by the board of county 17405
hospital trustees and its accounting for the use of funds, all of 17406
the following apply: 17407

(1) The board of county hospital trustees has control of all 17408
funds used in the county hospital's operation, including moneys 17409
received from the operation of the hospital, moneys appropriated 17410
for its operation by the board of county commissioners, and moneys 17411
resulting from special levies submitted by the board of county 17412
commissioners as provided for in section 5705.22 of the Revised 17413
Code. 17414

(2) Of the funds used in the county hospital's operation, all 17415
or part of any amount determined not to be necessary to meet 17416
current demands on the hospital may be invested by the board of 17417
county hospital trustees or its designee in any classifications of 17418
securities and obligations eligible for deposit or investment of 17419
county moneys pursuant to section 135.35 of the Revised Code, 17420
subject to the approval of the board's written investment policy 17421
by the county investment advisory committee established pursuant 17422
to section 135.341 of the Revised Code. If a county hospital is 17423
based in a county that has adopted a charter under Section 3 of 17424
Article X, Ohio Constitution, such funds may be invested by the 17425
board of county hospital trustees as provided in this division or 17426
in an ordinance adopted by the legislative authority of the 17427
county, in either case subject to approval by the county 17428

investment advisory committee, or as provided in section 339.061 17429
of the Revised Code. 17430

(3) Annually, not later than sixty days before the end of the 17431
fiscal year used by the county hospital, the board of county 17432
hospital trustees shall submit its proposed budget for the ensuing 17433
fiscal year to the board of county commissioners for that board's 17434
review. The board of county commissioners shall review and approve 17435
the proposed budget by the first day of the fiscal year to which 17436
the budget applies. If the board of county commissioners has not 17437
approved the budget by the first day of the fiscal year to which 17438
the budget applies, the budget is deemed to have been approved by 17439
the board on the first day of that fiscal year. 17440

(4) The board of county hospital trustees shall not expend 17441
funds received from taxes collected pursuant to any tax levied 17442
under section 5705.22 of the Revised Code or the amount 17443
appropriated to the county hospital by the board of county 17444
commissioners in the annual appropriation measure for the county 17445
until its budget for the applicable fiscal year is approved in 17446
accordance with division (C)(3) of this section. At any time the 17447
amount received from those sources differs from the amount shown 17448
in the approved budget, the board of county commissioners may 17449
require the board of county hospital trustees to revise the county 17450
hospital budget accordingly. 17451

(5) Funds under the control of the board of county hospital 17452
trustees may be disbursed by the board, consistent with the 17453
approved budget, for the uses and purposes of the county hospital; 17454
for the replacement of necessary equipment; for the acquisition, 17455
leasing, or construction of permanent improvements to county 17456
hospital property; or for making a donation authorized by division 17457
(E) of this section. Each disbursement of funds shall be made on a 17458
voucher signed by signatories designated and approved by the board 17459
of county hospital trustees. 17460

(6) The head of a board of county hospital trustees is not 17461
required to file an estimate of contemplated revenue and 17462
expenditures for the ensuing fiscal year under section 5705.28 of 17463
the Revised Code unless the board of county commissioners levies a 17464
tax for the county hospital, or such a tax is proposed, or the 17465
board of county hospital trustees desires that the board of county 17466
commissioners make an appropriation to the county hospital for the 17467
ensuing fiscal year. 17468

(7) All moneys appropriated by the board of county 17469
commissioners or from special levies by the board of county 17470
commissioners for the operation of the hospital, when collected 17471
shall be paid to the board of county hospital trustees on a 17472
warrant of the county auditor and approved by the board of county 17473
commissioners. 17474

(8) The board of county hospital trustees shall provide for 17475
the conduct of an annual financial audit of the county hospital. 17476
Not later than thirty days after it receives the final report of 17477
an annual financial audit, the board shall file a copy of the 17478
report with the board of county commissioners. 17479

(E) For the public purpose of improving the health, safety, 17480
and general welfare of the community, the board of county hospital 17481
trustees may donate to a nonprofit entity any of the following: 17482

(1) Moneys and other financial assets determined not to be 17483
necessary to meet current demands on the hospital; 17484

(2) Surplus hospital property, including supplies, equipment, 17485
office facilities, and other property that is not real estate or 17486
an interest in real estate; 17487

(3) Services rendered by the hospital. 17488

(F)(1) For purposes of division (F)(2) of this section: 17489

(a) "Bank" has the same meaning as in section 1101.01 of the 17490

Revised Code. 17491

(b) "Savings and loan association" has the same meaning as in 17492
section 1151.01 of the Revised Code. 17493

(c) "Savings bank" has the same meaning as in section 1161.01 17494
of the Revised Code. 17495

(2) The board of county hospital trustees may enter into a 17496
contract for a secured line of credit with a bank, savings and 17497
loan association, or savings bank if the contract meets all of the 17498
following requirements: 17499

(a) The term of the contract does not exceed one year, except 17500
that the contract may provide for the automatic renewal of the 17501
contract for up to four additional one-year periods if, on the 17502
date of automatic renewal, the aggregate outstanding draws 17503
remaining unpaid under the secured line of credit do not exceed 17504
fifty per cent of the maximum amount that can be drawn under the 17505
secured line of credit. 17506

(b) The contract provides that the bank, savings and loan 17507
association, or savings bank shall not commence a civil action 17508
against the board of county commissioners, any member of the 17509
board, or the county to recover the principal, interest, or any 17510
charges or other amounts that remain outstanding on the secured 17511
line of credit at the time of any default by the board of county 17512
hospital trustees. 17513

(c) The contract provides that no assets other than those of 17514
the county hospital can be used to secure the line of credit. 17515

(d) The terms and conditions of the contract comply with all 17516
state and federal statutes and rules governing the extension of a 17517
secured line of credit. 17518

(3) Any obligation incurred by a board of county hospital 17519
trustees under division (F)(2) of this section is an obligation of 17520

that board only and not a general obligation of the board of 17521
county commissioners or the county within the meaning of division 17522
(Q) of section 133.01 of the Revised Code. 17523

(4) Notwithstanding anything to the contrary in the Revised 17524
Code, the board of county hospital trustees may secure the line of 17525
credit authorized under division (F)(2) of this section by the 17526
grant of a security interest in any part or all of its tangible 17527
personal property and intangible personal property, including its 17528
deposit accounts, accounts receivable, or both. 17529

(5) No board of county hospital trustees shall at any time 17530
have more than one secured line of credit under division (F)(2) of 17531
this section. 17532

(G) The board of county hospital trustees shall establish a 17533
schedule of charges for all services and treatment rendered by the 17534
county hospital. It may provide for the free treatment in the 17535
hospital of soldiers, sailors, and marines of the county, under 17536
such conditions and rules as it prescribes. 17537

(H) The board of county hospital trustees may designate the 17538
amounts and forms of insurance protection to be provided, and the 17539
board of county commissioners shall assist in obtaining such 17540
protection. The expense of providing the protection shall be paid 17541
from hospital operating funds. 17542

(I) The board of county hospital trustees may authorize a 17543
county hospital and each of its units, hospital board members, 17544
designated hospital employees, and medical staff members to be a 17545
member of and maintain membership in any local, state, or national 17546
group or association organized and operated for the promotion of 17547
the public health and welfare or advancement of the efficiency of 17548
hospital administration and in connection therewith to use tax 17549
funds for the payment of dues and fees and related expenses but 17550
nothing in this section prohibits the board from using receipts 17551

from hospital operation, other than tax funds, for the payment of 17552
such dues and fees. 17553

(J) The following apply to the board of county hospital 17554
trustees in relation to its employees and the employees of the 17555
county hospital: 17556

(1) The board shall adopt the wage and salary schedule for 17557
employees. 17558

(2) The board may employ the hospital's administrator 17559
pursuant to section 339.07 of the Revised Code, and the 17560
administrator may employ individuals for the hospital in 17561
accordance with that section. 17562

(3) The board may employ assistants as necessary to perform 17563
its clerical work, superintend properly the construction of the 17564
county hospital, and pay the hospital's expenses. Such employees 17565
may be paid from funds provided for the county hospital. 17566

(4) The board may hire, by contract or as salaried employees, 17567
such management consultants, accountants, attorneys, engineers, 17568
architects, construction managers, and other professional advisors 17569
as it determines are necessary and desirable to assist in the 17570
management of the programs and operation of the county hospital. 17571
Such professional advisors may be paid from county hospital 17572
operating funds. 17573

(5) Notwithstanding section 325.19 of the Revised Code, the 17574
board may grant to employees any fringe benefits the board 17575
determines to be customary and usual in the nonprofit hospital 17576
field in its community, including, but not limited to: 17577

(a) Additional vacation leave with full pay for full-time 17578
employees, including full-time hourly rate employees, after 17579
service of one year; 17580

(b) Vacation leave and holiday pay for part-time employees on 17581

a pro rata basis; 17582

(c) Leave with full pay due to death in the employee's 17583
immediate family, which shall not be deducted from the employee's 17584
accumulated sick leave; 17585

(d) Premium pay for working on holidays listed in section 17586
325.19 of the Revised Code; 17587

(e) Moving expenses for new employees; 17588

(f) Discounts on hospital supplies and services. 17589

(6) The board may provide holiday leave by observing Martin 17590
Luther King day, Washington-Lincoln day, Columbus day, and 17591
Veterans' day on days other than those specified in section 1.14 17592
of the Revised Code. 17593

(7) The board may grant to employees the insurance benefits 17594
authorized by section 339.16 of the Revised Code. 17595

(8) Notwithstanding section 325.19 of the Revised Code, the 17596
board may grant to employees, including hourly rate employees, 17597
such personal holidays as the board determines to be customary and 17598
usual in the hospital field in its community. 17599

(9) The board may provide employee recognition awards and 17600
hold employee recognition dinners. 17601

(10) The board may grant to employees the recruitment and 17602
retention benefits specified under division (K) of this section. 17603

(K) Notwithstanding sections 325.191 and 325.20 of the 17604
Revised Code, the board of county hospital trustees may provide, 17605
without the prior authorization of the board of county 17606
commissioners, scholarships for education in the health care 17607
professions, tuition reimbursement, and other staff development 17608
programs to enhance the skills of health care professionals for 17609
the purpose of recruiting or retaining qualified employees. 17610

The board of county hospital trustees may pay reasonable 17611

expenses for recruiting or retaining physicians and other 17612
appropriate health care practitioners. 17613

(L) The board of county hospital trustees may retain counsel 17614
and institute legal action in its own name for the collection of 17615
delinquent accounts. The board may also employ any other lawful 17616
means for the collection of delinquent accounts. 17617

Sec. 339.061. (A) As used in this section, "charter county 17618
hospital" means a county hospital based in a county that has 17619
adopted a charter under Section 3 of Article X, Ohio Constitution. 17620

(B) The board of county hospital trustees of a charter county 17621
hospital shall hold and administer all money received from the 17622
operation of the county hospital, including money arising from 17623
rendering medical services to patients, whether received from the 17624
patient or on behalf of the patient, including inpatient and 17625
outpatient fees, laboratory and other procedure fees, physician 17626
services, and all other fees, deposits, charges, receipts, and 17627
income received as a result of the operation of the county 17628
hospital and medical staff. 17629

(C) The board of county hospital trustees of a charter county 17630
hospital shall invest money described in division (B) of this 17631
section pursuant to an investment policy adopted by the board in a 17632
public meeting. The investment policy does not take effect unless 17633
it is approved by the county investment advisory committee 17634
established pursuant to section 135.341 of the Revised Code. The 17635
investment policy shall provide for all of the following: 17636

(1) That all fiduciaries shall discharge their duties with 17637
the care, skill, prudence, and diligence under the circumstances 17638
then prevailing that a prudent person acting in like capacity and 17639
familiar with such matters would use in the conduct of an 17640
enterprise of a like character and with like aims; 17641

(2) That at least twenty-five per cent of the average amount 17642
of the investment portfolio over the course of the preceding 17643
fiscal year shall be invested, as a reserve, in securities of the 17644
United States government or of its agencies or instrumentalities, 17645
the treasurer of state's Ohio subdivisions fund, obligations of 17646
this state or any political subdivision of this state, 17647
certificates of deposit of any national bank located in this 17648
state, written repurchase agreements with any eligible financial 17649
institution in this state that is a member of the federal reserve 17650
system or federal home loan bank, money market funds, or bankers 17651
acceptances maturing in two hundred seventy days or less that are 17652
eligible for purchase by the federal reserve system; 17653

(3) That money not required to be invested as a reserve under 17654
division (C)(2) of this section may be pooled with other 17655
institutional funds and invested in accordance with section 17656
1715.52 of the Revised Code; 17657

(4) The establishment of an investment committee within the 17658
board of county hospital trustees, which shall meet at least 17659
quarterly, to review and recommend revisions to the board's 17660
investment policy and to advise the board on investments made 17661
under division (C) of this section for the purpose of assisting 17662
the board in meeting its obligations as a fiduciary under that 17663
division. The policy shall authorize the committee to retain the 17664
services of an investment advisor who meets both of the following 17665
qualifications: 17666

(a) The advisor is licensed by the division of securities 17667
under section 1707.141 of the Revised Code or is registered with 17668
the United States securities and exchange commission. 17669

(b) The advisor has experience in the management of 17670
investments of public funds, especially in the investment of state 17671
government investment portfolios, or is an institution eligible to 17672
be a public depository as described in section 135.03 of the 17673

Revised Code. 17674

(D) Title to investments made by a board of county hospital 17675
trustees with money described in division (B) of this section 17676
shall not be vested in the county but shall be held in trust by 17677
the board. 17678

(E) Authority provided by this section is supplemental to the 17679
authority granted under division (D) of section 339.06 of the 17680
Revised Code and authority granted under the ordinances or charter 17681
of the county. 17682

Sec. 340.03. (A) Subject to rules issued by the director of 17683
mental health and addiction services after consultation with 17684
relevant constituencies as required by division (A)(10) of section 17685
5119.21 of the Revised Code, the board of alcohol, drug addiction, 17686
and mental health services shall: 17687

(1) Serve as the community addiction and mental health 17688
services planning agency for the county or counties under its 17689
jurisdiction, and in so doing it shall: 17690

(a) Evaluate the need for facilities and community addiction 17691
and mental health services; 17692

(b) In cooperation with other local and regional planning and 17693
funding bodies and with relevant ethnic organizations, assess the 17694
community addiction and mental health needs, evaluate strengths 17695
and challenges, and set priorities for community addiction and 17696
mental health services, including treatment and prevention. When 17697
the board sets priorities for the operation of addiction services, 17698
the board shall consult with the county commissioners of the 17699
counties in the board's service district regarding the services 17700
described in section 340.15 of the Revised Code and shall give 17701
priority to those services, except that those services shall not 17702
have a priority over services provided to pregnant women under 17703

programs developed in relation to the mandate established in 17704
section 5119.17 of the Revised Code; 17705

(c) In accordance with guidelines issued by the director of 17706
mental health and addiction services after consultation with board 17707
representatives, annually develop and submit to the department of 17708
mental health and addiction services a community addiction and 17709
mental health services plan listing ~~community~~ addiction and mental 17710
health services needs, including the needs of all residents of the 17711
district currently receiving inpatient services in state-operated 17712
hospitals, the needs of other populations as required by state or 17713
federal law or programs, the needs of all children subject to a 17714
determination made pursuant to section 121.38 of the Revised Code, 17715
and priorities for facilities and community addiction and mental 17716
health services during the period for which the plan will be in 17717
effect. 17718

In alcohol, drug addiction, and mental health service 17719
districts that have separate alcohol and drug addiction services 17720
and community mental health boards, the alcohol and drug addiction 17721
services board shall submit a community addiction services plan 17722
and the community mental health board shall submit a community 17723
mental health services plan. Each board shall consult with its 17724
counterpart in developing its plan and address the interaction 17725
between the local addiction services and mental health services 17726
systems and populations with regard to needs and priorities in 17727
developing its plan. 17728

The department shall approve or disapprove the plan, in whole 17729
or in part, according to the criteria developed pursuant to 17730
section 5119.22 of the Revised Code. Eligibility for state and 17731
federal funding shall be contingent upon an approved plan or 17732
relevant part of a plan. 17733

If a board determines that it is necessary to amend a plan 17734
that has been approved under this division, the board shall submit 17735

a proposed amendment to the director. The director may approve or 17736
disapprove all or part of the amendment. The director shall inform 17737
the board of the reasons for disapproval of all or part of an 17738
amendment and of the criteria that must be met before the 17739
amendment may be approved. The director shall provide the board an 17740
opportunity to present its case on behalf of the amendment. The 17741
director shall give the board a reasonable time in which to meet 17742
the criteria, and shall offer the board technical assistance to 17743
help it meet the criteria. 17744

The board shall operate in accordance with the plan approved 17745
by the department. 17746

(d) Promote, arrange, and implement working agreements with 17747
social agencies, both public and private, and with judicial 17748
agencies. 17749

(2) Investigate, or request another agency to investigate, 17750
any complaint alleging abuse or neglect of any person receiving 17751
services from a community addiction or mental health services 17752
provider ~~certified under section 5119.36 of the Revised Code~~ or 17753
alleging abuse or neglect of a resident receiving addiction 17754
services or with mental illness or severe mental disability 17755
residing in a residential facility licensed under section 5119.34 17756
of the Revised Code. If the investigation substantiates the charge 17757
of abuse or neglect, the board shall take whatever action it 17758
determines is necessary to correct the situation, including 17759
notification of the appropriate authorities. Upon request, the 17760
board shall provide information about such investigations to the 17761
department. 17762

(3) For the purpose of section 5119.36 of the Revised Code, 17763
cooperate with the director of mental health and addiction 17764
services in visiting and evaluating whether the addiction or 17765
mental health services of a community addiction or mental health 17766
services provider satisfy the certification standards established 17767

by rules adopted under that section; 17768

(4) In accordance with criteria established under division 17769
(E) of section 5119.22 of the Revised Code, conduct program audits 17770
that review and evaluate the quality, effectiveness, and 17771
efficiency of addiction and mental health services provided 17772
through its community addiction and mental health ~~contracted~~ 17773
services providers and submit its findings and recommendations to 17774
the department of mental health and addiction services; 17775

(5) In accordance with section 5119.34 of the Revised Code, 17776
review an application for a residential facility license and 17777
provide to the department of mental health and addiction services 17778
any information about the applicant or facility that the board 17779
would like the department to consider in reviewing the 17780
application; 17781

(6) Audit, in accordance with rules adopted by the auditor of 17782
state pursuant to section 117.20 of the Revised Code, at least 17783
annually all programs and services provided under contract with 17784
the board. In so doing, the board may contract for or employ the 17785
services of private auditors. A copy of the fiscal audit report 17786
shall be provided to the director of mental health and addiction 17787
services, the auditor of state, and the county auditor of each 17788
county in the board's district. 17789

(7) Recruit and promote local financial support for addiction 17790
and mental health services from private and public sources; 17791

(8)(a) Enter into contracts with public and private 17792
facilities for the operation of facility services and enter into 17793
contracts with public and private community addiction and mental 17794
health ~~service~~ services providers for the provision of ~~community~~ 17795
addiction and mental health services. The board may not contract 17796
with a residential facility subject to section 5119.34 of the 17797
Revised Code unless the facility is licensed by the director of 17798

mental health and addiction services ~~and~~. The board may not 17799
contract with a community addiction or mental health services 17800
provider to provide ~~community~~ addiction or mental health services 17801
unless the services are certified by the director of mental health 17802
and addiction services under section 5119.36 of the Revised Code. 17803
Section 307.86 of the Revised Code does not apply to contracts 17804
entered into under this division. In contracting with a community 17805
addiction or mental health services provider, a board shall 17806
consider the cost effectiveness of addiction or mental health 17807
services provided by that provider and the quality and continuity 17808
of care, and may review cost elements, including salary costs, of 17809
the services to be provided. A utilization review process may be 17810
established as part of the contract for services entered into 17811
between a board and a community addiction or mental health 17812
services provider. The board may establish this process in a way 17813
that is most effective and efficient in meeting local needs. 17814

If either the board or a facility or community addiction or 17815
mental health services provider with which the board contracts 17816
under this division proposes not to renew the contract or proposes 17817
substantial changes in contract terms, the other party shall be 17818
given written notice at least one hundred twenty days before the 17819
expiration date of the contract. During the first sixty days of 17820
this one hundred twenty-day period, both parties shall attempt to 17821
resolve any dispute through good faith collaboration and 17822
negotiation in order to continue to provide services to persons in 17823
need. If the dispute has not been resolved sixty days before the 17824
expiration date of the contract, either party may notify the 17825
department of mental health and addiction services of the 17826
unresolved dispute. The director may require both parties to 17827
submit the dispute to a third party with the cost to be shared by 17828
the board and the facility or provider. The third party shall 17829
issue to the board, the facility or provider, and the department 17830
recommendations on how the dispute may be resolved twenty days 17831

prior to the expiration date of the contract, unless both parties 17832
agree to a time extension. The director shall adopt rules 17833
establishing the procedures of this dispute resolution process. 17834

(b) With the prior approval of the director of mental health 17835
and addiction services, a board may operate a facility or provide 17836
~~a community~~ an addiction or mental health service as follows, if 17837
there is no other qualified private or public facility or 17838
community addiction or mental health services provider that is 17839
immediately available and willing to operate such a facility or 17840
provide the service: 17841

(i) In an emergency situation, any board may operate a 17842
facility or provide ~~a community~~ an addiction or mental health 17843
service in order to provide essential services for the duration of 17844
the emergency. 17845

(ii) In a service district with a population of at least one 17846
hundred thousand but less than five hundred thousand, a board may 17847
operate a facility or provide ~~a community~~ an addiction or mental 17848
health service for no longer than one year. 17849

(iii) In a service district with a population of less than 17850
one hundred thousand, a board may operate a facility or provide a 17851
~~community~~ an addiction or mental health service for no longer than 17852
one year, except that such a board may operate a facility or 17853
provide ~~a community~~ an addiction or mental health service for more 17854
than one year with the prior approval of the director and the 17855
prior approval of the board of county commissioners, or of a 17856
majority of the boards of county commissioners if the district is 17857
a joint-county district. 17858

The director shall not give a board approval to operate a 17859
facility or provide ~~a community~~ an addiction or mental health 17860
service under division (A)(8)(b)(ii) or (iii) of this section 17861
unless the director determines that it is not feasible to have the 17862

department operate the facility or provide the service. 17863

The director shall not give a board approval to operate a 17864
facility or provide ~~a community~~ an addiction or mental health 17865
service under division (A)(8)(b)(iii) of this section unless the 17866
director determines that the board will provide greater 17867
administrative efficiency and more or better services than would 17868
be available if the board contracted with a private or public 17869
facility or community addiction or mental health services 17870
provider. 17871

The director shall not give a board approval to operate a 17872
facility previously operated by a person or other government 17873
entity unless the board has established to the director's 17874
satisfaction that the person or other government entity cannot 17875
effectively operate the facility or that the person or other 17876
government entity has requested the board to take over operation 17877
of the facility. The director shall not give a board approval to 17878
provide ~~a community~~ an addiction or mental health service 17879
previously provided by a community addiction or mental health 17880
services provider unless the board has established to the 17881
director's satisfaction that the provider cannot effectively 17882
provide the service or that the provider has requested the board 17883
take over providing the service. 17884

The director shall review and evaluate a board's operation of 17885
a facility and provision of ~~community~~ addiction or mental health 17886
~~service~~ services under division (A)(8)(b) of this section. 17887

Nothing in division (A)(8)(b) of this section authorizes a 17888
board to administer or direct the daily operation of any facility 17889
or community addiction or mental health services provider, but a 17890
facility or provider may contract with a board to receive 17891
administrative services or staff direction from the board under 17892
the direction of the governing body of the facility or provider. 17893

(9) Approve fee schedules and related charges or adopt a unit 17894
cost schedule or other methods of payment for contract services 17895
provided by community addiction or mental health services 17896
providers in accordance with guidelines issued by the department 17897
as necessary to comply with state and federal laws pertaining to 17898
financial assistance; 17899

(10) Submit to the director and the county commissioners of 17900
the county or counties served by the board, and make available to 17901
the public, an annual report of the services under the 17902
jurisdiction of the board, including a fiscal accounting; 17903

(11) Establish, to the extent resources are available, a 17904
continuum of care, which provides for prevention, treatment, 17905
support, and rehabilitation services and opportunities. The 17906
essential elements of the continuum include, but are not limited 17907
to, the following components in accordance with section 5119.21 of 17908
the Revised Code: 17909

(a) To locate persons in need of addiction or mental health 17910
services to inform them of available services and benefits; 17911

(b) Assistance for persons receiving addiction or mental 17912
health services to obtain services necessary to meet basic human 17913
needs for food, clothing, shelter, medical care, personal safety, 17914
and income; 17915

(c) Addiction and mental health services, including, ~~but not~~ 17916
~~limited to,~~ outpatient, residential, partial hospitalization, and, 17917
where appropriate, inpatient care; 17918

(d) Emergency services and crisis intervention; 17919

(e) Assistance for persons receiving services to obtain 17920
vocational services and opportunities for jobs; 17921

(f) The provision of services designed to develop social, 17922
community, and personal living skills; 17923

(g) Access to a wide range of housing and the provision of residential treatment and support;	17924 17925
(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others;	17926 17927 17928
(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services;	17929 17930 17931 17932 17933
(j) Grievance procedures and protection of the rights of persons receiving addiction or mental health services;	17934 17935
(k) Community psychiatric supportive treatment services, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured.	17936 17937 17938
(12) Establish a method for evaluating referrals for ~~involuntary commitment~~ <u>court-ordered treatment</u> and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to ~~involuntary hospitalization~~ <u>court-ordered treatment</u> and ~~what alternative treatment is~~ <u>whether alternatives to hospitalization are</u> available and appropriate, ~~if any~~ ;	17939 17940 17941 17942 17943 17944 17945 17946
(13) Designate the treatment services, provider, facility, or other placement for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the listed services submitted and approved in accordance with division (B) of section 340.08 of the Revised Code are available to severely mentally	17947 17948 17949 17950 17951 17952 17953 17954

disabled persons residing within its service district. The board 17955
shall establish the procedure for authorizing payment for 17956
services, which may include prior authorization in appropriate 17957
circumstances. ~~The~~ In accordance with division (A)(8)(b) of this 17958
section, the board may provide for services directly to a severely 17959
mentally disabled person when life or safety is endangered and 17960
when no community mental health services provider is available to 17961
provide the service. 17962

(14) Ensure that ~~apartments or rooms~~ housing built, 17963
subsidized, renovated, rented, owned, or leased by the board or a 17964
community addiction or mental health services provider ~~have~~ has 17965
been approved as meeting minimum fire safety standards and that 17966
persons residing in the ~~rooms or apartments are receiving~~ housing 17967
have access to appropriate and necessary services, including 17968
culturally relevant services, from a community addiction or mental 17969
health services provider. This division does not apply to 17970
residential facilities licensed pursuant to section 5119.34 of the 17971
Revised Code. 17972

(15) Establish a mechanism for obtaining advice and 17973
involvement of persons receiving ~~publicly funded~~ addiction or 17974
mental health services on matters pertaining to addiction and 17975
mental health services in the alcohol, drug addiction, and mental 17976
health service district; 17977

(16) Perform the duties required by rules adopted under 17978
section 5119.22 of the Revised Code regarding referrals by the 17979
board or mental health services providers under contract with the 17980
board of individuals with mental illness or severe mental 17981
disability to residential facilities ~~as defined in division~~ 17982
~~(A)(9)(b)(iii) of~~ licensed under section 5119.34 of the Revised 17983
Code and effective arrangements for ongoing mental health services 17984
for the individuals. The board is accountable in the manner 17985
specified in the rules for ensuring that the ongoing mental health 17986

services are effectively arranged for the individuals. 17987

(B) The board shall establish such rules, operating 17988
procedures, standards, and bylaws, and perform such other duties 17989
as may be necessary or proper to carry out the purposes of this 17990
chapter. 17991

(C) A board of alcohol, drug addiction, and mental health 17992
services may receive by gift, grant, devise, or bequest any 17993
moneys, lands, or property for the benefit of the purposes for 17994
which the board is established, and may hold and apply it 17995
according to the terms of the gift, grant, or bequest. All money 17996
received, including accrued interest, by gift, grant, or bequest 17997
shall be deposited in the treasury of the county, the treasurer of 17998
which is custodian of the alcohol, drug addiction, and mental 17999
health services funds to the credit of the board and shall be 18000
available for use by the board for purposes stated by the donor or 18001
grantor. 18002

(D) No board member or employee of a board of alcohol, drug 18003
addiction, and mental health services shall be liable for injury 18004
or damages caused by any action or inaction taken within the scope 18005
of the board member's official duties or the employee's 18006
employment, whether or not such action or inaction is expressly 18007
authorized by this section or any other section of the Revised 18008
Code, unless such action or inaction constitutes willful or wanton 18009
misconduct. Chapter 2744. of the Revised Code applies to any 18010
action or inaction by a board member or employee of a board taken 18011
within the scope of the board member's official duties or 18012
employee's employment. For the purposes of this division, the 18013
conduct of a board member or employee shall not be considered 18014
willful or wanton misconduct if the board member or employee acted 18015
in good faith and in a manner that the board member or employee 18016
reasonably believed was in or was not opposed to the best 18017
interests of the board and, with respect to any criminal action or 18018

proceeding, had no reasonable cause to believe the conduct was 18019
unlawful. 18020

(E) The meetings held by any committee established by a board 18021
of alcohol, drug addiction, and mental health services shall be 18022
considered to be meetings of a public body subject to section 18023
121.22 of the Revised Code. 18024

Sec. 340.034. All of the following apply to the recovery 18025
housing required by section 340.033 of the Revised Code to be 18026
included in the array of treatment ~~and support~~ services and 18027
recovery support for all levels of opioid and co-occurring drug 18028
addiction that are part of the continuum of care established by 18029
each board of alcohol, drug addiction, and mental health services 18030
pursuant to division (A)(11) of section 340.03 of the Revised 18031
Code: 18032

(A) The recovery housing shall not be ~~owned or operated~~ 18033
subject to residential facility licensure by a residential 18034
facility as defined in the department of mental health and 18035
addiction services under section 5119.34 of the Revised Code ~~and~~ 18036
~~instead. In addition, the recovery housing shall not be owned and~~ 18037
~~operated by the following:~~ 18038

~~(1) Except as provided in division (A)(2) of this section, a~~ 18039
~~community addiction services provider or other local~~ 18040
~~nongovernmental organization (including a peer-run recovery~~ 18041
~~organization), as appropriate to the needs of the board's service~~ 18042
~~district;~~ 18043

~~(2) The board, if either a board of alcohol, drug addiction,~~ 18044
~~and mental health services unless any of the following applies:~~ 18045

~~(a)(1) The board owns and operates the recovery housing on~~ 18046
~~the effective date of this section September 15, 2016.~~ 18047

~~(b)(2) The board utilizes local funds in the development,~~ 18048

purchase, or operation of the recovery housing. 18049

(3) The board determines that there is ~~an emergency~~ a need 18050
for the board to assume the ownership and operation of the 18051
recovery housing such as when an existing owner and operator of 18052
the recovery housing goes out of business, and the board considers 18053
the assumption of ownership and operation of the recovery housing 18054
to be ~~its last resort~~ in the best interest of the community. 18055

(B) The recovery housing shall have protocols for all of the 18056
following: 18057

(1) Administrative oversight; 18058

(2) Quality standards; 18059

(3) Policies and procedures, including house rules, for its 18060
residents to which the residents must agree to adhere. 18061

(C) Family members of the recovery housing's residents may 18062
reside in the recovery housing to the extent the recovery 18063
housing's protocols permit. 18064

(D) The recovery housing shall not limit a resident's 18065
duration of stay to an arbitrary or fixed amount of time. Instead, 18066
each resident's duration of stay shall be determined by the 18067
resident's needs, progress, and willingness to abide by the 18068
recovery housing's protocols, in collaboration with the recovery 18069
housing's owner and operator, and, if appropriate, in consultation 18070
and integration with a community addiction services provider. 18071

(E) The recovery housing may permit its residents to receive 18072
medication-assisted treatment ~~at the recovery housing.~~ 18073

(F) ~~The A recovery housing resident may not provide community~~ 18074
~~addiction services but may assist a resident in obtaining~~ 18075
~~community~~ receive addiction services that are certified by the 18076
department of mental health and addiction services under section 18077
5119.36 of the Revised Code. ~~The community addiction services may~~ 18078

~~be provided at the recovery housing or elsewhere.~~ 18079

Sec. 340.035. A board of alcohol, drug addiction, and mental 18080
health services may advocate on behalf of medicaid recipients 18081
enrolled in medicaid managed care organizations and 18082
medicaid-eligible individuals, any of whom have been identified as 18083
needing addiction or mental health services. 18084

Sec. 340.04. In addition to such other duties as may be 18085
lawfully imposed, the executive director of a board of alcohol, 18086
drug addiction, and mental health services shall: 18087

(A) Serve as executive officer of the board and subject to 18088
the prior approval of the board for each contract, execute 18089
contracts on its behalf; 18090

(B) Supervise services and facilities provided, operated, 18091
contracted, or supported by the board to the extent of determining 18092
that services and facilities are being administered in conformity 18093
with this chapter and rules of the director of mental health and 18094
addiction services; 18095

(C) Provide consultation to community addiction and mental 18096
health services providers providing services supported by the 18097
board; 18098

(D) Recommend to the board the changes necessary to increase 18099
the effectiveness of addiction and mental health services and 18100
other matters necessary or desirable to carry out this chapter; 18101

(E) Employ and remove from office such employees and 18102
consultants in the classified civil service and, subject to the 18103
approval of the board, employ and remove from office such other 18104
employees and consultants as may be necessary for the work of the 18105
board, and fix their compensation and reimbursement within the 18106
limits set by the salary schedule and the budget approved by the 18107
board; 18108

(F) Encourage the development and expansion of preventive, 18109
treatment, rehabilitative, and consultative services in the field 18110
of addiction and mental health services with emphasis on 18111
continuity of care; 18112

(G) Prepare for board approval an annual report of the 18113
services and facilities under the jurisdiction of the board, 18114
including a fiscal accounting of all services; 18115

(H) Conduct such studies as may be necessary and practicable 18116
for the promotion of mental health, promotion of addiction 18117
services, and the prevention of mental illness, emotional 18118
disorders, and addiction; 18119

(I) Authorize the county auditor, or in a joint-county 18120
district the county auditor designated as the auditor for the 18121
district, to issue warrants for the payment of board obligations 18122
approved by the board, provided that all payments from funds 18123
distributed to the board by the department of mental health and 18124
addiction services are in accordance with the budget submitted 18125
pursuant to section 340.08 of the Revised Code, as approved by the 18126
department of mental health and addiction services. 18127

Sec. 340.05. A community addiction or mental health services 18128
provider that receives a complaint alleging abuse or neglect of an 18129
individual with mental illness or severe mental disability, or an 18130
individual receiving addiction services, who resides in a 18131
residential facility ~~as defined in division (A)(9)(b) of~~ licensed 18132
under section 5119.34 of the Revised Code shall report the 18133
complaint to the board of alcohol, drug addiction, and mental 18134
health services serving the alcohol, drug addiction, and mental 18135
health service district in which the residential facility is 18136
located. A board of alcohol, drug addiction, and mental health 18137
services that receives such a complaint or a report from a 18138
community addiction or mental health services provider of such a 18139

complaint shall report the complaint to the director of mental 18140
health and addiction services for the purpose of the director 18141
conducting an investigation under section 5119.34 of the Revised 18142
Code. The board may enter the facility with or without the 18143
director and, if the health and safety of a resident is in 18144
immediate danger, take any necessary action to protect the 18145
resident. The board's action shall not violate any resident's 18146
rights specified in rules adopted by the department of mental 18147
health and addiction services under section 5119.34 of the Revised 18148
Code. The board shall immediately report to the director regarding 18149
the board's actions under this section. 18150

Sec. 340.07. The board of county commissioners of any county 18151
participating in an alcohol, drug addiction, and mental health 18152
service district or joint-county district, upon receipt from the 18153
board of alcohol, drug addition, and mental health services of a 18154
resolution so requesting, may appropriate money to such board for 18155
the operation, lease, acquisition, construction, renovation, and 18156
maintenance of addiction or mental health services providers and 18157
facilities in accordance with the comprehensive community 18158
~~addiction and~~ mental health and addiction services budget approved 18159
by the department of mental health and addiction services pursuant 18160
to section ~~340.08~~ 5119.22 of the Revised Code. 18161

Sec. 340.12. ~~No~~ As used in this section, "disability" has the 18162
same meaning as in section 4112.01 of the Revised Code. 18163

No board of alcohol, drug addiction, and mental health 18164
services or any community addiction or mental health services 18165
provider under contract with such a board shall discriminate in 18166
the provision of services under its authority, in employment, or 18167
under a contract on the basis of race, color, religion, creed, 18168
sex, age, national origin, or disability. 18169

Each board and each community addiction or mental health 18170
services provider shall have a written affirmative action program. 18171
The affirmative action program shall include goals for the 18172
employment and effective utilization of, including contracts with, 18173
members of economically disadvantaged groups as defined in 18174
division (E)(1) of section 122.71 of the Revised Code in 18175
percentages reflecting as nearly as possible the composition of 18176
the alcohol, drug addiction, and mental health service district 18177
served by the board. Each board and provider shall file a 18178
description of the affirmative action program and a progress 18179
report on its implementation with the department of mental health 18180
and addiction services. 18181

Sec. 340.15. (A) A public children services agency that 18182
identifies a child by a risk assessment conducted pursuant to 18183
section 5153.16 of the Revised Code as being at imminent risk of 18184
being abused or neglected because of an addiction of a parent, 18185
guardian, or custodian of the child to a drug of abuse or alcohol 18186
shall refer the child's addicted parent, guardian, or custodian 18187
and, if the agency determines that the child needs alcohol or 18188
other drug addiction services, the child to a community addiction 18189
services provider ~~certified by the department of mental health and~~ 18190
~~addiction services under section 5119.36 of the Revised Code.~~ A 18191
public children services agency that is sent a court order issued 18192
pursuant to division (B) of section 2151.3514 of the Revised Code 18193
shall refer the addicted parent or other caregiver of the child 18194
identified in the court order to a community addiction services 18195
provider ~~certified by the department of mental health and~~ 18196
~~addiction services under section 5119.36 of the Revised Code.~~ On 18197
receipt of a referral under this division and to the extent 18198
funding identified under division (A)(1) of section 340.08 of the 18199
Revised Code is available, the provider shall provide the 18200
following services to the addicted parent, guardian, custodian, or 18201

caregiver and child in need of addiction services: 18202

(1) If it is determined pursuant to an initial screening to 18203
be needed, assessment and appropriate treatment; 18204

(2) Documentation of progress in accordance with a treatment 18205
plan developed for the addicted parent, guardian, custodian, 18206
caregiver, or child; 18207

(3) If the referral is based on a court order issued pursuant 18208
to division (B) of section 2151.3514 of the Revised Code and the 18209
order requires the specified parent or other caregiver of the 18210
child to submit to alcohol or other drug testing during, after, or 18211
both during and after, treatment, testing in accordance with the 18212
court order. 18213

(B) The services described in division (A) of this section 18214
shall have a priority as provided in the addiction and mental 18215
health services plan and budget established pursuant to sections 18216
340.03 and 340.08 of the Revised Code. Once a referral has been 18217
received pursuant to this section, the public children services 18218
agency and the addiction services provider shall, in accordance 18219
with 42 C.F.R. Part 2, share with each other any information 18220
concerning the persons and services described in that division 18221
that the agency and provider determine are necessary to share. If 18222
the referral is based on a court order issued pursuant to division 18223
(B) of section 2151.3514 of the Revised Code, the results and 18224
recommendations of the addiction services provider also shall be 18225
provided and used as described in division (D) of that section. 18226
Information obtained or maintained by the agency or provider 18227
pursuant to this section that could enable the identification of 18228
any person described in division (A) of this section is not a 18229
public record subject to inspection or copying under section 18230
149.43 of the Revised Code. 18231

Sec. 341.34. (A) As used in this section, "building or 18232

structure" includes, but is not limited to, a modular unit, 18233
building, or structure and a movable unit, building, or structure. 18234

(B)(1) The board of county commissioners of any county, by 18235
resolution, may dedicate and permit the use, as a minimum security 18236
jail, of any vacant or abandoned public building or structure 18237
owned by the county that has not been dedicated to or is not then 18238
in use for any county or other public purpose, or any building or 18239
structure rented or leased by the county. The board of county 18240
commissioners of any county, by resolution, also may dedicate and 18241
permit the use, as a minimum security jail, of any building or 18242
structure purchased by or constructed by or for the county. 18243
Subject to divisions (B)(3) and (C) of this section, upon the 18244
effective date of such a resolution, the specified building or 18245
structure shall be used, in accordance with this section, for the 18246
confinement of persons who meet one of the following conditions: 18247

(a) The person is sentenced to a term of imprisonment for a 18248
traffic violation or a misdemeanor or is sentenced to a 18249
residential sanction in the jail for a felony of the fourth or 18250
fifth degree pursuant to sections 2929.11 to 2929.19 of the 18251
Revised Code, and the jail administrator or the jail 18252
administrator's designee has classified the person as a minimal 18253
security risk. In determining the person's classification under 18254
this division, the administrator or designee shall consider all 18255
relevant factors, including, but not limited to, the person's 18256
escape risk and propensity for assaultive or violent behavior, 18257
based upon the person's prior and current behavior. 18258

(b) The person is charged with a traffic violation, a 18259
misdemeanor, or a felony of the fourth or fifth degree and has had 18260
bail set and has not been released on bail and is confined in a 18261
county or municipal jail pending trial, and the jail administrator 18262
or the jail administrator's designee has classified the person as 18263
a minimal security risk. In determining the person's 18264

classification under this division, the administrator or designee 18265
shall consider all relevant factors, including, but not limited 18266
to, the person's escape risk and propensity for assaultive or 18267
violent behavior, based upon the person's prior and current 18268
behavior. Nothing in this division authorizes the operation or 18269
management of a minimum security jail by a private entity. 18270

(c) The person is an inmate transferred by order of a judge 18271
of the sentencing court upon the request of the sheriff, 18272
administrator, jailer, or other person responsible for operating 18273
the jail other than a contractor as defined in section 9.06 of the 18274
Revised Code, who is named in the request as being suitable for 18275
confinement in a minimum security facility. 18276

(2) The board of county commissioners of any county, by 18277
resolution, may affiliate with one or more adjacent counties, or 18278
with one or more municipal corporations located within the county 18279
or within an adjacent county, and dedicate and permit the use, as 18280
a minimum security jail, of any vacant or abandoned public 18281
building or structure owned by any of the affiliating counties or 18282
municipal corporations that has not been dedicated to or is not 18283
then in use for any public purpose, or any building or structure 18284
rented or leased by any of the affiliating counties or municipal 18285
corporations. The board of county commissioners of any county, by 18286
resolution, also may affiliate with one or more adjacent counties 18287
or with one or more municipal corporations located within the 18288
county or within an adjacent county and dedicate and permit the 18289
use, as a minimum security jail, of any building or structure 18290
purchased by or constructed by or for any of the affiliating 18291
counties or municipal corporations. Any counties and municipal 18292
corporations that affiliate for purposes of this division shall 18293
enter into an agreement that establishes the responsibilities for 18294
the operation and for the cost of operation of the minimum 18295
security jail. Subject to divisions (B)(3) and (C) of this 18296

section, upon the effective date of a resolution adopted under 18297
this division, the specified building or structure shall be used, 18298
in accordance with this section, for the confinement of persons 18299
who meet one of the following conditions: 18300

(a) The person is sentenced to a term of imprisonment for a 18301
traffic violation, a misdemeanor, or a violation of an ordinance 18302
of any municipal corporation, or is sentenced to a residential 18303
sanction in the jail for a felony of the fourth or fifth degree 18304
pursuant to sections 2929.11 to 2929.19 of the Revised Code, and 18305
the jail administrator or the jail administrator's designee has 18306
classified the person as a minimal security risk. In determining 18307
the person's classification under this division, the administrator 18308
or designee shall consider all relevant factors, including, but 18309
not limited to, the person's escape risk and propensity for 18310
assaultive or violent behavior, based upon the person's prior and 18311
current behavior. 18312

(b) The person is charged with a traffic violation, a 18313
misdemeanor, or a felony of the fourth or fifth degree and has had 18314
bail set and has not been released on bail and is confined in a 18315
county jail pending trial, and the jail administrator or the jail 18316
administrator's designee has classified the person as a minimal 18317
security risk. In determining the person's classification under 18318
this division, the administrator or designee shall consider all 18319
relevant factors, including, but not limited to, the person's 18320
escape risk and propensity for assaultive or violent behavior, 18321
based upon the person's prior and current behavior. Nothing in 18322
this division authorizes the operation or management of a minimum 18323
security jail by a private entity. 18324

(c) The person is an inmate transferred by order of a judge 18325
of the sentencing court upon the request of the sheriff, 18326
administrator, jailer, or other person responsible for operating 18327
the jail other than a contractor as defined in section 9.06 of the 18328

Revised Code, who is named in the request as being suitable for 18329
confinement in a minimum security facility. 18330

(3) No person shall be confined in a building or structure 18331
dedicated as a minimum security jail under division (B)(1) or (2) 18332
of this section unless the judge who sentenced the person to the 18333
term of imprisonment for the traffic violation or the misdemeanor 18334
specifies that the term of imprisonment is to be served in that 18335
jail, and division (B)(1) or (2) of this section permits the 18336
confinement of the person in that jail or unless the judge who 18337
sentenced the person to the residential sanction for the felony 18338
specifies that the residential sanction is to be served in a jail, 18339
and division (B)(1) or (2) of this section permits the confinement 18340
of the person in that jail. If a rented or leased building or 18341
structure is so dedicated, the building or structure may be used 18342
as a minimum security jail only during the period that it is 18343
rented or leased by the county or by an affiliated county or 18344
municipal corporation. If a person convicted of a misdemeanor is 18345
confined to a building or structure dedicated as a minimum 18346
security jail under division (B)(1) or (2) of this section and the 18347
sheriff, administrator, jailer, or other person responsible for 18348
operating the jail other than a contractor as defined in section 18349
9.06 of the Revised Code determines that it would be more 18350
appropriate for the person so confined to be confined in another 18351
jail or workhouse facility, the sheriff, administrator, jailer, or 18352
other person may transfer the person so confined to a more 18353
appropriate jail or workhouse facility. 18354

(C) All of the following apply to a building or structure 18355
that is dedicated pursuant to division (B)(1) or (2) of this 18356
section for use as a minimum security jail: 18357

(1) To the extent that the use of the building or structure 18358
as a minimum security jail requires a variance from any county, 18359
municipal corporation, or township zoning regulations or 18360

ordinances, the variance shall be granted. 18361

(2) Except as provided in this section, the building or 18362
structure shall not be used to confine any person unless it is in 18363
substantial compliance with any applicable housing, fire 18364
prevention, sanitation, health, and safety codes, regulations, or 18365
standards. 18366

(3) Unless such satisfaction or compliance is required under 18367
the standards described in division (C)(4) of this section, and 18368
notwithstanding any other provision of state or local law to the 18369
contrary, the building or structure need not satisfy or comply 18370
with any state or local building standard or code in order to be 18371
used to confine a person for the purposes specified in division 18372
(B) of this section. 18373

(4) The building or structure shall not be used to confine 18374
any person unless it is in compliance with all minimum standards 18375
and minimum renovation, modification, and construction criteria 18376
for minimum security jails that have been proposed by the 18377
department of rehabilitation and correction, through its bureau of 18378
adult detention, under section 5120.10 of the Revised Code. 18379

(5) The building or structure need not be renovated or 18380
modified into a secure detention facility in order to be used 18381
solely to confine a person for the purposes specified in divisions 18382
(B)(1)(a) or (b) and (B)(2)(a) or (b) of this section. 18383

(6) The building or structure shall be used, equipped, 18384
furnished, and staffed in the manner necessary to provide adequate 18385
and suitable living, sleeping, food service or preparation, 18386
drinking, bathing and toilet, sanitation, and other necessary 18387
facilities, furnishings, and equipment. 18388

(D) Except as provided in this section, a minimum security 18389
jail dedicated and used under this section shall be considered to 18390
be part of the jail, workhouse, or other correctional facilities 18391

of the county or the affiliated counties and municipal 18392
corporations for all purposes under the law. All persons confined 18393
in such a minimum security jail shall be and shall remain, in all 18394
respects, under the control of the county authority that has 18395
responsibility for the management and operation of the jail, 18396
workhouse, or other correctional facilities of the county or, if 18397
it is operated by any affiliation of counties or municipal 18398
corporations, under the control of the specified county or 18399
municipal corporation with that authority, provided that, if the 18400
person was convicted of a felony and is serving a residential 18401
sanction in the facility, all provisions of law that pertain to 18402
persons convicted of a felony that would not by their nature 18403
clearly be inapplicable apply regarding the person. A minimum 18404
security jail dedicated and used under this section shall be 18405
managed and maintained in accordance with policies and procedures 18406
adopted by the board of county commissioners or the affiliated 18407
counties and municipal corporations governing the safe and 18408
healthful operation of the jail, the confinement and supervision 18409
of the persons sentenced to it, and their participation in work 18410
release or similar rehabilitation programs. In addition to other 18411
rules of conduct and discipline, the rights of ingress and egress 18412
of persons confined in a minimum security jail dedicated and used 18413
under this section shall be subject to reasonable restrictions. 18414
Every person confined in a minimum security jail dedicated and 18415
used under this section shall be given verbal and written 18416
notification, at the time of the person's admission to the jail, 18417
that purposely leaving, or purposely failing to return to, the 18418
jail without proper authority or permission constitutes the felony 18419
offense of escape. 18420

(E) If a person who has been convicted of or pleaded guilty 18421
to an offense is sentenced to a term of imprisonment or a 18422
residential sanction in a minimum security jail as described in 18423
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 18424

an inmate transferred to a minimum security jail by order of a 18425
judge of the sentencing court as described in division 18426
(B)(1)~~(b)(c)~~ or (B)(2)~~(b)(c)~~ of this section, at the time of 18427
reception and at other times the person in charge of the operation 18428
of the jail determines to be appropriate, the sheriff or other 18429
person in charge of the operation of the jail may cause the 18430
convicted offender to be examined and tested for tuberculosis, HIV 18431
infection, hepatitis, including but not limited to hepatitis A, B, 18432
and C, and other contagious diseases. The person in charge of the 18433
operation of the jail may cause a convicted offender in the jail 18434
who refuses to be tested or treated for tuberculosis, HIV 18435
infection, hepatitis, including but not limited to hepatitis A, B, 18436
and C, or another contagious disease to be tested and treated 18437
involuntarily. 18438

Sec. 343.01. (A) In order to comply with division (B) of 18439
section 3734.52 of the Revised Code, the board of county 18440
commissioners of each county shall do one of the following: 18441

(1) Establish, by resolution, and maintain a county solid 18442
waste management district under this chapter that consists of all 18443
the incorporated and unincorporated territory within the county 18444
except as otherwise provided in division (A) of this section; 18445

(2) With the boards of county commissioners of one or more 18446
other counties establish, by agreement, and maintain a joint solid 18447
waste management district under this chapter that consists of all 18448
the incorporated and unincorporated territory within the counties 18449
forming the joint district except as otherwise provided in 18450
division (A) of this section. 18451

If a municipal corporation is located in more than one solid 18452
waste management district, the entire municipal corporation shall 18453
be considered to be included in and shall be under the 18454
jurisdiction of the district in which a majority of the population 18455

of the municipal corporation resides. 18456

A county and joint district established to comply with 18457
division (B) of section 3734.52 of the Revised Code shall have a 18458
population of not less than one hundred twenty thousand unless, in 18459
the instance of a county district, the board of county 18460
commissioners has obtained an exemption from that requirement 18461
under division (C)(1) or (2) of that section. Each joint district 18462
established to comply with an order issued under division (D) of 18463
that section shall have a population of at least one hundred 18464
twenty thousand. 18465

(B) The boards of county commissioners of the counties 18466
establishing a joint district constitute, collectively, the board 18467
of directors of the joint district, except that if a county with a 18468
form of legislative authority other than a board of county 18469
commissioners participates, it shall be represented on the board 18470
of directors by three persons appointed by the legislative 18471
authority. 18472

The agreement to establish and maintain a joint district 18473
shall be ratified by resolution of the board of county 18474
commissioners of each participating county. Upon ratification, the 18475
board of directors shall take control of and manage the joint 18476
district subject to this chapter, except that, in the case of a 18477
joint district formed pursuant to division (C), (D), or (E) of 18478
section 343.012 of the Revised Code, the board of directors shall 18479
take control of and manage the district when the formation of the 18480
district becomes final under the applicable division. A majority 18481
of the board of directors constitutes a quorum, and a majority 18482
vote is required for the board to act. 18483

A county participating in a joint district may contribute 18484
lands or rights or interests therein, money, other personal 18485
property or rights or interests therein, or services to the 18486
district. The agreement shall specify any contributions of 18487

participating counties and the rights of the participating 18488
counties in lands or personal property, or rights or interests 18489
therein, contributed to or otherwise acquired by the joint 18490
district. The agreement may be amended or added to by a majority 18491
vote of the board of directors, but no amendment or addition shall 18492
divest a participating county of any right or interest in lands or 18493
personal property without its consent. 18494

The board of directors may appoint and fix the compensation 18495
of employees of, accept gifts, devises, and bequests for, and take 18496
other actions necessary to control and manage the joint district. 18497
Employees of the district shall be considered county employees for 18498
the purposes of Chapter 124. of the Revised Code and other 18499
provisions of state law applicable to employees. Instead of or in 18500
addition to appointing employees of the district, the board of 18501
directors may agree to use employees of one or more of the 18502
participating counties in the service of the joint district and to 18503
share in their compensation in any manner that may be agreed upon. 18504

The board of directors shall do one of the following: 18505

(1) Designate the county auditor, including any other 18506
official acting in a capacity similar to a county auditor under a 18507
county charter, of a county participating in the joint district as 18508
the fiscal officer of the district, and the county treasurer, or 18509
other official acting in a capacity similar to a county treasurer 18510
under a county charter, of that county as the treasurer of the 18511
district. The designated county officials shall perform any 18512
applicable duties for the district as each typically performs for 18513
the county of which the individual is an official, except as 18514
otherwise may be provided in any bylaws or resolutions adopted by 18515
the board of directors. The board of directors may pay to that 18516
county any amount agreed upon by the board of directors and the 18517
board of county commissioners of that county to reimburse that 18518
county for the cost properly allocable to the service of its 18519

officials as fiscal officer and treasurer of the joint district. 18520

(2) Appoint one individual who is neither a county auditor 18521
nor a county treasurer, and who may be an employee of the 18522
district, to serve as both the treasurer of the district and its 18523
fiscal officer. That individual shall act as custodian of the 18524
funds of the board and the district and shall maintain all 18525
accounts of the district. Any reference in this chapter or Chapter 18526
3734. of the Revised Code to a county auditor or county treasurer 18527
serving as fiscal officer of a district or custodian of any funds 18528
of a board or district is deemed to refer to an individual 18529
appointed under division (B)(2) of this section. 18530

The fiscal officer of a district shall establish a general 18531
fund and any other necessary funds for the district. 18532

(C) A board of county commissioners of a county district or 18533
board of directors of a joint district may acquire, by purchase or 18534
lease, construct, improve, enlarge, replace, maintain, and operate 18535
such solid waste collection systems within their respective 18536
districts and such solid waste facilities within or outside their 18537
respective districts as are necessary for the protection of the 18538
public health. A board of county commissioners may acquire within 18539
its county real property or any estate, interest, or right 18540
therein, by appropriation or any other method, for use by a county 18541
or joint district in connection with such facilities. 18542
Appropriation proceedings shall be conducted in accordance with 18543
sections 163.01 to 163.22 of the Revised Code. 18544

(D) The sanitary engineer or sanitary engineering department 18545
of a county maintaining a district and any sanitary engineer or 18546
sanitary engineering department of a county in a joint district, 18547
as determined by the board of directors, in addition to other 18548
duties assigned to that engineer or department, shall assist the 18549
board of county commissioners or directors in the performance of 18550
their duties under this chapter and sections 3734.52 to 3734.575 18551

of the Revised Code and shall be charged with any other duties and 18552
services in relation thereto that the board prescribes. A board 18553
may employ registered professional engineers to assist the 18554
sanitary engineer in those duties and also may employ financial 18555
advisers and any other professional services it considers 18556
necessary to assist it in the construction, financing, and 18557
maintenance of solid waste collection or other solid waste 18558
facilities. Such contracts of employment shall not require the 18559
certificate provided in section 5705.41 of the Revised Code. 18560
Payment for such services may be made from the general fund or any 18561
other fund legally available for that use at times that are agreed 18562
upon or as determined by the board of county commissioners or 18563
directors, and the funds may be reimbursed from the proceeds of 18564
bonds or notes issued to pay the cost of any improvement to which 18565
the services related. 18566

(E)(1) The prosecuting attorney of the county shall serve as 18567
the legal advisor of a county district and shall provide such 18568
services to the board of county commissioners of the district as 18569
are required or authorized to be provided to other county boards 18570
under Chapter 309. of the Revised Code, except that, if the board 18571
considers it to be necessary or appropriate, the board, on its own 18572
initiative, may employ an attorney or other legal counsel on an 18573
annual basis to serve as the legal advisor of the district in 18574
place of the prosecuting attorney. When the prosecuting attorney 18575
is serving as the district's legal advisor and the board considers 18576
it to be necessary or appropriate, the board, on its own 18577
initiative, may employ an attorney or other legal counsel to 18578
represent or advise the board regarding a particular matter in 18579
place of the prosecuting attorney. The employment of an attorney 18580
or other legal counsel on an annual basis or in a particular 18581
matter is not subject to or governed by sections 305.14 and 309.09 18582
of the Revised Code. 18583

Notwithstanding the employment of an attorney or other legal
counsel on an annual basis to serve as the district's legal
advisor, the board may require written opinions or instructions
from the prosecuting attorney under section 309.09 of the Revised
Code in matters connected with its official duties as though the
prosecuting attorney were serving as the legal advisor of the
district.

(2) The board of directors of a joint district may designate
the prosecuting attorney of one of the counties forming the
district to serve as the legal advisor of the district. When so
designated, the prosecuting attorney shall provide such services
to the joint district as are required or authorized to be provided
to county boards under Chapter 309. of the Revised Code. The board
of directors may pay to that county any amount agreed upon by the
board of directors and the board of county commissioners of that
county to reimburse that county for the cost properly allocable to
the services of its prosecuting attorney as the legal advisor of
the joint district. When that prosecuting attorney is so serving
and the board considers it to be necessary or appropriate, the
board, on its own initiative, may employ an attorney or other
legal counsel to represent or advise the board regarding a
particular matter in place of the prosecuting attorney.

Instead of designating the prosecuting attorney of one of the
counties forming the district to be the legal advisor of the
district, the board of directors may employ on an annual basis an
attorney or other legal counsel to serve as the district's legal
advisor. Notwithstanding the employment of an attorney or other
legal counsel as the district's legal advisor, the board of
directors may require written opinions or instructions from the
prosecuting attorney of any of the counties forming the district
in matters connected with the board's official duties, and the
prosecuting attorney shall provide the written opinion or

instructions as though the prosecuting attorney had been 18616
designated to serve as the district's legal advisor under division 18617
(E)(2) of this section. 18618

(F) A board of county commissioners may issue bonds or bond 18619
anticipation notes of the county to pay the cost of preparing 18620
general and detailed plans and other data required for the 18621
construction of solid waste facilities in connection with a county 18622
or joint district. A board of directors of a joint solid waste 18623
management district may issue bonds or bond anticipation notes of 18624
the joint solid waste management district to pay the cost of 18625
preparing general and detailed plans and other data required for 18626
the construction of solid waste facilities in connection with a 18627
joint district. The bonds and notes shall be issued in accordance 18628
with Chapter 133. of the Revised Code, except that the maximum 18629
maturity of bonds issued for that purpose shall not exceed ten 18630
years. Bond anticipation notes may be paid from the proceeds of 18631
bonds issued either to pay the cost of the solid waste facilities 18632
or to pay the cost of the plans and other data. 18633

(G) To the extent authorized by the solid waste management 18634
plan of the district approved under section 3734.521 or 3734.55 of 18635
the Revised Code or subsequent amended plans of the district 18636
approved under section 3734.521 or 3734.56 of the Revised Code, 18637
the board of county commissioners of a county district or board of 18638
directors of a joint district may adopt, publish, and enforce 18639
rules doing any of the following: 18640

(1) Prohibiting or limiting the receipt of solid wastes 18641
generated outside the district or outside a service area 18642
prescribed in the solid waste management plan or amended plan, at 18643
facilities located within the solid waste management district, 18644
consistent with the projections contained in the plan or amended 18645
plan under divisions (A)(6) and (7) of section 3734.53 of the 18646
Revised Code. However, rules adopted by a board under division 18647

(G)(1) of this section may be adopted and enforced with respect to 18648
solid waste disposal facilities in the solid waste management 18649
district that are not owned by a county or the solid waste 18650
management district only if the board submits an application to 18651
the director of environmental protection that demonstrates that 18652
there is insufficient capacity to dispose of all solid wastes that 18653
are generated within the district at the solid waste disposal 18654
facilities located within the district and the director approves 18655
the application. The demonstration in the application shall be 18656
based on projections contained in the plan or amended plan of the 18657
district. The director shall establish the form of the 18658
application. The approval or disapproval of such an application by 18659
the director is an action that is appealable under section 3745.04 18660
of the Revised Code. 18661

In addition, the director of environmental protection may 18662
issue an order modifying a rule adopted under division (G)(1) of 18663
this section to allow the disposal in the district of solid wastes 18664
from another county or joint solid waste management district if 18665
all of the following apply: 18666

(a) The district in which the wastes were generated does not 18667
have sufficient capacity to dispose of solid wastes generated 18668
within it for six months following the date of the director's 18669
order. 18670

(b) No new solid waste facilities will begin operation during 18671
those six months in the district in which the wastes were 18672
generated and, despite good faith efforts to do so, it is 18673
impossible to site new solid waste facilities within the district 18674
because of its high population density. 18675

(c) The district in which the wastes were generated has made 18676
good faith efforts to negotiate with other districts to 18677
incorporate its disposal needs within those districts' solid waste 18678
management plans, including efforts to develop joint facilities 18679

authorized under section 343.02 of the Revised Code, and the 18680
efforts have been unsuccessful. 18681

(d) The district in which the wastes were generated has 18682
located a facility willing to accept the district's solid wastes 18683
for disposal within the receiving district. 18684

(e) The district in which the wastes were generated has 18685
demonstrated to the director that the conditions specified in 18686
divisions (G)(1)(a) to (d) of this section have been met. 18687

(f) The director finds that the issuance of the order will be 18688
consistent with the state solid waste management plan and that 18689
receipt of the out-of-district wastes will not limit the capacity 18690
of the receiving district to dispose of its in-district wastes to 18691
less than eight years. 18692

~~Any~~ 18693

Any order issued under division (G)(1) of this section shall 18694
not become final until thirty days after it has been served by 18695
certified mail upon the county or joint solid waste management 18696
district that will receive the out-of-district wastes. 18697

(2) Governing the maintenance, protection, and use of solid 18698
waste collection or other solid waste facilities located within 18699
its district. The rules adopted under division (G)(2) of this 18700
section shall not establish design standards for solid waste 18701
facilities and shall be consistent with the solid waste provisions 18702
of Chapter 3734. of the Revised Code and the rules adopted under 18703
those provisions. The rules adopted under division (G)(2) of this 18704
section may prohibit any person, municipal corporation, township, 18705
or other political subdivision from constructing, enlarging, or 18706
modifying any solid waste facility until general plans and 18707
specifications for the proposed improvement have been submitted to 18708
and approved by the board of county commissioners or board of 18709
directors as complying with the solid waste management plan or 18710

amended plan of the district. The construction of such a facility 18711
shall be done under the supervision of the county sanitary 18712
engineer or, in the case of a joint district, a county sanitary 18713
engineer designated by the board of directors, and any person, 18714
municipal corporation, township, or other political subdivision 18715
proposing or constructing such improvements shall pay to the 18716
county or joint district all expenses incurred by the board in 18717
connection therewith. The sanitary engineer may enter upon any 18718
public or private property for the purpose of making surveys or 18719
examinations necessary for designing solid waste facilities or for 18720
supervising the construction, enlargement, modification, or 18721
operation of any such facilities. No person, municipal 18722
corporation, township, or other political subdivision shall forbid 18723
or interfere with the sanitary engineer or the sanitary engineer's 18724
authorized assistants entering upon such property for that 18725
purpose. If actual damage is done to property by the making of the 18726
surveys and examinations, a board shall pay the reasonable value 18727
of that damage to the owner of the property damaged, and the cost 18728
shall be included in the financing of the improvement for which 18729
the surveys and examinations are made. 18730

(3) Governing the development and implementation of a program 18731
for the inspection of solid wastes generated outside the 18732
boundaries of this state that are disposed of at solid waste 18733
facilities included in the district's solid waste management plan 18734
or amended plan. A board of county commissioners or board of 18735
directors or its authorized representative may enter upon the 18736
premises of any solid waste facility included in the district's 18737
solid waste management plan or amended plan for the purpose of 18738
conducting the inspections required or authorized by the rules 18739
adopted under division (G)(3) of this section. No person, 18740
municipal corporation, township, or other political subdivision 18741
shall forbid or interfere with a board of county commissioners or 18742
directors or its authorized representative entering upon the 18743

premises of any such solid waste facility for that purpose. 18744

(4) Exempting the owner or operator of any existing or 18745
proposed solid waste facility provided for in the plan or amended 18746
plan from compliance with any amendment to a township zoning 18747
resolution adopted under section 519.12 of the Revised Code or to 18748
a county rural zoning resolution adopted under section 303.12 of 18749
the Revised Code that rezoned or redistricted the parcel or 18750
parcels upon which the facility is to be constructed or modified 18751
and that became effective within two years prior to the filing of 18752
an application for a permit required under division (A)(2)(a) of 18753
section 3734.05 of the Revised Code to open a new or modify an 18754
existing solid waste facility. 18755

(H) A board of county commissioners or board of directors may 18756
enter into a contract with any person, municipal corporation, 18757
township, or other political subdivision for the operation and 18758
maintenance of any solid waste facilities regardless of whether 18759
the facilities are owned or leased by the county or joint district 18760
or the contractor. 18761

(I)(1) No person, municipal corporation, township, or other 18762
political subdivision shall tamper with or damage any solid waste 18763
facility constructed under this chapter or any apparatus or 18764
accessory connected therewith or pertaining thereto, fail or 18765
refuse to comply with the applicable rules adopted by a board of 18766
county commissioners or directors under division (G)(1), (2), (3), 18767
or (4) of this section, refuse to permit an inspection or 18768
examination by a sanitary engineer as authorized under division 18769
(G)(2) of this section, or refuse to permit an inspection by a 18770
board of county commissioners or directors or its authorized 18771
representative as required or authorized by rules adopted under 18772
division (G)(3) of this section. 18773

(2) If the board of county commissioners of a county district 18774
or board of directors of a joint district has established facility 18775

designations under section 343.013, 343.014, or 343.015 of the Revised Code, or the director has established facility designations in the initial or amended plan of the district prepared and ordered to be implemented under section 3734.521, 3734.55, or 3734.56 of the Revised Code, no person, municipal corporation, township, or other political subdivision shall deliver, or cause the delivery of, any solid wastes generated within a county or joint district to any solid waste facility other than the facility designated under section 343.013, 343.014, or 343.015 of the Revised Code, or in the initial or amended plan of the district prepared and ordered to be implemented under section 3734.521, 3734.55, or 3734.56 of the Revised Code, as applicable, except that source separated recyclable materials may be taken to any legitimate recycling facility. Upon the request of a person or the legislative authority of a municipal corporation or township, the board of county commissioners of a county district or board of directors of a joint district may grant a waiver authorizing the delivery of all or any portion of the solid wastes generated in a municipal corporation or township to a solid waste facility other than the facility designated under section 343.013, 343.014, or 343.015 of the Revised Code, or in the initial or amended plan of the district prepared and ordered to be implemented under section 3734.521, 3734.55, or 3734.56 of the Revised Code, as applicable, regardless of whether the other facility is located within or outside of the district, if the board finds that delivery of those solid wastes to the other facility is not inconsistent with the projections contained in the district's initial or amended plan under divisions (A)(6) and (7) of section 3734.53 of the Revised Code as approved or ordered to be implemented and will not adversely affect the implementation and financing of the district's initial or amended plan pursuant to the implementation schedule contained in it under divisions (A)(12)(a) to (d) of that section. The board shall act on a

request for such a waiver within ninety days after receiving the 18809
request. Upon granting such a waiver, the board shall send notice 18810
of that fact to the director. The notice shall indicate to whom 18811
the waiver was granted. Any waiver or authorization granted by a 18812
board on or before October 29, 1993, shall continue in force until 18813
the board takes action concerning the same entity under this 18814
division or until action is taken under division (G) of section 18815
343.014 of the Revised Code. 18816

(J) Divisions (G)(1) to (4) and (I)(2) of this section do not 18817
apply to the construction, operation, use, repair, enlargement, or 18818
modification of either of the following: 18819

(1) A solid waste facility owned by a generator of solid 18820
wastes when the solid waste facility exclusively disposes of solid 18821
wastes generated at one or more premises owned by the generator 18822
regardless of whether the facility is located on a premises where 18823
the wastes are generated; 18824

(2) A facility that exclusively disposes of wastes that are 18825
generated from the combustion of coal, or from the combustion of 18826
primarily coal in combination with scrap tires, that is not 18827
combined in any way with garbage at one or more premises owned by 18828
the generator. 18829

(K)(1) A member of the board of county commissioners of a 18830
county solid waste management district, member of the board of 18831
directors of a joint solid waste management district, member of 18832
the board of trustees of a regional solid waste management 18833
authority managing a county or joint solid waste management 18834
district, or officer or employee of any solid waste management 18835
district, for the purposes of sections 102.03, 102.04, 2921.41, 18836
and 2921.42 of the Revised Code, shall not be considered to be 18837
directly or indirectly interested in, or improperly influenced by, 18838
any of the following: 18839

(a) A contract entered into under this chapter or section 18840
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 18841
the district and any county forming the district, municipal 18842
corporation or township located within the district, or health 18843
district having territorial jurisdiction within the district, of 18844
which that member, officer, or employee also is an officer or 18845
employee, but only to the extent that any interest or influence 18846
could arise from holding public office or employment with the 18847
political subdivision or health district; 18848

(b) A contract entered into under this chapter or section 18849
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 18850
the district and a county planning commission organized under 18851
section 713.22 of the Revised Code, or regional planning 18852
commission created under section 713.21 of the Revised Code, 18853
having territorial jurisdiction within the district, of which that 18854
member also is a member, officer, or employee, but only to the 18855
extent that any interest or influence could arise from holding 18856
public office or employment with the commission; 18857

(c) An expenditure of money made by the district for the 18858
benefit of any county forming the district, municipal corporation 18859
or township located within the district, or health district or 18860
county or regional planning commission having territorial 18861
jurisdiction within the district, of which that member also is a 18862
member, officer, or employee, but only to the extent that any 18863
interest or influence could arise from holding public office or 18864
employment with the political subdivision, health district, or 18865
commission; 18866

(d) An expenditure of money made for the benefit of the 18867
district by any county forming the district, municipal corporation 18868
or township located within the district, or health district or 18869
county or regional planning commission having territorial 18870
jurisdiction within the district, of which that member also is a 18871

member, officer, or employee, but only to the extent that any 18872
interest or influence could arise from holding public office or 18873
employment with the political subdivision, health district, or 18874
commission. 18875

(2) A solid waste management district, county, municipal 18876
corporation, township, health district, or planning commission 18877
described or referred to in divisions (K)(1)(a) to (d) of this 18878
section shall not be construed to be the business associate of a 18879
person who is concurrently a member of the board of county 18880
commissioners, directors, or trustees, or an officer or employee, 18881
of the district and an officer or employee of that municipal 18882
corporation, county, township, health district, or planning 18883
commission for the purposes of sections 102.03, 2921.42, and 18884
2921.43 of the Revised Code. Any person who is concurrently a 18885
member of the board of county commissioners, directors, or 18886
trustees, or an officer or employee, of a solid waste management 18887
district so described or referred to and an officer or employee of 18888
a county, municipal corporation, township, health district, or 18889
planning commission so described or referred to may participate 18890
fully in deliberations concerning and vote on or otherwise 18891
participate in the approval or disapproval of any contract or 18892
expenditure of funds described in those divisions as a member of 18893
the board of county commissioners or directors, or an officer or 18894
employee, of a county or joint solid waste management district; 18895
member of the board of trustees, or an officer or employee, of a 18896
regional solid waste management authority managing a county or 18897
joint solid waste management district; member of the legislative 18898
authority, or an officer or employee, of a county forming the 18899
district; member of the legislative authority, or an officer or 18900
employee, of a municipal corporation or township located within 18901
the district; member of the board of health, or an officer or 18902
employee, of a health district having territorial jurisdiction 18903
within the district; or member of the planning commission, or an 18904

officer or employee of a county or regional planning commission 18905
having territorial jurisdiction within the district. 18906

(3) Nothing in division (K)(1) or (2) of this section shall 18907
be construed to exempt any member of the board of county 18908
commissioners, directors, or trustees, or an officer or employee, 18909
of a solid waste management district from a conflict of interest 18910
arising because of a personal or private business interest. 18911

(4) A member of the board of county commissioners of a county 18912
solid waste management district, board of directors of a joint 18913
solid waste management district, or board of trustees of a 18914
regional solid waste management authority managing a county or 18915
joint solid waste management district, or an officer or employee, 18916
of any such solid waste management district, neither shall be 18917
disqualified from holding any other public office or position of 18918
employment nor be required to forfeit any other public office or 18919
position of employment by reason of serving as a member of the 18920
board of county commissioners, directors, or trustees, or as an 18921
officer or employee, of the district, notwithstanding any 18922
requirement to the contrary under the common law of this state or 18923
the Revised Code. 18924

(L) As used in this chapter: 18925

(1) "Board of health," "disposal," "health district," "scrap 18926
tires," and "solid waste transfer facility" have the same meanings 18927
as in section 3734.01 of the Revised Code. 18928

(2) "Change in district composition" and "change" have the 18929
same meaning as in section 3734.521 of the Revised Code. 18930

(3)(a) Except as provided in division (L)(3)(b) or (c), and 18931
(d), of this section, "solid wastes" has the same meaning as in 18932
section 3734.01 of the Revised Code. 18933

(b) If the solid waste management district is not one that 18934
resulted from proceedings for a change in district composition 18935

under sections 343.012 and 3734.521 of the Revised Code, until 18936
such time as an amended solid waste management plan is approved 18937
under section 3734.56 of the Revised Code, "solid wastes" need not 18938
include scrap tires unless the solid waste management policy 18939
committee established under section 3734.54 of the Revised Code 18940
for the district chooses to include the management of scrap tires 18941
in the district's initial solid waste management plan prepared 18942
under sections 3734.54 and 3734.55 of the Revised Code. 18943

(c) If the solid waste management district is one resulting 18944
from proceedings for a change in district composition under 18945
sections 343.012 and 3734.521 of the Revised Code and if the 18946
change involves an existing district that is operating under 18947
either an initial solid waste management plan approved or prepared 18948
and ordered to be implemented under section 3734.55 of the Revised 18949
Code or an initial or amended plan approved or prepared and 18950
ordered to be implemented under section 3734.521 of the Revised 18951
Code that does not provide for the management of scrap tires and 18952
scrap tire facilities, until such time as the amended plan of the 18953
district resulting from the change is approved under section 18954
3734.56 of the Revised Code, "solid wastes" need not include scrap 18955
tires unless the solid waste management policy committee 18956
established under division (C) of section 3734.521 of the Revised 18957
Code for the district chooses to include the management of scrap 18958
tires in the district's initial or amended solid waste management 18959
plan prepared under section 3734.521 of the Revised Code in 18960
connection with the change proceedings. 18961

(d) If the policy committee chooses to include the management 18962
of scrap tires in an initial plan prepared under sections 3734.54 18963
and 3734.55 of the Revised Code or in an initial or amended plan 18964
prepared under section 3734.521 of the Revised Code, the board of 18965
county commissioners or directors shall execute all of the duties 18966
imposed and may exercise any or all of the rights granted under 18967

this section for the purpose of managing solid wastes that consist 18968
of scrap tires. 18969

(4)(a) Except as provided in division (L)(4)(b) or (c), and 18970
(d) of this section, "facility" has the same meaning as in section 18971
3734.01 of the Revised Code and also includes any solid waste 18972
transfer, recycling, or resource recovery facility. 18973

(b) If the solid waste management district is not one that 18974
resulted from proceedings for a change in district composition 18975
under sections 343.012 and 3734.521 of the Revised Code, until 18976
such time as an amended solid waste management plan is approved 18977
under section 3734.56 of the Revised Code, "facility" need not 18978
include any scrap tire collection, storage, monocell, monofill, or 18979
recovery facility unless the solid waste management policy 18980
committee established under section 3734.54 of the Revised Code 18981
for the district chooses to include the management of scrap tire 18982
facilities in the district's initial solid waste management plan 18983
prepared under sections 3734.54 and 3734.55 of the Revised Code. 18984

(c) If the solid waste management district is one resulting 18985
from proceedings for a change in district composition under 18986
sections 343.012 and 3734.521 of the Revised Code and if the 18987
change involves an existing district that is operating under 18988
either an initial solid waste management plan approved under 18989
section 3734.55 of the Revised Code or an initial or amended plan 18990
approved or prepared and ordered to be implemented under section 18991
3734.521 of the Revised Code that does not provide for the 18992
management of scrap tires and scrap tire facilities, until such 18993
time as the amended plan of the district resulting from the change 18994
is approved under section 3734.56 of the Revised Code, "facility" 18995
need not include scrap tires unless the solid waste management 18996
policy committee established under division (C) of section 18997
3734.521 of the Revised Code for the district chooses to include 18998
the management of scrap tires in the district's initial or amended 18999

solid waste management plan prepared under section 3734.521 of the Revised Code in connection with the change proceedings.

(d) If the policy committee chooses to include the management of scrap tires in an initial plan prepared under sections 3734.54 and 3734.55 of the Revised Code or in an initial or amended plan prepared under section 3734.521 of the Revised Code, the board of county commissioners or directors shall execute all of the duties imposed and may exercise any or all of the rights granted under this section for the purpose of managing solid waste facilities that are scrap tire collection, storage, monocell, monofill, or recovery facilities.

(M) As used in this section:

(1) "Source separated recyclable materials" means materials that are separated from other solid wastes at the location where the materials are generated for the purpose of recycling the materials at a legitimate recycling facility.

(2) "Legitimate recycling facility" has the same meaning as in rule 3745-27-01 of the Administrative Code.

Sec. 349.01. As used in this chapter:

(A) "New community" means a community or ~~an addition~~ development of property in relation to an existing community ~~planned pursuant to this chapter so that it~~ the resulting ~~community~~ includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities.

~~In the case of a new community authority established within three years after March 22, 2012, the effective date of H.B. 225 of the 129th general assembly, "new community" may mean a~~

~~community or development of property planned under this chapter in~~ 19030
~~relation to an existing community so that the community includes~~ 19031
~~facilities for the conduct of community activities, and is~~ 19032
~~designed in accordance with planning concepts for the placement of~~ 19033
~~utility, open space, and other supportive facilities for the~~ 19034
~~community.~~ 19035

(B) "New community development program" means a program for 19036
the development of a new community characterized by well-balanced 19037
and diversified land use patterns and which includes land 19038
acquisition and land development, the acquisition, construction, 19039
operation, and maintenance of community facilities, and the 19040
provision of services authorized in this chapter. 19041

~~In the case of a new community authority established within~~ 19042
~~three years after March 22, 2012, the effective date of H.B. 225~~ 19043
~~of the 129th general assembly, a~~ A new community development 19044
program may take into account any existing community in relation 19045
to which a new community is developed for purposes of being 19046
characterized by well-balanced and diversified land use patterns. 19047

(C) "New community district" means the area of land described 19048
by the developer in the petition as set forth in division (A) of 19049
section 349.03 of the Revised Code for development as a new 19050
community and any lands added to the district by amendment of the 19051
resolution establishing the community authority. 19052

(D) "New community authority" means a body corporate and 19053
politic in this state, established pursuant to section 349.03 of 19054
the Revised Code and governed by a board of trustees as provided 19055
in section 349.04 of the Revised Code. 19056

(E) "Developer" means any person, organized for carrying out 19057
a new community development program who owns or controls, through 19058
leases of at least seventy-five years' duration, options, or 19059
contracts to purchase, the land within a new community district, 19060

or any municipal corporation, county, or port authority that owns 19061
the land within a new community district, or has the ability to 19062
acquire such land, either by voluntary acquisition or condemnation 19063
in order to eliminate slum, blighted, and deteriorated or 19064
deteriorating areas and to prevent the recurrence thereof. ~~In the~~ 19065
~~case of a new community authority established within three years~~ 19066
~~after March 22, 2012, the effective date of H.B. 225 of the 129th~~ 19067
~~general assembly, "developer~~ "Developer" may also mean a person, 19068
municipal corporation, county, or port authority that controls 19069
land within a new community district through leases of at least 19070
~~forty~~ seventy-five years' duration. 19071

(F) "Organizational board of commissioners" means the 19072
following: 19073

(1) For a new community district that is located in only one 19074
county, the board of county commissioners of that county; 19075

(2) For a new community district that is located in more than 19076
one county, a board consisting of the members of the board of 19077
county commissioners of each of the counties in which the district 19078
is located, provided that action of the board shall require a 19079
majority vote of the members of each separate board of county 19080
commissioners; or 19081

(3) For a new community district that is located entirely 19082
within the boundaries of a municipal corporation or for a new 19083
community district where more than half of the new community 19084
district is located within the boundaries of the most populous 19085
municipal corporation of a county, the legislative authority of 19086
the municipal corporation. 19087

(G) "Land acquisition" means the acquisition of real property 19088
and interests in real property as part of a new community 19089
development program. 19090

(H) "Land development" means the process of clearing and 19091

grading land, making, installing, or constructing water 19092
distribution systems, sewers, sewage collection systems, steam, 19093
gas, and electric lines, roads, streets, curbs, gutters, 19094
sidewalks, storm drainage facilities, and other installations or 19095
work, whether within or without the new community district, and 19096
the construction of community facilities. 19097

(I)~~(1)~~ "Community facilities" means all real property, 19098
buildings, structures, or other facilities, including related 19099
fixtures, equipment, and furnishings, to be owned, operated, 19100
financed, constructed, and maintained under this chapter or in 19101
furtherance of community activities, including public, community, 19102
village, neighborhood, or town buildings, centers and plazas, 19103
auditoriums, day care centers, recreation halls, educational 19104
facilities, health care facilities including hospital facilities 19105
as defined in section 140.01 of the Revised Code, 19106
telecommunications facilities, including all facilities necessary 19107
to provide telecommunications service as defined in section 19108
4927.01 of the Revised Code, recreational facilities, natural 19109
resource facilities, including parks and other open space land, 19110
lakes and streams, cultural facilities, community streets and 19111
off-street parking facilities, pathway and bikeway systems, 19112
pedestrian underpasses and overpasses, lighting facilities, design 19113
amenities, or other community facilities, and buildings needed in 19114
connection with water supply or sewage disposal installations, or 19115
energy facilities including those for renewable or sustainable 19116
energy sources, and steam, gas, or electric lines or installation. 19117

~~(2) In the case of a new community authority established 19118~~
~~within three years after March 22, 2012, the effective date of 19119~~
~~H.B. 225 of the 129th general assembly, "community facilities" may 19120~~
~~mean, in addition to the facilities authorized in division (I)(1) 19121~~
~~of this section, any community facilities that are owned, 19122~~
~~operated, financed, constructed, or maintained for, relating to, 19123~~

~~or in furtherance of community activities, including, but not~~ 19124
~~limited to, town buildings or other facilities, health care~~ 19125
~~facilities including, but limited to, hospital facilities, and~~ 19126
~~off-street parking facilities.~~ 19127

(J) "Cost" as applied to a new community development program 19128
means all costs related to land acquisition and land development, 19129
the acquisition, construction, maintenance, and operation of 19130
community facilities and offices of the community authority, and 19131
of providing furnishings and equipment therefor, financing charges 19132
including interest prior to and during construction and for the 19133
duration of the new community development program, planning 19134
expenses, engineering expenses, administrative expenses including 19135
working capital, and all other expenses necessary and incident to 19136
the carrying forward of the new community development program. 19137

(K) "Income source" means any and all sources of income to 19138
the community authority, including community development charges 19139
of which the new community authority is the beneficiary as 19140
provided in section 349.07 of the Revised Code, rentals, user fees 19141
and other charges received by the new community authority, any 19142
gift or grant received, any moneys received from any funds 19143
invested by or on behalf of the new community authority, and 19144
proceeds from the sale or lease of land and community facilities. 19145

(L) "Community development charge" means: 19146

(1) A dollar amount which shall be determined on the basis of 19147
the assessed valuation of real property or interests in real 19148
property in a new community district owned, sold, leased, or 19149
otherwise conveyed by the developer or the new community 19150
authority, the income of the residents of such property subject to 19151
such charge under section 349.07 of the Revised Code, if such 19152
property is devoted to residential uses or to the profits, gross 19153
receipts, or other revenues of any business including, but not 19154
limited to, rentals received from leases of real property located 19155

in the district, a uniform or other fee on each parcel of such 19156
real property originally owned, sold, leased, or otherwise 19157
conveyed by the developer or new community authority, or any 19158
combination of the foregoing bases. 19159

~~(2) For a new community authority that is established within 19160
three years after March 22, 2012, the effective date of H.B. 225 19161
of the 129th general assembly, "community development charge" 19162
includes, in addition to the charges authorized in division (L)(1) 19163
of this section, a charge determined on the basis of all or a part 19164
of the income of the residents of real property within the new 19165
community district if such property is devoted to residential 19166
uses, or all or a part of the profits, gross receipts, or other 19167
revenues of any business operating in the new community district, 19168
including, but not limited to, rentals received from leases of 19169
real property located in the district. If a new community 19170
authority imposes a community development charge determined on the 19171
basis of rentals received from leases of real property, 19172
improvements of any real property located in the new community 19173
district and subject to that charge may not be exempted from 19174
taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 of 19175
the Revised Code. 19176~~

(M) "Proximate city" means the following: 19177

(1) For a new community district other than a new community 19178
district described in division (M)(2) or (3) of this section, any 19179
city that, as of the date of filing of the petition under section 19180
349.03 of the Revised Code, is the city with the greatest 19181
population located in the county in which the proposed new 19182
community district is located, is the city with the greatest 19183
population located in an adjoining county if any portion of such 19184
city is within five miles of any part of the boundaries of such 19185
district, or exercises extraterritorial subdivision authority 19186
under section 711.09 of the Revised Code with respect to any part 19187

of such district. 19188

~~In the case of a new community authority that is established~~ 19189
~~within three years after March 22, 2012, the effective date of~~ 19190
~~H.B. 225 of the 129th general assembly, "proximate city" may mean~~ 19191
a (2) A municipal corporation in which, at the time of filing the 19192
petition under section 349.03 of the Revised Code, any portion of 19193
the proposed new community district is located, ~~or.~~ 19194

(3) For a new community district other than a new community 19195
district described in division (M)(2) of this section, if at the 19196
time of that filing the petition under section 349.03 of the 19197
Revised Code, more than one-half of the proposed district is 19198
contained within a joint economic development district created 19199
under sections 715.70 to 715.83 of the Revised Code, the township 19200
containing the greatest portion of the territory of the joint 19201
economic development district. 19202

(N) "Community activities" means cultural, educational, 19203
governmental, recreational, residential, industrial, commercial, 19204
distribution and research activities, or any combination thereof 19205
that includes residential activities. 19206

Sec. 349.03. (A) Proceedings for the organization of a new 19207
community authority shall be initiated by a petition filed by the 19208
developer in the office of the clerk of the organizational board 19209
of ~~county commissioners of one of the counties in which all or~~ 19210
~~part of the proposed new community district is located.~~ Such 19211
petition shall be signed by the developer and may be signed by 19212
each proximate city. The legislative authorities of each such 19213
proximate city shall act in behalf of such city. Such petition 19214
shall contain: 19215

(1) The name of the proposed new community authority; 19216

(2) The address where the principal office of the authority 19217

will be located or the manner in which the location will be 19218
selected; 19219

(3) A map and a full and accurate description of the 19220
boundaries of the new community district together with a 19221
description of the properties within such boundaries, if any, 19222
which will not be included in the new community district. 19223

The total acreage included in such district shall not be less 19224
than one thousand acres, all of which acreage shall be owned by, 19225
or under the control through leases of at least seventy-five 19226
years' duration, options, or contracts to purchase, of the 19227
developer, if the developer is a private entity unless one of the 19228
following applies: 19229

(a) The district is wholly contained within municipal 19230
corporations. 19231

~~(b) In the case of a new community authority that is 19232~~
~~established within three years after the effective date of H.B.~~ 19233
~~225 of the 129th general assembly, more More than one-half of the~~ 19234
~~proposed district is, at the time of filing the petition under~~ 19235
~~this section 349.03 of the Revised Code, contained within a joint~~ 19236
~~economic development district created under sections 715.70 to~~ 19237
~~715.83 of the Revised Code. 19238~~

~~The acreage included in a proposed district shall be 19239~~
~~developable as one functionally interrelated community. In the~~ 19240
~~case of a new community authority established on or after July 7,~~ 19241
~~2010, and before January 1, 2012, such leases may be of not less~~ 19242
~~than forty years' duration, and the acreage may be developable so~~ 19243
~~that the community is one functionally interrelated community. 19244~~

(4) A statement setting forth the zoning regulations proposed 19245
for zoning the area within the boundaries of the new community 19246
district for comprehensive development as a new community, and if 19247
the area has been zoned for such development, a certified copy of 19248

the applicable zoning regulations therefor; 19249

(5) A current plan indicating the proposed development 19250
program for the new community district, the land acquisition and 19251
land development activities, community facilities, services 19252
proposed to be undertaken by the new community authority under 19253
such program, the proposed method of financing such activities and 19254
services, including a description of the bases, timing, and manner 19255
of collecting any proposed community development charges, and the 19256
projected total residential population of, and employment within, 19257
the new community; 19258

(6) A suggested number of members, consistent with section 19259
349.04 of the Revised Code, for the board of trustees; 19260

(7) A preliminary economic feasibility analysis, including 19261
the area development pattern and demand, location and proposed new 19262
community district size, present and future socio-economic 19263
conditions, public services provision, financial plan, and the 19264
developer's management capability; 19265

(8) A statement that the development will comply with all 19266
applicable environmental laws and regulations. 19267

Upon the filing of such petition, the organizational board of 19268
commissioners shall determine whether such petition complies with 19269
the requirements of this section as to form and substance. The 19270
board in subsequent proceedings may at any time permit the 19271
petition to be amended in form and substance to conform to the 19272
facts by correcting any errors in the description of the proposed 19273
new community district or in any other particular. 19274

Upon the determination of the organizational board of 19275
commissioners that a sufficient petition has been filed in 19276
accordance with this section, the board shall fix the time and 19277
place of a hearing on the petition for the establishment of the 19278
proposed new community authority. Such hearing shall be held not 19279

less than ninety-five nor more than one hundred fifteen days after 19280
the petition filing date, except that if the petition has been 19281
signed by all proximate cities or if the organizational board of 19282
commissioners is the legislative authority of the only proximate 19283
city for the proposed new community district, such hearing shall 19284
be held not less than thirty nor more than forty-five days after 19285
the petition filing date. The clerk of the organizational board of 19286
~~county~~ commissioners with which the petition was filed shall give 19287
notice thereof by publication once each week for three consecutive 19288
weeks, or as provided in section 7.16 of the Revised Code, in a 19289
newspaper of general circulation in any county of which a portion 19290
is within the proposed new community district. ~~Such~~ Except where 19291
the organizational board of commissioners is the legislative 19292
authority of the only proximate city for the proposed new 19293
community district, such clerk shall also give written notice of 19294
the date, time, and place of the hearing and furnish a certified 19295
copy of the petition to the clerk of the legislative authority of 19296
each proximate city which has not signed such petition. ~~In~~ Except 19297
where the organizational board of commissioners is the legislative 19298
authority of the only proximate city for the proposed new 19299
community district, in the event that the legislative authority of 19300
a proximate city which did not sign the petition does not approve 19301
by ordinance, resolution, or motion the establishment of the 19302
proposed new community authority and does not deliver such 19303
ordinance, resolution, or motion to the clerk of the 19304
organizational board of ~~county~~ commissioners with which the 19305
petition was filed within ninety days following the date of the 19306
first publication of the notice of the public hearing, the 19307
organizational board of commissioners shall cancel such public 19308
hearing and terminate the proceedings for the establishment of the 19309
new community authority. 19310

Upon the hearing, if the organizational board of 19311
commissioners determines by resolution that the proposed new 19312

community district will be conducive to the public health, safety, 19313
convenience, and welfare, and is intended to result in the 19314
development of a new community, the board shall by its resolution, 19315
~~entered of record in its journal and the journal of the board of~~ 19316
~~county commissioners with which the petition was filed,~~ declare 19317
the new community authority to be organized and a body politic and 19318
corporate with the corporate name designated in the resolution, 19319
and define the boundary of the new community district. In 19320
addition, the resolution shall provide the method of selecting the 19321
board of trustees of the new community authority and fix the 19322
surety for their bonds in accordance with section 349.04 of the 19323
Revised Code. 19324

If the organizational board of commissioners finds that the 19325
establishment of the district will not be conducive to the public 19326
health, safety, convenience, or welfare, or is not intended to 19327
result in the development of a new community, it shall reject the 19328
petition thereby terminating the proceedings for the establishment 19329
of the new community authority. 19330

(B) At any time after the creation of a new community 19331
authority, the developer may file an application with the clerk of 19332
the organizational board of ~~county~~ commissioners ~~of the county in~~ 19333
with which the original petition was filed, setting forth a 19334
general description of territory it desires to add or to delete 19335
from such district, that such change will be conducive to the 19336
public health, safety, convenience, and welfare, and will be 19337
consistent with the development of a new community and will not 19338
jeopardize the plan of the new community. If the developer is not 19339
a municipal corporation, port authority, or county, all of such an 19340
addition to such a district shall be owned by, or under the 19341
control through leases of at least seventy-five years' duration, 19342
options, or contracts to purchase, of the developer. ~~In the case~~ 19343
~~of a new community authority established on or after July 7, 2010,~~ 19344

~~and before January 1, 2012, such leases may be of not less than~~ 19345
~~forty years' duration.~~ Upon the filing of the application, the 19346
organizational board of commissioners shall follow the same 19347
procedure as required by this section in relation to the petition 19348
for the establishment of the proposed new community. 19349

(C) If all or any part of the new community district is 19350
annexed to one or more existing municipal corporations, their 19351
legislative authorities may appoint persons to replace any 19352
appointed citizen member of the board of trustees. The number of 19353
such trustees to be replaced by the municipal corporation shall be 19354
the number, rounded to the lowest integer, bearing the 19355
proportionate relationship to the number of existing appointed 19356
citizen members as the acreage of the new community district 19357
within such municipal corporation bears to the total acreage of 19358
the new community district. If any such municipal corporation 19359
chooses to replace an appointed citizen member, it shall do so by 19360
ordinance, the term of the trustee being replaced shall terminate 19361
thirty days from the date of passage of such ordinance, and the 19362
trustee to be replaced shall be determined by lot. Each newly 19363
appointed member shall assume the term of the member's 19364
predecessor. 19365

Sec. 349.04. The following method of selecting a board of 19366
trustees is deemed to be a compelling state interest. Within ten 19367
days after the new community authority has been established, as 19368
provided in section 349.03 of the Revised Code, an initial board 19369
of trustees shall be appointed as follows: the organizational 19370
board of commissioners shall appoint by resolution at least three, 19371
but not more than six, citizen members of the board of trustees to 19372
represent the interests of present and future residents and 19373
employers of the new community district and one member to serve as 19374
a representative of local government, and the developer shall 19375
appoint a number of members equal to the number of citizen members 19376

to serve as representatives of the developer. ~~In the case of a new~~ 19377
~~community authority established within three years after March 22,~~ 19378
~~2012, the citizen members may represent present and future~~ 19379
~~employers within the new community district and any present or~~ 19380
~~future residents of the district.~~ 19381

Members shall serve two-year overlapping terms, with two of 19382
each of the initial citizen and developer members appointed to 19383
serve initial one-year terms. The organizational board of 19384
commissioners shall adopt, by further resolution adopted within 19385
one year of such resolution establishing such initial board of 19386
trustees, a method for selection of successor members thereof 19387
which determines the projected total population of the projected 19388
new community and meets the following criteria: 19389

(A) The appointed citizen members shall be replaced by 19390
elected citizen members according to a schedule established by the 19391
organizational board of commissioners calculated to achieve one 19392
such replacement each time the new community district gains a 19393
proportion, having a numerator of one and a denominator of twice 19394
the number of citizen members, of its projected total population 19395
until such time as all of the appointed citizen members are 19396
replaced. 19397

(B) Representatives of the developer shall be replaced by 19398
elected citizen members according to a schedule established by the 19399
organizational board of commissioners calculated to achieve one 19400
such replacement each time the new community district gains a 19401
proportion, having a numerator of one and a denominator equal to 19402
the number of developer members, of its projected total population 19403
until such time as all of the developer's representatives are 19404
replaced. 19405

(C) The representative of local government shall be replaced 19406
by an elected citizen member at the time the new community 19407
district gains three-quarters of its projected total population. 19408

Elected citizen members of the board of trustees shall be 19409
elected by a majority of the residents of the new community 19410
district voting at elections held at the times and in the manner 19411
provided in a resolution of the organizational board of 19412
commissioners. Each citizen member except an appointed citizen 19413
member shall be a qualified elector who resides within the new 19414
community district. The organizational board of commissioners, by 19415
resolution, may adopt an alternative method of selecting or 19416
electing successor members of the board of trustees provided that 19417
if an alternative method of selection is adopted for a new 19418
community authority organized prior to March 22, 2012, the board 19419
of trustees of that authority shall be limited in the collection 19420
of a community development charge, collected pursuant to division 19421
(Q) of section 349.06 of the Revised Code, and the issuance of 19422
bonds or notes, issued pursuant to section 349.08 of the Revised 19423
Code, to the amount or to the extent otherwise permitted for a 19424
board of trustees whose members are not elected by residents of 19425
the new community district. If the alternative method provides for 19426
the election of citizen members, the elections may be held at the 19427
times and in the manner provided in the petition or in a 19428
resolution of the organizational board of commissioners, and the 19429
elected citizen members shall be qualified electors who reside in 19430
the new community district. 19431

Citizen members shall not be employees of or have financial 19432
interest in the developer. If a vacancy occurs in the office of a 19433
member other than a member appointed by the developer, the 19434
organizational board of commissioners may appoint a successor 19435
member for the remainder of the unexpired term. Any appointed 19436
member of the board of trustees may at any time be removed by the 19437
organizational board of commissioners for misfeasance, 19438
nonfeasance, or malfeasance in office. Members appointed by the 19439
developer may also at any time be removed by the developer without 19440
a showing of cause. 19441

Each member of the board of trustees, before entering upon 19442
official duties, shall take and subscribe to an oath before an 19443
officer authorized to administer oaths in Ohio that the member 19444
will honestly and faithfully perform the duties of the member's 19445
office. Such oath shall be filed in the office of the clerk of the 19446
organizational board of ~~county~~ commissioners ~~in~~ with which the 19447
petition was filed. Upon taking the oath, the board of trustees 19448
shall elect one of its number as chairperson and another as 19449
vice-chairperson, and shall appoint suitable persons as secretary 19450
and treasurer who need not be members of the board. The treasurer 19451
shall be the fiscal officer of the authority. The board shall 19452
adopt by-laws governing the administration of the affairs of the 19453
new community authority. Each member of the board shall post a 19454
bond for the faithful performance of official duties and give 19455
surety therefor in such amount, but not less than ten thousand 19456
dollars, as the resolution creating such board shall prescribe. 19457

All of the powers of the new community authority shall be 19458
exercised by its board of trustees, but without relief of such 19459
responsibility, such powers may be delegated to committees of the 19460
board or its officers and employees in accordance with its 19461
by-laws. A majority of the board shall constitute a quorum, and a 19462
concurrence of a majority of a quorum in any matter within the 19463
board's duties is sufficient for its determination, provided a 19464
quorum is present when such concurrence is had and a majority of 19465
those members constituting such quorum are trustees not appointed 19466
by the developer. All trustees shall be empowered to vote on all 19467
matters within the authority of the board of trustees, and no vote 19468
by a member appointed by the developer shall be construed to give 19469
rise to civil or criminal liability for conflict of interest on 19470
the part of public officials. 19471

Sec. 349.06. In furtherance of the purposes of this chapter, 19472
a new community authority may: 19473

(A) Acquire by purchase, lease, gift, or otherwise, on such 19474
terms and in such manner as it considers proper, real and personal 19475
property or any estate, interest, or right therein, within or 19476
without the new community district; 19477

(B) Improve, maintain, sell, lease or otherwise dispose of 19478
real and personal property and community facilities, on such terms 19479
and in such manner as it considers proper; 19480

(C) Landscape and otherwise aesthetically improve areas 19481
within the new community district, including but not limited to 19482
maintenance, landscaping and other community improvement services; 19483

(D) Provide, engage in, or otherwise sponsor recreational, 19484
educational, health, social, vocational, cultural, beautification, 19485
and amusement activities and related services primarily for 19486
residents of ~~the district. In the case of a new community~~ 19487
~~authority established within three years after the effective date~~ 19488
~~of H.B. 225 of the 129th general assembly, such activities and~~ 19489
~~services may be for residents of,~~ visitors to, employees working 19490
within, or employers operating businesses in the district, or any 19491
combination thereof. 19492

(E) Fix, alter, impose, collect and receive service and user 19493
fees, rentals, and other charges to cover all costs in carrying 19494
out the new community development program; 19495

(F) Adopt, modify, and enforce reasonable rules and 19496
regulations governing the use of community facilities; 19497

(G) Employ such managers, administrative officers, agents, 19498
engineers, architects, attorneys, contractors, sub-contractors, 19499
and employees as may be appropriate in the exercise of the rights, 19500
powers and duties conferred upon it, prescribe the duties and 19501
compensation for such persons, require bonds to be given by any 19502
such persons and by officers of the authority for the faithful 19503
performance of their duties, and fix the amount and surety 19504

therefor; and pay the same; 19505

(H) Sue and be sued in its corporate name; 19506

(I) Make and enter into all contracts and agreements and 19507
execute all instruments relating to a new community development 19508
program, including contracts with the developer and other persons 19509
or entities related thereto for land acquisition and land 19510
development; acquisition, construction, and maintenance of 19511
community facilities; the provision of community services and 19512
management and coordinating services; with federal, state, 19513
interstate, regional, and local agencies and political 19514
subdivisions or combinations thereof in connection with the 19515
financing of such program, and with any municipal corporation or 19516
other public body, or combination thereof, providing for the 19517
acquisition, construction, improvement, extension, maintenance or 19518
operation of joint lands or facilities or for the provision of any 19519
services or activities relating to and in furtherance of a new 19520
community development program, including the creation of or 19521
participation in a regional transit authority created pursuant to 19522
the Revised Code; 19523

(J) Apply for and accept grants, loans or commitments of 19524
guarantee or insurance including any guarantees of community 19525
authority bonds and notes, from the United States, the state, or 19526
other public body or other sources, and provide any consideration 19527
which may be required in order to obtain such grants, loans or 19528
contracts of guarantee or insurance. Such loans or contracts of 19529
guarantee or insurance may be evidenced by the issuance of bonds 19530
as provided in section 349.08 of the Revised Code; 19531

(K) Procure insurance against loss to it by reason of damage 19532
to its properties resulting from fire, theft, accident, or other 19533
casualties, or by reason of its liability for any damages to 19534
persons or property occurring in the construction or operation of 19535
facilities or areas under its jurisdiction or the conduct of its 19536

activities; 19537

(L) Maintain such funds or reserves as it considers necessary 19538
for the efficient performance of its duties; 19539

(M) Enter agreements with the boards of education of any 19540
school districts in which all or part of the new community 19541
district lies, whereby the community authority may acquire 19542
property for, may construct and equip, and may sell, lease, 19543
dedicate, with or without consideration, or otherwise transfer 19544
lands, schools, classrooms, or other facilities, whether or not 19545
within the new community district, from the authority to the 19546
school district for school and related purposes; 19547

(N) Prepare plans for acquisition and development of lands 19548
and facilities, and enter into agreements with city, county, or 19549
regional planning commissions to perform or obtain all or any part 19550
of planning services for the new community district; 19551

(O) Engage in planning for the new community district, which 19552
may be predominantly residential and open space, and prepare or 19553
approve a development plan or plans therefor, and engage in land 19554
acquisitions and land development in accordance with such plan or 19555
plans; 19556

(P) Issue new community authority bonds and notes and 19557
community authority refunding bonds, payable solely from the 19558
income source provided in section 349.08 of the Revised Code, 19559
unless the bonds are refunded by refunding bonds, for the purpose 19560
of paying any part of the cost as applied to the new community 19561
development program or parts thereof; 19562

(Q) Enforce any covenants running with the land of which the 19563
new community authority is the beneficiary, including but not 19564
limited to the collection by any and all appropriate means of any 19565
community development charge deemed to be a covenant running with 19566
the land and enforceable by the new community authority pursuant 19567

to section 349.07 of the Revised Code; and to waive, reduce, or 19568
terminate any community development charge of which it is the 19569
beneficiary to the extent not needed for any of the purposes 19570
provided in section 349.07 of the Revised Code, the procedure for 19571
which shall be provided in such covenants, and if new community 19572
authority bonds have been issued pledging any such community 19573
development charge, to the extent not prohibited in the resolution 19574
authorizing the issuance of such new community authority bonds or 19575
the trust agreement or indenture of mortgage securing the bonds; 19576

(R) Appropriate for its use, under sections 163.01 to 163.22 19577
of the Revised Code, any land, easement, rights, rights-of-way, 19578
franchises, or other property in the new community district 19579
required by the authority for community facilities. The authority 19580
may not so appropriate any land, easement, rights, rights-of-way, 19581
franchises, or other property that is not included in the new 19582
community district. 19583

~~(S) In the case of a new community authority established 19584~~
~~within three years after the effective date of H.B. 225 of the 19585~~
~~129th general assembly, enter Enter into any agreements as may be 19586~~
necessary, appropriate, or useful to support a new community 19587
development program, including, but not limited to, cooperative 19588
agreements or other agreements with political subdivisions for 19589
services, materials, or products; for the administration, 19590
calculation, or collection of community development charges; or 19591
for sharing of revenue derived from community development charges, 19592
community facilities, or other sources. The agreements may be made 19593
with or without consideration as the parties determine. 19594

Sec. 349.07. Notwithstanding any other rule of law, any 19595
covenant or agreement in deeds, land contracts, leases and any 19596
other instruments or conveyance by which real estate or any 19597
interest in real estate is conveyed by or to the developer or by 19598

the new community authority to any person or entity, including the developer, whereby such person or entity agrees, by acceptance of any such instrument of conveyance containing said covenant of agreement, to pay annually or semiannually a community development charge for the benefit and use of the new community authority to cover all or part of the cost of the acquisition, construction, operation and maintenance of land, land development and community facilities, the debt service thereof and any other cost incurred by the authority in the exercise of the powers granted by Chapter 349. of the Revised Code shall be deemed to be a covenant running with the land and shall, in any event and without regard to technical classification, after such instrument has been duly recorded in the land records of the county, be fully binding on behalf of and enforceable by the new community authority against each such person or entity and all successors and assigns of the property conveyed by such instrument of conveyance.

No purchase agreement for any real estate or interest in real estate upon which a community development charge exists by reason of a covenant running with the land shall be enforceable by the seller or binding upon the purchaser unless such purchase agreement specifically refers to such community development charge and identifies the volume and page number of the deed records of the county in which the covenant running with the land establishing such community development charge is recorded, provided that in the event a conveyance of such real estate or interest in real estate is made pursuant to a purchase agreement which does not make such reference and identification, the covenant shall continue to be deemed to be a covenant running with the land fully binding on behalf of and enforceable by the community authority against such person or entity accepting the conveyance pursuant to such purchase agreement.

~~When any community development charge is not paid when due,~~

~~the~~ The new community authority may certify the community 19631
development charge to the county auditor, who shall enter the 19632
unpaid charge on the tax list and duplicates of real property 19633
opposite the parcel against which it is charged, and certify the 19634
charge to the county treasurer. An unpaid community development 19635
charge is a lien on property against which it is charged from the 19636
date the charge is entered on the tax list, and shall be collected 19637
in the manner provided for the collection of real property taxes. 19638
Once the charge is collected, it shall be paid immediately to the 19639
new community district. 19640

No community development charge established pursuant to this 19641
chapter shall be construed as prohibiting or limiting the taxing 19642
power of municipal corporations. 19643

Sec. 349.14. Except as provided in section 349.03 of the 19644
Revised Code, or as otherwise provided in a resolution adopted by 19645
the organizational board of commissioners of a new community 19646
authority ~~established within three years after the effective date~~ 19647
~~of H.B. 225 of the 129th general assembly,~~ a new community 19648
authority organized under this chapter may be dissolved only on 19649
the vote of a majority of the voters of the new community district 19650
at a special election called by the board of trustees on the 19651
question of dissolution. Such an election may be called only after 19652
the board has determined that the new community development 19653
program has been completed, when no community authority bonds or 19654
notes are outstanding, and other legal indebtedness of the 19655
authority has been discharged or provided for, and only after 19656
there has been filed with the board of trustees a petition 19657
requesting such election, signed by a number of qualified electors 19658
residing in the new community district equal to not less than 19659
eight per cent of the total vote cast for all candidates for 19660
governor in the new community district at the most recent general 19661
election at which a governor was elected. If a majority of the 19662

votes cast favor dissolution, the board of trustees shall, by 19663
resolution, declare the authority dissolved and thereupon the 19664
community authority shall be dissolved. A certified copy of the 19665
resolution shall, within fifteen days after its adoption, be filed 19666
with the clerk of the organizational board of ~~county~~ commissioners 19667
of the county ~~in~~ with which the petition for the organization of 19668
the new community authority was filed. 19669

Upon dissolution of a new community authority, the powers 19670
thereof shall cease to exist. Any property of the new community 19671
authority shall vest with a municipal corporation, county, or 19672
township in which that property is located ~~within the corporate~~ 19673
~~limits of a municipality shall vest in that municipal corporation~~ 19674
~~and all other property of the community authority shall vest in~~ 19675
~~the county in which said property is located. In the case of a new~~ 19676
~~community authority established within three years after the~~ 19677
~~effective date of H.B. 225 of the 129th general assembly, such~~ 19678
~~property not vested in a municipal corporation may also be vested~~ 19679
~~in the township where the property is located, or with the~~ 19680
developer of the new community authority or the developer's 19681
designee, all as provided in a resolution adopted by the 19682
organizational board of commissioners. Any vesting of property in 19683
a municipal corporation, township, or county shall be subject to 19684
acceptance of the property by resolution of the legislative 19685
authority of the municipal corporation, board of township 19686
trustees, or board of county commissioners, as applicable. If the 19687
legislative authority of a municipal corporation, board of 19688
township trustees, or board of county commissioners declines to 19689
accept the property, the property vests with the developer or the 19690
developer's designee. Any funds of the community authority at the 19691
time of dissolution shall be transferred to the municipal 19692
corporation and county or township, as provided in a resolution, 19693
in which the new community district is located in the proportion 19694
to the assessed valuation of taxable real property of the new 19695

community authority within such municipal corporation and township 19696
or county or township as said valuation appears on the current 19697
assessment rolls. 19698

Sec. 355.02. (A) Each board of county commissioners may adopt 19699
a resolution to establish a ~~county~~ local healthier buckeye 19700
council. If a local council is established, the resolution shall 19701
specify the organization of the council and shall designate a 19702
member to serve as a staffing agent and, if the board determines 19703
necessary, a member to serve as a fiscal agent. The board may 19704
revise the council's organization as necessary by adopting a 19705
resolution. 19706

(B)(1) The board may invite any person or entity to become a 19707
member of the council, including a ~~public or private agency or~~ 19708
~~group that funds, advocates, or provides care coordination~~ 19709
~~services, provides or promotes private employment or educational~~ 19710
~~services, or otherwise contributes to the well-being of~~ 19711
~~individuals and families~~ any of the following: 19712

(a) Individuals with community leadership experience; 19713

(b) Individuals with experience leading others; 19714

(c) Individuals likely to receive healthier buckeye services 19715
and participate in healthier buckeye programs; 19716

(d) Representatives from public and private entities, 19717
including any of the following: 19718

(i) Employers; 19719

(ii) Municipal corporations, counties, and townships; 19720

(iii) Courts, including those with specialized court programs 19721
certified by the Ohio supreme court; 19722

(iv) Law enforcement; 19723

(v) Faith-based social services organizations; 19724

<u>(vi) Foundations;</u>	19725
<u>(vii) Public health, including free clinics;</u>	19726
<u>(viii) Child support enforcement agencies;</u>	19727
<u>(ix) Children services agencies;</u>	19728
<u>(x) Child care providers;</u>	19729
<u>(xi) Preschool programs;</u>	19730
<u>(xii) Primary and secondary schools;</u>	19731
<u>(xiii) Colleges and universities;</u>	19732
<u>(xiv) Mental health and addiction services providers;</u>	19733
<u>(xv) Medicaid care coordinators or service providers;</u>	19734
<u>(xvi) Emergency or urgent care services providers;</u>	19735
<u>(xvii) Transportation providers;</u>	19736
<u>(xviii) Housing providers;</u>	19737
<u>(xix) The boy scouts of America, 4-H clubs, boys and girls clubs of America, and other similar organizations.</u>	19738 19739
<u>(2) The board may form a multi-county council in accordance with division (C) of this section.</u>	19740 19741
<u>(C)(1) The boards of county commissioners of any two or more counties, by entering into a written agreement, may form a joint local healthier buckeye council. The agreement shall be ratified by resolution of the board of county commissioners of each county that entered into the agreement. Each board of county commissioners that enters into an agreement shall give notice of the agreement to the Ohio healthier buckeye advisory council.</u>	19742 19743 19744 19745 19746 19747 19748
<u>(2) An agreement to establish a joint local healthier buckeye council may set forth procedures or standards necessary for the joint local healthier buckeye council to perform its duties and operate efficiently.</u>	19749 19750 19751 19752

(3) Costs incurred in operating a joint local healthier buckeye council shall be paid from a joint general fund created by the council, except as may be otherwise provided in the agreement. 19753
19754
19755

(4) If a joint local healthier buckeye council is established, all references in the Revised Code to a local healthier buckeye council shall apply to the joint local council. 19756
19757
19758

Sec. 355.03. (A) A ~~county~~ local healthier buckeye council may 19759
~~do~~ shall promote all of the following: 19760

~~(A)~~(1) A cooperative and effective environment in all communities to maximize opportunities for individuals and families to achieve and maintain optimal health in all aspects, thereby achieving greater productivity and reducing reliance on publicly funded assistance programs; 19761
19762
19763
19764
19765

~~Promote means~~ (2) Means by which council members or the 19766
entities the members represent may reduce the reliance of 19767
individuals and families on publicly funded assistance programs 19768
using both of the following: 19769

~~(1)~~(a) Programs that have been demonstrated to be effective 19770
and have one or more of the following features: 19771

~~(a)~~(i) Low costs; 19772

~~(b)~~(ii) Use volunteer workers; 19773

~~(c)~~(iii) Use incentives to encourage designated behaviors; 19774

~~(d)~~(iv) Are led by peers. 19775

~~(2)~~(b) Practices that identify and seek to eliminate barriers 19776
to achieving greater financial independence for individuals and 19777
families who receive services from or participate in programs 19778
operated by council members or the entities the members represent. 19779

~~(B) Promote care~~ (3) Care coordination among physical health, 19780
behavioral health, social, employment, education, and housing 19781

service providers within the county~~;~~. 19782

(B) A local healthier buckeye council shall develop a 19783
healthier buckeye plan that promotes the objectives set forth in 19784
division (A) of this section and submit the council's healthier 19785
buckeye plan to the board of county commissioners that created the 19786
council and to the Ohio healthier buckeye advisory council. 19787

(C) A local healthier buckeye council shall convene at least 19788
once per year. 19789

(D) A local healthier buckeye council shall organize itself 19790
in accordance with section 355.02 of the Revised Code and any 19791
other applicable provisions of law. 19792

~~(C) Collect~~ (E) A local healthier buckeye council shall 19793
collect and analyze data regarding individuals or families who 19794
receive services from or participate in programs operated by 19795
council members or the entities the members represent. 19796

(F) Beginning one year after the effective date of this 19797
amendment, each local healthier buckeye council shall submit an 19798
annual report of the council's performance to the Ohio healthier 19799
buckeye council. 19800

(G) A local healthier buckeye council may apply for, receive, 19801
and oversee the administration of grants. 19802

Sec. 355.04. ~~A county~~ local healthier buckeye council ~~may~~ 19803
shall report the following information to the joint medicaid 19804
oversight committee created in section 103.41 of the Revised Code 19805
and to the Ohio healthier buckeye advisory council: 19806

(A) Notification that the county local council has been 19807
established and information regarding the council's organization, 19808
plan, and activities; 19809

(B) Information regarding enrollment or outcome data 19810
collected under division ~~(C)~~(E) of section 355.03 of the Revised 19811

Code;	19812
(C) Recommendations regarding the best practices for the	19813
administration and delivery of publicly funded assistance programs	19814
or other services or programs provided by council members or the	19815
entities the members represent;	19816
(D) Recommendations regarding the best practices in care	19817
coordination.	19818
<u>Sec. 503.55. (A) As used in this section:</u>	19819
<u>(1) "Financial transaction device" includes a credit card,</u>	19820
<u>debit card, charge card, or prepaid or stored value card, or</u>	19821
<u>automated clearinghouse network credit, debit, or e-check entry</u>	19822
<u>that includes, but is not limited to, accounts receivable and</u>	19823
<u>internet-initiated, point of purchase, and telephone-initiated</u>	19824
<u>applications or any other device or method for making an</u>	19825
<u>electronic payment or transfer of funds.</u>	19826
<u>(2) "Township expenses" includes fees, costs, assessments,</u>	19827
<u>finances, penalties, payments, or any other expense a person owes or</u>	19828
<u>otherwise pays to a township.</u>	19829
<u>(B) Notwithstanding any other section of the Revised Code and</u>	19830
<u>except as provided in division (D) of this section, a board of</u>	19831
<u>township trustees may adopt a resolution authorizing the</u>	19832
<u>acceptance of payments by financial transaction devices for</u>	19833
<u>township expenses. The resolution shall include the following:</u>	19834
<u>(1) A specification of those township offices that are</u>	19835
<u>authorized to accept payments by financial transaction devices;</u>	19836
<u>(2) A list of township expenses that may be paid for through</u>	19837
<u>the use of a financial transaction device;</u>	19838
<u>(3) Specific identification of financial transaction devices</u>	19839
<u>that the board authorizes as acceptable means of payment for</u>	19840
<u>township expenses. Uniform acceptance of financial transaction</u>	19841

devices among different types of township expenses is not 19842
required. 19843

(4) The amount, if any, authorized as a surcharge or 19844
convenience fee under division (E) of this section for persons 19845
using a financial transaction device. Uniform application of 19846
surcharges or convenience fees among different types of township 19847
expenses is not required. 19848

(5) A specific provision as provided in division (G) of this 19849
section requiring the payment of a penalty if a payment made by 19850
means of a financial transaction device is returned or dishonored 19851
for any reason. 19852

The board's resolution also shall designate the township 19853
fiscal officer as an administrative agent to solicit proposals, 19854
within guidelines established by the board in the resolution and 19855
in compliance with the procedures provided in division (C) of this 19856
section, from financial institutions, issuers of financial 19857
transaction devices, and processors of financial transaction 19858
devices, to make recommendations about those proposals to the 19859
board, and to assist township offices in implementing the 19860
township's financial transaction devices program. 19861

(C) The township shall follow the procedures provided in this 19862
division whenever it plans to contract with financial 19863
institutions, issuers of financial transaction devices, or 19864
processors of financial transaction devices for the purposes of 19865
this section. The township fiscal officer shall request proposals 19866
from financial institutions, issuers of financial transaction 19867
devices, or processors of financial transaction devices, as 19868
appropriate in accordance with the resolution adopted under 19869
division (B) of this section. Upon receiving the proposals, the 19870
fiscal officer shall review them and make a recommendation to the 19871
board of trustees on which proposals to accept. The board of 19872
trustees shall consider the fiscal officer's recommendation and 19873

review all proposals submitted, and then may choose to contract 19874
with any or all of the entities submitting proposals, as 19875
appropriate. The board of trustees shall provide any financial 19876
institution, issuer, or processor that submitted a proposal, but 19877
with which the board does not enter into a contract, notice that 19878
its proposal is rejected. The notice shall state the reasons for 19879
the rejection, indicate whose proposals were accepted, and provide 19880
a copy of the terms and conditions of the successful bids. 19881

(D) A board of township trustees adopting a resolution under 19882
this section shall post a copy of the resolution in each township 19883
office accepting payment by a financial transaction device. 19884

Each township office subject to the board's resolution 19885
adopted under division (B) of this section may use only the 19886
financial institutions, issuers of financial transaction devices, 19887
and processors of financial transaction devices with which the 19888
board of township trustees contracts, and each such office is 19889
subject to the terms of those contracts. 19890

(E) A board of township trustees may establish a surcharge or 19891
convenience fee that may be imposed upon a person making payment 19892
by a financial transaction device. The surcharge or convenience 19893
fee shall not be imposed unless authorized or otherwise permitted 19894
by the rules prescribed by an agreement governing the use and 19895
acceptance of the financial transaction device. 19896

If a surcharge or convenience fee is imposed, every township 19897
office accepting payment by a financial transaction device shall 19898
clearly post a notice in that office, and shall notify each person 19899
making a payment by such a device, about the surcharge or fee. 19900
Notice to each person making a payment shall be provided 19901
regardless of the medium used to make the payment and in a manner 19902
appropriate to that medium. Each notice shall include all of the 19903
following: 19904

(1) A statement that there is a surcharge or convenience fee 19905
for using a financial transaction device; 19906

(2) The total amount of the charge or fee expressed in 19907
dollars and cents for each transaction, or the rate of the charge 19908
or fee expressed as a percentage of the total amount of the 19909
transaction, whichever is applicable; 19910

(3) A clear statement that the surcharge or convenience fee 19911
is nonrefundable. 19912

(F) If a person elects to make a payment to the township by a 19913
financial transaction device and a surcharge or convenience fee is 19914
imposed, the payment of the surcharge or fee shall be considered 19915
voluntary and the surcharge or fee is not refundable. 19916

(G) If a person makes payment by financial transaction device 19917
and the payment is returned or dishonored for any reason, the 19918
person is liable to the township for payment of a penalty over and 19919
above the amount of the expense due. The board of township 19920
trustees shall determine the amount of the penalty, which may be 19921
either a fee not to exceed twenty dollars or payment of the amount 19922
necessary to reimburse the township for banking charges, legal 19923
fees, or other expenses incurred by the township in collecting the 19924
returned or dishonored payment. The remedies and procedures 19925
provided in this section are in addition to any other available 19926
civil or criminal remedies provided by law. 19927

(H) No person making any payment by financial transaction 19928
device to a township office shall be relieved from liability for 19929
the underlying obligation except to the extent that the township 19930
realizes final payment of the underlying obligation in cash or its 19931
equivalent. If final payment is not made by the financial 19932
transaction device issuer or other guarantor of payment in the 19933
transaction, the underlying obligation shall survive and the 19934
township shall retain all remedies for enforcement that would have 19935

applied if the transaction had not occurred. 19936

(I) A township official or employee who accepts a financial 19937
transaction device payment in accordance with this section and any 19938
applicable state or local policies or rules is immune from 19939
personal liability for the final collection of such payments. 19940

Sec. 503.56. (A) As used in this section: 19941

(1) "Tourism development district" means a district 19942
designated by a township under this section. 19943

(2) "Territory of a tourism development district" means all 19944
of the area included within the territorial boundaries of a 19945
tourism development district. 19946

(3) "Business" means a sole proprietorship, a corporation for 19947
profit, a pass-through entity as defined in section 5733.04 of the 19948
Revised Code, the federal government, the state, the state's 19949
political subdivisions, a nonprofit organization, or a school 19950
district. A business "operates within the proposed district" if 19951
the business would be subject to a tax levied in the proposed 19952
tourism development district pursuant to division (A)(2) of 19953
section 5739.101 of the Revised Code. 19954

(4) "Owner" means a partner of a partnership, a member of a 19955
limited liability company, a majority shareholder of an S 19956
corporation, a person with a majority ownership interest in a 19957
pass-through entity, or any officer, employee, or agent with the 19958
authority to make decisions legally binding upon a business. The 19959
signature of any owner of a business operates as the signature of 19960
the business. 19961

(5) "Eligible township" means a township wholly or partly 19962
located in a county having a population greater than three hundred 19963
seventy-five thousand but less than four hundred thousand that 19964
levies taxes under section 5739.021 or 5739.026 of the Revised 19965

Code, the aggregate rate of which does not exceed one-half of one 19966
per cent on the effective date of the enactment of this section. 19967

(B)(1) The board of trustees of an eligible township, by 19968
resolution, may declare an unincorporated area of the township to 19969
be a tourism development district for the purpose of fostering and 19970
developing tourism in the district if all of the following 19971
criteria are met: 19972

(a) The district's area does not exceed two hundred acres. 19973

(b) All territory in the district is contiguous. 19974

(c) Before adopting that resolution or ordinance, the board 19975
holds at least two public hearings concerning the creation of the 19976
tourism development district. 19977

(d) Before adopting the resolution or ordinance, the board 19978
receives a petition signed by every record owner of a parcel of 19979
real property located in the proposed district and the owner of 19980
every business that operates in the proposed district. 19981

(e) The board adopts the resolution on or before December 31, 19982
2018. 19983

(2) The petition described in division (B)(1)(d) of this 19984
section shall include an explanation of the taxes and charges that 19985
may be levied or imposed in the proposed district. 19986

(3) The board shall certify the resolution to the tax 19987
commissioner within five days after its adoption, along with a 19988
description of the boundaries of the district authorized in the 19989
resolution. That description shall include sufficient information 19990
for the commissioner to determine if the address of a vendor is 19991
within the boundaries of the district. 19992

(4) Subject to the limitations of division (B)(1)(a) and (b) 19993
of this section, the board of trustees of an eligible township may 19994
enlarge the territory of an existing tourism development district 19995

in the manner prescribed for the creation of a district under 19996
divisions (B)(1) to (3) of this section, except that the petition 19997
described in division (B)(1)(d) of this section must be signed by 19998
every record owner of a parcel of real property located in the 19999
area proposed to be added to the district and the owner of every 20000
business that operates in the area proposed to be added to the 20001
district. 20002

(C) For the purpose of fostering and developing tourism in a 20003
tourism development district, a lessor leasing real property in a 20004
tourism development district may impose and collect a uniform fee 20005
on each parcel of real property leased by the lessor, to be paid 20006
by each of the person's lessees. A lessee is subject to such a fee 20007
only if the lease separately states the amount of the fee. Before 20008
a lessor may impose and collect such a fee, the lessor shall file 20009
a copy of such lease with the fiscal officer of the township that 20010
designated the tourism development district. A lessor that imposes 20011
such a fee shall remit all collections of the fee to the fiscal 20012
officer of the township in which the real property is located. 20013

The board shall establish all regulations necessary to 20014
provide for the administration and remittance of such fees. The 20015
regulations may prescribe the time for payment of the fee, and may 20016
provide for the imposition of a penalty or interest, or both, for 20017
late remittances, provided that the penalty does not exceed ten 20018
per cent of the amount of fee due, and the rate at which interest 20019
accrues does not exceed the rate per annum prescribed pursuant to 20020
section 5703.47 of the Revised Code. The regulations shall 20021
provide, after deducting the real and actual costs of 20022
administering the fee, that the revenue be used exclusively for 20023
fostering and developing tourism within the tourism development 20024
district. 20025

(D) The board of trustees of an eligible township that has 20026
designated a tourism development district under this section may 20027

levy one or both of the taxes authorized under section 503.57 or 20028
5739.101 of the Revised Code. 20029

(E) On or before the first day of each January and June, 20030
beginning after the designation of the tourism development 20031
district, the fiscal officer of the township shall certify a list 20032
of vendors located within the tourism development district to the 20033
tax commissioner, which shall include the name, address, and 20034
vendor's license number for each vendor. 20035

Sec. 503.57. (A) As used in this section: 20036

(1) "Admission" means the right or privilege to enter into a 20037
place. 20038

(2) "Tourism development district" means a district 20039
designated by a township under section 503.56 of the Revised Code. 20040

(3) "Territory of a tourism development district" means all 20041
of the area included within the territorial boundaries of a 20042
tourism development district. 20043

(B) For the purpose of fostering and developing tourism 20044
within a tourism development district and paying the costs of 20045
administering the tax, the legislative authority of a township 20046
may, by resolution, levy a tax upon all of the following: 20047

(1) Amounts paid for admission to any place, including 20048
parking lots and facilities, located in the territory of a tourism 20049
development district; 20050

(2) Amounts paid for tickets or cards of admission to 20051
theaters, operas, and other places of amusement located in the 20052
territory of a tourism development district, sold at places other 20053
than the ticket offices of such places, over and above the amounts 20054
representing the established price therefor at such ticket 20055
offices; 20056

(3) Amounts paid for admission to any public performance at 20057

any roof garden, cabaret, or other similar entertainment venue 20058
located in the territory of a tourism development district, in 20059
which the charge for admission is a service or cover charge; 20060

(4) Amounts paid as annual membership dues by every club or 20061
organization maintaining a golf course located in the territory of 20062
a tourism development district; 20063

(5) Green fees paid to a golf course located in the territory 20064
of a tourism development district either under club or private 20065
ownership. 20066

(C) The rate of a tax levied under this section shall not 20067
exceed five per cent of the admission charge, membership dues, or 20068
green fees. Every person receiving any payment on which a tax is 20069
levied under this section shall collect the amount of the tax from 20070
the person making the admission payment. 20071

(D) The legislative authority of a township levying a tax 20072
pursuant to this section shall establish all regulations necessary 20073
to provide for the administration of the tax. The regulations may 20074
prescribe the time for payment of the tax, and may provide for the 20075
imposition of a penalty or interest, or both, for late payments, 20076
provided that the penalty does not exceed ten per cent of the 20077
amount of tax due, and the rate at which interest accrues does not 20078
exceed the rate per annum prescribed pursuant to section 5703.47 20079
of the Revised Code. The regulations shall provide, after 20080
deducting the real and actual costs of administering the tax, that 20081
the revenue be used exclusively for fostering and developing 20082
tourism within the tourism development district in which the tax 20083
is levied. 20084

Sec. 505.101. The board of township trustees of any township 20085
may, by resolution, enter into a contract, without advertising or 20086
bidding, for the purchase or sale of motor vehicles, materials, 20087
equipment, or supplies from or to any department, agency, or 20088

political subdivision of the state, for the purchase of services 20089
with a soil and water conservation district established under 20090
Chapter ~~1515-~~ 940. of the Revised Code, for the purchase of 20091
supplies, services, materials, and equipment with a regional 20092
planning commission pursuant to division (D) of section 713.23 of 20093
the Revised Code, or for the purchase of services from an 20094
educational service center under section 3313.846 of the Revised 20095
Code. The resolution shall: 20096

(A) Set forth the maximum amount to be paid as the purchase 20097
price for the motor vehicles, materials, equipment, supplies, or 20098
services; 20099

(B) Describe the type of motor vehicles, materials, 20100
equipment, supplies, or services that are to be purchased; 20101

(C) Appropriate sufficient funds to pay the purchase price 20102
for the motor vehicles, materials, equipment, supplies, or 20103
services, except that no such appropriation is necessary if funds 20104
have been previously appropriated for the purpose and remain 20105
unencumbered at the time the resolution is adopted. 20106

Sec. 505.1010. A board of township trustees may purchase real 20107
or personal property at public auction by adopting a resolution to 20108
designate an individual, officer, or employee to represent the 20109
board and tender bids at the auction. Any purchase made at a 20110
public auction shall be subject to a maximum purchase price 20111
established by resolution of the board or an appraisal obtained 20112
before the auction and approved by the board of township trustees. 20113
A purchase made under this section shall comply with division (D) 20114
of section 5705.41 of the Revised Code. 20115

Sec. 505.24. ~~Each (A) In calendar year 2016, each township~~ 20116
~~trustee is entitled to compensation as follows:~~ 20117

~~(A) Except as otherwise provided in division (B) of this~~ 20118

~~section,~~ in an amount for each day of service in the business of the township, to be paid from the township treasury as follows:

(1) In townships having a budget of two hundred fifty thousand dollars or less, ~~twenty~~ thirty-eight dollars and forty-nine cents per day for not more than two hundred days;

(2) In townships having a budget of more than two hundred fifty thousand but not more than ~~one~~ five hundred thousand dollars, ~~twenty-four~~ forty-four dollars and fifty-seven cents per day for not more than two hundred days;

(3) In townships having a budget of more than ~~one~~ five hundred thousand but not more than ~~two~~ seven hundred fifty thousand dollars, ~~twenty-eight~~ forty-seven dollars and fifty twenty-seven cents per day for not more than two hundred days;

(4) In townships having a budget of more than ~~two~~ seven hundred fifty thousand but not more than one million five hundred thousand dollars, ~~thirty-three~~ fifty-four dollars and one cent per day for not more than two hundred days;

(5) In townships having a budget of more than one million five hundred thousand but not more than ~~seven~~ three million five hundred ~~fifty~~ thousand dollars, ~~thirty-five~~ fifty-nine dollars and forty-two cents per day for not more than two hundred days;

(6) In townships having a budget of more than ~~seven~~ three million five hundred ~~fifty~~ thousand but not more than ~~one~~ six million ~~five hundred thousand~~ dollars, ~~forty~~ sixty-four dollars and eighty-two cents per day for not more than two hundred days;

(7) In townships having a budget of more than ~~one~~ six million ~~five hundred thousand~~ but not more than ~~three~~ ten million ~~five hundred thousand~~ dollars, ~~forty-four~~ eighty-three dollars and ninety-nine cents per day for not more than two hundred days;

(8) In townships having a budget of more than ~~three~~ ten

million five hundred thousand dollars but not more than six 20149
million dollars, ~~forty-eight~~ one hundred seven dollars and 20150
ninety-eight cents per day for not more than two hundred days; 20151

~~(9) In townships having a budget of more than six million 20152
dollars, fifty-two dollars per day for not more than two hundred 20153
days. 20154~~

(B) ~~Beginning in~~ In calendar year ~~1999~~ 2017, the amounts paid 20155
as specified in division (A) of this section shall be ~~replaced by~~ 20156
the following amounts: 20157

~~(1) In calendar year 1999, the amounts specified in division 20158
(A) of this section increased by three per cent; 20159~~

~~(2) In calendar year 2000, the amounts determined under 20160
division (B)(1) of this section increased by three per cent; 20161~~

~~(3) In calendar year 2001, the amounts determined under 20162
division (B)(2) of this section increased by three per cent; 20163~~

~~(4) In calendar year 2002, except in townships having a 20164
budget of more than six million dollars, the amounts determined 20165
under division (B)(3) of this section increased by three per cent; 20166
in townships having a budget of more than six million but not more 20167
than ten million dollars, seventy dollars per day for not more 20168
than two hundred days; and in townships having a budget of more 20169
than ten million dollars, ninety dollars per day for not more than 20170
two hundred days; 20171~~

~~(5) In calendar years 2003 through 2008, the amounts 20172
determined under division (B) of this section for the immediately 20173
preceding calendar year increased by the lesser of the following: 20174~~

~~(a) Three per cent; 20175~~

~~(b) The percentage increase, if any, in the consumer price 20176
index over the twelve-month period that ends on the thirtieth day 20177
of September of the immediately preceding calendar year, rounded 20178~~

~~to the nearest one-tenth of one increased by five per cent;~~ 20179

~~(6) In calendar year 2009 and thereafter, the amount 20180
determined under division (B) of this section for calendar year 20181
2008.~~ 20182

~~As used in division (B) of this section, "consumer price 20183
index" has the same meaning as in section 325.18 of the Revised 20184
Code.~~ 20185

~~(C) In calendar year 2018 and thereafter, each township 20186
trustee is entitled to compensation in the amount determined under 20187
division (B) of this section.~~ 20188

~~(D) Whenever members of a board of township trustees are 20189
compensated per diem and not by annual salary, the board shall 20190
establish, by resolution, a method by which each member of the 20191
board shall periodically notify the township fiscal officer of the 20192
number of days spent in the service of the township and the kinds 20193
of services rendered on those days. The per diem compensation 20194
shall be paid from the township general fund or from other 20195
township funds in such proportions as the kinds of services 20196
performed may require. The notice shall be filed with the township 20197
fiscal officer and preserved for inspection by any persons 20198
interested.~~ 20199

By unanimous vote, a board of township trustees may adopt a 20200
method of compensation consisting of an annual salary to be paid 20201
in equal monthly payments. If the office of trustee is held by 20202
more than one person during any calendar year, each person holding 20203
the office shall receive payments for only those months, and any 20204
fractions of those months, during which the person holds the 20205
office. The amount of the annual salary approved by the board 20206
shall be no more than the maximum amount that could be received 20207
annually by a trustee if the trustee were paid on a per diem basis 20208
as specified in this division, and shall be paid from the township 20209

general fund or from other township funds in such proportions as 20210
the board may specify by resolution. Each trustee shall certify 20211
the percentage of time spent working on matters to be paid from 20212
the township general fund and from other township funds in such 20213
proportions as the kinds of services performed. A board of 20214
township trustees that has adopted a salary method of compensation 20215
may return to a method of compensation on a per diem basis as 20216
specified in this division by a majority vote. Any change in the 20217
method of compensation shall be effective on the first day of 20218
January of the year following the year during which the board has 20219
voted to change the method of compensation. 20220

Sec. 505.701. The board of trustees of any township, through 20221
unanimous vote of its membership, may designate, participate in, 20222
and cooperate with any community improvement corporation organized 20223
under Chapter 1724. of the Revised Code and may give financial or 20224
other assistance, including any fees generated by the corporation, 20225
to that corporation to defray ~~its administrative~~ the expenses of 20226
the corporation. The corporation may use the board's contributions 20227
for any of its functions under Chapter 1724. of the Revised Code 20228
subject to any limitations as may be provided by resolution of the 20229
board of trustees. Any moneys contributed by the board ~~for this~~ 20230
~~purpose to the corporation~~ shall be drawn from the general fund of 20231
the township not otherwise appropriated. 20232

In addition, the board may purchase real property for the 20233
purpose of transferring that property to the community improvement 20234
corporation. In order to finance the purchase of that real 20235
property, the board may issue general obligation bonds of the 20236
township in accordance with Chapter 133. of the Revised Code, for 20237
which the full faith and credit of the township shall be pledged. 20238

Sec. 505.86. (A) As used in this section, ~~"total;~~ 20239

"Party in interest" means an owner of record of the real 20240
property on which the building or structure is located, and 20241
includes a holder of a legal or equitable lien of record on the 20242
real property or the building or other structure. 20243

"Total cost" means any costs incurred due to the use of 20244
employees, materials, or equipment of the township, any costs 20245
arising out of contracts for labor, materials, or equipment, and 20246
costs of service of notice or publication required under this 20247
section. 20248

(B) A board of township trustees, by resolution, may provide 20249
for the removal, repair, or securance of buildings or other 20250
structures in the township that have been declared insecure, 20251
unsafe, or structurally defective by any fire department under 20252
contract with the township or by the county building department or 20253
other authority responsible under Chapter 3781. of the Revised 20254
Code for the enforcement of building regulations or the 20255
performance of building inspections in the township, or buildings 20256
or other structures that have been declared to be in a condition 20257
dangerous to life or health, or unfit for human habitation by the 20258
board of health of the general health district of which the 20259
township is a part. 20260

At least thirty days prior to the removal, repair, or 20261
securance of any insecure, unsafe, or structurally defective 20262
building or other structure, the board of township trustees shall 20263
give notice by certified mail, return receipt requested, to each 20264
party in interest of its intention with respect to the removal, 20265
repair, or securance ~~to the holders of legal or equitable liens of~~ 20266
~~record upon the real property on which the building is located and~~ 20267
~~to owners of record of the property of an insecure, unsafe, or~~ 20268
structurally defective or unfit building or other structure. 20269

If the ~~owner's~~ address of a party in interest is unknown and 20270
cannot reasonably be obtained, it is sufficient to publish the 20271

notice once in a newspaper of general circulation in the township. 20272

(C)(1) If the board of trustees, in a resolution adopted 20273
under this section, pursues action to remove any insecure, unsafe, 20274
or structurally defective building or other structure, the notice 20275
shall include a statement informing the parties in interest that 20276
each party in interest is entitled to a hearing if the party in 20277
interest requests a hearing in writing within thirty days after 20278
which the notice was mailed. The written request for a hearing 20279
shall be made to the township fiscal officer. 20280

(2) If a party in interest timely requests a hearing, the 20281
board shall set the date, time, and place for the hearing and 20282
notify the party in interest by certified mail, return receipt 20283
requested. The date set for the hearing shall be within fifteen 20284
days, but not earlier than seven days, after the party in interest 20285
has requested a hearing, unless otherwise agreed to by both the 20286
board and the party in interest. The hearing shall be recorded by 20287
stenographic or electronic means. 20288

(3) The board shall make an order deciding the matter not 20289
later than thirty days after a hearing, or not later than thirty 20290
days after mailing notice to the parties in interest if no party 20291
in interest requested a hearing. The order may dismiss the matter 20292
or direct the removal, repair, or securance of the building or 20293
other structure. At any time, a party in interest may consent to 20294
an order. 20295

(4) A party in interest who requested and participated in a 20296
hearing, and who is adversely affected by the order of the board, 20297
may appeal the order under section 2506.01 of the Revised Code. 20298

~~The owners of record of the property or the holders of liens~~ 20299
~~of record upon the property~~ (D) At any time, a party in interest 20300
may enter into an agreement with the board of township trustees to 20301
perform the removal, repair, or securance of the insecure, unsafe, 20302

or structurally defective or unfit building or other structure. ~~If~~ 20303

(E) If an emergency exists, as determined by the board, 20304
notice may be given other than by certified mail and less than 20305
thirty days prior to the removal, repair, or securance. 20306

~~(C) A board may collect the~~ (F) The total cost of removing, 20307
repairing, or securing buildings or other structures that have 20308
been declared insecure, unsafe, structurally defective, or unfit 20309
for human habitation, or of making emergency corrections of 20310
hazardous conditions, when approved by the board, shall be paid 20311
out of the township general fund from moneys not otherwise 20312
appropriated, except that, if the costs incurred exceed five 20313
hundred dollars, the board may borrow moneys from a financial 20314
institution to pay for the costs in whole or in part. 20315

The total cost may be collected by either of the following 20316
methods: 20317

(1) The board may have the fiscal officer of the township 20318
certify the total costs, together with a proper description of the 20319
lands to the county auditor who shall place the costs upon the tax 20320
duplicate. The costs are a lien upon the lands from and after the 20321
date of entry. ~~The costs shall be collected as other taxes and~~ 20322
~~returned to the township general fund.~~ 20323

(2) The board may commence a civil action to recover the 20324
total costs from the owner of record of the real property on which 20325
the building or structure is located. 20326

~~(D)~~(G) Any board of township trustees may, whenever a policy 20327
or policies of insurance are in force providing coverage against 20328
the peril of fire on a building or structure and the loss agreed 20329
to between the named insured or insureds and the company or 20330
companies is more than five thousand dollars and equals or exceeds 20331
sixty per cent of the aggregate limits of liability on all fire 20332
policies covering the building or structure on the property, 20333

accept security payments and follow the procedures of divisions 20334
(C) and (D) of section 3929.86 of the Revised Code. 20335

Sec. 507.09. (A) ~~Except as otherwise provided in division (D)~~ 20336
~~of this section~~ In calendar year 2016, the township fiscal officer 20337
shall be entitled to compensation as follows: 20338

(1) In townships having a budget of two hundred fifty 20339
thousand dollars or less, ~~three~~ ten thousand ~~five~~ three hundred 20340
ninety-eight dollars; 20341

(2) In townships having a budget of more than two hundred 20342
fifty thousand but not more than ~~one~~ five hundred thousand 20343
dollars, ~~five~~ thirteen thousand ~~five~~ three hundred seventy 20344
dollars; 20345

(3) In townships having a budget of more than ~~one~~ five 20346
hundred thousand but not more than ~~two~~ seven hundred fifty 20347
thousand dollars, ~~seven~~ fourteen thousand ~~seven~~ eight hundred 20348
fifty-four dollars; 20349

(4) In townships having a budget of more than ~~two~~ seven 20350
hundred fifty thousand but not more than one million five hundred 20351
thousand dollars, ~~nine~~ seventeen thousand ~~nine~~ eight hundred 20352
twenty-six dollars; 20353

(5) In townships having a budget of more than one million 20354
five hundred thousand but not more than ~~seven~~ three million five 20355
hundred ~~fifty~~ thousand dollars, ~~eleven~~ twenty thousand seven 20356
hundred ninety-six dollars; 20357

(6) In townships having a budget of more than ~~seven~~ three 20358
million five hundred ~~fifty~~ thousand but not more than ~~one~~ six 20359
million ~~five hundred thousand~~ dollars, ~~thirteen~~ twenty-two 20360
thousand two hundred eighty-two dollars; 20361

(7) In townships having a budget of more than ~~one~~ six million 20362
~~five hundred thousand~~ but not more than ~~three~~ ten million ~~five~~ 20363

~~hundred thousand~~ dollars, ~~fifteen~~ twenty-five thousand ~~four~~ five
hundred seventy-three dollars; 20364
20365

(8) In townships having a budget of more than ~~three~~ ten
million ~~five hundred thousand dollars but not more than six~~
million dollars, ~~sixteen~~ twenty-nine thousand five hundred
eighty-five dollars; 20366
20367
20368
20369

~~(9) In townships having a budget of more than six million~~
~~dollars, seventeen thousand six hundred dollars.~~ 20370
20371

(B) In calendar year 2017, the compensation determined under
division (A) of this section shall be increased by five per cent. 20372
20373

(C) In calendar year 2018 and thereafter, the township fiscal
officer shall be entitled to the compensation determined under
division (B) of this section. 20374
20375
20376

(D) Any township fiscal officer may elect to receive less
than the compensation the fiscal officer is entitled to under
~~division (A)~~ of this section. Any township fiscal officer electing
to do this shall so notify the board of township trustees in
writing, and the board shall include this notice in the minutes of
its next board meeting. 20377
20378
20379
20380
20381
20382

~~(C)~~(E) The compensation of the township fiscal officer shall
be paid in equal monthly payments. If the office of township
fiscal officer is held by more than one person during any calendar
year, each person holding the office shall receive payments for
only those months, and any fractions of those months, during which
the person holds the office. 20383
20384
20385
20386
20387
20388

A township fiscal officer may be compensated from the
township general fund or from other township funds based on the
proportion of time the township fiscal officer spends providing
services related to each fund. A township fiscal officer must
document the amount of time the township fiscal officer spends
providing services related to each fund by certification 20389
20390
20391
20392
20393
20394

specifying the percentage of time spent working on matters to be 20395
paid from the township general fund or from other township funds 20396
in such proportions as the kinds of services performed. 20397

~~(D) Beginning in calendar year 1999, the township fiscal 20398
officer shall be entitled to compensation as follows: 20399~~

~~(1) In calendar year 1999, the compensation specified in 20400
division (A) of this section increased by three per cent; 20401~~

~~(2) In calendar year 2000, the compensation determined under 20402
division (D)(1) of this section increased by three per cent; 20403~~

~~(3) In calendar year 2001, the compensation determined under 20404
division (D)(2) of this section increased by three per cent; 20405~~

~~(4) In calendar year 2002, except in townships having a 20406
budget of more than six million dollars, the compensation 20407
determined under division (D)(3) of this section increased by 20408
three per cent; in townships having a budget of more than six 20409
million but not more than ten million dollars, nineteen thousand 20410
eight hundred ten dollars; and in townships having a budget of 20411
more than ten million dollars, twenty thousand nine hundred 20412
dollars; 20413~~

~~(5) In calendar year 2003, the compensation determined under 20414
division (D)(4) of this section increased by three per cent or the 20415
percentage increase in the consumer price index as described in 20416
division (D)(7)(b) of this section, whichever percentage is lower; 20417~~

~~(6) In calendar year 2004, except in townships having a 20418
budget of more than six million dollars, the compensation 20419
determined under division (D)(5) of this section for the calendar 20420
year 2003 increased by three per cent or the percentage increase 20421
in the consumer price index as described in division (D)(7)(b) of 20422
this section, whichever percentage is lower; in townships having a 20423
budget of more than six million but not more than ten million 20424
dollars, twenty-two thousand eighty-seven dollars; and in 20425~~

~~townships having a budget of more than ten million dollars,~~ 20426
~~twenty five thousand five hundred fifty three dollars;~~ 20427

~~(7) In calendar years 2005 through 2008, the compensation~~ 20428
~~determined under division (D) of this section for the immediately~~ 20429
~~preceding calendar year increased by the lesser of the following:~~ 20430

~~(a) Three per cent;~~ 20431

~~(b) The percentage increase, if any, in the consumer price~~ 20432
~~index over the twelve month period that ends on the thirtieth day~~ 20433
~~of September of the immediately preceding calendar year, rounded~~ 20434
~~to the nearest one tenth of one per cent;~~ 20435

~~(8) In calendar year 2009 and thereafter, the amount~~ 20436
~~determined under division (D) of this section for calendar year~~ 20437
~~2008.~~ 20438

~~As used in this division, "consumer price index" has the same~~ 20439
~~meaning as in section 325.18 of the Revised Code.~~ 20440

Sec. 507.11. (A) The board of township trustees may 20441
authorize, by resolution, township officers and employees to incur 20442
obligations of two thousand five hundred dollars or less on behalf 20443
of the township, or it may authorize, by resolution, the township 20444
administrator to so authorize township officers and employees. The 20445
obligations incurred on behalf of the township by a township 20446
officer or employee acting pursuant to any such resolution shall 20447
be subsequently approved by the adoption of a formal resolution of 20448
the board of township trustees. 20449

(B)(1) No money belonging to the township shall be paid out, 20450
except upon an order signed by at least two of the township 20451
trustees, and countersigned by the township fiscal officer. 20452

(2) As provided in division (E) of section 9.37 of the 20453
Revised Code, and notwithstanding division (B)(1) of this section, 20454
a board of township trustees may adopt a resolution authorizing 20455

the payment of lawful obligations of the township by direct 20456
deposit of funds by electronic transfer in accordance with section 20457
9.37 of the Revised Code. 20458

Sec. 517.07. Upon application, the board of township trustees 20459
shall sell at a reasonable price the number of lots as public 20460
wants demand for burial purposes. Purchasers of lots or other 20461
interment rights, upon complying with the terms of sale, may 20462
receive deeds for the lots or rights which the board shall execute 20463
and which shall be recorded by the township fiscal officer in a 20464
book for that purpose. The expense of recording shall be paid by 20465
the person receiving the deed. Upon the application of a head of a 20466
family living in the township, the board shall, without charge, 20467
make and deliver to the applicant a deed for a suitable lot or 20468
right for the ~~burial~~ interment of the applicant's family, if, in 20469
the opinion of the board and by reason of the circumstances of the 20470
family, the payment would be oppressive. 20471

The terms of sale and any deed for lots executed after July 20472
24, 1986, for an entombment, columbarium, or other interment right 20473
executed on or after the effective date of this amendment, may 20474
include the following requirements: 20475

(A) The grantee shall provide to the board of township 20476
trustees, in writing, a list of the names and addresses of the 20477
persons to whom the grantee's property would pass by intestate 20478
succession. 20479

(B) The grantee shall notify the board in writing of any 20480
subsequent changes in the name or address of any persons to whom 20481
property would descend. 20482

(C) Any person who receives a township cemetery lot or right 20483
by gift, inheritance, or any other means other than the original 20484
conveyance shall, within one year after receiving the interest, 20485
give written notice of the person's name and address to the board 20486

having control of the cemetery, and shall notify the board of any 20487
subsequent changes in the person's name or address. 20488

The terms of sale and any deed for any lots or rights 20489
executed in compliance with the notification requirements set 20490
forth in divisions (A), (B), and (C) of this section shall state 20491
that the board of township trustees shall have right of reentry to 20492
the cemetery lot or right if the notification requirements are not 20493
met. At least ninety days before establishing reentry, the board 20494
shall send a notice by certified mail to the last known owner at 20495
the owner's last known address to inform the owner that the 20496
owner's interest in the lot or right will cease unless the 20497
notification requirements are met. If the owner's address is 20498
unknown and cannot reasonably be obtained, it is sufficient to 20499
publish the notice once in a newspaper of general circulation in 20500
the county. In order to establish reentry, the board shall pass a 20501
resolution stating that the conditions of the sale or of the deed 20502
have not been fulfilled, and that the board reclaims its interest 20503
in the lot or right. 20504

The board may limit the terms of sale or the deed for a 20505
cemetery lot or right by specifying that the owner, a member of 20506
the owner's family, or an owner's descendant must use the lot, 20507
tomb, or columbarium, or at least ~~one burial place within a~~ 20508
portion of the lot, tomb, or columbarium, within a specified time 20509
period. The board may specify this time period to be at least 20510
twenty but not more than fifty years, with right of renewal 20511
provided at no cost. At least ninety days prior to the termination 20512
date for use of the cemetery lot, tomb, or columbarium, the board 20513
shall send a notice to the owner to inform the owner that the 20514
owner's interest in the lot or right will cease on the termination 20515
date unless the owner contracts for renewal by that date. The 20516
board shall send the notice by certified mail to the owner if the 20517
owner is a resident of the township or is a nonresident whose 20518

address is known. If the owner's address is unknown and cannot
reasonably be obtained, it is sufficient to publish the notice
once in a newspaper of general circulation in the county.

The terms of sale and any deed for lots or rights conveyed
with a termination date shall state that the board shall have
right of reentry to the lot or right at the end of the specified
time period if the lot, tomb, or columbarium, is not used within
this time period or renewed for an extended period. In order to
establish reentry, the board shall pass a resolution stating that
the conditions of the sale or of the deed have not been fulfilled,
and that the board reclaims its interest in the lot or right. The
board shall compensate owners of unused lots or rights who do not
renew the terms of sale or the deed by paying the owner eighty per
cent of the purchase price. The board may repurchase any cemetery
lot or right from its owner at any time at a price that is
mutually agreed upon by the board and the owner.

Sec. 517.073. The board of township trustees may reenter a
lot for which the terms of sale or deed was executed prior to July
24, 1986, or an entombment, columbarium, or other interment right
for which the terms of sale or deed was executed prior to the
effective date of this section, if the board determines the lot or
right is unused and adopts a resolution creating a procedure for
right of reentry in accordance with this section. The resolution
shall state that the board of township trustees has the right of
reentry to the cemetery lot or right purchased prior to July 24,
1986, or prior to the effective date of this section. Before
reentering a lot or right, the board shall send a notice by
certified mail to the last known owner at the owner's last known
address to inform the owner that the owner's interest in the lot
or right will cease unless the owner or owner's heir responds by a
specified date. If the owner's address is unknown and cannot be
obtained reasonably, it is sufficient to publish the notice once

in a newspaper of general circulation in the county. To establish 20551
reentry, the board shall pass a resolution stating that the owner 20552
has not responded by the specified date, and that the board 20553
reclaims its interest in the lot or right. 20554

At least ninety days prior to the termination date for use of 20555
the cemetery lot, tomb, or columbarium, the board shall send a 20556
notice to the owner to inform the owner that the owner's interest 20557
in the lot or right will cease on the termination date unless the 20558
owner or owner's heir contracts for renewal by that date. The 20559
board shall send the notice by certified mail to the owner if the 20560
owner is a resident of the township or is a nonresident whose 20561
address is known. If the owner's address is unknown and cannot 20562
reasonably be obtained, it is sufficient to publish the notice 20563
once in a newspaper of general circulation in the county. 20564

In order to establish reentry, the board shall pass a 20565
resolution stating that because of the lack of response to notice 20566
sent by certified mail that provided a termination date, the board 20567
reclaims its interest in the lot or right. 20568

Sec. 517.15. A board of township trustees may create a 20569
permanent cemetery endowment fund for the purpose of maintaining, 20570
improving, and beautifying township cemeteries and burial lots in 20571
township cemeteries. The fund shall consist of money arising from 20572
the following sources: 20573

(A) Gifts, devises, or bequests received for the purpose of 20574
maintaining, improving, or beautifying township cemeteries; 20575

(B) Charges added to the price regularly charged for burial 20576
lots for the purpose of maintaining, improving, or beautifying 20577
township cemeteries; 20578

(C) Contributions of money from the township general fund; 20579

(D) An individual agreement with the purchaser of a burial 20580

lot providing that a part of the purchase price is to be applied 20581
to the purpose of maintaining, improving, or beautifying any 20582
burial lot designated and named by the purchaser; 20583

(E) Individual gifts, devises, or bequests made for the 20584
maintenance, improvement, and beautification of any burial lot 20585
designated and named by the person making the gift, devise, or 20586
bequest. 20587

Upon unanimous consent of the board of trustees, the board 20588
may use the principal of the fund if the board is unable to 20589
maintain, improve, and beautify township cemeteries using only the 20590
income from the fund. 20591

Sec. 715.014. (A) As used in this section: 20592

(1) "Tourism development district" means a district 20593
designated by a municipal corporation under this section. 20594

(2) "Territory of a tourism development district" means all 20595
of the area included within the territorial boundaries of a 20596
tourism development district. 20597

(3) "Business" and "owner" have the same meanings as in 20598
section 503.56 of the Revised Code. 20599

(4) "Eligible municipal corporation" means a municipal 20600
corporation wholly or partly located in a county having a 20601
population greater than three hundred seventy-five thousand but 20602
less than four hundred thousand that levies taxes under section 20603
5739.021 or 5739.026 of the Revised Code, the aggregate rate of 20604
which does not exceed one-half of one per cent on the effective 20605
date of the enactment of this section. 20606

(5) "Fiscal officer" means the city auditor, village clerk, 20607
or other municipal officer having the duties and functions of a 20608
city auditor or village clerk. 20609

(B)(1) The legislative authority of an eligible municipal 20610

corporation, by resolution or ordinance, may declare an area of 20611
the municipal corporation to be a tourism development district for 20612
the purpose of fostering and developing tourism in the district if 20613
all of the following criteria are met: 20614

(a) The district's area does not exceed two hundred acres. 20615

(b) All territory in the district is contiguous. 20616

(c) Before adopting the resolution or ordinance, the 20617
legislative authority holds at least two public hearings 20618
concerning the creation of the tourism development district. 20619

(d) Before adopting the resolution or ordinance, the 20620
legislative authority receives a petition signed by every record 20621
owner of a parcel of real property located in the proposed 20622
district and the owner of every business that operates in the 20623
proposed district. 20624

(e) The legislative authority adopts the resolution or 20625
ordinance on or before December 31, 2018. 20626

(2) The petition described in division (B)(1)(d) of this 20627
section shall include an explanation of the taxes and charges that 20628
may be levied or imposed in the proposed district. 20629

(3) The legislative authority shall certify the resolution or 20630
ordinance to the tax commissioner within five days after its 20631
adoption, along with a description of the boundaries of the 20632
district authorized in the resolution. That description shall 20633
include sufficient information for the commissioner to determine 20634
if the address of a vendor is within the boundaries of the 20635
district. 20636

(4) Subject to the limitations of divisions (B)(1)(a) and (b) 20637
of this section, the legislative authority of an eligible 20638
municipal corporation may enlarge the territory of an existing 20639
tourism development district in the manner prescribed for the 20640

creation of a district under divisions (B)(1) to (3) of this 20641
section, except that the petition described in division (B)(1)(d) 20642
of this section must be signed by every record owner of a parcel 20643
of real property located in the area proposed to be added to the 20644
district and the owner of every business that operates in the area 20645
proposed to be added to the district. 20646

(C) For the purpose of fostering and developing tourism in a 20647
tourism development district, a lessor leasing real property in a 20648
tourism development district may impose and collect a uniform fee 20649
on each parcel of real property leased by the lessor, to be paid 20650
by each of the person's lessees. A lessee is subject to such a fee 20651
only if the lease separately states the amount of the fee. Before 20652
a lessor may impose and collect such a fee, the lessor shall file 20653
a copy of such lease with the fiscal officer. A lessor that 20654
imposes such a fee shall remit all collections of the fee to the 20655
municipal corporation in which the real property is located. 20656

The legislative authority of that municipal corporation shall 20657
establish all regulations necessary to provide for the 20658
administration and remittance of such fees. The regulations may 20659
prescribe the time for payment of the fee, and may provide for the 20660
imposition of a penalty or interest, or both, for late 20661
remittances, provided that the penalty does not exceed ten per 20662
cent of the amount of fee due, and the rate at which interest 20663
accrues does not exceed the rate per annum prescribed pursuant to 20664
section 5703.47 of the Revised Code. The regulations shall 20665
provide, after deducting the real and actual costs of 20666
administering the fee, that the revenue be used exclusively for 20667
fostering and developing tourism within the tourism development 20668
district. 20669

(D) The legislative authority of an eligible municipal 20670
corporation that has designated a tourism development district may 20671
levy the tax authorized under section 5739.101 of the Revised 20672

Code. Nothing in this section limits the power of the legislative 20673
authority of a municipal corporation to levy a tax on the basis of 20674
admissions in a tourism development district pursuant to its 20675
powers of local self-government conferred by Section 3 of Article 20676
XVIII, Ohio Constitution. 20677

(E) On or before the first day of each January and June, 20678
beginning after the designation of the tourism development 20679
district, the fiscal officer shall certify a list of vendors 20680
located within the tourism development district to the tax 20681
commissioner, which shall include the name, address, and vendor's 20682
license number for each vendor. 20683

Sec. 717.01. Each municipal corporation may do any of the 20684
following: 20685

(A) Acquire by purchase or condemnation real estate with or 20686
without buildings on it, and easements or interests in real 20687
estate; 20688

(B) Extend, enlarge, reconstruct, repair, equip, furnish, or 20689
improve a building or improvement that it is authorized to acquire 20690
or construct; 20691

(C) Erect a crematory or provide other means for disposing of 20692
garbage or refuse, and erect public comfort stations; 20693

(D) Purchase turnpike roads and make them free; 20694

(E) Construct wharves and landings on navigable waters; 20695

(F) Construct infirmaries, workhouses, prisons, police 20696
stations, houses of refuge and correction, market houses, public 20697
halls, public offices, municipal garages, repair shops, storage 20698
houses, and warehouses; 20699

(G) Construct or acquire waterworks for supplying water to 20700
the municipal corporation and its inhabitants and extend the 20701
waterworks system outside of the municipal corporation limits; 20702

(H) Construct or purchase gas works or works for the	20703
generation and transmission of electricity, for the supplying of	20704
gas or electricity to the municipal corporation and its	20705
inhabitants;	20706
(I) Provide grounds for cemeteries or crematories, enclose	20707
and embellish them, and construct vaults or crematories;	20708
(J) Construct sewers, sewage disposal works, flushing	20709
tunnels, drains, and ditches;	20710
(K) Construct free public libraries and reading rooms, and	20711
free recreation centers;	20712
(L) Establish free public baths and municipal lodging houses;	20713
(M) Construct monuments or memorial buildings to commemorate	20714
the services of soldiers, sailors, and marines of the state and	20715
nation;	20716
(N) Provide land for and improve parks, boulevards, and	20717
public playgrounds;	20718
(O) Construct hospitals and pesthouses;	20719
(P) Open, construct, widen, extend, improve, resurface, or	20720
change the line of any street or public highway;	20721
(Q) Construct and improve levees, dams, waterways,	20722
waterfronts, and embankments and improve any watercourse passing	20723
through the municipal corporation;	20724
(R) Construct or improve viaducts, bridges, and culverts;	20725
(S)(1) Construct any building necessary for the police or	20726
fire department;	20727
(2) Purchase fire engines or fire boats;	20728
(3) Construct water towers or fire cisterns;	20729
(4) Place underground the wires or signal apparatus of any	20730
police or fire department.	20731

(T) Construct any municipal ice plant for the purpose of 20732
manufacturing ice for the citizens of a municipal corporation; 20733

(U) Construct subways under any street or boulevard or 20734
elsewhere; 20735

(V) Acquire by purchase, gift, devise, bequest, lease, 20736
condemnation proceedings, or otherwise, real or personal property, 20737
and thereon and thereof to establish, construct, enlarge, improve, 20738
equip, maintain, and operate airports, landing fields, or other 20739
air navigation facilities, either within or outside the limits of 20740
a municipal corporation, and acquire by purchase, gift, devise, 20741
lease, or condemnation proceedings rights-of-way for connections 20742
with highways, waterways, and electric, steam, and interurban 20743
railroads, and improve and equip such facilities with structures 20744
necessary or appropriate for such purposes. No municipal 20745
corporation may take or disturb property or facilities belonging 20746
to any public utility or to a common carrier engaged in interstate 20747
commerce, which property or facilities are required for the proper 20748
and convenient operation of the utility or carrier, unless 20749
provision is made for the restoration, relocation, or duplication 20750
of the property or facilities elsewhere at the sole cost of the 20751
municipal corporation. 20752

(W) Provide by agreement with any regional airport authority, 20753
created under section 308.03 of the Revised Code, for the making 20754
of necessary surveys, appraisals, and examinations preliminary to 20755
the acquisition or construction of any airport or airport facility 20756
and pay the portion of the expense of the surveys, appraisals, and 20757
examinations as set forth in the agreement; 20758

(X) Provide by agreement with any regional airport authority, 20759
created under section 308.03 of the Revised Code, for the 20760
acquisition, construction, maintenance, or operation of any 20761
airport or airport facility owned or to be owned and operated by 20762
the regional airport authority or owned or to be owned and 20763

operated by the municipal corporation and pay the portion of the 20764
expense of it as set forth in the agreement; 20765

(Y) Acquire by gift, purchase, lease, or condemnation, land, 20766
forest, and water rights necessary for conservation of forest 20767
reserves, water parks, or reservoirs, either within or without the 20768
limits of the municipal corporation, and improve and equip the 20769
forest and water parks with structures, equipment, and 20770
reforestation necessary or appropriate for any purpose for the 20771
utilization of any of the forest and water benefits that may 20772
properly accrue therefrom to the municipal corporation; 20773

(Z) Acquire real property by purchase, gift, or devise and 20774
construct and maintain on it public swimming pools, either within 20775
or outside the limits of the municipal corporation; 20776

(AA) Construct or rehabilitate, equip, maintain, operate, and 20777
lease facilities for housing of elderly persons and for persons of 20778
low and moderate income, and appurtenant facilities. No municipal 20779
corporation shall deny housing accommodations to or withhold 20780
housing accommodations from elderly persons or persons of low and 20781
moderate income because of race, color, religion, sex, familial 20782
status as defined in section 4112.01 of the Revised Code, military 20783
status as defined in that section, disability as defined in that 20784
section, ancestry, or national origin. Any elderly person or 20785
person of low or moderate income who is denied housing 20786
accommodations or has them withheld by a municipal corporation 20787
because of race, color, religion, sex, familial status as defined 20788
in section 4112.01 of the Revised Code, military status as defined 20789
in that section, disability as defined in that section, ancestry, 20790
or national origin may file a charge with the Ohio civil rights 20791
commission as provided in Chapter 4112. of the Revised Code. 20792

(BB) Acquire, rehabilitate, and develop rail property or rail 20793
service, and enter into agreements with the Ohio rail development 20794
commission, boards of county commissioners, boards of township 20795

trustees, legislative authorities of other municipal corporations, 20796
with other governmental agencies or organizations, and with 20797
private agencies or organizations in order to achieve those 20798
purposes; 20799

(CC) Appropriate and contribute money to a soil and water 20800
conservation district for use under Chapter ~~1515-~~ 940. of the 20801
Revised Code; 20802

(DD) Authorize the board of county commissioners, pursuant to 20803
a contract authorizing the action, to contract on the municipal 20804
corporation's behalf for the administration and enforcement within 20805
its jurisdiction of the state building code by another county or 20806
another municipal corporation located within or outside the 20807
county. The contract for administration and enforcement shall 20808
provide for obtaining certification pursuant to division (E) of 20809
section 3781.10 of the Revised Code for the exercise of 20810
administration and enforcement authority within the municipal 20811
corporation seeking those services and shall specify which 20812
political subdivision is responsible for securing that 20813
certification. 20814

(EE) Expend money for providing and maintaining services and 20815
facilities for senior citizens. 20816

"Airport," "landing field," and "air navigation facility," as 20817
defined in section 4561.01 of the Revised Code, apply to division 20818
(V) of this section. 20819

As used in divisions (W) and (X) of this section, "airport" 20820
and "airport facility" have the same meanings as in section 308.01 20821
of the Revised Code. 20822

As used in division (BB) of this section, "rail property" and 20823
"rail service" have the same meanings as in section 4981.01 of the 20824
Revised Code. 20825

Sec. 718.01. Any term used in this chapter that is not 20826
otherwise defined in this chapter has the same meaning as when 20827
used in a comparable context in laws of the United States relating 20828
to federal income taxation or in Title LVII of the Revised Code, 20829
unless a different meaning is clearly required. If a term used in 20830
this chapter that is not otherwise defined in this chapter is used 20831
in a comparable context in both the laws of the United States 20832
relating to federal income tax and in Title LVII of the Revised 20833
Code and the use is not consistent, then the use of the term in 20834
the laws of the United States relating to federal income tax shall 20835
control over the use of the term in Title LVII of the Revised 20836
Code. 20837

As used in this chapter: 20838

(A)(1) "Municipal taxable income" means the following: 20839

(a) For a person other than an individual, income reduced by 20840
exempt income to the extent otherwise included in income and then, 20841
as applicable, apportioned or sitused to the municipal corporation 20842
under section 718.02 of the Revised Code, and further reduced by 20843
any pre-2017 net operating loss carryforward available to the 20844
person for the municipal corporation. 20845

(b)(i) For an individual who is a resident of a municipal 20846
corporation other than a qualified municipal corporation, income 20847
reduced by exempt income to the extent otherwise included in 20848
income, then reduced as provided in division (A)(2) of this 20849
section, and further reduced by any pre-2017 net operating loss 20850
carryforward available to the individual for the municipal 20851
corporation. 20852

(ii) For an individual who is a resident of a qualified 20853
municipal corporation, Ohio adjusted gross income reduced by 20854
income exempted, and increased by deductions excluded, by the 20855
qualified municipal corporation from the qualified municipal 20856

corporation's tax ~~on or before December 31, 2013~~. If a qualified 20857
municipal corporation, on or before December 31, 2013, exempts 20858
income earned by individuals who are not residents of the 20859
qualified municipal corporation and net profit of persons that are 20860
not wholly located within the qualified municipal corporation, 20861
such individual or person shall have no municipal taxable income 20862
for the purposes of the tax levied by the qualified municipal 20863
corporation and may be exempted by the qualified municipal 20864
corporation from the requirements of section 718.03 of the Revised 20865
Code. 20866

(c) For an individual who is a nonresident of a municipal 20867
corporation, income reduced by exempt income to the extent 20868
otherwise included in income and then, as applicable, apportioned 20869
or sitused to the municipal corporation under section 718.02 of 20870
the Revised Code, then reduced as provided in division (A)(2) of 20871
this section, and further reduced by any pre-2017 net operating 20872
loss carryforward available to the individual for the municipal 20873
corporation. 20874

(2) In computing the municipal taxable income of a taxpayer 20875
who is an individual, the taxpayer may subtract, as provided in 20876
division (A)(1)(b)(i) or (c) of this section, the amount of the 20877
individual's employee business expenses reported on the 20878
individual's form 2106 that the individual deducted for federal 20879
income tax purposes for the taxable year, subject to the 20880
limitation imposed by section 67 of the Internal Revenue Code. For 20881
the municipal corporation in which the taxpayer is a resident, the 20882
taxpayer may deduct all such expenses allowed for federal income 20883
tax purposes. For a municipal corporation in which the taxpayer is 20884
not a resident, the taxpayer may deduct such expenses only to the 20885
extent the expenses are related to the taxpayer's performance of 20886
personal services in that nonresident municipal corporation. 20887

(B) "Income" means the following: 20888

(1)(a) For residents, all income, salaries, qualifying wages, 20889
commissions, and other compensation from whatever source earned or 20890
received by the resident, including the resident's distributive 20891
share of the net profit of pass-through entities owned directly or 20892
indirectly by the resident and any net profit of the resident, 20893
except as provided in division (D)(4) of this section. 20894

(b) For the purposes of division (B)(1)(a) of this section: 20895

(i) Any net operating loss of the resident incurred in the 20896
taxable year and the resident's distributive share of any net 20897
operating loss generated in the same taxable year and attributable 20898
to the resident's ownership interest in a pass-through entity 20899
shall be allowed as a deduction, for that taxable year and the 20900
following five taxable years, against any other net profit of the 20901
resident or the resident's distributive share of any net profit 20902
attributable to the resident's ownership interest in a 20903
pass-through entity until fully utilized, subject to division 20904
(B)(1)(d) of this section; 20905

(ii) The resident's distributive share of the net profit of 20906
each pass-through entity owned directly or indirectly by the 20907
resident shall be calculated without regard to any net operating 20908
loss that is carried forward by that entity from a prior taxable 20909
year and applied to reduce the entity's net profit for the current 20910
taxable year. 20911

(c) Division (B)(1)(b) of this section does not apply with 20912
respect to any net profit or net operating loss attributable to an 20913
ownership interest in an S corporation unless shareholders' 20914
distributive shares of net profits from S corporations are subject 20915
to tax in the municipal corporation as provided in division 20916
(C)(14)(b) or (c) of this section. 20917

(d) Any amount of a net operating loss used to reduce a 20918
taxpayer's net profit for a taxable year shall reduce the amount 20919

of net operating loss that may be carried forward to any 20920
subsequent year for use by that taxpayer. In no event shall the 20921
cumulative deductions for all taxable years with respect to a 20922
taxpayer's net operating loss exceed the original amount of that 20923
net operating loss available to that taxpayer. 20924

(2) In the case of nonresidents, all income, salaries, 20925
qualifying wages, commissions, and other compensation from 20926
whatever source earned or received by the nonresident for work 20927
done, services performed or rendered, or activities conducted in 20928
the municipal corporation, including any net profit of the 20929
nonresident, but excluding the nonresident's distributive share of 20930
the net profit or loss of only pass-through entities owned 20931
directly or indirectly by the nonresident. 20932

(3) For taxpayers that are not individuals, net profit of the 20933
taxpayer; 20934

(4) Lottery, sweepstakes, gambling and sports winnings, 20935
winnings from games of chance, and prizes and awards. If the 20936
taxpayer is a professional gambler for federal income tax 20937
purposes, the taxpayer may deduct related wagering losses and 20938
expenses to the extent authorized under the Internal Revenue Code 20939
and claimed against such winnings. 20940

(C) "Exempt income" means all of the following: 20941

(1) The military pay or allowances of members of the armed 20942
forces of the United States or members of their reserve 20943
components, including the national guard of any state; 20944

(2)(a) Except as provided in division (C)(2)(b) of this 20945
section, intangible income; 20946

(b) A municipal corporation that taxed any type of intangible 20947
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 20948
116th general assembly, may continue to tax that type of income if 20949
a majority of the electors of the municipal corporation voting on 20950

the question of whether to permit the taxation of that type of 20951
intangible income after 1988 voted in favor thereof at an election 20952
held on November 8, 1988. 20953

(3) Social security benefits, railroad retirement benefits, 20954
unemployment compensation, pensions, retirement benefit payments, 20955
payments from annuities, and similar payments made to an employee 20956
or to the beneficiary of an employee under a retirement program or 20957
plan, disability payments received from private industry or local, 20958
state, or federal governments or from charitable, religious or 20959
educational organizations, and the proceeds of sickness, accident, 20960
or liability insurance policies. As used in division (C)(3) of 20961
this section, "unemployment compensation" does not include 20962
supplemental unemployment compensation described in section 20963
3402(o)(2) of the Internal Revenue Code. 20964

(4) The income of religious, fraternal, charitable, 20965
scientific, literary, or educational institutions to the extent 20966
such income is derived from tax-exempt real estate, tax-exempt 20967
tangible or intangible property, or tax-exempt activities. 20968

(5) Compensation paid under section 3501.28 or 3501.36 of the 20969
Revised Code to a person serving as a precinct election official 20970
to the extent that such compensation does not exceed one thousand 20971
dollars for the taxable year. Such compensation in excess of one 20972
thousand dollars for the taxable year may be subject to taxation 20973
by a municipal corporation. A municipal corporation shall not 20974
require the payer of such compensation to withhold any tax from 20975
that compensation. 20976

(6) Dues, contributions, and similar payments received by 20977
charitable, religious, educational, or literary organizations or 20978
labor unions, lodges, and similar organizations; 20979

(7) Alimony and child support received; 20980

(8) Compensation for personal injuries or for damages to 20981

property from insurance proceeds or otherwise, excluding 20982
compensation paid for lost salaries or wages or compensation from 20983
punitive damages; 20984

(9) Income of a public utility when that public utility is 20985
subject to the tax levied under section 5727.24 or 5727.30 of the 20986
Revised Code. Division (C)(9) of this section does not apply for 20987
purposes of Chapter 5745. of the Revised Code. 20988

(10) Gains from involuntary conversions, interest on federal 20989
obligations, items of income subject to a tax levied by the state 20990
and that a municipal corporation is specifically prohibited by law 20991
from taxing, and income of a decedent's estate during the period 20992
of administration except such income from the operation of a trade 20993
or business; 20994

(11) Compensation or allowances excluded from federal gross 20995
income under section 107 of the Internal Revenue Code; 20996

(12) Employee compensation that is not qualifying wages as 20997
defined in division (R) of this section; 20998

(13) Compensation paid to a person employed within the 20999
boundaries of a United States air force base under the 21000
jurisdiction of the United States air force that is used for the 21001
housing of members of the United States air force and is a center 21002
for air force operations, unless the person is subject to taxation 21003
because of residence or domicile. If the compensation is subject 21004
to taxation because of residence or domicile, tax on such income 21005
shall be payable only to the municipal corporation of residence or 21006
domicile. 21007

(14)(a) Except as provided in division (C)(14)(b) or (c) of 21008
this section, an S corporation shareholder's distributive share of 21009
net profits of the S corporation, other than any part of the 21010
distributive share of net profits that represents wages as defined 21011
in section 3121(a) of the Internal Revenue Code or net earnings 21012

from self-employment as defined in section 1402(a) of the Internal Revenue Code. 21013
21014

(b) If, pursuant to division (H) of former section 718.01 of the Revised Code as it existed before March 11, 2004, a majority of the electors of a municipal corporation voted in favor of the question at an election held on November 4, 2003, the municipal corporation may continue after 2002 to tax an S corporation shareholder's distributive share of net profits of an S corporation. 21015
21016
21017
21018
21019
21020
21021

(c) If, on December 6, 2002, a municipal corporation was imposing, assessing, and collecting a tax on an S corporation shareholder's distributive share of net profits of the S corporation to the extent the distributive share would be allocated or apportioned to this state under divisions (B)(1) and (2) of section 5733.05 of the Revised Code if the S corporation were a corporation subject to taxes imposed under Chapter 5733. of the Revised Code, the municipal corporation may continue to impose the tax on such distributive shares to the extent such shares would be so allocated or apportioned to this state only until December 31, 2004, unless a majority of the electors of the municipal corporation voting on the question of continuing to tax such shares after that date voted in favor of that question at an election held November 2, 2004. If a majority of those electors voted in favor of the question, the municipal corporation may continue after December 31, 2004, to impose the tax on such distributive shares only to the extent such shares would be so allocated or apportioned to this state. 21022
21023
21024
21025
21026
21027
21028
21029
21030
21031
21032
21033
21034
21035
21036
21037
21038
21039

(d) A municipal corporation shall be deemed to have elected to tax S corporation shareholders' distributive shares of net profits of the S corporation in the hands of the shareholders if a majority of the electors of a municipal corporation voted in favor of a question at an election held under division (C)(14)(b) or (c) 21040
21041
21042
21043
21044

of this section. The municipal corporation shall specify by 21045
resolution or ordinance that the tax applies to the distributive 21046
share of a shareholder of an S corporation in the hands of the 21047
shareholder of the S corporation. 21048

(15) To the extent authorized under a resolution or ordinance 21049
adopted by a municipal corporation before January 1, 2016, all or 21050
a portion of the income of individuals or a class of individuals 21051
under eighteen years of age. 21052

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 21053
(d) of this section, qualifying wages described in division (B)(1) 21054
or (E) of section 718.011 of the Revised Code to the extent the 21055
qualifying wages are not subject to withholding for the municipal 21056
corporation under either of those divisions. 21057

(b) The exemption provided in division (C)(16)(a) of this 21058
section does not apply with respect to the municipal corporation 21059
in which the employee resided at the time the employee earned the 21060
qualifying wages. 21061

(c) The exemption provided in division (C)(16)(a) of this 21062
section does not apply to qualifying wages that an employer elects 21063
to withhold under division (D)(2) of section 718.011 of the 21064
Revised Code. 21065

(d) The exemption provided in division (C)(16)(a) of this 21066
section does not apply to qualifying wages if both of the 21067
following conditions apply: 21068

(i) For qualifying wages described in division (B)(1) of 21069
section 718.011 of the Revised Code, the employee's employer 21070
withholds and remits tax on the qualifying wages to the municipal 21071
corporation in which the employee's principal place of work is 21072
situated, or, for qualifying wages described in division (E) of 21073
section 718.011 of the Revised Code, the employee's employer 21074
withholds and remits tax on the qualifying wages to the municipal 21075

corporation in which the employer's fixed location is located; 21076

(ii) The employee receives a refund of the tax described in 21077
division (C)(16)(d)(i) of this section on the basis of the 21078
employee not performing services in that municipal corporation. 21079

(17)(a) Except as provided in division (C)(17)(b) or (c) of 21080
this section, compensation that is not qualifying wages paid to a 21081
nonresident individual for personal services performed in the 21082
municipal corporation on not more than twenty days in a taxable 21083
year. 21084

(b) The exemption provided in division (C)(17)(a) of this 21085
section does not apply under either of the following 21086
circumstances: 21087

(i) The individual's base of operation is located in the 21088
municipal corporation. 21089

(ii) The individual is a professional athlete, professional 21090
entertainer, or public figure, and the compensation is paid for 21091
the performance of services in the individual's capacity as a 21092
professional athlete, professional entertainer, or public figure. 21093
For purposes of division (C)(17)(b)(ii) of this section, 21094
"professional athlete," "professional entertainer," and "public 21095
figure" have the same meanings as in section 718.011 of the 21096
Revised Code. 21097

(c) Compensation to which division (C)(17) of this section 21098
applies shall be treated as earned or received at the individual's 21099
base of operation. If the individual does not have a base of 21100
operation, the compensation shall be treated as earned or received 21101
where the individual is domiciled. 21102

(d) For purposes of division (C)(17) of this section, "base 21103
of operation" means the location where an individual owns or rents 21104
an office, storefront, or similar facility to which the individual 21105
regularly reports and at which the individual regularly performs 21106

personal services for compensation. 21107

(18) Compensation paid to a person for personal services 21108
performed for a political subdivision on property owned by the 21109
political subdivision, regardless of whether the compensation is 21110
received by an employee of the subdivision or another person 21111
performing services for the subdivision under a contract with the 21112
subdivision, if the property on which services are performed is 21113
annexed to a municipal corporation pursuant to section 709.023 of 21114
the Revised Code on or after March 27, 2013, unless the person is 21115
subject to such taxation because of residence. If the compensation 21116
is subject to taxation because of residence, municipal income tax 21117
shall be payable only to the municipal corporation of residence. 21118

(19) Income the taxation of which is prohibited by the 21119
constitution or laws of the United States. 21120

Any item of income that is exempt income of a pass-through 21121
entity under division (C) of this section is exempt income of each 21122
owner of the pass-through entity to the extent of that owner's 21123
distributive or proportionate share of that item of the entity's 21124
income. 21125

(D)(1) "Net profit" for a person other than an individual 21126
means adjusted federal taxable income. 21127

(2) "Net profit" for a person who is an individual means the 21128
individual's net profit required to be reported on schedule C, 21129
schedule E, or schedule F reduced by any net operating loss 21130
carried forward. For the purposes of division (D)(2) of this 21131
section, the net operating loss carried forward shall be 21132
calculated and deducted in the same manner as provided in division 21133
(E)(8) of this section. 21134

(3) For the purposes of this chapter, and notwithstanding 21135
division (D)(1) of this section, net profit of a disregarded 21136
entity shall not be taxable as against that disregarded entity, 21137

but shall instead be included in the net profit of the owner of 21138
the disregarded entity. 21139

(4) For the purposes of this chapter, and notwithstanding any 21140
other provision of this chapter, the net profit of a publicly 21141
traded partnership that makes the election described in division 21142
(D)(4) of this section shall be taxed as if the partnership were a 21143
C corporation, and shall not be treated as the net profit or 21144
income of any owner of the partnership. 21145

A publicly traded partnership that is treated as a 21146
partnership for federal income tax purposes and that is subject to 21147
tax on its net profits in one or more municipal corporations in 21148
this state may elect to be treated as a C corporation for 21149
municipal income tax purposes. The publicly traded partnership 21150
shall make the election in every municipal corporation in which 21151
the partnership is subject to taxation on its net profits. The 21152
election shall be made on the annual tax return filed in each such 21153
municipal corporation. The publicly traded partnership shall not 21154
be required to file the election with any municipal corporation in 21155
which the partnership is not subject to taxation on its net 21156
profits, but division (D)(4) of this section applies to all 21157
municipal corporations in which an individual owner of the 21158
partnership resides. 21159

(E) "Adjusted federal taxable income," for a person required 21160
to file as a C corporation, or for a person that has elected to be 21161
taxed as a C corporation under division (D)(4) of this section, 21162
means a C corporation's federal taxable income before net 21163
operating losses and special deductions as determined under the 21164
Internal Revenue Code, adjusted as follows: 21165

(1) Deduct intangible income to the extent included in 21166
federal taxable income. The deduction shall be allowed regardless 21167
of whether the intangible income relates to assets used in a trade 21168
or business or assets held for the production of income. 21169

(2) Add an amount equal to five per cent of intangible income 21170
deducted under division (E)(1) of this section, but excluding that 21171
portion of intangible income directly related to the sale, 21172
exchange, or other disposition of property described in section 21173
1221 of the Internal Revenue Code; 21174

(3) Add any losses allowed as a deduction in the computation 21175
of federal taxable income if the losses directly relate to the 21176
sale, exchange, or other disposition of an asset described in 21177
section 1221 or 1231 of the Internal Revenue Code; 21178

(4)(a) Except as provided in division (E)(4)(b) of this 21179
section, deduct income and gain included in federal taxable income 21180
to the extent the income and gain directly relate to the sale, 21181
exchange, or other disposition of an asset described in section 21182
1221 or 1231 of the Internal Revenue Code; 21183

(b) Division (E)(4)(a) of this section does not apply to the 21184
extent the income or gain is income or gain described in section 21185
1245 or 1250 of the Internal Revenue Code. 21186

(5) Add taxes on or measured by net income allowed as a 21187
deduction in the computation of federal taxable income; 21188

(6) In the case of a real estate investment trust or 21189
regulated investment company, add all amounts with respect to 21190
dividends to, distributions to, or amounts set aside for or 21191
credited to the benefit of investors and allowed as a deduction in 21192
the computation of federal taxable income; 21193

(7) Deduct, to the extent not otherwise deducted or excluded 21194
in computing federal taxable income, any income derived from a 21195
transfer agreement or from the enterprise transferred under that 21196
agreement under section 4313.02 of the Revised Code; 21197

(8)(a) Except as limited by divisions (E)(8)(b), (c), and (d) 21198
of this section, deduct any net operating loss incurred by the 21199
person in a taxable year beginning on or after January 1, 2017. 21200

The amount of such net operating loss shall be deducted from 21201
net profit that is reduced by exempt income to the extent 21202
necessary to reduce municipal taxable income to zero, with any 21203
remaining unused portion of the net operating loss carried forward 21204
to not more than five consecutive taxable years following the 21205
taxable year in which the loss was incurred, but in no case for 21206
more years than necessary for the deduction to be fully utilized. 21207

(b) No person shall use the deduction allowed by division 21208
(E)(8) of this section to offset qualifying wages. 21209

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 21210
or 2022, a person may not deduct, for purposes of an income tax 21211
levied by a municipal corporation that levies an income tax before 21212
January 1, 2016, more than fifty per cent of the amount of the 21213
deduction otherwise allowed by division (E)(8)(a) of this section. 21214

(ii) For taxable years beginning in 2023 or thereafter, a 21215
person may deduct, for purposes of an income tax levied by a 21216
municipal corporation that levies an income tax before January 1, 21217
2016, the full amount allowed by division (E)(8)(a) of this 21218
section. 21219

(d) Any pre-2017 net operating loss carryforward deduction 21220
that is available must be utilized before a taxpayer may deduct 21221
any amount pursuant to division (E)(8) of this section. 21222

(e) Nothing in ~~divisions~~ division (E)(8)(c)(i) ~~and (ii)~~ of 21223
this section precludes a person from carrying forward, for the 21224
~~period otherwise permitted under division (E)(8)(a) of this~~ 21225
~~section~~ use with respect to any return filed for a taxable year 21226
beginning after 2018, any amount of net operating loss that was 21227
not fully utilized by operation of ~~divisions~~ division (E)(8)(c)(i) 21228
~~and (ii)~~ of this section. To the extent that an amount of net 21229
operating loss that was not fully utilized in one or more taxable 21230
years by operation of division (E)(8)(c)(i) of this section is 21231

carried forward for use with respect to a return filed for a 21232
taxable year beginning in 2019, 2020, 2021, or 2022, the 21233
limitation described in division (E)(8)(c)(i) of this section 21234
shall apply to the amount carried forward. 21235

(9) Deduct any net profit of a pass-through entity owned 21236
directly or indirectly by the taxpayer and included in the 21237
taxpayer's federal taxable income unless an affiliated group of 21238
corporations includes that net profit in the group's federal 21239
taxable income in accordance with division (E)(3)(b) of section 21240
718.06 of the Revised Code. 21241

(10) Add any loss incurred by a pass-through entity owned 21242
directly or indirectly by the taxpayer and included in the 21243
taxpayer's federal taxable income unless an affiliated group of 21244
corporations includes that loss in the group's federal taxable 21245
income in accordance with division (E)(3)(b) of section 718.06 of 21246
the Revised Code. 21247

If the taxpayer is not a C corporation, is not a disregarded 21248
entity that has made the election described in division (L)(2) of 21249
this section, is not a publicly traded partnership that has made 21250
the election described in division (D)(4) of this section, and is 21251
not an individual, the taxpayer shall compute adjusted federal 21252
taxable income under this section as if the taxpayer were a C 21253
corporation, except guaranteed payments and other similar amounts 21254
paid or accrued to a partner, former partner, shareholder, former 21255
shareholder, member, or former member shall not be allowed as a 21256
deductible expense unless such payments are in consideration for 21257
the use of capital and treated as payment of interest under 21258
section 469 of the Internal Revenue Code or United States treasury 21259
regulations. Amounts paid or accrued to a qualified self-employed 21260
retirement plan with respect to a partner, former partner, 21261
shareholder, former shareholder, member, or former member of the 21262
taxpayer, amounts paid or accrued to or for health insurance for a 21263

partner, former partner, shareholder, former shareholder, member, 21264
or former member, and amounts paid or accrued to or for life 21265
insurance for a partner, former partner, shareholder, former 21266
shareholder, member, or former member shall not be allowed as a 21267
deduction. 21268

Nothing in division (E) of this section shall be construed as 21269
allowing the taxpayer to add or deduct any amount more than once 21270
or shall be construed as allowing any taxpayer to deduct any 21271
amount paid to or accrued for purposes of federal self-employment 21272
tax. 21273

(F) "Schedule C" means internal revenue service schedule C 21274
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 21275
Code. 21276

(G) "Schedule E" means internal revenue service schedule E 21277
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 21278
Code. 21279

(H) "Schedule F" means internal revenue service schedule F 21280
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 21281
Code. 21282

(I) "Internal Revenue Code" has the same meaning as in 21283
section 5747.01 of the Revised Code. 21284

(J) "Resident" means an individual who is domiciled in the 21285
municipal corporation as determined under section 718.012 of the 21286
Revised Code. 21287

(K) "Nonresident" means an individual that is not a resident. 21288

(L)(1) "Taxpayer" means a person subject to a tax levied on 21289
income by a municipal corporation in accordance with this chapter. 21290
"Taxpayer" does not include a grantor trust or, except as provided 21291
in division (L)(2)(a) of this section, a disregarded entity. 21292

(2)(a) A single member limited liability company that is a 21293

disregarded entity for federal tax purposes may be a separate 21294
taxpayer from its single member in all Ohio municipal corporations 21295
in which it either filed as a separate taxpayer or did not file 21296
for its taxable year ending in 2003, if all of the following 21297
conditions are met: 21298

(i) The limited liability company's single member is also a 21299
limited liability company. 21300

(ii) The limited liability company and its single member were 21301
formed and doing business in one or more Ohio municipal 21302
corporations for at least five years before January 1, 2004. 21303

(iii) Not later than December 31, 2004, the limited liability 21304
company and its single member each made an election to be treated 21305
as a separate taxpayer under division (L) of this section as this 21306
section existed on December 31, 2004. 21307

(iv) The limited liability company was not formed for the 21308
purpose of evading or reducing Ohio municipal corporation income 21309
tax liability of the limited liability company or its single 21310
member. 21311

(v) The Ohio municipal corporation that was the primary place 21312
of business of the sole member of the limited liability company 21313
consented to the election. 21314

(b) For purposes of division (L)(2)(a)(v) of this section, a 21315
municipal corporation was the primary place of business of a 21316
limited liability company if, for the limited liability company's 21317
taxable year ending in 2003, its income tax liability was greater 21318
in that municipal corporation than in any other municipal 21319
corporation in Ohio, and that tax liability to that municipal 21320
corporation for its taxable year ending in 2003 was at least four 21321
hundred thousand dollars. 21322

(M) "Person" includes individuals, firms, companies, joint 21323
stock companies, business trusts, estates, trusts, partnerships, 21324

limited liability partnerships, limited liability companies, 21325
associations, C corporations, S corporations, governmental 21326
entities, and any other entity. 21327

(N) "Pass-through entity" means a partnership not treated as 21328
an association taxable as a C corporation for federal income tax 21329
purposes, a limited liability company not treated as an 21330
association taxable as a C corporation for federal income tax 21331
purposes, an S corporation, or any other class of entity from 21332
which the income or profits of the entity are given pass-through 21333
treatment for federal income tax purposes. "Pass-through entity" 21334
does not include a trust, estate, grantor of a grantor trust, or 21335
disregarded entity. 21336

(O) "S corporation" means a person that has made an election 21337
under subchapter S of Chapter 1 of Subtitle A of the Internal 21338
Revenue Code for its taxable year. 21339

(P) "Single member limited liability company" means a limited 21340
liability company that has one direct member. 21341

(Q) "Limited liability company" means a limited liability 21342
company formed under Chapter 1705. of the Revised Code or under 21343
the laws of another state. 21344

(R) "Qualifying wages" means wages, as defined in section 21345
3121(a) of the Internal Revenue Code, without regard to any wage 21346
limitations, adjusted as follows: 21347

(1) Deduct the following amounts: 21348

(a) Any amount included in wages if the amount constitutes 21349
compensation attributable to a plan or program described in 21350
section 125 of the Internal Revenue Code. 21351

(b) Any amount included in wages if the amount constitutes 21352
payment on account of a disability related to sickness or an 21353
accident paid by a party unrelated to the employer, agent of an 21354

employer, or other payer. 21355

(c) Any amount attributable to a nonqualified deferred 21356
compensation plan or program described in section 3121(v)(2)(C) of 21357
the Internal Revenue Code if the compensation is included in wages 21358
and the municipal corporation has, by resolution or ordinance 21359
adopted before January 1, 2016, exempted the amount from 21360
withholding and tax. 21361

(d) Any amount included in wages if the amount arises from 21362
the sale, exchange, or other disposition of a stock option, the 21363
exercise of a stock option, or the sale, exchange, or other 21364
disposition of stock purchased under a stock option and the 21365
municipal corporation has, by resolution or ordinance adopted 21366
before January 1, 2016, exempted the amount from withholding and 21367
tax. 21368

(e) Any amount included in wages that is exempt income. 21369

(2) Add the following amounts: 21370

(a) Any amount not included in wages solely because the 21371
employee was employed by the employer before April 1, 1986. 21372

(b) Any amount not included in wages because the amount 21373
arises from the sale, exchange, or other disposition of a stock 21374
option, the exercise of a stock option, or the sale, exchange, or 21375
other disposition of stock purchased under a stock option and the 21376
municipal corporation has not, by resolution or ordinance, 21377
exempted the amount from withholding and tax adopted before 21378
January 1, 2016. Division (R)(2)(b) of this section applies only 21379
to those amounts constituting ordinary income. 21380

(c) Any amount not included in wages if the amount is an 21381
amount described in section 401(k), 403(b), or 457 of the Internal 21382
Revenue Code. Division (R)(2)(c) of this section applies only to 21383
employee contributions and employee deferrals. 21384

(d) Any amount that is supplemental unemployment compensation 21385
benefits described in section 3402(o)(2) of the Internal Revenue 21386
Code and not included in wages. 21387

(e) Any amount received that is treated as self-employment 21388
income for federal tax purposes in accordance with section 21389
1402(a)(8) of the Internal Revenue Code. 21390

(f) Any amount not included in wages if all of the following 21391
apply: 21392

(i) For the taxable year the amount is employee compensation 21393
that is earned outside of the United States and that either is 21394
included in the taxpayer's gross income for federal income tax 21395
purposes or would have been included in the taxpayer's gross 21396
income for such purposes if the taxpayer did not elect to exclude 21397
the income under section 911 of the Internal Revenue Code; 21398

(ii) For no preceding taxable year did the amount constitute 21399
wages as defined in section 3121(a) of the Internal Revenue Code; 21400

(iii) For no succeeding taxable year will the amount 21401
constitute wages; and 21402

(iv) For any taxable year the amount has not otherwise been 21403
added to wages pursuant to either division (R)(2) of this section 21404
or section 718.03 of the Revised Code, as that section existed 21405
before the effective date of H.B. 5 of the 130th general assembly, 21406
March 23, 2015. 21407

(S) "Intangible income" means income of any of the following 21408
types: income yield, interest, capital gains, dividends, or other 21409
income arising from the ownership, sale, exchange, or other 21410
disposition of intangible property including, but not limited to, 21411
investments, deposits, money, or credits as those terms are 21412
defined in Chapter 5701. of the Revised Code, and patents, 21413
copyrights, trademarks, tradenames, investments in real estate 21414
investment trusts, investments in regulated investment companies, 21415

and appreciation on deferred compensation. "Intangible income" 21416
does not include prizes, awards, or other income associated with 21417
any lottery winnings, gambling winnings, or other similar games of 21418
chance. 21419

(T) "Taxable year" means the corresponding tax reporting 21420
period as prescribed for the taxpayer under the Internal Revenue 21421
Code. 21422

(U) "Tax administrator" means the individual charged with 21423
direct responsibility for administration of an income tax levied 21424
by a municipal corporation in accordance with this chapter, and 21425
also includes the following: 21426

(1) A municipal corporation acting as the agent of another 21427
municipal corporation; 21428

(2) A person retained by a municipal corporation to 21429
administer a tax levied by the municipal corporation, but only if 21430
the municipal corporation does not compensate the person in whole 21431
or in part on a contingency basis; 21432

(3) The central collection agency or the regional income tax 21433
agency or their successors in interest, or another entity 21434
organized to perform functions similar to those performed by the 21435
central collection agency and the regional income tax agency. 21436

(V) "Employer" means a person that is an employer for federal 21437
income tax purposes. 21438

(W) "Employee" means an individual who is an employee for 21439
federal income tax purposes. 21440

(X) "Other payer" means any person, other than an 21441
individual's employer or the employer's agent, that pays an 21442
individual any amount included in the federal gross income of the 21443
individual. "Other payer" includes casino operators and video 21444
lottery terminal sales agents. 21445

(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December. 21446
21447

(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code. 21448
21449

(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.74 of the Revised Code. 21450
21451
21452
21453

(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes. 21454
21455
21456
21457

(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim. 21458
21459
21460
21461
21462
21463

(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15. 21464
21465
21466

(EE) "Ohio business gateway" means the online computer network system, created under section 125.30 of the Revised Code, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system. 21467
21468
21469
21470
21471

(FF) "Local board of tax review" and "board of tax review" mean the entity created under section 718.11 of the Revised Code. 21472
21473

(GG) "Net operating loss" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does 21474
21475

not include unutilized losses resulting from basis limitations,	21476
at-risk limitations, or passive activity loss limitations.	21477
(HH) "Casino operator" and "casino facility" have the same	21478
meanings as in section 3772.01 of the Revised Code.	21479
(II) "Video lottery terminal" has the same meaning as in	21480
section 3770.21 of the Revised Code.	21481
(JJ) "Video lottery terminal sales agent" means a lottery	21482
sales agent licensed under Chapter 3770. of the Revised Code to	21483
conduct video lottery terminals on behalf of the state pursuant to	21484
section 3770.21 of the Revised Code.	21485
(KK) "Postal service" means the United States postal service.	21486
(LL) "Certified mail," "express mail," "United States mail,"	21487
"postal service," and similar terms include any delivery service	21488
authorized pursuant to section 5703.056 of the Revised Code.	21489
(MM) "Postmark date," "date of postmark," and similar terms	21490
include the date recorded and marked in the manner described in	21491
division (B)(3) of section 5703.056 of the Revised Code.	21492
(NN) "Related member" means a person that, with respect to	21493
the taxpayer during all or any portion of the taxable year, is	21494
either a related entity, a component member as defined in section	21495
1563(b) of the Internal Revenue Code, or a person to or from whom	21496
there is attribution of stock ownership in accordance with section	21497
1563(e) of the Internal Revenue Code except, for purposes of	21498
determining whether a person is a related member under this	21499
division, "twenty per cent" shall be substituted for "5 percent"	21500
wherever "5 percent" appears in section 1563(e) of the Internal	21501
Revenue Code.	21502
(OO) "Related entity" means any of the following:	21503
(1) An individual stockholder, or a member of the	21504
stockholder's family enumerated in section 318 of the Internal	21505

Revenue Code, if the stockholder and the members of the 21506
stockholder's family own directly, indirectly, beneficially, or 21507
constructively, in the aggregate, at least fifty per cent of the 21508
value of the taxpayer's outstanding stock; 21509

(2) A stockholder, or a stockholder's partnership, estate, 21510
trust, or corporation, if the stockholder and the stockholder's 21511
partnerships, estates, trusts, or corporations own directly, 21512
indirectly, beneficially, or constructively, in the aggregate, at 21513
least fifty per cent of the value of the taxpayer's outstanding 21514
stock; 21515

(3) A corporation, or a party related to the corporation in a 21516
manner that would require an attribution of stock from the 21517
corporation to the party or from the party to the corporation 21518
under division (00)(4) of this section, provided the taxpayer owns 21519
directly, indirectly, beneficially, or constructively, at least 21520
fifty per cent of the value of the corporation's outstanding 21521
stock; 21522

(4) The attribution rules described in section 318 of the 21523
Internal Revenue Code apply for the purpose of determining whether 21524
the ownership requirements in divisions (00)(1) to (3) of this 21525
section have been met. 21526

(PP)(1) "Assessment" means a written finding by the tax 21527
administrator that a person has underpaid municipal income tax, or 21528
owes penalty and interest, or any combination of tax, penalty, or 21529
interest, to the municipal corporation that commences the person's 21530
time limitation for making an appeal to the local board of tax 21531
review pursuant to section 718.11 of the Revised Code, and has 21532
"ASSESSMENT" written in all capital letters at the top of such 21533
finding. 21534

(2) "Assessment" does not include an informal notice denying 21535
a request for refund issued under division (B)(3) of section 21536

718.19 of the Revised Code, a billing statement notifying a 21537
taxpayer of current or past-due balances owed to the municipal 21538
corporation, a tax administrator's request for additional 21539
information, a notification to the taxpayer of mathematical 21540
errors, or a tax administrator's other written correspondence to a 21541
person or taxpayer that does meet the criteria prescribed by 21542
division (PP)(1) of this section. 21543

(QQ) "Taxpayers' rights and responsibilities" means the 21544
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 21545
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 21546
Revised Code and the responsibilities of taxpayers to file, 21547
report, withhold, remit, and pay municipal income tax and 21548
otherwise comply with Chapter 718. of the Revised Code and 21549
resolutions, ordinances, and rules adopted by a municipal 21550
corporation for the imposition and administration of a municipal 21551
income tax. 21552

(RR) "Qualified municipal corporation" means a municipal 21553
corporation that, by resolution or ordinance adopted on or before 21554
December 31, 2011, adopted Ohio adjusted gross income, as defined 21555
by section 5747.01 of the Revised Code, as the income subject to 21556
tax for the purposes of imposing a municipal income tax. 21557

(SS)(1) "Pre-2017 net operating loss carryforward" means any 21558
net operating loss incurred in a taxable year beginning before 21559
January 1, 2017, to the extent such loss was permitted, by a 21560
resolution or ordinance of the municipal corporation that was 21561
adopted by the municipal corporation before January 1, 2016, to be 21562
carried forward and utilized to offset income or net profit 21563
generated in such municipal corporation in future taxable years. 21564

(2) For the purpose of calculating municipal taxable income, 21565
any pre-2017 net operating loss carryforward may be carried 21566
forward to any taxable year, including taxable years beginning in 21567
2017 or thereafter, for the number of taxable years provided in 21568

the resolution or ordinance or until fully utilized, whichever is 21569
earlier. 21570

(TT) "Small employer" means any employer that had total 21571
revenue of less than five hundred thousand dollars during the 21572
preceding taxable year. For purposes of this division, "total 21573
revenue" means receipts of any type or kind, including, but not 21574
limited to, sales receipts; payments; rents; profits; gains, 21575
dividends, and other investment income; compensation; commissions; 21576
premiums; money; property; grants; contributions; donations; 21577
gifts; program service revenue; patient service revenue; premiums; 21578
fees, including premium fees and service fees; tuition payments; 21579
unrelated business revenue; reimbursements; any type of payment 21580
from a governmental unit, including grants and other allocations; 21581
and any other similar receipts reported for federal income tax 21582
purposes or under generally accepted accounting principles. "Small 21583
employer" does not include the federal government; any state 21584
government, including any state agency or instrumentality; any 21585
political subdivision; or any entity treated as a government for 21586
financial accounting and reporting purposes. 21587

(UU) "Audit" means the examination of a person or the 21588
inspection of the books, records, memoranda, or accounts of a 21589
person for the purpose of determining liability for a municipal 21590
income tax. 21591

(VV) "Publicly traded partnership" means any partnership, an 21592
interest in which is regularly traded on an established securities 21593
market. A "publicly traded partnership" may have any number of 21594
partners. 21595

Sec. 718.04. (A) Notwithstanding division (A) of section 21596
715.013 of the Revised Code, a municipal corporation may levy a 21597
tax on income and a withholding tax if such taxes are levied in 21598
accordance with the provisions and limitations specified in this 21599

chapter. On or after January 1, 2016, the ordinance or resolution
levying such taxes, as adopted or amended by the legislative
authority of the municipal corporation, shall include all of the
following:

(1) A statement that the tax is an annual tax levied on the
income of every person residing in or earning or receiving income
in the municipal corporation and that the tax shall be measured by
municipal taxable income;

(2) A statement that the municipal corporation is levying the
tax in accordance with the limitations specified in this chapter
and that the resolution or ordinance thereby incorporates the
provisions of this chapter;

(3) The rate of the tax;

(4) Whether, and the extent to which, a credit, as described
in division (D) of this section, will be allowed against the tax;

(5) The purpose or purposes of the tax;

(6) Any other provision necessary for the administration of
the tax, provided that the provision does not conflict with any
provision of this chapter.

(B) Any municipal corporation that, on or before ~~the~~
~~effective date of the enactment of this section~~ March 23, 2015,
levies an income tax at a rate in excess of one per cent may
continue to levy the tax at the rate specified in the original
ordinance or resolution, provided that such rate continues in
effect as specified in the original ordinance or resolution.

(C)(1) No municipal corporation shall tax income at other
than a uniform rate.

(2) Except as provided in division (B) of this section, no
municipal corporation shall levy a tax on income at a rate in
excess of one per cent without having obtained the approval of the

excess by a majority of the electors of the municipality voting on 21630
the question at a general, primary, or special election. The 21631
legislative authority of the municipal corporation shall file with 21632
the board of elections at least ninety days before the day of the 21633
election a copy of the ordinance together with a resolution 21634
specifying the date the election is to be held and directing the 21635
board of elections to conduct the election. The ballot shall be in 21636
the following form: "Shall the Ordinance providing for a ... per 21637
cent levy on income for (Brief description of the purpose of the 21638
proposed levy) be passed? 21639

	FOR THE INCOME TAX
	AGAINST THE INCOME TAX

"

In the event of an affirmative vote, the proceeds of the levy may 21644
be used only for the specified purpose. 21645

(D) A municipal corporation may, by ordinance or resolution, 21646
grant a credit to residents of the municipal corporation for all 21647
or a portion of the taxes paid to any municipal corporation, in 21648
this state or elsewhere, by the resident or by a pass-through 21649
entity owned, directly or indirectly, by a resident, on the 21650
resident's distributive or proportionate share of the income of 21651
the pass-through entity. A municipal corporation is not required 21652
to refund taxes not paid to the municipal corporation. 21653

(E) Except as otherwise provided in this chapter, a municipal 21654
corporation that levies an income tax in effect for taxable years 21655
beginning before January 1, 2016, may continue to administer and 21656
enforce the provisions of such tax for all taxable years beginning 21657
before January 1, 2016, provided that the provisions of such tax 21658
are consistent with this chapter as it existed prior to the 21659
~~effective date of the enactment of this section~~ March 23, 2015. 21660

(F) Nothing in this chapter authorizes a municipal corporation to levy a tax on income, or to administer or collect such a tax or penalties or interest related to such a tax, contrary to the provisions and limitations specified in this chapter. No municipal corporation shall enforce an ordinance or resolution that conflicts with the provisions of this chapter.

(G)(1) Division (G) of this section applies to a municipal corporation that, at the time of entering into a written agreement under division (G)(2) of this section, shares the same territory as a city, local, or exempted village school district, to the extent that not more than thirty per cent of the territory of the municipal corporation is located outside the school district and a portion of the territory of the school district that is not located within the municipal corporation is located within another municipal corporation having a population of four hundred thousand or more according to the federal decennial census most recently completed before the agreement is entered into under division (G)(2) of this section.

(2) The legislative authority of a municipal corporation to which division (G) of this section applies may propose to the electors an income tax, one of the purposes of which shall be to provide financial assistance to the school district described in division (G)(1) of this section. Prior to proposing the tax, the legislative authority shall negotiate and enter into a written agreement with the board of education of that school district specifying the tax rate; the percentage or amount of tax revenue to be paid to the school district or the method of establishing or determining that percentage or amount, which may be subject to change periodically; the purpose for which the school district will use the money; the first year the tax will be levied; the date of the election on the question of the tax; and the method and schedule by which, and the conditions under which, the

municipal corporation will make payments to the school district. 21693
The tax shall otherwise comply with the provisions and limitations 21694
specified in this chapter. 21695

Sec. 718.05. (A) An annual return with respect to the income 21696
tax levied by a municipal corporation shall be completed and filed 21697
by every taxpayer for any taxable year for which the taxpayer is 21698
liable for the tax. If the total credit allowed against the tax as 21699
described in division (D) of section 718.04 of the Revised Code 21700
for the year is equal to or exceeds the tax imposed by the 21701
municipal corporation, no return shall be required unless the 21702
municipal ordinance or resolution levying the tax requires the 21703
filing of a return in such circumstances. 21704

(B) If an individual is deceased, any return or notice 21705
required of that individual shall be completed and filed by that 21706
decedent's executor, administrator, or other person charged with 21707
the property of that decedent. 21708

(C) If an individual is unable to complete and file a return 21709
or notice required by a municipal corporation in accordance with 21710
this chapter, the return or notice required of that individual 21711
shall be completed and filed by the individual's duly authorized 21712
agent, guardian, conservator, fiduciary, or other person charged 21713
with the care of the person or property of that individual. 21714

(D) Returns or notices required of an estate or a trust shall 21715
be completed and filed by the fiduciary of the estate or trust. 21716

(E) No municipal corporation shall deny spouses the ability 21717
to file a joint return. 21718

(F)(1) Each return required to be filed under this section 21719
shall contain the signature of the taxpayer or the taxpayer's duly 21720
authorized agent and of the person who prepared the return for the 21721
taxpayer, and shall include the taxpayer's social security number 21722

or taxpayer identification number. Each return shall be verified 21723
by a declaration under penalty of perjury. 21724

(2) A tax administrator may require a taxpayer who is an 21725
individual to include, with each annual return, amended return, or 21726
request for refund required under this section, copies of only the 21727
following documents: all of the taxpayer's Internal Revenue 21728
Service form W-2, "Wage and Tax Statements," including all 21729
information reported on the taxpayer's federal W-2, as well as 21730
taxable wages reported or withheld for any municipal corporation; 21731
the taxpayer's Internal Revenue Service form 1040 or, in the case 21732
of a return or request required by a qualified municipal 21733
corporation, Ohio form IT-1040; and, with respect to an amended 21734
tax return or refund request, any other documentation necessary to 21735
support the refund request or the adjustments made in the amended 21736
return. An individual taxpayer who files the annual return 21737
required by this section electronically is not required to provide 21738
paper copies of any of the foregoing to the tax administrator 21739
unless the tax administrator requests such copies after the return 21740
has been filed. 21741

(3) A tax administrator may require a taxpayer that is not an 21742
individual to include, with each annual net profit return, amended 21743
net profit return, or request for refund required under this 21744
section, copies of only the following documents: the taxpayer's 21745
Internal Revenue Service form 1041, form 1065, form 1120, form 21746
1120-REIT, form 1120F, or form 1120S, and, with respect to an 21747
amended tax return or refund request, any other documentation 21748
necessary to support the refund request or the adjustments made in 21749
the amended return. 21750

A taxpayer that is not an individual and that files an annual 21751
net profit return electronically through the Ohio business gateway 21752
or in some other manner shall either mail the documents required 21753
under this division to the tax administrator at the time of filing 21754

or, if electronic submission is available, submit the documents 21755
electronically through the Ohio business gateway. The department 21756
of taxation shall publish a method of electronically submitting 21757
the documents required under this division through the Ohio 21758
business gateway on or before January 1, 2016. The department 21759
shall transmit all documents submitted electronically under this 21760
division to the appropriate tax administrator. 21761

(4) After a taxpayer files a tax return, the tax 21762
administrator may request, and the taxpayer shall provide, any 21763
information, statements, or documents required by the municipal 21764
corporation to determine and verify the taxpayer's municipal 21765
income tax liability. The requirements imposed under division (F) 21766
of this section apply regardless of whether the taxpayer files on 21767
a generic form or on a form prescribed by the tax administrator. 21768

(G)(1)(a) Except as otherwise provided in this chapter, each 21769
individual income tax return required to be filed under this 21770
section shall be completed and filed as required by the tax 21771
administrator on or before the date prescribed for the filing of 21772
state individual income tax returns under division (G) of section 21773
5747.08 of the Revised Code. The taxpayer shall complete and file 21774
the return or notice on forms prescribed by the tax administrator 21775
or on generic forms, together with remittance made payable to the 21776
municipal corporation or tax administrator. No remittance is 21777
required if the amount shown to be due is ten dollars or less. 21778

(b) Except as otherwise provided in this chapter, each annual 21779
net profit return required to be filed under this section by a 21780
taxpayer that is not an individual shall be completed and filed as 21781
required by the tax administrator on or before the fifteenth day 21782
of the fourth month following the end of the taxpayer's taxable 21783
year. The taxpayer shall complete and file the return or notice on 21784
forms prescribed by the tax administrator or on generic forms, 21785
together with remittance made payable to the municipal corporation 21786

or tax administrator. No remittance is required if the amount 21787
shown to be due is ten dollars or less. 21788

(2)(a) Any taxpayer that has duly requested an automatic 21789
six-month extension for filing the taxpayer's federal income tax 21790
return shall automatically receive an extension for the filing of 21791
a municipal income tax return. The extended due date of the 21792
municipal income tax return shall be the fifteenth day of the 21793
tenth month after the last day of the taxable year to which the 21794
return relates. ~~Am~~ 21795

(b) A taxpayer that has not requested or received a six-month 21796
extension for filing the taxpayer's federal income tax return may 21797
request that the tax administrator grant the taxpayer a six-month 21798
extension of the date for filing the taxpayer's municipal income 21799
tax return. If the request is received by the tax administrator on 21800
or before the date the municipal income tax return is due, the tax 21801
administrator shall grant the taxpayer's requested extension. 21802

(c) An extension of time to file under this division (G)(2) 21803
of this section is not an extension of the time to pay any tax due 21804
unless the tax administrator grants an extension of that date. 21805

(3) If the tax commissioner extends for all taxpayers the 21806
date for filing state income tax returns under division (G) of 21807
section 5747.08 of the Revised Code, a taxpayer shall 21808
automatically receive an extension for the filing of a municipal 21809
income tax return. The extended due date of the municipal income 21810
tax return shall be the same as the extended due date of the state 21811
income tax return. 21812

(4) If the tax administrator considers it necessary in order 21813
to ensure the payment of the tax imposed by the municipal 21814
corporation in accordance with this chapter, the tax administrator 21815
may require taxpayers to file returns and make payments otherwise 21816
than as provided in this section, including taxpayers not 21817

otherwise required to file annual returns. 21818

(5) To the extent that any provision in this division 21819
conflicts with any provision in section 718.052 of the Revised 21820
Code, the provision in that section prevails. 21821

(H)(1) For taxable years beginning after 2015, a municipal 21822
corporation shall not require a taxpayer to remit tax with respect 21823
to net profits if the amount due is less than ten dollars. 21824

(2) Any taxpayer not required to remit tax to a municipal 21825
corporation for a taxable year pursuant to division (H)(1) of this 21826
section shall file with the municipal corporation an annual net 21827
profit return under division (F)(3) of this section. 21828

(I) This division shall not apply to payments required to be 21829
made under division (B)(1)(a) or (2)(a) of section 718.03 of the 21830
Revised Code. 21831

(1) If any report, claim, statement, or other document 21832
required to be filed, or any payment required to be made, within a 21833
prescribed period or on or before a prescribed date under this 21834
chapter is delivered after that period or that date by United 21835
States mail to the tax administrator or other municipal official 21836
with which the report, claim, statement, or other document is 21837
required to be filed, or to which the payment is required to be 21838
made, the date of the postmark stamped on the cover in which the 21839
report, claim, statement, or other document, or payment is mailed 21840
shall be deemed to be the date of delivery or the date of payment. 21841
"The date of postmark" means, in the event there is more than one 21842
date on the cover, the earliest date imprinted on the cover by the 21843
postal service. 21844

(2) If a payment is required to be made by electronic funds 21845
transfer, the payment is considered to be made when the payment is 21846
credited to an account designated by the tax administrator for the 21847
receipt of tax payments, except that, when a payment made by 21848

electronic funds transfer is delayed due to circumstances not 21849
under the control of the taxpayer, the payment is considered to be 21850
made when the taxpayer submitted the payment. 21851

(J) The amounts withheld by an employer, the agent of an 21852
employer, or an other payer as described in section 718.03 of the 21853
Revised Code shall be allowed to the recipient of the compensation 21854
as credits against payment of the tax imposed on the recipient by 21855
the municipal corporation, unless the amounts withheld were not 21856
remitted to the municipal corporation and the recipient colluded 21857
with the employer, agent, or other payer in connection with the 21858
failure to remit the amounts withheld. 21859

(K) Each return required by a municipal corporation to be 21860
filed in accordance with this section shall include a box that the 21861
taxpayer may check to authorize another person, including a tax 21862
return preparer who prepared the return, to communicate with the 21863
tax administrator about matters pertaining to the return. The 21864
return or instructions accompanying the return shall indicate that 21865
by checking the box the taxpayer authorizes the tax administrator 21866
to contact the preparer or other person concerning questions that 21867
arise during the examination or other review of the return and 21868
authorizes the preparer or other person only to provide the tax 21869
administrator with information that is missing from the return, to 21870
contact the tax administrator for information about the 21871
examination or other review of the return or the status of the 21872
taxpayer's refund or payments, and to respond to notices about 21873
mathematical errors, offsets, or return preparation that the 21874
taxpayer has received from the tax administrator and has shown to 21875
the preparer or other person. 21876

(L) The tax administrator of a municipal corporation shall 21877
accept for filing a generic form of any income tax return, report, 21878
or document required by the municipal corporation in accordance 21879
with this chapter, provided that the generic form, once completed 21880

and filed, contains all of the information required by ordinance, 21881
resolution, or rules adopted by the municipal corporation or tax 21882
administrator, and provided that the taxpayer or tax return 21883
preparer filing the generic form otherwise complies with the 21884
provisions of this chapter and of the municipal corporation 21885
ordinance or resolution governing the filing of returns, reports, 21886
or documents. 21887

(M) When income tax returns, reports, or other documents 21888
require the signature of a tax return preparer, the tax 21889
administrator shall accept a facsimile of such a signature in lieu 21890
of a manual signature. 21891

(N)(1) As used in this division, "worksite location" has the 21892
same meaning as in section 718.011 of the Revised Code. 21893

(2) A person may notify a tax administrator that the person 21894
does not expect to be a taxpayer with respect to the municipal 21895
corporation for a taxable year if both of the following conditions 21896
apply: 21897

(a) The person was required to file a tax return with the 21898
municipal corporation for the immediately preceding taxable year 21899
because the person performed services at a worksite location 21900
within that municipal corporation. 21901

(b) The person no longer provides services in the municipal 21902
corporation and does not expect to be subject to the municipal 21903
corporation's income tax for the taxable year. 21904

The person shall provide the notice in a signed affidavit 21905
that briefly explains the person's circumstances, including the 21906
location of the previous worksite location and the last date on 21907
which the person performed services or made any sales within the 21908
municipal corporation. The affidavit also shall include the 21909
following statement: "The affiant has no plans to perform any 21910
services within the municipal corporation, make any sales in the 21911

municipal corporation, or otherwise become subject to the tax 21912
levied by the municipal corporation during the taxable year. If 21913
the affiant does become subject to the tax levied by the municipal 21914
corporation for the taxable year, the affiant agrees to be 21915
considered a taxpayer and to properly register as a taxpayer with 21916
the municipal corporation if such a registration is required by 21917
the municipal corporation's resolutions, ordinances, or rules." 21918
The person shall sign the affidavit under penalty of perjury. 21919

(c) If a person submits an affidavit described in division 21920
(N)(2) of this section, the tax administrator shall not require 21921
the person to file any tax return for the taxable year unless the 21922
tax administrator possesses information that conflicts with the 21923
affidavit or if the circumstances described in the affidavit 21924
change. Nothing in division (N) of this section prohibits the tax 21925
administrator from performing an audit of the person. 21926

Sec. 718.07. ~~On and after January 1, 2002, each~~ The tax 21927
~~administrator of a~~ administrator of a municipal corporation that imposes a tax on 21928
income in accordance with this chapter shall make electronic 21929
versions of any rules or ordinances governing the tax available to 21930
the public through the internet, including, but not limited to, 21931
ordinances or rules governing the rate of tax; payment and 21932
withholding of taxes; filing any prescribed returns, reports, or 21933
other documents; dates for filing or paying taxes, including 21934
estimated taxes; penalties, interest, assessment, and other 21935
collection remedies; rights of taxpayers to appeal; ~~and~~ procedures 21936
for filing appeals; and a summary of taxpayers' rights and 21937
responsibilities. ~~On and after that date, any municipal~~ 21938
~~corporation that requires taxpayers to file income tax returns,~~ 21939
~~reports, or other documents~~ The tax administrator shall make 21940
blanks of ~~such~~ any prescribed returns, reports, or documents, and 21941
any instructions pertaining thereto, available to the public 21942
electronically through the internet. Electronic versions of rules, 21943

ordinances, blanks, and instructions shall be made available 21944
either by posting them on the electronic site established by the 21945
tax commissioner under section 5703.49 of the Revised Code ~~or and,~~ 21946
if the municipal corporation or tax administrator maintains an 21947
electronic site for the posting of such documents that is 21948
accessible through the internet, by posting them on ~~an~~ that 21949
electronic site ~~established by the municipal corporation that is~~ 21950
~~accessible through the internet.~~ If a municipal corporation or tax 21951
administrator establishes such an electronic site, the municipal 21952
corporation shall incorporate an electronic link between that site 21953
and the site established pursuant to section 5703.49 of the 21954
Revised Code, and shall provide to the tax commissioner the 21955
uniform resource locator of the site established pursuant to this 21956
division. 21957

Sec. 718.37. (A) A taxpayer aggrieved by an action or 21958
omission of a tax administrator, a tax administrator's employee, 21959
or an employee of the municipal corporation may bring an action 21960
against the ~~tax administrator, against the municipal corporation,~~ 21961
~~or against both,~~ for damages in the court of common pleas of the 21962
county in which the municipal corporation is located, if all of 21963
the following apply: 21964

(1) In the action or omission the tax administrator, the tax 21965
administrator's employee, or the employee of the municipal 21966
corporation frivolously disregards a provision of this chapter or 21967
a rule or instruction of the tax administrator; 21968

(2) The action or omission occurred with respect to an audit 21969
or an assessment and the review and collection proceedings 21970
connected with the audit or assessment; 21971

(3) The tax administrator, the tax administrator's employee, 21972
or the employee of the municipal corporation did not act 21973
manifestly outside the scope of employment and did not act with 21974

malicious purpose, in bad faith, or in a wanton or reckless manner. 21975
21976

(B) In any action brought under division (A) of this section, 21977
upon a finding of liability on the part of the ~~tax administrator~~ 21978
~~or the municipal corporation, the tax administrator or the~~ 21979
municipal corporation shall be liable to the taxpayer in an amount 21980
equal to the sum of the following: 21981

(1) Compensatory damages sustained by the taxpayer as a 21982
result of the action or omission by the tax administrator, the tax 21983
administrator's employee, or the employee of the municipal 21984
corporation; 21985

(2) Reasonable costs of litigation and attorneys' fees 21986
sustained by the taxpayer. 21987

(C) In the awarding of damages under division (B) of this 21988
section, the court shall take into account the negligent actions 21989
or omissions, if any, on the part of the taxpayer that contributed 21990
to the damages, but shall not be bound by the provisions of 21991
sections 2315.32 to 2315.36 of the Revised Code. 21992

(D) Whenever it appears to the court that a taxpayer's 21993
conduct in the proceedings brought under division (A) of this 21994
section is frivolous, the court may impose a penalty against the 21995
taxpayer in an amount not to exceed ten thousand dollars which 21996
shall be paid to the general fund of the municipal corporation. 21997

(E) Division (A) of this section does not apply to opinions 21998
of the tax administrator or other information functions of the tax 21999
administrator. 22000

(F) As used in this section, "frivolous" means that the 22001
conduct of the tax administrator, an employee of the municipal 22002
corporation or the tax administrator, the taxpayer, or the 22003
taxpayer's counsel of record satisfies either of the following: 22004

(1) It obviously serves merely to harass or maliciously injure the tax administrator, the municipal corporation, or employees thereof if referring to the conduct of a taxpayer or the taxpayer's counsel of record, or to harass or maliciously injure the taxpayer if referring to the conduct of the tax administrator, the municipal corporation, or employees thereof;

(2) It is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law.

Sec. 731.59. All securities belonging to the treasury of any municipal corporation or to any fund thereof, other than the sinking fund, may be placed in the custody of any member of the federal reserve banking system, upon the issuance by such member of its custodian or other bailment receipt to the treasurer of the municipal corporation. Such custody shall be as a qualified trustee pursuant to division ~~(D)~~(E) of section 135.18 of the Revised Code, which shall be required to report to the treasurer, auditor of state, or an authorized outside auditor at any time upon request as to the identity, market value, and location of the document evidencing each security. Such securities, if not kept in the custody of a member of the federal reserve banking system, shall be in the custody of such treasurer and shall be kept ~~by him~~ in a safe deposit box or vault belonging to a regular depository of the municipal corporation. If such securities are so kept, such safe deposit box or vault shall be opened only in the presence of one or more of the three officers named in section 731.57 of the Revised Code, and only upon a warrant or order of the chief accounting officer directing the deposit or removal of securities purchased or sold or the clipping of interest coupons for collection. A report of whatever is placed in or removed from such safe deposit box or vault upon any such occasion shall be signed by the treasurer and by the witness required by this section, and

shall be returned to the chief accounting officer upon the same 22037
day. Whenever any securities are so held for the municipal 22038
corporation the officers having power to make such investments 22039
shall be bonded in amounts to be stipulated by ordinance. Such 22040
bonds may cover other contingencies in which such officers might 22041
become liable to the municipal corporation. In the event 22042
securities are deposited with a member of the federal reserve 22043
banking system, such securities may be withdrawn or sold only upon 22044
order of the three officers named in such section. 22045

All investments, except for investments by the municipal 22046
corporation in the issues of such municipal corporation, shall be 22047
made only through a member of the national association of 22048
securities dealers, inc., through a bank, savings bank, or savings 22049
and loan association regulated by the superintendent of financial 22050
institutions, or through an institution regulated by the 22051
comptroller of the currency, federal deposit insurance 22052
corporation, board of governors of the federal reserve system, or 22053
federal home loan bank board. Payment for investments shall be 22054
made only upon the delivery of securities representing such 22055
investments to the treasurer or qualified trustee. If the 22056
securities transferred are not represented by a certificate, 22057
payment shall be made only upon receipt of confirmation of 22058
transfer from the custodian by the treasurer, governing board, or 22059
qualified trustee. 22060

Sec. 737.41. (A) The legislative authority of a municipal 22061
corporation in which is established a municipal court, other than 22062
a county-operated municipal court, that has a department of 22063
probation shall establish in the municipal treasury a municipal 22064
probation services fund. The fund shall contain all moneys paid to 22065
the treasurer of the municipal corporation under section 2951.021 22066
of the Revised Code for deposit into the fund. The treasurer of 22067
the municipal corporation shall disburse the money contained in 22068

the fund at the request of the municipal court department of 22069
probation, for use only by that department for specialized staff, 22070
purchase of equipment, purchase of services, reconciliation 22071
programs for offenders and victims, other treatment programs, 22072
including community addiction services providers ~~certified under~~ 22073
~~section 5119.36 of the Revised Code~~, determined to be appropriate 22074
by the chief probation officer, and other similar expenses related 22075
to placing offenders under a community control sanction. 22076

(B) Any money in a municipal probation services fund at the 22077
end of a fiscal year shall not revert to the treasury of the 22078
municipal corporation but shall be retained in the fund. 22079

(C) As used in this section: 22080

(1) "County-operated municipal court" has the same meaning as 22081
in section 1901.03 of the Revised Code. 22082

(2) "Community addiction services provider" has the same 22083
meaning as in section 5119.01 of the Revised Code. 22084

(3) "Community control sanction" has the same meaning as in 22085
section 2929.01 of the Revised Code. 22086

Sec. 742.114. (A) As used in this section and in section 22087
742.116 of the Revised Code: 22088

(1) "Agent" means a dealer, as defined in section 1707.01 of 22089
the Revised Code, who is licensed under sections 1707.01 to 22090
1707.45 of the Revised Code or under comparable laws of another 22091
state or of the United States. 22092

(2) "Minority business enterprise" has the same meaning as in 22093
section 122.71 of the Revised Code. 22094

(3) "Ohio-qualified agent" means an agent designated as such 22095
by the board of trustees of the fund. 22096

(4) "Ohio-qualified investment manager" means an investment 22097

manager designated as such by the board of trustees of the fund. 22098

(5) "Principal place of business" means an office in which 22099
the agent regularly provides securities or investment advisory 22100
services and solicits, meets with, or otherwise communicates with 22101
clients. 22102

(B) The board of trustees of the fund shall, for the purposes 22103
of this section, designate an agent as an Ohio-qualified agent if 22104
the agent meets all of the following requirements: 22105

(1) The agent is subject to taxation under Chapter 5725., 22106
5726., 5733., 5747., or 5751. of the Revised Code; 22107

(2) The agent is authorized to conduct business in this 22108
state; 22109

(3) The agent maintains a principal place of business in this 22110
state and employs at least five residents of this state. 22111

(C) The board shall adopt and implement a written policy to 22112
establish criteria and procedures used to select agents to execute 22113
securities transactions on behalf of the retirement system. The 22114
policy shall address each of the following: 22115

(1) Commissions charged by the agent, both in the aggregate 22116
and on a per share basis; 22117

(2) The execution speed and trade settlement capabilities of 22118
the agent; 22119

(3) The responsiveness, reliability, and integrity of the 22120
agent; 22121

(4) The nature and value of research provided by the agent; 22122

(5) Any special capabilities of the agent. 22123

(D)(1) The board shall, at least annually, establish a policy 22124
with the goal to increase utilization by the board of 22125
Ohio-qualified agents for the execution of domestic equity and 22126

fixed-income trades on behalf of the retirement system, when an 22127
Ohio-qualified agent offers quality, services, and safety 22128
comparable to other agents otherwise available to the board and 22129
meets the criteria established under division (C) of this section. 22130

(2) The board shall review, at least annually, the 22131
performance of the agents that execute securities transactions on 22132
behalf of the board. 22133

(3) The board shall determine whether an agent is an 22134
Ohio-qualified agent, meets the criteria established by the board 22135
pursuant to division (C) of this section, and offers quality, 22136
services, and safety comparable to other agents otherwise 22137
available to the board. The board's determination shall be final. 22138

~~(E) The board shall, at least annually, submit to the Ohio 22139
retirement study council a report containing the following 22140
information: 22141~~

~~(1) The name of each agent designated as an Ohio-qualified 22142
agent under this section; 22143~~

~~(2) The name of each agent that executes securities 22144
transactions on behalf of the board; 22145~~

~~(3) The amount of equity and fixed-income trades that are 22146
executed by Ohio-qualified agents, expressed as a percentage of 22147
all equity and fixed-income trades that are executed by agents on 22148
behalf of the board; 22149~~

~~(4) The compensation paid to Ohio-qualified agents, expressed 22150
as a percentage of total compensation paid to all agents that 22151
execute securities transactions on behalf of the board; 22152~~

~~(5) The amount of equity and fixed-income trades that are 22153
executed by agents that are minority business enterprises, 22154
expressed as a percentage of all equity and fixed-income trades 22155
that are executed by agents on behalf of the board; 22156~~

~~(6) Any other information requested by the Ohio retirement~~ 22157
~~study council regarding the board's use of agents.~~ 22158

Sec. 742.116. (A) The board of trustees of the pension fund 22159
shall, for the purposes of this section, designate an investment 22160
manager as an Ohio-qualified investment manager if the investment 22161
manager meets all of the following requirements: 22162

(1) The investment manager is subject to taxation under 22163
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code; 22164

(2) The investment manager meets one of the following 22165
requirements: 22166

(a) Has its corporate headquarters or principal place of 22167
business in this state; 22168

(b) Employs at least five hundred individuals in this state; 22169

(c) Has a principal place of business in this state and 22170
employs at least ~~20~~ twenty residents of this state. 22171

(B)(1) The board shall, at least annually, establish a policy 22172
with the goal to increase utilization by the board of 22173
Ohio-qualified investment managers, when an Ohio-qualified 22174
investment manager offers quality, services, and safety comparable 22175
to other investment managers otherwise available to the board. The 22176
policy shall also provide for the following: 22177

(a) A process whereby the board can develop a list of 22178
Ohio-qualified investment managers and their investment products; 22179

(b) A process whereby the board can give public notice to 22180
Ohio-qualified investment managers of the board's search for an 22181
investment manager that includes the board's search criteria. 22182

(2) The board shall determine whether an investment manager 22183
is an Ohio-qualified investment manager and whether the investment 22184
manager offers quality, services, and safety comparable to other 22185

investment managers otherwise available to the board. The board's 22186
determination shall be final. 22187

~~(C) The board shall, at least annually, submit to the Ohio 22188
retirement study council a report containing the following 22189
information: 22190~~

~~(1) The name of each investment manager designated as an 22191
Ohio-qualified investment manager under this section; 22192~~

~~(2) The name of each investment manager with which the board 22193
contracts; 22194~~

~~(3) The amount of assets managed by Ohio-qualified investment 22195
managers, expressed as a percentage of the total assets held by 22196
the retirement system and as a percentage of assets managed by 22197
investment managers with which the board has contracted; 22198~~

~~(4) The compensation paid to Ohio-qualified investment 22199
managers, expressed as a percentage of total compensation paid to 22200
all investment managers with which the board has contracted; 22201~~

~~(5) Any other information requested by the Ohio retirement 22202
study council regarding the board's use of investment managers. 22203~~

Sec. 742.462. (A) As used in this section, "alternate payee," 22204
"benefit," "lump sum payment," "participant," and "public 22205
retirement program" have the same meanings as in section 3105.80 22206
of the Revised Code. 22207

(B) On receipt of an order issued under section 3105.171 or 22208
3105.65 of the Revised Code, the Ohio police and fire pension fund 22209
shall determine whether the order meets the requirements of 22210
sections 3105.80 to 3105.90 of the Revised Code. The fund shall 22211
retain in the participant's record an order the fund determines 22212
meets the requirements. Not later than sixty days after receipt, 22213
the fund shall return to the court that issued the order any order 22214
the fund determines does not meet the requirements. 22215

(C) The fund shall comply with an order retained under 22216
division (B) of this section at the following times as 22217
appropriate: 22218

(1) If the participant has applied for or is receiving a 22219
benefit or has applied for but not yet received a lump sum 22220
payment, as soon as practicable; 22221

(2) If the participant has not applied for a benefit or lump 22222
sum payment, on application by the participant for a benefit or 22223
lump sum payment. 22224

(D) If the fund transfers a participant's service credit or 22225
contributions made by or on behalf of a participant to a public 22226
retirement program that is not named in the order, the fund shall 22227
do both of the following: 22228

(1) Notify the court that issued the order by sending the 22229
court a copy of the order and the name and address of the public 22230
retirement program to which the transfer was made; 22231

(2) Send a copy of the order to the public retirement program 22232
to which the transfer was made. 22233

(E) If it receives a participant's service credit or 22234
contributions and a copy of an order as provided in division (D) 22235
of this section, the fund shall administer the order as if it were 22236
the public retirement program named in the order. 22237

(F) If a participant's benefit or lump sum payment is or will 22238
be subject to more than one order described in section 3105.81 of 22239
the Revised Code or to an order described in section 3105.81 of 22240
the Revised Code and a withholding order under section 3111.23 or 22241
3113.21 of the Revised Code, the fund shall, after determining 22242
that the amounts that are or will be withheld will cause the 22243
benefit or lump sum payment to fall below the limits described in 22244
section 3105.85 of the Revised Code, do all of the following: 22245

(1) Establish, in accordance with division (G) of this 22246
section and subject to the limits described in section 3105.85 of 22247
the Revised Code, the priority in which the orders are or will be 22248
paid by the fund in accordance with division (G) of this section; 22249

(2) Reduce the amount paid to an alternate payee based on the 22250
priority established under division (F)(1) of this section; 22251

(3) Notify, by regular mail, a participant and alternate 22252
payee of any action taken under this division. 22253

(G) A withholding or deduction notice issued under section 22254
3111.23 or 3113.21 of the Revised Code or an order described in 22255
section ~~3115.32~~ 3115.501 of the Revised Code has priority over all 22256
other orders and shall be complied with in accordance with child 22257
support enforcement laws. All other orders are entitled to 22258
priority in order of earliest retention by the fund. The fund is 22259
not to retain an order that provides for the division of property 22260
unless the order is filed in a court with jurisdiction in this 22261
state. 22262

(H) The fund is not liable in civil damages for loss 22263
resulting from any action or failure to act in compliance with 22264
this section. 22265

Sec. 742.47. Except as provided in sections 742.461, 742.463, 22266
742.464, 3105.171, 3105.65, and ~~3115.32~~ 3115.501 and Chapters 22267
3119., 3121., 3123., and 3125. of the Revised Code, sums of money 22268
due or to become due to any individual from the Ohio police and 22269
fire pension fund are not liable to attachment, garnishment, levy, 22270
or seizure under any legal or equitable process or any other 22271
process of law whatsoever, whether those sums remain with the 22272
treasurer of the fund or any officer or agent of the board of 22273
trustees of the fund or are in the course of transmission to the 22274
individual entitled to them, but shall inure wholly to the benefit 22275
of that individual. 22276

Sec. 743.50. (A) A municipal corporation that has established 22277
and implemented a watershed management program with regard to a 22278
reservoir for drinking water shall allow an owner of property that 22279
is contiguous to property that constitutes a buffer around a body 22280
of water that is part of such a reservoir to maintain property 22281
that constitutes a buffer if the maintenance is for any of the 22282
following: 22283

(1) Creation of an access path that is not wider than five 22284
feet to the body of water; 22285

(2) Creation of a view corridor along adjacent property 22286
boundaries; 22287

(3) Removal of invasive plant species as defined in section 22288
901.50 of the Revised Code; 22289

(4) Creation and maintenance of a filter strip of plants and 22290
grass that are native to the area surrounding the reservoir in 22291
order to provide adequate filtering of wastewater and polluted 22292
runoff from the owner's property to the body of water; 22293

(5) Beautification of the property. 22294

(B) A peace officer or other official with authority to cite 22295
trespassers on property that is owned by a municipal corporation 22296
and that constitutes a buffer as described in division (A) of this 22297
section shall not issue a civil or criminal citation to an 22298
individual who enters the property for the sole purpose of mowing 22299
grass, weeds, or other vegetation or for any of the purposes 22300
specified in that division. 22301

Sec. 759.36. At any joint meeting provided for by section 22302
759.35 of the Revised Code, or at the joint meeting provided for 22303
by section 759.34 of the Revised Code, by a majority vote of all 22304
present counting members of the legislative authorities of 22305
municipal corporations and of boards of township trustees, the 22306

meeting may elect a board of cemetery trustees consisting of three 22307
members, of which one or more must be a member of each of the 22308
separate boards of township trustees and legislative authorities 22309
which comprise the union cemetery association represented by the 22310
joint meeting. 22311

The board of cemetery trustees so elected shall have the 22312
custody of the funds derived from the tax levy provided by section 22313
759.34 of the Revised Code, and the political subdivision shall 22314
pay the funds to the board of cemetery trustees upon its 22315
application for them. The board of cemetery trustees also shall 22316
have the custody of the funds derived from any tax levied by the 22317
union cemetery district under Chapter 5705. of the Revised Code. 22318
The board of cemetery trustees shall have all the powers and 22319
perform all the duties exercised and performed by the director of 22320
public service of a municipal corporation under sections 759.09 to 22321
759.14 of the Revised Code. The board of cemetery trustees may 22322
create a permanent endowment fund for the express purpose of 22323
keeping the cemetery clean and in good order and may: 22324

(A) Add to the price regularly charged for lots a sum for 22325
that purpose; 22326

(B) Receive gifts for that purpose; 22327

(C) Enter into separate agreements with the purchasers of 22328
lots by which an agreed part of the purchase price shall 22329
constitute a permanent fund; 22330

(D) Receive individual gifts for the fund, the income thereof 22331
to be used for the upkeep and care of lots. 22332

When any such funds are received or created, they shall be a 22333
permanent fund for such use and the income therefrom shall be used 22334
only for such purpose, and the principal sum shall be kept and 22335
invested under the same terms fixed by law for the investment of 22336
the funds of a minor by ~~his~~ the minor's guardian except that upon 22337

unanimous consent of the board of cemetery trustees, the board may 22338
use the principal of the fund if the board is unable to keep the 22339
cemetery clean and in good order using only the income from the 22340
fund. 22341

At the first election of the board of cemetery trustees, one 22342
member shall be chosen for one year, one for two years, and one 22343
for three years, together with the part of a year intervening 22344
between the time of the election and the first day of January next 22345
thereafter. Yearly thereafter, at the joint meeting held in May, 22346
one member shall be chosen for three years commencing on the first 22347
day of January next thereafter. Any regular or regularly called 22348
joint meeting of the board of township trustees and municipal 22349
legislative authority may fill vacancies occurring on the board of 22350
cemetery trustees by a majority vote of the members present, the 22351
election to be for the unexpired term. 22352

One member of the board of cemetery trustees or a person 22353
selected by the board of trustees shall be designated the 22354
clerk-treasurer for a term not to exceed two years. The 22355
clerk-treasurer shall be compensated from the cemetery fund in an 22356
amount fixed by the board of trustees in view of the size and 22357
financial condition of the cemetery association. The 22358
clerk-treasurer shall be charged with the duty of accounting for 22359
the fund and shall be bonded in an amount equal to or greater than 22360
the amount in the fund, but not less than one thousand dollars, 22361
the bond to be subject to the approval of the board of cemetery 22362
trustees and to be paid for from the cemetery funds. 22363

Any member of the board of cemetery trustees may be removed 22364
by the joint meeting, on a two-thirds vote of all members entitled 22365
to sit in such meeting, for misfeasance or malfeasance in office, 22366
gross neglect of duty, or gross immorality, but no member shall be 22367
so removed until ~~he has~~ having had at least ten days' notice in 22368
writing, together with a copy of the charges against ~~him~~ the 22369

member, and an opportunity to appear and defend ~~himself~~ self 22370
either in person or by counsel. 22371

Sec. 901.08. The director of agriculture shall appoint a 22372
chief of the division of administration, a chief of the division 22373
of animal health, a chief of the division of livestock 22374
environmental permitting, a chief of the division of soil and 22375
water conservation, a chief of the division of dairy, a chief of 22376
the division of food safety, a chief of the division of markets, a 22377
chief of the division of plant health, a chief of the division of 22378
weights and measures, a chief of the division of meat inspection, 22379
a chief of the division of consumer protection laboratory, a chief 22380
of the division of enforcement, and a chief of the division of 22381
amusement ride safety. 22382

Sec. 901.21. (A) As used in this section and section 901.22 22383
of the Revised Code: 22384

(1) "Agricultural easement" has the same meaning as in 22385
section 5301.67 of the Revised Code. 22386

(2) "Agriculture" means those activities occurring on land 22387
devoted exclusively to agricultural use, as defined in section 22388
5713.30 of the Revised Code, or on land that constitutes a 22389
homestead. 22390

(3) "Homestead" means the portion of a farm on which is 22391
located a dwelling house, yard, or outbuildings such as a barn or 22392
garage. 22393

(B) The director of agriculture may acquire real property 22394
used predominantly in agriculture and agricultural easements by 22395
gift, devise, or bequest if, at the time an easement is granted, 22396
such an easement is on land that is valued for purposes of real 22397
property taxation at its current value for agricultural use under 22398
section 5713.31 of the Revised Code or that constitutes a 22399

homestead. Any terms may be included in an agricultural easement 22400
so acquired that are necessary or appropriate to preserve on 22401
behalf of the grantor of the easement the favorable tax 22402
consequences of the gift, devise, or bequest under the "Internal 22403
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 22404
The director, by any such means or by purchase or lease, may 22405
acquire, or acquire the use of, stationary personal property or 22406
equipment that is located on land acquired in fee by the director 22407
under this section and that is necessary or appropriate for the 22408
use of the land predominantly in agriculture. 22409

(C) The director may include, in an agricultural easement 22410
acquired under division (B) of this section, a provision to 22411
preserve a unique natural or physical feature on the land so long 22412
as the use of the land remains predominantly agricultural. 22413

(D) The director may do all things necessary or appropriate 22414
to retain the use of real property acquired in fee under division 22415
(B) of this section predominantly in agriculture, including, 22416
without limitation, performing any of the activities described in 22417
division (A)(1) or (2) of section 5713.30 of the Revised Code or 22418
entering into contracts to lease or rent the real property so 22419
acquired to persons or governmental entities that will use the 22420
land predominantly in agriculture. 22421

(E)(1) When the director considers it to be necessary or 22422
appropriate, the director may sell real property acquired in fee, 22423
and stationary personal property or equipment acquired by gift, 22424
devise, bequest, or purchase, under division (B) of this section 22425
on such terms as the director considers to be advantageous to this 22426
state. 22427

(2) An agricultural easement acquired under division (B) of 22428
this section may be extinguished under the circumstances 22429
prescribed, and in accordance with the terms and conditions set 22430
forth, in the instrument conveying the agricultural easement. 22431

(F) There is hereby created in the state treasury the 22432
agricultural easement purchase fund. The fund shall consist of the 22433
proceeds received from the sale of real and personal property 22434
under division (E) of this section; moneys received due to the 22435
extinguishment of agricultural easements acquired by the director 22436
under division (B) of this section or section 5301.691 of the 22437
Revised Code; moneys received due to the extinguishment of 22438
agricultural easements purchased with the assistance of matching 22439
grants made under section 901.22 of the Revised Code; gifts, 22440
bequests, devises, and contributions received by the director for 22441
the purpose of acquiring agricultural easements; and grants 22442
received from public or private sources for the purpose of 22443
purchasing agricultural easements. The fund shall be administered 22444
by the director, and moneys in the fund shall be used by the 22445
director exclusively to purchase agricultural easements under 22446
division (A) of section 5301.691 of the Revised Code and provide 22447
matching grants under section 901.22 of the Revised Code to 22448
municipal corporations, counties, townships, soil and water 22449
conservation districts established under Chapter ~~1515-~~ 940. of the 22450
Revised Code, and charitable organizations described in division 22451
(B) of section 5301.69 of the Revised Code for the purchase of 22452
agricultural easements. Money in the fund shall be used only to 22453
purchase agricultural easements on land that is valued for 22454
purposes of real property taxation at its current value for 22455
agricultural use under section 5713.31 of the Revised Code or that 22456
constitutes a homestead when the easement is purchased. 22457

(G) There is hereby created in the state treasury the clean 22458
Ohio agricultural easement fund. Twelve and one-half per cent of 22459
net proceeds of obligations issued and sold pursuant to sections 22460
151.01 and 151.09 of the Revised Code shall be deposited into the 22461
fund. The fund shall be used by the director for the purposes of 22462
this section, section 901.22 of the Revised Code, and the 22463
provisions of sections 5301.67 to 5301.70 of the Revised Code 22464

governing agricultural easements. Investment earnings of the fund 22465
shall be credited to the fund and may be used to pay costs 22466
incurred by the director in administering those sections and 22467
provisions. 22468

(H) The term of an agricultural easement purchased wholly or 22469
in part with money from the clean Ohio agricultural easement fund 22470
or the agricultural easement purchase fund shall be perpetual and 22471
shall run with the land. 22472

Sec. 901.22. (A) The director of agriculture, in accordance 22473
with Chapter 119. of the Revised Code, shall adopt rules that do 22474
all of the following: 22475

(1) Establish procedures and eligibility criteria for making 22476
matching grants to municipal corporations, counties, townships, 22477
soil and water conservation districts established under Chapter 22478
~~1515-~~ 940. of the Revised Code, and charitable organizations 22479
described in division (B) of section 5301.69 of the Revised Code 22480
for the purchase of agricultural easements. With respect to 22481
agricultural easements that are purchased or proposed to be 22482
purchased with such matching grants that consist in whole or in 22483
part of moneys from the clean Ohio agricultural easement fund 22484
created in section 901.21 of the Revised Code, the rules shall 22485
establish all of the following: 22486

(a) Procedures for all of the following: 22487

(i) Soliciting and accepting applications for matching 22488
grants; 22489

(ii) Participation by local governments and by the public in 22490
the process of making matching grants to charitable organizations; 22491

(iii) Notifying local governments, charitable organizations, 22492
and organizations that represent the interests of farmers of the 22493
ranking system established in rules adopted under division 22494

(A)(1)(b) of this section. 22495

(b) A ranking system for applications for the matching grants 22496
that is based on the soil type, proximity of the land or other 22497
land that is conducive to agriculture as defined by rules adopted 22498
under this section and that is the subject of an application to 22499
other agricultural land or other land that is conducive to 22500
agriculture as defined by rules adopted under this section and 22501
that is already or is in the process of becoming permanently 22502
protected from development, farm stewardship, development 22503
pressure, and, if applicable, a local comprehensive land use plan 22504
involved with a proposed agricultural easement. The rules shall 22505
require that preference be given to proposed agricultural 22506
easements that involve the greatest proportion of all of the 22507
following: 22508

(i) Prime soils, unique or locally important soils, 22509
microclimates, or similar features; 22510

(ii) Land that is adjacent to or that is in close proximity 22511
to other agricultural land or other land that is conducive to 22512
agriculture as defined by rules adopted under this section and 22513
that is already or is in the process of becoming permanently 22514
protected from development, by agricultural easement or otherwise, 22515
so that a buffer would exist between the land involving the 22516
proposed agricultural easement and areas that have been developed 22517
or likely will be developed for purposes other than agriculture; 22518

(iii) The use of best management practices, including 22519
federally or state approved conservation plans, and a history of 22520
substantial compliance with applicable federal and state laws; 22521

(iv) Development pressure that is imminent, but not a result 22522
of current location in the direct path of urban development; 22523

(v) Areas identified for agricultural protection in local 22524
comprehensive land use plans. 22525

(c) Any other criteria that the director determines are 22526
necessary for selecting applications for matching grants; 22527

(d) Requirements regarding the information that must be 22528
included in the annual monitoring report that must be prepared for 22529
an agricultural easement under division (E)(2) of section 5301.691 22530
of the Revised Code, procedures for submitting a copy of the 22531
report to the office of farmland preservation in the department of 22532
agriculture, and requirements and procedures governing corrective 22533
actions that may be necessary to enforce the terms of the 22534
agricultural easement. 22535

(2) Establish provisions that shall be included in the 22536
instrument conveying to a municipal corporation, county, township, 22537
soil and water conservation district, or charitable organization 22538
any agricultural easement purchased with matching grant funds 22539
provided by the director under this section, including, without 22540
limitation, all of the following provisions: 22541

(a) A provision stating that an easement so purchased may be 22542
extinguished only if an unexpected change in the conditions of or 22543
surrounding the land that is subject to the easement makes 22544
impossible or impractical the continued use of the land for the 22545
purposes described in the easement, or if the requirements of the 22546
easement are extinguished by judicial proceedings; 22547

(b) A provision requiring that, upon the sale, exchange, or 22548
involuntary conversion of the land subject to the easement, the 22549
holder of the easement shall be paid an amount of money that is at 22550
least equal to the proportionate value of the easement compared to 22551
the total value of the land at the time the easement was acquired; 22552

(c) A provision requiring that, upon receipt of the portion 22553
of the proceeds of a sale, exchange, or involuntary conversion 22554
described in division (A)(2)(b) of this section, the municipal 22555
corporation, county, township, soil and water conservation 22556

district, or charitable organization remit to the director an 22557
amount of money equal to the percentage of the cost of purchasing 22558
the easement it received as a matching grant under this section. 22559

Moneys received by the director pursuant to rules adopted 22560
under division (A)(2)(c) of this section shall be credited to the 22561
agricultural easement purchase fund created in section 901.21 of 22562
the Revised Code. 22563

(3) Establish a provision that provides a charitable 22564
organization, municipal corporation, township, county, or soil and 22565
water conservation district with the option of purchasing 22566
agricultural easements either in installments or with a lump sum 22567
payment. The rules shall include a requirement that a charitable 22568
organization, municipal corporation, township, county, or soil and 22569
water conservation district negotiate with the seller of the 22570
agricultural easement concerning any installment payment terms, 22571
including the dates and amounts of payments and the interest rate 22572
on the outstanding balance. The rules also shall require the 22573
director to approve any method of payment that is undertaken in 22574
accordance with the rules adopted under division (A)(3) of this 22575
section. 22576

(4) Establish any other requirements that the director 22577
considers to be necessary or appropriate to implement or 22578
administer a program to make matching grants under this section 22579
and monitor those grants. 22580

(B) The director may develop guidelines regarding the 22581
acquisition of agricultural easements by the department of 22582
agriculture and the provisions of instruments conveying those 22583
easements. The director may make the guidelines available to 22584
public and private entities authorized to acquire and hold 22585
agricultural easements. 22586

(C) The director may provide technical assistance in 22587

developing a program for the acquisition and monitoring of 22588
agricultural easements to public and private entities authorized 22589
to hold agricultural easements. The technical assistance may 22590
include, without limitation, reviewing and providing advisory 22591
recommendations regarding draft instruments conveying agricultural 22592
easements. 22593

(D)(1) The director may make matching grants from the 22594
agricultural easement purchase fund and the clean Ohio 22595
agricultural easement fund to municipal corporations, counties, 22596
townships, soil and water conservation districts, and charitable 22597
organizations to assist those political subdivisions and 22598
charitable organizations in purchasing agricultural easements. 22599
Application for a matching grant shall be made on forms prescribed 22600
and provided by the director. The matching grants shall be made in 22601
compliance with the criteria and procedures established in rules 22602
adopted under this section. Instruments conveying agricultural 22603
easements purchased with matching grant funds provided under this 22604
section, at a minimum, shall include the mandatory provisions set 22605
forth in those rules. 22606

Matching grants made under this division using moneys from 22607
the clean Ohio agricultural easement fund created in section 22608
901.21 of the Revised Code may provide up to seventy-five per cent 22609
of the value of an agricultural easement as determined by a 22610
general real estate appraiser who is certified under Chapter 4763. 22611
of the Revised Code or as determined through a points-based 22612
appraisal system established under division (D)(2) of this 22613
section. Not less than twenty-five per cent of the value of the 22614
agricultural easement shall be provided by the recipient of the 22615
matching grant or donated by the person who is transferring the 22616
easement to the grant recipient. The amount of such a matching 22617
grant used for the purchase of a single agricultural easement 22618
shall not exceed one million dollars. 22619

(2) The director shall establish a points-based appraisal system for the purposes of division (D)(1) of this section. The director may include any or all of the following factors in the system:

(a) Whether the applicable county auditor has determined that the land is land that is devoted exclusively to agriculture for the purposes of sections 5713.30 to 5713.38 of the Revised Code;

(b) Changes in land values following the completion of the applicable county auditor's reappraisal or triennial update;

(c) Soil types and productivity;

(d) Proximity of the land to land that is already subject to an agricultural easement, conservation easement created under sections 5301.67 to 5301.70 of the Revised Code, or similar land-use limitation;

(e) Proximity of the land to water and sewer lines, road interchanges, and nonagricultural development;

(f) Parcel size and roadway frontage of the land;

(g) Existence of an agreement entered into under division (D) of section ~~1515.08~~ 940.06 of the Revised Code or of an operation and management plan developed under division (A) of section ~~1511.021~~ 939.03 of the Revised Code;

(h) Existence of a comprehensive plan that is adopted under section 303.02 or 519.02 of the Revised Code or that is adopted by the planning commission of a municipal corporation under section 713.06 of the Revised Code;

(i) Any other factors that the director determines are necessary for inclusion in the system.

(E) An agricultural easement acquired as a result of a matching grant awarded under division (D) of this section may include a provision to preserve a unique natural or physical

feature on the land so long as the use of the land remains 22650
predominantly agricultural. 22651

(F) For any agricultural easement purchased with a matching 22652
grant that consists in whole or in part of moneys from the clean 22653
Ohio agricultural easement fund, the director shall be named as a 22654
grantee on the instrument conveying the easement, as shall the 22655
municipal corporation, county, township, soil and water 22656
conservation district, or charitable organization that receives 22657
the grant. 22658

(G)(1) The director shall monitor and evaluate the 22659
effectiveness and efficiency of the agricultural easement program 22660
as a farmland preservation tool. On or before July 1, 1999, and 22661
the first day of July of each year thereafter, the director shall 22662
prepare and submit a report to the chairpersons of the standing 22663
committees of the senate and the house of representatives that 22664
consider legislation regarding agriculture. The report shall 22665
consider and address the following criteria to determine the 22666
program's effectiveness: 22667

(a) The number of agricultural easements purchased during the 22668
preceding year; 22669

(b) The location of those easements; 22670

(c) The number of acres of land preserved for agricultural 22671
use; 22672

(d) The amount of money used by a municipal corporation, 22673
township, county, or soil and water conservation district from any 22674
fund to purchase the agricultural easements; 22675

(e) The number of state matching grants given to purchase the 22676
agricultural easements; 22677

(f) The amount of state matching grant moneys used to 22678
purchase the agricultural easements. 22679

(2) The report also shall consider and include, at a minimum, 22680
the following information for each county to determine the 22681
program's efficiency: 22682

(a) The total number of acres in the county; 22683

(b) The total number of acres in current agricultural use; 22684

(c) The total number of acres preserved for agricultural use 22685
in the preceding year; 22686

(d) The average cost, per acre, of land preserved for 22687
agricultural use in the preceding year. 22688

Sec. 902.01. As used in this chapter: 22689

(A) "Bonds" means bonds, notes, or other forms of evidences 22690
of obligation issued in temporary or definitive form, including 22691
refunding bonds and notes and bonds and notes issued in 22692
anticipation of the issuance of bonds and renewal notes. 22693

(B) "Bond proceedings" means the resolution or ordinance or 22694
the trust agreement or indenture of mortgage, or combination 22695
thereof, authorizing or providing for the terms and conditions 22696
applicable to bonds issued under authority of this chapter. 22697

(C) "Borrower" means the recipient of a loan or the lessee or 22698
purchaser of a project under this chapter and is limited to a sole 22699
proprietor, or to a partnership, joint venture, firm, association, 22700
or corporation, a majority of whose stockholders, partners, 22701
members, or associates are persons or the spouses of persons 22702
related to each other within the fourth degree of kinship, 22703
according to law, provided that the sole proprietor or at least 22704
one of such related persons resides or will reside on or is or 22705
will actively operate the project or the farm or agricultural 22706
enterprise composed, in whole or in part, of the project, and 22707
provided further that the sole proprietor or all of the 22708
stockholders, members, partners, or associates are natural 22709

persons. The agricultural financing commission may establish 22710
procedures for the determination of the eligibility of borrowers 22711
under this chapter which determinations are conclusive in relation 22712
to the validity and enforceability of bonds issued under bond 22713
proceedings authorized in connection therewith, and in relation to 22714
security interests given and leases, subleases, sale agreements, 22715
loan agreements, and other agreements made in connection 22716
therewith, all in accordance with their terms. 22717

(D) "Composite financing arrangement" means the sale of a 22718
single issue of bonds to finance two or more projects, including, 22719
but not limited to, a single issue of bonds for a group of loans 22720
submitted by or through a single lending institution or with 22721
credit enhancement from a single lending institution, or the sale 22722
by or on behalf of one or more issuers of two or more issues or 22723
lots of bonds under or pursuant to a single sale agreement, single 22724
marketing arrangement, or single official statement, offering 22725
circular, or other marketing document. 22726

(E) "Issuer" means the state, or any county or municipal 22727
corporation of the state. 22728

(F) "Issuing authority" means ~~in the case of the state, the~~ 22729
~~agricultural financing commission created by section 901.61 of the~~ 22730
~~Revised Code~~; in the case of a municipal corporation, the 22731
legislative authority thereof; and in the case of a county, the 22732
board of county commissioners or whatever officers, board, 22733
commission, council, or other body might succeed to or assume the 22734
legislative powers of the board of county commissioners. 22735

(G) "Lending institution" means any domestic building and 22736
loan association as defined in section 1151.01 of the Revised 22737
Code, any service corporation the entire stock of which is owned 22738
by one or more such building and loan associations, a bank which 22739
has its principal place of business located in this state, a bank 22740
subsidiary corporation that is wholly owned by a bank having its 22741

principal place of business located in this state, any state or 22742
federal governmental agency or instrumentality including without 22743
limitation the federal land bank, production credit association, 22744
or bank for cooperatives, or any of their local associations, or 22745
any other financial institution or entity authorized to make 22746
mortgage loans and qualified to do business in this state. 22747

(H) "Loan" includes a loan made to or through, or a deposit 22748
with, a lending institution or a loan made directly to the owner 22749
or operator of a project to finance one or more projects. 22750
Notwithstanding any other provision of this chapter, loans from 22751
proceeds of bonds issued under a composite financing arrangement 22752
shall be made only to or through, or by a deposit with, a lending 22753
institution, including the purchase of loans from lending 22754
institutions, or be made in any other manner in which a lending 22755
institution has been or is involved in the origination or credit 22756
enhancement of the loan. 22757

(I) "Mortgage loan" means a loan secured by a mortgage, deed 22758
of trust, or other security interest. 22759

(J) "Pledged facilities" means the project or projects 22760
mortgaged or facilities the rentals, revenues, and other income, 22761
charges, and moneys from which are pledged, or both, for the 22762
payment of the principal of and interest on the bonds issued under 22763
authority of section 902.04 of the Revised Code, and includes a 22764
project for which a loan has been made under authority of this 22765
chapter, in which case, references in this chapter to revenues of 22766
such pledged facilities or from the disposition thereof include 22767
payments made or to be made to or for the account of the issuer 22768
pursuant to such loan. 22769

(K) "Project" means real or personal property, or both, 22770
including undivided and other interests therein, acquired by gift 22771
or purchase, constructed, reconstructed, enlarged, improved, 22772
furnished, or equipped, or any combination thereof, by an issuer, 22773

or by others from the proceeds of bonds, located within the 22774
boundaries of the issuer, and used or to be used by a borrower for 22775
agricultural purposes as provided in division (D) of this section. 22776
A project is hereby determined to qualify as facilities for 22777
industry, commerce, distribution, or research described in Section 22778
13 of Article VIII, Ohio Constitution. 22779

(L) "Purchase" means, with respect to loans, the purchase of 22780
loans from, or other acquisition by an issuer of loans of, lending 22781
institutions. 22782

(M) "Revenues" means the rentals, revenues, payments, 22783
repayments, income, charges, and moneys derived or to be derived 22784
from the use, lease, sublease, rental, sale, including installment 22785
sale or conditional sale, or other disposition of pledged 22786
facilities, or derived or to be derived pursuant to a loan made 22787
for a project, bond proceeds to the extent provided in the bond 22788
proceedings for the payment of principal of, or premium, if any, 22789
or interest on the bonds, proceeds from any insurance, 22790
condemnation, or guaranty pertaining to pledged facilities or the 22791
financing thereof, any income and profit from the investment of 22792
the proceeds of bonds or of any revenues, any fees and charges 22793
received by or on behalf of an issuer for the services of or 22794
commitments by the issuer, and moneys received in repayment of and 22795
for interest on any loan made or purchased by an issuer, moneys 22796
received by an issuer upon the sale of any bonds of the issuer 22797
under section 902.04 of the Revised Code, any moneys received from 22798
investment of funds of an issuer or from the sale of collateral 22799
securing loans made or purchased by the issuer, including 22800
collateral acquired by foreclosure or other action to enforce a 22801
security interest, and any moneys received in payment of a claim 22802
under insurance, guarantees, letters of credit, or otherwise with 22803
respect to any loans made or purchased by an issuer or any 22804
collateral held by the issuer of any bonds issued under this 22805

chapter. 22806

(N) "Security interest" means a mortgage, lien, or other 22807
encumbrance on, or pledge or assignment of, or other security 22808
interest with respect to all or any part of pledged facilities, 22809
revenues, reserve funds, or other funds established under the bond 22810
proceedings, or on, of, or with respect to, a lease, sublease, 22811
sale, conditional sale, or installment sale agreement, loan 22812
agreement, or any other agreement pertaining to the lease, 22813
sublease, sale, or other disposition of a project or pertaining to 22814
a loan made for a project, or any guaranty or insurance agreement 22815
made with respect thereto, or any interest of the issuer therein, 22816
or any other interest granted, assigned, purchased, or released to 22817
secure payments of the principal of, premium, if any, or interest 22818
on any bonds or to secure any other payments to be made by an 22819
issuer under the bond proceedings. Any security interest under 22820
this chapter may be prior or subordinate to or on a parity with 22821
any other mortgage, lien, encumbrance, pledge, assignment, or 22822
other security interest. 22823

Sec. 903.01. As used in this chapter: 22824

(A) "Agricultural animal" means any animal generally used for 22825
food or in the production of food, including cattle, sheep, goats, 22826
rabbits, poultry, and swine; horses; alpacas; llamas; and any 22827
other animal included by the director of agriculture by rule. 22828
"Agricultural animal" does not include fish or other aquatic 22829
animals regardless of whether they are raised at fish hatcheries, 22830
fish farms, or other facilities that raise aquatic animals. 22831

(B) "Animal feeding facility" means a lot, building, or 22832
structure where both of the following conditions are met: 22833

(1) Agricultural animals have been, are, or will be stabled 22834
or confined and fed or maintained there for a total of forty-five 22835
days or more in any twelve-month period. 22836

(2) Crops, vegetative forage growth, or post-harvest residues 22837
are not sustained in the normal growing season over any portion of 22838
the lot, building, or structure. 22839

"Animal feeding facility" also includes land that is owned or 22840
leased by or otherwise is under the control of the owner or 22841
operator of the lot, building, or structure and on which manure 22842
originating from agricultural animals in the lot, building, or 22843
structure or a production area is or may be applied. 22844

Two or more animal feeding facilities under common ownership 22845
shall be considered to be a single animal feeding facility for the 22846
purposes of this chapter if they adjoin each other or if they use 22847
a common area or system for the disposal of manure. 22848

(C) "Animal feeding operation" has the same meaning as 22849
"animal feeding facility." 22850

(D) "Cattle" includes, but is not limited to, heifers, 22851
steers, bulls, and cow and calf pairs. 22852

(E) "Concentrated animal feeding facility" means an animal 22853
feeding facility with a total design capacity equal to or more 22854
than the number of animals specified in any of the categories in 22855
division (M) of this section. 22856

(F) "Concentrated animal feeding operation" means an animal 22857
feeding facility that complies with one of the following: 22858

(1) Has a total design capacity equal to or more than the 22859
number of animals specified in any of the categories in division 22860
(M) of this section; 22861

(2) Satisfies the criteria in division (M), (Q), or (FF) of 22862
this section; 22863

(3) Is designated by the director of agriculture as a medium 22864
or small concentrated animal feeding operation pursuant to rules. 22865

(G) "Discharge" means to add from a point source to waters of 22866

the state. 22867

(H) "Federal Water Pollution Control Act" means the "Federal 22868
Water Pollution Control Act Amendments of 1972," 86 Stat. 816, 33 22869
U.S.C. 1251 et. seq., as amended, and regulations adopted under 22870
it. 22871

(I) "Finalized," with respect to the programs required under 22872
division (A)(1) of section 903.02 and division (A)(1) of section 22873
903.03 of the Revised Code, means that all rules that are 22874
necessary for the administration of this chapter have been adopted 22875
and all employees of the department of agriculture that are 22876
necessary for the administration of this chapter have been 22877
employed. 22878

(J) "General permit" has the meaning that is established in 22879
rules. 22880

(K) "Individual permit" has the meaning that is established 22881
in rules. 22882

(L) "Installation permit" means a permit for the installation 22883
or modification of a disposal system or any part of a disposal 22884
system issued by the director of environmental protection under 22885
division (J)(1) of section 6111.03 of the Revised Code. 22886

(M) "Large concentrated animal feeding operation" means an 22887
animal feeding facility that stables or confines at least the 22888
number of animals specified in any of the following categories: 22889

(1) Seven hundred mature dairy cattle whether milked or dry; 22890

(2) One thousand veal calves; 22891

(3) One thousand cattle other than mature dairy cattle or 22892
veal calves; 22893

(4) Two thousand five hundred swine that each weigh 22894
fifty-five pounds or more; 22895

(5) Ten thousand swine that each weigh less than fifty-five 22896

pounds;	22897
(6) Five hundred horses;	22898
(7) Ten thousand sheep or lambs;	22899
(8) Fifty-five thousand turkeys;	22900
(9) Thirty thousand laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	22901 22902
(10) One hundred twenty-five thousand chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22903 22904 22905
(11) Eighty-two thousand laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22906 22907 22908
(12) Thirty thousand ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22909 22910 22911
(13) Five thousand ducks if the animal feeding facility uses a liquid manure handling system.	22912 22913
(N) "Major concentrated animal feeding facility" means a concentrated animal feeding facility with a total design capacity of more than ten times the number of animals specified in any of the categories in division (M) of this section.	22914 22915 22916 22917
(O) "Manure" means any of the following wastes used in or resulting from the production of agricultural animals or direct agricultural products such as milk or eggs: animal excreta, discarded products, bedding, process waste water, process generated waste water, waste feed, silage drainage, and compost products resulting from mortality composting or the composting of animal excreta.	22918 22919 22920 22921 22922 22923 22924
(P) "Manure storage or treatment facility" means any excavated, diked, or walled structure or combination of structures	22925 22926

designed for the biological stabilization, holding, or storage of manure.	22927 22928
(Q) "Medium concentrated animal feeding operation" means an animal feeding facility that satisfies both of the following:	22929 22930
(1) The facility stables or confines the number of animals specified in any of the following categories:	22931 22932
(a) Two hundred to six hundred ninety-nine mature dairy cattle whether milked or dry;	22933 22934
(b) Three hundred to nine hundred ninety-nine veal calves;	22935
(c) Three hundred to nine hundred ninety-nine cattle other than mature dairy cattle or veal calves;	22936 22937
(d) Seven hundred fifty to two thousand four hundred ninety-nine swine that each weigh fifty-five pounds or more;	22938 22939
(e) Three thousand to nine thousand nine hundred ninety-nine swine that each weigh less than fifty-five pounds;	22940 22941
(f) One hundred fifty to four hundred ninety-nine horses;	22942
(g) Three thousand to nine thousand nine hundred ninety-nine sheep or lambs;	22943 22944
(h) Sixteen thousand five hundred to fifty-four thousand nine hundred ninety-nine turkeys;	22945 22946
(i) Nine thousand to twenty-nine thousand nine hundred ninety-nine laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	22947 22948 22949
(j) Thirty-seven thousand five hundred to one hundred twenty-four thousand nine hundred ninety-nine chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22950 22951 22952 22953
(k) Twenty-five thousand to eighty-one thousand nine hundred ninety-nine laying hens if the animal feeding facility uses a	22954 22955

manure handling system that is not a liquid manure handling system; 22956
22957

(l) Ten thousand to twenty-nine thousand nine hundred ninety-nine ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system; 22958
22959
22960

(m) One thousand five hundred to four thousand nine hundred ninety-nine ducks if the animal feeding facility uses a liquid manure handling system. 22961
22962
22963

(2) The facility does one of the following: 22964

(a) Discharges pollutants into waters of the United States through a ditch constructed by humans, a flushing system constructed by humans, or another similar device constructed by humans; 22965
22966
22967
22968

(b) Discharges pollutants directly into waters of the United States that originate outside of and that pass over, across, or through the facility or otherwise come into direct contact with the animals at the facility. 22969
22970
22971
22972

"Medium concentrated animal feeding operation" includes an animal feeding facility that is designated by the director as a medium concentrated animal feeding operation pursuant to rules. 22973
22974
22975

(R) "Mortality composting" means the controlled decomposition of organic solid material consisting of dead animals that stabilizes the organic fraction of the material. 22976
22977
22978

(S) "NPDES permit" means a permit issued under the national pollutant discharge elimination system established in section 402 of the Federal Water Pollution Control Act and includes the renewal of such a permit. "NPDES permit" includes the federally enforceable provisions of a permit to operate into which NPDES permit provisions have been incorporated. 22979
22980
22981
22982
22983
22984

(T) "Permit" includes an initial, renewed, or modified permit 22985

to install, permit to operate, NPDES permit, and installation 22986
permit unless expressly stated otherwise. 22987

(U) "Permit to install" means a permit issued under section 22988
903.02 of the Revised Code. 22989

(V) "Permit to operate" means a permit issued or renewed 22990
under section 903.03 of the Revised Code and includes incorporated 22991
NPDES permit provisions, if applicable. 22992

(W) "Person" has the same meaning as in section 1.59 of the 22993
Revised Code and also includes the state, any political 22994
subdivision of the state, any interstate body created by compact, 22995
the United States, or any department, agency, or instrumentality 22996
of any of those entities. 22997

(X) "Point source" has the same meaning as in the Federal 22998
Water Pollution Control Act. 22999

(Y) "Pollutant" means dredged spoil, solid waste, incinerator 23000
residue, filter backwash, sewage, garbage, sewage sludge, 23001
munitions, chemical wastes, biological materials, radioactive 23002
materials except those regulated under the "Atomic Energy Act of 23003
1954," 68 Stat. 919, 42 U.S.C. 2011, as amended, heat, wrecked or 23004
discarded equipment, rock, sand, cellar dirt, and industrial, 23005
municipal, and agricultural waste, including manure, discharged 23006
into water. "Pollutant" does not include either of the following: 23007

(1) Sewage from vessels; 23008

(2) Water, gas, or other material that is injected into a 23009
well to facilitate production of oil or gas, or water derived in 23010
association with oil and gas production and disposed of in a well, 23011
if the well that is used either to facilitate production or for 23012
disposal purposes is approved by the state and if the state 23013
determines that the injection or disposal will not result in the 23014
degradation of ground or surface water resources. 23015

(Z) "Process generated waste water" means water that is	23016
directly or indirectly used in the operation of an animal feeding	23017
facility for any of the following:	23018
(1) Spillage or overflow from animal watering systems;	23019
(2) Washing, cleaning, or flushing pens, barns, manure pits,	23020
or other areas of an animal feeding facility;	23021
(3) Direct contact swimming, washing, or spray cooling of	23022
animals;	23023
(4) Dust control.	23024
(AA) "Process waste water" means any process generated waste	23025
water and any precipitation, including rain or snow, that comes	23026
into contact with manure, litter, bedding, or any other raw	23027
material or intermediate or final material or product used in or	23028
resulting from the production of animals or direct products such	23029
as milk or eggs.	23030
(BB) "Production area" means any of the following components	23031
of an animal feeding facility:	23032
(1) Animal confinement areas, including, but not limited to,	23033
open lots, housed lots, feedlots, confinement houses, stall barns,	23034
free stall barns, milkrooms, milking centers, cowyards, barnyards,	23035
medication pens, animal walkways, and stables;	23036
(2) Manure storage areas, including, but not limited to,	23037
manure storage or treatment facilities;	23038
(3) Raw material storage areas, including, but not limited	23039
to, feed silos, silage bunkers, commodity buildings, and bedding	23040
materials;	23041
(4) Waste containment areas, including, but not limited to,	23042
any of the following:	23043
(a) An egg washing or egg processing facility;	23044

(b) An area used in the storage, handling, treatment, or disposal of mortalities;

(c) Settling basins, runoff ponds, liquid impoundments, and areas within berms and diversions that are designed and maintained to separate uncontaminated storm water runoff from contaminated water and to contain and treat contaminated storm water runoff.

(CC) "Public meeting" means a nonadversarial public hearing at which a person may present written or oral statements for the director of agriculture's consideration and includes public hearings held under section 6111.12 of the Revised Code.

~~(DD) "Review compliance certificate" means a certificate issued under section 903.04 of the Revised Code.~~

~~(EE)~~ "Rule" means a rule adopted under section 903.10 of the Revised Code.

~~(FF)~~~~(EE)~~ "Small concentrated animal feeding operation" means an animal feeding facility that is not a large or medium concentrated animal feeding operation and that is designated by the director as a small concentrated animal feeding operation pursuant to rules.

~~(GG)~~~~(FF)~~ "Waters of the state" has the same meaning as in section 6111.01 of the Revised Code.

Sec. 903.03. (A)(1) Not later than one hundred eighty days after March 15, 2001, the director of agriculture shall prepare a program for the issuance of permits to operate under this section.

(2) Except for a concentrated animal feeding facility that is operating under an installation permit ~~or a review compliance certificate~~, on and after the date on which the director has finalized the program required under division (A)(1) of this section, no person shall own or operate a concentrated animal feeding facility without a permit to operate issued by the

director under this section. 23075

(B) The director or the director's authorized representative 23076
may help an applicant for a permit to operate during the 23077
permitting process by providing guidance and technical assistance. 23078

(C) An applicant for a permit to operate shall submit a fee 23079
in an amount established by rule together with, except as 23080
otherwise provided in division (E) of this section, an application 23081
to the director on a form that the director prescribes and 23082
provides. The applicant shall include with the application all of 23083
the following information: 23084

(1) The name and address of the applicant, of all partners if 23085
the applicant is a partnership, of all members if the applicant is 23086
a limited liability company, or of all officers and directors if 23087
the applicant is a corporation, and of any other person who has a 23088
right to control or in fact controls management of the applicant 23089
or the selection of officers, directors, or managers of the 23090
applicant. As used in division (C)(1) of this section, "control" 23091
has the same meaning as in division (C)(1) of section 903.02 of 23092
the Revised Code. 23093

(2) Information concerning the applicant's past compliance 23094
with laws pertaining to environmental protection that is required 23095
to be provided under section 903.05 of the Revised Code, if 23096
applicable; 23097

(3) A manure management plan for the concentrated animal 23098
feeding facility that conforms to best management practices 23099
regarding the handling, storage, transportation, and land 23100
application of manure generated at the facility and that contains 23101
any other information required by rule; 23102

(4) An insect and rodent control plan for the concentrated 23103
animal feeding facility that conforms to best management practices 23104
and is prepared in accordance with section 903.06 of the Revised 23105

Code; 23106

(5) In the case of an application for a major concentrated 23107
animal feeding facility, written proof that the person who would 23108
be responsible for the supervision of the management and handling 23109
of manure at the facility has been issued a livestock manager 23110
certification in accordance with section 903.07 of the Revised 23111
Code or will obtain a livestock manager certification prior to 23112
applying any manure to land. 23113

(D) The director shall issue permits to operate in accordance 23114
with section 903.09 of the Revised Code. The director shall deny a 23115
permit to operate if either of the following applies: 23116

(1) The permit application contains misleading or false 23117
information. 23118

(2) The manure management plan or insect and rodent control 23119
plan fails to conform to best management practices. 23120

Additional grounds for the denial of a permit to operate 23121
shall be those established in this chapter and in rules. 23122

(E) The director shall issue general permits to operate for 23123
categories of concentrated animal feeding facilities that will 23124
apply in lieu of individual permits to operate, provided that each 23125
category of facilities meets all of the criteria established in 23126
rules for general permits to operate. A person who is required to 23127
obtain a permit to operate shall submit to the director a notice 23128
of the person's intent to be covered under an existing general 23129
permit or, at the person's option, shall submit an application for 23130
an individual permit to operate. Upon receipt of a notice of 23131
intent to be covered under an existing general permit, the 23132
director shall notify the applicant in writing that the person is 23133
covered by the general permit if the person satisfies the criteria 23134
established in rules for eligibility for such coverage. If the 23135
person is ineligible for coverage under the general permit, the 23136

director shall require the submission of an application for an 23137
individual permit to operate. 23138

(F) A permit to operate shall be valid for a period of five 23139
years. 23140

(G) A permit to operate may be renewed. An application for 23141
renewal of a permit to operate shall be submitted to the director 23142
at least one hundred eighty days prior to the expiration date of 23143
the permit to operate and shall comply with the requirements 23144
governing applications for permits to operate that are established 23145
under this section and by rules, including requirements pertaining 23146
to public notice and participation. 23147

(H) The director may modify, suspend, or revoke a permit to 23148
operate in accordance with rules. 23149

(I) The owner or operator of a concentrated animal feeding 23150
facility who proposes to make a major operational change at the 23151
facility shall submit an application for approval of the change to 23152
the director in accordance with rules. 23153

Sec. 903.07. (A) On and after the date that is established in 23154
rules by the director of agriculture, both of the following apply: 23155
23156

(1) The management and handling of manure at a major 23157
concentrated animal feeding facility, including the land 23158
application of manure or the removal of manure from a manure 23159
storage or treatment facility, shall be conducted only by or under 23160
the supervision of a person holding a livestock manager 23161
certification issued under this section. A person managing or 23162
handling manure who is acting under the instructions and control 23163
of a person holding a livestock manager certification is 23164
considered to be under the supervision of the certificate holder 23165
if the certificate holder is responsible for the actions of the 23166

person and is available when needed even though the certificate 23167
holder is not physically present at the time of the manure 23168
management or handling. 23169

(2) No person shall transport and land apply annually or buy, 23170
sell, or land apply annually the volume of manure established in 23171
rules adopted by the director under division ~~(E)~~(D)(5) of section 23172
903.10 of the Revised Code unless the person holds a livestock 23173
manager certification issued under this section. 23174

(B) The director shall issue a livestock manager 23175
certification to a person who has submitted a complete application 23176
for certification on a form prescribed and provided by the 23177
director, together with the appropriate application fee, and who 23178
has completed successfully the required training and has passed 23179
the required examination. The director may suspend or revoke a 23180
livestock manager certification and may reinstate a suspended or 23181
revoked livestock manager certification in accordance with rules. 23182

(C) Information required to be included in an application for 23183
a livestock manager certification, the amount of the application 23184
fee, requirements regarding training and the examination, 23185
requirements governing the management and handling of manure, 23186
including the land application of manure, and requirements 23187
governing the keeping of records regarding the handling of manure, 23188
including the land application of manure, shall be established in 23189
rules. 23190

Sec. 903.082. (A) The director of agriculture may determine 23191
that an animal feeding facility that is not a concentrated animal 23192
feeding facility nevertheless shall be required to apply for and 23193
receive a permit to operate when all of the following apply: 23194

(1) The director has ~~received from the chief of the division~~ 23195
~~of soil and water resources in the department of natural resources~~ 23196
~~a copy of an order issued~~ specified a corrective action to be 23197

~~taken under section 1511.02 939.07 of the Revised Code that~~ 23198
~~specifies that the animal feeding facility has caused agricultural~~ 23199
~~pollution by failure to comply with standards established under~~ 23200
~~that section and that the animal feeding facility therefore should~~ 23201
~~be required to be permitted as a concentrated animal feeding~~ 23202
~~facility.~~ 23203

(2) The director or the director's authorized representative 23204
has inspected the animal feeding facility. 23205

(3) The director or the director's authorized representative 23206
finds that the facility is not being operated in a manner that 23207
protects the waters of the state. 23208

(B) In a situation in which best management practices cannot 23209
be implemented without modifying the existing animal feeding 23210
facility, the owner or operator of the facility shall apply for a 23211
permit to install for the facility. 23212

(C) In the case of an animal feeding facility for which a 23213
permit to operate is required under this section, a permit to 23214
operate shall not be required after the end of the five-year term 23215
of the permit if the problems that caused the facility to be 23216
required to obtain the permit have been corrected to the 23217
director's satisfaction. 23218

Sec. 903.09. (A) Prior to issuing or modifying a permit to 23219
install, permit to operate, or NPDES permit, the director of 23220
agriculture shall issue a draft permit. The director or the 23221
director's representative shall mail notice of the issuance of a 23222
draft permit to the applicant and shall publish the notice once in 23223
a newspaper of general circulation in the county in which the 23224
concentrated animal feeding facility or discharger is located or 23225
proposed to be located. The director shall mail notice of the 23226
issuance of a draft permit and a copy of the draft permit to the 23227
board of county commissioners of the county and the board of 23228

township trustees of the township in which the concentrated animal 23229
feeding facility or discharger is located or proposed to be 23230
located. The director or the director's representative also shall 23231
provide notice of the issuance of a draft NPDES permit to any 23232
other persons that are entitled to notice under the Federal Water 23233
Pollution Control Act. Notice of the issuance of a draft permit to 23234
install, permit to operate, or NPDES permit shall include the 23235
address where written comments concerning the draft permit may be 23236
submitted and the period of time during which comments will be 23237
accepted as established by rule. 23238

If the director receives written comments in an amount that 23239
demonstrates significant public interest, as defined by rule, in 23240
the draft permit, the director shall schedule one public meeting 23241
to provide information to the public and to hear comments 23242
pertinent to the draft permit. The notice of the public meeting 23243
shall be provided in the same manner as the notice of the issuance 23244
of the draft permit. 23245

(B) If a person is required to obtain both a permit to 23246
install and a permit to operate, including any permit to operate 23247
with NPDES provisions, and public meetings are required for both 23248
permits, the public meetings for the permits shall be combined. 23249

(C) The director shall apply the antidegradation policy 23250
adopted under section 6111.12 of the Revised Code to permits 23251
issued under this chapter to the same degree and under the same 23252
circumstances as it applies to permits issued under Chapter 6111. 23253
of the Revised Code. The director shall hold one public meeting to 23254
consider antidegradation issues when such a meeting is required by 23255
the antidegradation policy. When allowed by the antidegradation 23256
policy, the director shall hold the public meeting on 23257
antidegradation issues concurrently with any public meeting held 23258
for the draft permit. 23259

(D) The director or the director's representative shall 23260
publish notice of the issuance of a final permit to install, 23261
permit to operate, or NPDES permit once in a newspaper of general 23262
circulation in the county in which the concentrated animal feeding 23263
facility or discharger is located. 23264

(E) Notice or a public meeting is not required for the 23265
modification of a permit made with the consent of the permittee 23266
for the correction of typographical errors. 23267

(F) The denial, modification, suspension, or revocation of a 23268
permit to install, permit to operate, or NPDES permit without the 23269
consent of the applicant or permittee shall be preceded by a 23270
proposed action stating the director's intention to issue an order 23271
with respect to the permit and the reasons for it. 23272

The director shall mail to the applicant or the permittee 23273
notice of the director's proposed action to deny, modify, suspend, 23274
or revoke a permit to install, permit to operate, or NPDES permit. 23275
The director shall publish the notice once in a newspaper of 23276
general circulation in the county in which the concentrated animal 23277
feeding facility or concentrated animal feeding operation is 23278
located or proposed to be located. The director shall mail a copy 23279
of the notice of the proposed action to the board of county 23280
commissioners of the county and to the board of township trustees 23281
of the township in which the concentrated animal feeding facility 23282
or concentrated animal feeding operation is located or proposed to 23283
be located. The director also shall provide notice of the 23284
director's proposed action to deny, modify, suspend, or revoke a 23285
permit to install, permit to operate, or NPDES permit to any other 23286
person that is entitled to notice under the Federal Water 23287
Pollution Control Act. The notice of the director's proposed 23288
action to deny, modify, suspend, or revoke a permit to install, 23289
permit to operate, or NPDES permit shall include the address where 23290
written comments concerning the director's proposed action may be 23291

submitted and the period of time during which comments will be 23292
accepted as established by rule. If the director receives written 23293
comments in an amount that demonstrates significant public 23294
interest, as defined by rule, the director shall schedule one 23295
public meeting to provide information to the public and to hear 23296
comments pertinent to the proposed action. The notice of the 23297
public meeting shall be provided in the same manner as the notice 23298
of the director's proposed action. 23299

The director shall not issue an order that makes the proposed 23300
action final until the applicant or permittee has had an 23301
opportunity for an adjudication hearing in accordance with Chapter 23302
119. of the Revised Code, except that section 119.12 of the 23303
Revised Code does not apply. An order of the director that 23304
finalizes the proposed action or an order issuing a permit without 23305
a prior proposed action may be appealed to the environmental 23306
review appeals commission under sections 3745.04 to 3745.06 of the 23307
Revised Code. 23308

(G)(1) The director shall issue an order issuing or denying 23309
an application for a permit to operate that contains NPDES 23310
provisions or for a NPDES permit, as well as any application for a 23311
permit to install that is submitted simultaneously, not later than 23312
one hundred eighty days after receiving the application. 23313

(2) In the case of an application for a permit to install or 23314
permit to operate that is not connected with an application for a 23315
NPDES permit, the director shall issue or propose to deny the 23316
permit not later than ninety days after receiving the application. 23317
If the director has proposed to deny the permit to install or 23318
permit to operate under division (G)(2) of this section, the 23319
director shall issue an order denying the permit or, if the 23320
director decides against the proposed denial, issuing the permit 23321
not later than one hundred eighty days after receiving the 23322
application. If the director denies the permit, the director shall 23323

notify the applicant in writing of the reason for the denial. 23324

(H) All rulemaking and the issuance of civil penalties under 23325
this chapter shall comply with Chapter 119. of the Revised Code. 23326

(I) Upon the transfer of ownership of an animal feeding 23327
facility for which a permit to install, an installation permit, a 23328
~~review compliance certificate,~~ or a permit to operate that 23329
contains no NPDES provisions has been issued, the permit ~~or~~ 23330
~~certificate~~ shall be transferred to the new owner of the animal 23331
feeding facility except as provided in division (C) of section 23332
903.05 of the Revised Code. In the case of the transfer of 23333
ownership of a point source for which a NPDES permit or a permit 23334
to operate that contains NPDES provisions has been issued, the 23335
permit shall be transferred in accordance with rules. 23336

(J) Applications for installation permits for animal feeding 23337
facilities pending before the director of environmental protection 23338
on the date on which the director of agriculture has finalized the 23339
programs required under division (A)(1) of section 903.02 and 23340
division (A)(1) of section 903.03 of the Revised Code shall be 23341
transferred to the director of agriculture. In the case of an 23342
applicant who is required to obtain a permit to install and a 23343
permit to operate under sections 903.02 and 903.03, respectively, 23344
of the Revised Code, the director of agriculture shall process the 23345
pending application for an installation permit as an application 23346
for a permit to install and a permit to operate. 23347

(K) Applications for NPDES permits for either of the 23348
following that are pending before the director of environmental 23349
protection on the date on which the United States environmental 23350
protection agency approves the NPDES program submitted by the 23351
director of agriculture under section 903.08 of the Revised Code 23352
shall be transferred to the director of agriculture: 23353

(1) The discharge of pollutants from a concentrated animal 23354

feeding operation;	23355
(2) The discharge of storm water resulting from an animal	23356
feeding facility.	23357
In the case of an applicant who is required to obtain a NPDES	23358
permit under section 903.08 of the Revised Code, the director of	23359
agriculture shall process the pending application as an	23360
application for a NPDES permit under that section.	23361
 Sec. 903.10. The director of agriculture may adopt rules in	23362
accordance with Chapter 119. of the Revised Code that do all of	23363
the following:	23364
(A) Establish all of the following concerning permits to	23365
install and permits to operate:	23366
(1) A description of what constitutes a modification of a	23367
concentrated animal feeding facility;	23368
(2) A description of what constitutes a major operational	23369
change at a concentrated animal feeding facility;	23370
(3) The amount of the fee that must be submitted with each	23371
permit application and each application for a permit modification;	23372
(4) Information that must be included in the designs and	23373
plans required to be submitted with an application for a permit to	23374
install and criteria for approving, disapproving, or requiring	23375
modification of the designs and plans;	23376
(5) Information that must be included in a manure management	23377
plan required to be submitted with an application for a permit to	23378
operate;	23379
(6) Information that must be included in an application for	23380
the modification of an installation permit, a permit to install,	23381
or a permit to operate;	23382
(7) Information that must be included in an application for	23383

approval of a major operational change at a concentrated animal feeding facility;	23384 23385
(8) Any additional information that must be included with a permit application;	23386 23387
(9) Procedures for the issuance, denial, modification, transfer, suspension, and revocation of permits to install and permits to operate, including general permits;	23388 23389 23390
(10) Procedures for the approval or denial of an application for approval of a major operational change at a concentrated animal feeding facility;	23391 23392 23393
(11) Grounds for the denial, modification, suspension, or revocation of permits to install and permits to operate in addition to the grounds established in division (D) of section 903.02 and division (D) of section 903.03 of the Revised Code;	23394 23395 23396 23397
(12) Grounds for the denial of an application for approval of a major operational change at a concentrated animal feeding facility;	23398 23399 23400
(13) A requirement that a person that is required to obtain both a permit to install and a permit to operate submit applications for those permits simultaneously;	23401 23402 23403
(14) A definition of "general permit to operate" that establishes categories of concentrated animal feeding facilities to be covered under such a permit and a definition of "individual permit to operate" together with the criteria for issuing a general permit to operate and the criteria for determining a person's eligibility to operate under a general permit to operate.	23404 23405 23406 23407 23408 23409
~~(B) Establish all of the following for the purposes of review compliance certificates issued under section 903.04 of the Revised Code:~~	~~23410 23411 23412~~
~~(1) The form of a certificate;~~	~~23413~~

~~(2) Criteria for what constitutes a significant capital~~	23414
~~expenditure under division (D) of that section;~~	23415
~~(3) Deadlines and procedures for submitting information under~~	23416
~~division (E)(2) of that section.~~	23417
~~(C)~~ Establish best management practices that minimize water	23418
pollution, odors, insects, and rodents, that govern the land	23419
application of manure that originated at a concentrated animal	23420
feeding facility, and that govern all of the following activities	23421
that occur at a concentrated animal feeding facility:	23422
(1) Manure management, including the storage, handling,	23423
transportation, and land application of manure. Rules adopted	23424
under division ~~(C)~~ <u>(B)</u> (1) of this section shall include practices	23425
that prevent surface and ground water contamination caused by the	23426
storage of manure or the land application of manure and prevent	23427
the contamination of water in drainage tiles that may be caused by	23428
that application.	23429
(2) Disposal of dead livestock;	23430
(3) Production of biodiesel, biomass energy, electric or heat	23431
energy, and biologically derived methane gas as those terms are	23432
defined in section 5713.30 of the Revised Code;	23433
(4) Any other activity that the director considers	23434
appropriate.	23435
Best management practices established in rules adopted under	23436
division ~~(C)~~ <u>(B)</u> of this section shall not conflict with best	23437
management practices established in rules that have been adopted	23438
under any other section of the Revised Code. The rules adopted	23439
under division ~~(C)~~ <u>(B)</u> of this section shall establish guidelines	23440
that require owners or operators of concentrated animal feeding	23441
facilities to consult with and work with local officials,	23442
including boards of county commissioners and boards of township	23443
trustees, in addressing issues related to local government	23444

infrastructure needs and the financing of that infrastructure. 23445

~~(D)~~(C) Establish all of the following concerning insect and 23446
rodent control plans required under section 903.06 of the Revised 23447
Code: 23448

(1) The information to be included in an insect and rodent 23449
control plan; 23450

(2) Criteria for approving, disapproving, or requiring 23451
modification of an insect and rodent control plan; 23452

(3) Criteria for determining compliance with or violation of 23453
an insect and rodent control plan; 23454

(4) Procedures and standards for monitoring insect and rodent 23455
control plans; 23456

(5) Procedures and standards for enforcing insect and rodent 23457
control plans at concentrated animal feeding facilities at which 23458
insects or rodents constitute a nuisance or adversely affect 23459
public health; 23460

(6) The amount of civil penalties for violation of an insect 23461
and rodent control plan assessed by the director of agriculture 23462
under division (B) of section 903.16 of the Revised Code, provided 23463
that the rules adopted under division ~~(D)~~(C)(6) of this section 23464
shall not establish a civil penalty of more than ten thousand 23465
dollars for a violation involving a concentrated animal feeding 23466
facility that is not a major concentrated animal feeding facility 23467
and shall not establish a civil penalty of more than twenty-five 23468
thousand dollars for a violation involving a major concentrated 23469
animal feeding facility; 23470

(7) The time period within which the director must approve or 23471
deny an insect and rodent control plan after receiving it; 23472

(8) Any other provisions necessary to administer and enforce 23473
section 903.12 of the Revised Code. 23474

~~(E)~~(D) Establish all of the following concerning livestock 23475
manager certifications required under section 903.07 of the 23476
Revised Code: 23477

(1) The information to be included in an application for a 23478
livestock manager certification and the amount of the application 23479
fee; 23480

(2) The content of the training required to be completed and 23481
of the examination required to be passed by an applicant for a 23482
livestock manager certification. The training shall include and 23483
the examination shall test the applicant's knowledge of 23484
information on topics that include calculating nutrient values in 23485
manure, devising and implementing a plan for the land application 23486
of manure, removing manure held in a manure storage or treatment 23487
facility, and following best management practices established in 23488
rules for disposal of dead animals and manure management, 23489
including practices that control odor and protect the environment. 23490
The director may specify other types of recognized training 23491
programs that, if completed, are considered to satisfy the 23492
training and examination requirement. 23493

(3) Criteria and procedures for the issuance, denial, 23494
suspension, revocation, or reinstatement of a livestock manager 23495
certification; 23496

(4) The length of time during which livestock manager 23497
certifications will be valid and procedures for their renewal; 23498

(5) The volume of manure that must be transported and land 23499
applied annually or the volume of manure that must be bought, 23500
sold, or land applied annually by a person in order for the person 23501
to be required to obtain a livestock manager certification under 23502
division (A)(2) of section 903.07 of the Revised Code; 23503

(6) Requirements governing the management and handling of 23504
manure, including the land application of manure; 23505

(7) Requirements governing the keeping of records regarding the handling of manure, including the land application of manure;	23506 23507
(8) Any other provisions necessary to administer and enforce section 903.07 of the Revised Code.	23508 23509
~~(F)~~ (E) Establish all of the following concerning NPDES permits:	23510 23511
(1) The designation of concentrated animal feeding operations that are subject to NPDES permit requirements under section 903.08 of the Revised Code;	23512 23513 23514
(2) Effluent limitations governing discharges into waters of the state that are authorized by permits;	23515 23516
(3) Variances from effluent limitations and other permit requirements to the extent that the variances are consistent with the Federal Water Pollution Control Act;	23517 23518 23519
(4) Terms and conditions to be included in a permit, including, as applicable, best management practices; installation of discharge or water quality monitoring methods or equipment; creation and retention of records; submission of periodic reports; schedules of compliance; net volume, net weight, and, where necessary, concentration and mass loading limits of manure that may be discharged into waters of the state; and authorized duration and frequency of any discharges into waters of the state;	23520 23521 23522 23523 23524 23525 23526 23527
(5) Procedures for the submission of applications for permits and notices of intent to be covered by general permits, including information that must be included in the applications and notices;	23528 23529 23530
(6) The amount of the fee that must be submitted with an application for a permit;	23531 23532
(7) Procedures for processing permit applications, including public notice and participation requirements;	23533 23534
(8) Procedures for notifying the United States environmental	23535

protection agency of the submission of permit applications, the 23536
director's action on those applications, and any other reasonable 23537
and relevant information; 23538

(9) Procedures for notifying and receiving and responding to 23539
recommendations from other states whose waters may be affected by 23540
the issuance of a permit; 23541

(10) Procedures for the transfer of permits to new owners or 23542
operators; 23543

(11) Grounds and procedures for the issuance, denial, 23544
modification, suspension, or revocation of permits, including 23545
general permits; 23546

(12) A definition of "general NPDES permit" that establishes 23547
categories of point sources to be covered under such a permit and 23548
a definition of "individual NPDES permit" together with the 23549
criteria for issuing a general NPDES permit and the criteria for 23550
determining a person's eligibility to discharge under a general 23551
NPDES permit. 23552

The rules adopted under division ~~(F)~~(E) of this section shall 23553
be consistent with the requirements of the Federal Water Pollution 23554
Control Act. 23555

~~(G)~~(F) Establish public notice and participation 23556
requirements, in addition to the procedures established in rules 23557
adopted under division ~~(F)~~(E)(7) of this section, for the 23558
issuance, denial, modification, transfer, suspension, and 23559
revocation of permits to install, permits to operate, and NPDES 23560
permits consistent with section 903.09 of the Revised Code, 23561
including a definition of what constitutes significant public 23562
interest for the purposes of divisions (A) and (F) of section 23563
903.09 of the Revised Code and procedures for public meetings. The 23564
rules shall require that information that is presented at such a 23565
public meeting be limited to the criteria that are applicable to 23566

the permit application that is the subject of the public meeting. 23567

~~(H)~~(G) Establish the amount of civil penalties assessed by 23568
the director of agriculture under division (B) of section 903.16 23569
of the Revised Code for violation of the terms and conditions of a 23570
permit to install, or permit to operate, ~~or review compliance~~ 23571
~~certificate~~, provided that the rules adopted under this division 23572
shall not establish a civil penalty of more than ten thousand 23573
dollars per day for each violation; 23574

~~(I)~~(H) Establish procedures for the protection of trade 23575
secrets from public disclosure. The procedures shall authorize the 23576
release of trade secrets to officers, employees, or authorized 23577
representatives of the state, another state, or the United States 23578
when necessary for an enforcement action brought under this 23579
chapter or when otherwise required by the Federal Water Pollution 23580
Control Act. The rules shall require at least ten days' written 23581
notice to the person to whom a trade secret applies prior to the 23582
release of the trade secret. Rules adopted under this division do 23583
not apply to any information that is contained in applications, 23584
including attachments, for NPDES permits and that is required to 23585
be submitted under section 903.08 of the Revised Code or rules 23586
adopted under division ~~(F)~~(E) of this section. 23587

~~(J)~~(I) Establish any other provisions necessary to administer 23588
and enforce this chapter. 23589

Sec. 903.11. (A) The director of agriculture may enter into 23590
contracts or agreements to carry out the purposes of this chapter 23591
with any public or private person, including OSU extension, the 23592
natural resources conservation service in the United States 23593
department of agriculture, the environmental protection agency, 23594
~~the division of soil and water resources in the department of~~ 23595
~~natural resources~~, and soil and water conservation districts 23596
established under Chapter ~~1515~~. 940. of the Revised Code. However, 23597

the director shall not enter into a contract or agreement with a 23598
private person for the review of applications for permits to 23599
install, permits to operate, or NPDES permits, ~~or review~~ 23600
~~compliance certificates~~ that are issued under this chapter or for 23601
the inspection of a facility regulated under this chapter or with 23602
any person for the issuance of any of those permits ~~or~~ 23603
~~certificates~~ or for the enforcement of this chapter and rules 23604
adopted under it. 23605

(B) The director may administer grants and loans using moneys 23606
from the federal government and other sources, public or private, 23607
for carrying out any of the director's functions. Nothing in this 23608
chapter shall be construed to limit the eligibility of owners or 23609
operators of animal feeding facilities or other agricultural 23610
enterprises to receive moneys from the water pollution control 23611
loan fund established under section 6111.036 of the Revised Code 23612
and the nonpoint source pollution management fund established 23613
under section 6111.037 of the Revised Code. 23614

The director of agriculture shall provide the director of 23615
environmental protection with written recommendations for 23616
providing financial assistance from those funds to agricultural 23617
enterprises. The director of environmental protection shall 23618
consider the recommendations in developing priorities for 23619
providing financial assistance from the funds. 23620

Sec. 903.12. (A) The director of agriculture or the 23621
director's authorized representative at reasonable times may enter 23622
on any public or private property, real or personal, to make 23623
investigations and inspections, including the sampling of 23624
discharges and the inspection of discharge monitoring equipment, 23625
or to otherwise execute duties that are necessary for the 23626
administration and enforcement of this chapter. The director or 23627
the director's authorized representative at reasonable times may 23628

examine and copy any records pertaining to discharges that are 23629
subject to this chapter or any records that are required to be 23630
maintained by the terms and conditions of a permit ~~or review~~ 23631
~~compliance certificate~~ issued under this chapter. If refused 23632
entry, the director or the director's authorized representative 23633
may apply for and the court of common pleas having jurisdiction 23634
may issue an appropriate warrant. 23635

(B) No person to whom a permit ~~or review compliance~~ 23636
~~certificate~~ has been issued under this chapter shall refuse entry 23637
to the director or the director's authorized representative or 23638
purposely hinder or thwart the director or the director's 23639
authorized representative in the exercise of any authority granted 23640
under division (A) of this section. 23641

Sec. 903.13. In a private civil action for an alleged 23642
nuisance related to agricultural activities conducted at a 23643
concentrated animal feeding facility, it is an affirmative defense 23644
if the person owning, operating, or otherwise responsible for the 23645
concentrated animal feeding facility is in compliance with best 23646
management practices established in the installation permit, or 23647
permit to operate, ~~or review compliance certificate~~ issued for the 23648
concentrated animal feeding facility and the agricultural 23649
activities do not violate federal, state, and local laws governing 23650
nuisances. 23651

Sec. 903.16. (A) The director of agriculture may propose to 23652
require corrective actions and assess a civil penalty against an 23653
owner or operator of a concentrated animal feeding facility if the 23654
director or the director's authorized representative determines 23655
that the owner or operator is not in compliance with section 23656
903.02, or 903.03, ~~or 903.04~~ or division (A) of section 903.07 of 23657
the Revised Code, the terms and conditions of a permit to install, 23658

or permit to operate, ~~or review compliance certificate~~ issued for 23659
the concentrated animal feeding facility, including the 23660
requirements established under division (C) of section 903.06 of 23661
the Revised Code, or rules adopted under division (A), (B), (C), 23662
(D), ~~(E)~~, or ~~(J)~~(I) of section 903.10 of the Revised Code. 23663
However, the director may impose a civil penalty only if all of 23664
the following occur: 23665

(1) The owner or operator is notified in writing of the 23666
deficiencies resulting in noncompliance, the actions that the 23667
owner or operator must take to correct the deficiencies, and the 23668
time period within which the owner or operator must correct the 23669
deficiencies and attain compliance. 23670

(2) After the time period specified in the notice has 23671
elapsed, the director or the director's duly authorized 23672
representative has inspected the concentrated animal feeding 23673
facility, determined that the owner or operator is still not in 23674
compliance, and issued a notice of an adjudication hearing. 23675

(3) The director affords the owner or operator an opportunity 23676
for an adjudication hearing under Chapter 119. of the Revised Code 23677
to challenge the director's determination that the owner or 23678
operator is not in compliance or the imposition of the civil 23679
penalty, or both. However, the owner or operator may waive the 23680
right to an adjudication hearing. 23681

(B) If the opportunity for an adjudication hearing is waived 23682
or if, after an adjudication hearing, the director determines that 23683
a violation has occurred or is occurring, the director may issue 23684
an order requiring compliance and assess the civil penalty. The 23685
order and the assessment of the civil penalty may be appealed in 23686
accordance with section 119.12 of the Revised Code. 23687

Civil penalties shall be assessed under this division as 23688
follows: 23689

(1) A person who has violated section 903.02, or 903.03, ~~or~~ 23690
903.04 of the Revised Code, the terms and conditions of a permit 23691
to install, or permit to operate, ~~or review compliance~~ 23692
~~certificate~~, or rules adopted under division (A), (B), (C), (D), 23693
(~~E~~), or (~~J~~)(I) of section 903.10 of the Revised Code shall pay a 23694
civil penalty in an amount established in rules unless the 23695
violation is of the requirements established under division (C) of 23696
section 903.06 or division (A) of section 903.07 of the Revised 23697
Code. 23698

(2) A person who has violated the requirements established 23699
under division (C) of section 903.06 of the Revised Code shall pay 23700
a civil penalty in an amount established in rules for each 23701
violation. Each seven-day period during which a violation 23702
continues constitutes a separate violation. 23703

(3) A person who has violated the requirements established 23704
under division (A) of section 903.07 of the Revised Code shall pay 23705
a civil penalty of not more than ten thousand dollars for each 23706
violation. Each thirty-day period during which a violation 23707
continues constitutes a separate violation. 23708

(C) The attorney general, upon the written request of the 23709
director, shall bring an action for an injunction in any court of 23710
competent jurisdiction against any person violating or threatening 23711
to violate section 903.02, or 903.03, ~~or 903.04~~ or division (A) of 23712
section 903.07 of the Revised Code; the terms and conditions of a 23713
permit to install, or permit to operate, ~~or review compliance~~ 23714
~~certificate~~, including the requirements established under division 23715
(C) of section 903.06 of the Revised Code; rules adopted under 23716
division (A), (B), (C), (D), (~~E~~), or (~~J~~)(I) of section 903.10 of 23717
the Revised Code; or an order issued under division (B) of this 23718
section or division (B) of section 903.07 of the Revised Code. 23719

(D)(1) In lieu of seeking civil penalties under division (A) 23720
of this section, the director may request the attorney general, in 23721

writing, to bring an action for a civil penalty in a court of 23722
competent jurisdiction against any person that has violated or is 23723
violating division (A) of section 903.07 of the Revised Code or 23724
the terms and conditions of a permit to install, or permit to 23725
operate, ~~or review compliance certificate~~, including the 23726
requirements established under division (C) of section 903.06 of 23727
the Revised Code. 23728

(2) The director may request the attorney general, in 23729
writing, to bring an action for a civil penalty in a court of 23730
competent jurisdiction against any person that has violated or is 23731
violating section 903.02, or 903.03, ~~or 903.04~~ of the Revised 23732
Code, rules adopted under division (A), (B), (C), (D), ~~(E)~~, or 23733
~~(J)~~ (I) of section 903.10 of the Revised Code, or an order issued 23734
under division (B) of this section or division (B) of section 23735
903.07 of the Revised Code. 23736

(3) A person who has committed a violation for which the 23737
attorney general may bring an action for a civil penalty under 23738
division (D)(1) or (2) of this section shall pay a civil penalty 23739
of not more than ten thousand dollars per violation. Each day that 23740
a violation continues constitutes a separate violation. 23741

(E) In addition to any other penalties imposed under this 23742
section, the director may impose an administrative penalty against 23743
an owner or operator of a concentrated animal feeding facility if 23744
the director or the director's authorized representative 23745
determines that the owner or operator is not in compliance with 23746
best management practices that are established in rules adopted 23747
under division (B) or (C) ~~or (D)~~ of section 903.10 of the Revised 23748
Code or in the permit to install, or permit to operate, ~~or review~~ 23749
~~compliance certificate~~ issued for the facility. The administrative 23750
penalty shall not exceed five thousand dollars. 23751

The director shall afford the owner or operator an 23752
opportunity for an adjudication hearing under Chapter 119. of the 23753

Revised Code to challenge the director's determination under this 23754
division, the director's imposition of an administrative penalty 23755
under this division, or both. The director's determination and the 23756
imposition of the administrative penalty may be appealed in 23757
accordance with section 119.12 of the Revised Code. 23758

Sec. 903.17. (A) The director of agriculture may propose to 23759
require corrective actions and assess a civil penalty against an 23760
owner or operator of an animal feeding operation if the director 23761
or the director's authorized representative determines that the 23762
owner or operator is not in compliance with section 903.08 of the 23763
Revised Code, the terms and conditions of a NPDES permit, the 23764
NPDES provisions of a permit to operate, or rules adopted under 23765
division ~~(F)~~(E) of section 903.10 of the Revised Code. However, 23766
the director may impose a civil penalty only if all of the 23767
following occur: 23768

(1) The owner or operator is notified in writing of the 23769
deficiencies resulting in noncompliance, the actions that the 23770
owner or operator must take to correct the deficiencies, and the 23771
time period within which the owner or operator must correct the 23772
deficiencies and attain compliance. 23773

(2) After the time period specified in the notice has 23774
elapsed, the director or the director's duly authorized 23775
representative has inspected the animal feeding operation, 23776
determined that the owner or operator is still not in compliance, 23777
and issued a notice of violation to require corrective actions. 23778

(3) The director affords the owner or operator an opportunity 23779
for an adjudication hearing under Chapter 119. of the Revised Code 23780
to challenge the director's determination that the owner or 23781
operator is not in compliance or the imposition of the civil 23782
penalty, or both. However, the owner or operator may waive the 23783
right to an adjudication hearing. 23784

(B) If the opportunity for an adjudication hearing is waived 23785
or if, after an adjudication hearing, the director determines that 23786
a violation has occurred or is occurring, the director may issue 23787
an order and assess a civil penalty of not more than ten thousand 23788
dollars per violation against the violator. For purposes of 23789
determining the civil penalty, each day that a violation continues 23790
constitutes a separate and distinct violation. The order and the 23791
assessment of the civil penalty may be appealed in accordance with 23792
section 119.12 of the Revised Code. 23793

(C) To the extent consistent with the Federal Water Pollution 23794
Control Act, the director shall consider technical feasibility and 23795
economic costs in issuing orders under this section. 23796

(D)(1) The attorney general, upon the written request of the 23797
director, shall bring an action for an injunction in any court of 23798
competent jurisdiction against any person violating or threatening 23799
to violate section 903.08 of the Revised Code, the terms and 23800
conditions of a NPDES permit, the NPDES provisions of a permit to 23801
operate, rules adopted under division ~~(F)~~(E) of section 903.10 of 23802
the Revised Code, or an order issued under division (B) of this 23803
section. 23804

(2) In lieu of seeking civil penalties under division (A) of 23805
this section, the director may request, in writing, the attorney 23806
general to bring an action for a civil penalty of not more than 23807
ten thousand dollars per violation in a court of competent 23808
jurisdiction against any person that has violated or is violating 23809
section 903.08 of the Revised Code, the terms and conditions of a 23810
NPDES permit, the NPDES provisions of a permit to operate, rules 23811
adopted under division ~~(F)~~(E) of section 903.10 of the Revised 23812
Code, or an order issued under division (B) of this section. For 23813
purposes of determining the civil penalty to be assessed under 23814
division (B) of this section, each day that a violation continues 23815
constitutes a separate and distinct violation. 23816

(E) In addition to any other penalties imposed under this 23817
section, the director may impose an administrative penalty against 23818
an owner or operator of an animal feeding operation if the 23819
director or the director's authorized representative determines 23820
that the owner or operator has discharged pollutants into waters 23821
of the state in violation of section 903.08 of the Revised Code or 23822
the terms and conditions of a NPDES permit or the NPDES provisions 23823
of the permit to operate issued for the operation. The 23824
administrative penalty shall not exceed five thousand dollars. 23825

The director shall afford the owner or operator an 23826
opportunity for an adjudication hearing under Chapter 119. of the 23827
Revised Code to challenge the director's determination under this 23828
division, the director's imposition of an administrative penalty 23829
under this division, or both. The director's determination and the 23830
imposition of the administrative penalty may be appealed in 23831
accordance with section 119.12 of the Revised Code. 23832

Sec. 903.25. An owner or operator of an animal feeding 23833
facility who holds a permit to install, a permit to operate, a 23834
~~review compliance certificate,~~ or a NPDES permit or who is 23835
operating under an operation and management plan, as defined in 23836
section ~~1511.01~~ 939.01 of the Revised Code, developed or approved 23837
by the ~~chief of the division of soil and water resources in the~~ 23838
~~department of natural resources under section 1511.02~~ director of 23839
agriculture under section 939.02 of the Revised Code or by the 23840
supervisors of the appropriate soil and water conservation 23841
district under section ~~1515.08~~ 940.06 of the Revised Code shall 23842
not be required by any political subdivision of the state or any 23843
officer, employee, agency, board, commission, department, or other 23844
instrumentality of a political subdivision to obtain a license, 23845
permit, or other approval pertaining to manure, insects or 23846
rodents, odor, or siting requirements for installation of an 23847
animal feeding facility. 23848

Sec. 905.31. As used in sections 905.31 to 905.503 of the Revised Code:

(A) "Brand name" means a name or expression, design, or trademark used in connection with one or several grades of any type of fertilizer.

(B) "Bulk fertilizer" means any type of fertilizer in solid, liquid, or gaseous state, or any combination thereof, in a nonpackaged form.

(C) "Distribute" means to offer for sale, sell, barter, or otherwise supply fertilizer for other than manufacturing purposes.

(D) "Fertilizer" means any substance containing nitrogen, phosphorus, or potassium or any recognized plant nutrient element or compound that is used for its plant nutrient content or for compounding mixed fertilizers. "Fertilizer" does not include lime, limestone, marl, unground bone, water, residual farm products, and animal and vegetable manures unless mixed with fertilizer materials or distributed with a guaranteed analysis.

(E) "Grade" means the percentages of total nitrogen, available phosphorus or available phosphate (P_2O_5), and soluble potassium or soluble potash (K_2O) stated in the same terms, order, and percentage as in guaranteed analysis.

(F) "Guaranteed analysis" means:

(1) The minimum percentages of plant nutrients claimed in the following order and form:

Total Nitrogen (N)	per cent
Available phosphate (P_2O_5)	per cent
Soluble Potash (K_2O)	per cent

(2) Guaranteed analysis includes, in the following order:

(a) For bone and tankage, total phosphorus (P) or phosphate (P_2O_5);

(b) For basic slag and unacidulated phosphatic materials,	23879
available and total phosphorus (P) or phosphate (P_2O_5) and the	23880
degree of fineness;	23881
(c) Additional plant nutrients guaranteed expressed as	23882
percentage of elements in the order and form as prescribed by	23883
rules adopted by the director of agriculture.	23884
(G) "Label" means any written or printed matter on the	23885
package or tag attached to it or on the pertinent delivery and	23886
billing invoice.	23887
(H) "Manufacture" means to process, granulate, blend, mix, or	23888
alter the composition of fertilizers for distribution.	23889
(I) "Mixed fertilizer" means any combination or mixture of	23890
fertilizer designed for use, or claimed to have value, in	23891
promoting plant growth, including fertilizer pesticide mixtures.	23892
(J) "Net weight" means the weight of a commodity excluding	23893
any packaging in pounds or metric equivalent, as determined by a	23894
sealed weighing device or other means prescribed by rules adopted	23895
by the director.	23896
(K) "Packaged fertilizer" means any type of fertilizer in	23897
closed containers of not over one hundred pounds or metric	23898
equivalent.	23899
(L) "Per cent" or "percentage" means the percentage of	23900
weight.	23901
(M) "Person" includes any partnership, association, firm,	23902
corporation, company, society, individual or combination of	23903
individuals, institution, park, or public agency administered by	23904
the state or any subdivision of the state.	23905
(N) "Product name" means a coined or specific designation	23906
applied to an individual fertilizer material or mixture of a fixed	23907
composition and derivation.	23908

(O) "Sale" means exchange of ownership or transfer of custody.	23909 23910
(P) "Official sample" means the sample of fertilizer taken and designated as official by the director.	23911 23912
(Q) "Specialty fertilizer" means any fertilizer designed, labeled, and distributed for uses other than the production of commercial crops.	23913 23914 23915
(R) "Ton" means a net weight of two thousand pounds.	23916
(S) "Fertilizer material" includes any of the following:	23917
(1) A material containing not more than one of the following primary plant nutrients:	23918 23919
(a) Nitrogen (N);	23920
(b) Phosphorus (P);	23921
(c) Potassium (K).	23922
(2) A material that has not less than eighty-five per cent of its plant nutrient content composed of a single chemical compound;	23923 23924
(3) A material that is derived from a residue or by-product of a plant or animal or a natural material deposit and has been processed in such a way that its plant nutrients content has not been materially changed except by purification and concentration.	23925 23926 23927 23928
(T) "Custom mixed fertilizer" means a fertilizer that is not premixed, but that is blended specifically to meet the nutrient needs of one specific customer.	23929 23930 23931
(U) "Director" or "director of agriculture" means the director of agriculture or the director's designee.	23932 23933
(V) "Lot" means an identifiable quantity of fertilizer that may be used as an official sample.	23934 23935
(W) "Unit" means twenty pounds of fertilizer or one per cent of a ton.	23936 23937

(X) "Anhydrous ammonia equipment" means, with regard to the 23938
handling or storage of anhydrous ammonia, a container or 23939
containers with a maximum capacity of not more than four thousand 23940
nine hundred ninety-nine gallons or any appurtenances, pumps, 23941
compressors, or interconnecting pipes associated with such a 23942
container or containers. "Anhydrous ammonia equipment" does not 23943
include equipment for the manufacture of anhydrous ammonia or the 23944
storage of anhydrous ammonia either underground or in refrigerated 23945
structures. 23946

(Y) "Anhydrous ammonia system" or "system" means, with regard 23947
to the handling or storage of anhydrous ammonia, a container or 23948
containers with a minimum capacity of not less than five thousand 23949
gallons or any appurtenances, pumps, compressors, or 23950
interconnecting pipes associated with such a container or 23951
containers. "Anhydrous ammonia system" does not include equipment 23952
for the manufacture of anhydrous ammonia or the storage of 23953
anhydrous ammonia either underground or in refrigerated 23954
structures. 23955

(Z) "Agricultural production" means the cultivation, 23956
primarily for sale, of plants or any parts of plants on more than 23957
fifty acres. "Agricultural production" does not include the use of 23958
start-up fertilizer applied through a planter. 23959

(AA) "Rule" means a rule adopted under section 905.322, 23960
905.40, or 905.44 of the Revised Code, as applicable. 23961

(BB) "Certificate holder" means a person who has been 23962
certified to apply fertilizer under section 905.321 of the Revised 23963
Code and rules adopted under section 905.322 of the Revised Code. 23964

(CC) "Residual farm products" has the same meaning as in 23965
section ~~1511.01~~ 939.01 of the Revised Code. 23966

(DD) "Voluntary nutrient management plan" means any of the 23967
following: 23968

(1) A nutrient management plan that is in the form of the 23969
Ohio nutrient management workbook made available by the Ohio state 23970
university; 23971

(2) A comprehensive nutrient management plan developed by the 23972
United States department of agriculture natural resources 23973
conservation service, a technical service provider certified by 23974
the conservation service, or a person authorized by the 23975
conservation service to develop a plan; 23976

(3) A document that is equivalent to a plan specified in 23977
division (DD)(1) or (2) of this section, that is in a form 23978
approved by the director or the director's designee, and that 23979
contains at least all of the following information: 23980

(a) Results of soil tests conducted on land subject to the 23981
plan that comply with the field office technical guide established 23982
by the conservation service and adopted by the ~~chief of the~~ 23983
~~division of soil and water resources in the department of natural~~ 23984
~~resources~~ director in rules adopted under division (E) of section 23985
~~1511.02~~ 939.02 of the Revised Code and that are not older than 23986
three years; 23987

(b) Documentation of the method and seasonal time of 23988
utilization and application of nutrients; 23989

(c) Identification of all nutrients applied, including 23990
manure, fertilizer, sewage sludge, and biodigester residue; 23991

(d) Field information regarding land subject to the plan, 23992
including the location, spreadable acreage, crops grown, and 23993
actual and projected yields. 23994

Sec. 905.323. (A)(1) A person who owns or operates 23995
agricultural land may do any of the following: 23996

(a) Develop a voluntary nutrient management plan; 23997

(b) Request any person to develop a voluntary nutrient 23998

management plan on behalf of the person who owns or operates the 23999
agricultural land; 24000

(c) Request the supervisors of the applicable soil and water 24001
conservation district organized in accordance with Chapter ~~1515-~~ 24002
940. of the Revised Code to develop a voluntary nutrient 24003
management plan on the person's behalf. 24004

(2) A person who owns or operates agricultural land and who 24005
has developed or has had developed a voluntary nutrient management 24006
plan under division (A)(1)(a) or (b) of this section, as 24007
applicable, may request the supervisors of the applicable soil and 24008
water conservation district, the director of agriculture, or the 24009
director's designee to approve the plan. The supervisors, 24010
director, or director's designee shall approve or disapprove the 24011
plan. 24012

(B) If a voluntary nutrient management plan is disapproved 24013
under this section, the person who developed the plan or had it 24014
developed may request an adjudication hearing in accordance with 24015
Chapter 119. of the Revised Code. 24016

(C) A person whose voluntary nutrient management plan is 24017
disapproved may appeal to the court of common pleas of Franklin 24018
county. 24019

(D) After a voluntary nutrient management plan has been 24020
approved under this section, the person who developed the plan or 24021
had it developed shall submit the plan once every five years to 24022
the supervisors of the applicable soil and water conservation 24023
district or the director for review. If after the review the 24024
supervisors or the director determines that the plan needs to be 24025
modified, the supervisors or director shall notify the person who 24026
submitted the plan. The person then shall provide for the 24027
modification of the plan. The procedures and requirements 24028
established in divisions (A) to (C) of this section apply to a 24029

modification of the plan. 24030

Sec. 918.41. If the director of agriculture has not entered 24031
into an agreement with the United States department of agriculture 24032
in compliance with section 918.44 of the Revised Code, ~~he the~~ 24033
director shall establish and maintain a state acceptance service 24034
within the department of agriculture to examine and monitor 24035
compliance by meat and poultry vendors ~~on the list established and~~ 24036
~~maintained by the director of administrative services under~~ 24037
~~section 125.17 of the Revised Code~~ with the specifications of the 24038
state purchase contracts awarded them under section 125.11 of the 24039
Revised Code, and by establishments, as defined in section 918.01 24040
or 918.21 of the Revised Code, subject to state or federal 24041
inspection. State acceptance service shall be made available to 24042
such vendors and establishments within the state from eight a.m. 24043
to five p.m. Monday through Friday. 24044

At least forty-eight hours, excluding Saturday and Sunday, 24045
before the date on which ~~he~~ a vendor or authorized representative 24046
from such an establishment desires examination and monitoring of 24047
the production of meat products, as defined in section 918.01 of 24048
the Revised Code, or poultry products, as defined in section 24049
918.21 of the Revised Code, that ~~he the~~ vendor or establishment 24050
intends to supply to the state under a state purchase contract, a 24051
vendor or authorized representative from such an establishment 24052
shall contact the state acceptance service and request examination 24053
and monitoring. A state acceptor shall examine and monitor the 24054
production of the meat or poultry products to determine whether 24055
there is compliance with the state purchase contract 24056
specifications. The containers of products found to be in 24057
compliance shall be sealed, dated, and marked with an official 24058
mark. The state acceptor shall provide an official acceptance 24059
certificate to accompany each shipment to its destination. 24060

The director shall train and appoint as state acceptors 24061
inspectors, as defined in sections 918.01 and 918.21 of the 24062
Revised Code. 24063

Acceptance may be provided by the United States department of 24064
agriculture at the option of the vendor or authorized 24065
representative of such an establishment. 24066

Sec. 931.01. As used in this chapter: 24067

(A) "Agriculture" has the same meaning as in section 1.61 of 24068
the Revised Code. 24069

(B) "Best management practices" means the engagement of 24070
agricultural production and management, including practices such 24071
as manure handling, tillage, forestry management, and similar 24072
practices, in a manner that is generally accepted in the 24073
agriculture industry and that is approved by any of the following: 24074

(1) The United States department of agriculture; 24075

(2) The natural resources conservation service in the United 24076
States department of agriculture; 24077

(3) The department of ~~natural resources~~ agriculture; 24078

(4) A soil and water conservation district established under 24079
Chapter ~~1515-~~ 940. of the Revised Code; 24080

(5) With respect to organic or sustainable production 24081
methods, a conservation professional whom the director of 24082
agriculture approves as having expertise in those methods. 24083

(C) "Contiguous farmland" means any of the following: 24084

(1) Geographically contiguous property used for agriculture; 24085

(2) Noncontiguous property used for agriculture that is owned 24086
by one person and connected by a right-of-way that the person 24087
controls and to which the public does not have access; 24088

(3) Two or more pieces of property used for agriculture that 24089
would be geographically contiguous but for the fact that the 24090
property is separated by a public or private right-of-way or 24091
rights-of-way or by rivers, streams, creeks, or other bodies of 24092
water. 24093

Sec. 931.02. (A) Land that is located in the unincorporated 24094
area of a township or county may be enrolled in an agricultural 24095
security area through the submittal of an application to the board 24096
of township trustees of each township and to the board of county 24097
commissioners of each county in which the land is located 24098
requesting the establishment of such an area. Land that is located 24099
in a municipal corporation and land that is located in territory 24100
that is proposed to be annexed to a municipal corporation by a 24101
pending proceeding before the board of county commissioners or in 24102
any court of competent jurisdiction shall not be included in an 24103
agricultural security area. 24104

If all of the land sought to be enrolled in the agricultural 24105
security area is owned by the same person, that person shall 24106
submit the application to the required boards. If the land sought 24107
to be enrolled consists of parcels owned by different persons who 24108
have aggregated their parcels, either each owner may submit a 24109
separate application to the required boards or all of the owners 24110
collectively may submit one application for the entire 24111
agricultural security area to the required boards. 24112

An application shall be on the form that the director of 24113
agriculture prescribes. The director shall provide copies of the 24114
application form to county auditors. 24115

An application shall be signed by each applicant who is 24116
submitting it and shall contain all of the following: 24117

(1) The first, middle, and last name of the applicant or 24118
applicants; 24119

(2) Information concerning any property interest in the land 24120
sought to be enrolled in an agricultural security area that is 24121
held by a person other than the applicant or applicants, 24122
including, without limitation, mineral rights or easements in the 24123
land that are held by a person other than the applicant or 24124
applicants and any other interest in the land that may not be 24125
conducive to agriculture and that is held by another person; 24126

(3) A statement by each applicant who is submitting the 24127
application that the applicant will not initiate, approve, or 24128
finance any new development for nonagricultural purposes on the 24129
land that is proposed to be enrolled in an agricultural security 24130
area during the ten-year period of the enrollment, except as is 24131
otherwise authorized under division (A) of section 931.04 of the 24132
Revised Code. For purposes of division (A)(3) of this section, 24133
"new development" includes, without limitation, an applicant's 24134
transfer to another person of the ownership of a property interest 24135
in the land that occurs during the period beginning on the date 24136
that the application is submitted and ending on the date that the 24137
ten-year period of enrollment is scheduled to expire, except as 24138
otherwise provided in division (D) of this section. "New 24139
development" does not include taking any actions that are 24140
authorized under property rights in the land, such as mineral 24141
rights or easements, that were transferred to a person other than 24142
an applicant prior to the date that the application is submitted. 24143
In addition, "new development" does not include the construction, 24144
modification, or operation of wind energy-producing facilities, 24145
including windmills and wind turbines, the grant of easements for 24146
or the construction, modification, or operation of transmission or 24147
distribution lines for electricity, gas, or oil or of any 24148
gathering or production lines for oil or gas, or the grant of new 24149
mineral leases, or the drilling or operation of any oil or gas 24150
well on or in connection with the land, provided that such 24151
activities do not cause the land to become ineligible for 24152

valuation and assessment for real property tax purposes in 24153
accordance with its current agricultural use value under sections 24154
5713.30 to 5713.38 of the Revised Code. 24155

(4) A listing of all administrative enforcement orders issued 24156
to each applicant who is submitting the application, all civil 24157
actions in which an applicant was determined by the trier of fact 24158
to be liable in damages or was the subject of injunctive relief or 24159
another type of civil relief, and all criminal actions in which an 24160
applicant pleaded guilty or was convicted, during the ten years 24161
immediately preceding the date of submission of the application, 24162
in connection with any violation of environmental laws or similar 24163
laws of another state. As used in division (A)(4) of this section, 24164
"environmental laws" has the same meaning as in section 3745.70 of 24165
the Revised Code. 24166

(5) A statement from the natural resources conservation 24167
service in the United States department of agriculture, a soil and 24168
water conservation district with jurisdiction over the land to 24169
which the application applies, or any other conservation 24170
professional approved by the director that, at the time of the 24171
application, each applicant who is submitting the application is 24172
complying with best management practices; 24173

(6) A map that complies with all of the following: 24174

(a) Is prepared by a regional or county planning commission 24175
established under section 713.21 of the Revised Code; a 24176
professional engineer, including a county engineer, or surveyor 24177
registered under Chapter 4733. of the Revised Code; a soil and 24178
water conservation district created pursuant to section ~~1515.03~~ 24179
940.03 of the Revised Code; or the natural resources conservation 24180
service; 24181

(b) Identifies the area of land to which the application 24182
applies and includes the corresponding parcel number that the 24183

county auditor has assigned under section 319.28 of the Revised Code to each parcel of land that comprises that area;

(c) Shows the boundaries of the land to be enrolled in an agricultural security area;

(d) Shows the names and locations of all streams, creeks, or other bodies of water, roads, rights-of-way, and railroads together with any existing residential, recreational, commercial, or industrial facilities that are situated on the land to be included in the area and within five hundred feet of the perimeter of the area. The map also shall show the location of all utility, water, and sewer lines that are situated on the land to be included in the area and within five hundred feet of the perimeter of the area unless the board of county commissioners of each county and the board of township trustees of each township in which the land is located exempts the application from that requirement because the information generally is not readily available.

(e) Indicates the date on which the map was prepared;

(f) Identifies the person or persons who prepared the map.

(7) A list of the other boards of township trustees and boards of county commissioners to whom an application has been submitted.

An application submitted under this section is a public record.

A board of township trustees and a board of county commissioners each may establish a reasonable fee or schedule of fees to be paid at the time that an application is submitted for the purpose of paying the costs of public notice and certified mail that are incurred in any proceedings conducted under this chapter. The clerk of the board shall maintain an accurate and detailed accounting of all money that is received and expended in

the processing of an application and shall return to the applicant 24215
any unused portion of the fee or fees after the conclusion of the 24216
proceedings. 24217

(B) An area shall be established as an agricultural security 24218
area when all of the following criteria are satisfied: 24219

(1) The area consists of not less than five hundred acres of 24220
contiguous farmland that is located in the unincorporated area of 24221
a township or county. In order to satisfy this requirement, two or 24222
more owners of contiguous farmland may aggregate their land. 24223

(2) The land forming the area is in an agricultural district 24224
or districts established under Chapter 929. of the Revised Code. 24225

(3) The land forming the area is valued and assessed for real 24226
property tax purposes in accordance with its current agricultural 24227
use value under sections 5713.30 to 5713.38 of the Revised Code. 24228
Land forming the area that is a portion of a farm on which is 24229
located a dwelling house, a yard, or outbuildings such as a barn 24230
or garage shall be deemed to satisfy the criteria established in 24231
divisions (B)(1) and (3) of this section. 24232

(4) Each application submitted by the owner or owners of the 24233
land forming the area is approved under section 931.03 of the 24234
Revised Code by the boards of township trustees of all of the 24235
townships in which the land is located. 24236

(5) Each application submitted by the owner or owners of the 24237
land forming the area is approved under section 931.03 of the 24238
Revised Code by the boards of county commissioners of all of the 24239
counties in which the land is located. 24240

(C) Additional contiguous farmland may be enrolled in an 24241
existing agricultural security area during a partially elapsed 24242
ten-year enrollment period either by a landowner who already has 24243
land enrolled in the agricultural security area or by a landowner 24244
who does not already have land enrolled in the agricultural 24245

security area. To enroll additional contiguous land in an existing 24246
agricultural security area under this division, a landowner shall 24247
obtain permission from each owner of land that already is enrolled 24248
in the agricultural security area, submit an application in 24249
accordance with this section, and obtain approval of the 24250
application from all appropriate boards of township trustees and 24251
boards of county commissioners in accordance with section 931.03 24252
of the Revised Code. Enrollment of the additional land in the 24253
existing agricultural security area shall continue until the 24254
expiration of the current, partially elapsed ten-year enrollment 24255
period and may be renewed in accordance with section 931.06 of the 24256
Revised Code. 24257

(D) If an owner of land that is enrolled in an agricultural 24258
security area transfers the land to another person during a 24259
partially elapsed ten-year enrollment period, the land may remain 24260
in the agricultural security area until the expiration of that 24261
period, provided that both of the following apply: 24262

(1) The transferee certifies and submits a statement, 24263
together with the transferee's first, middle, and last name and a 24264
description of the transferred land, to the appropriate boards of 24265
township trustees and boards of county commissioners specifying 24266
that, in accordance with division (A)(3) of this section, the 24267
transferee will not initiate, approve, or finance any new 24268
development for nonagricultural purposes on the transferred land 24269
during the remainder of the partially elapsed ten-year enrollment 24270
period. Upon receipt of the statement, the boards of township 24271
trustees and boards of county commissioners shall adopt a 24272
resolution acknowledging the receipt. 24273

(2) The transferred land continues to satisfy the criteria 24274
established in divisions (B)(2) and (3) of this section during the 24275
remainder of the partially elapsed ten-year enrollment period. 24276

Divisions (A), (B), and (C) of section 931.03 of the Revised 24277

Code do not apply to the continued inclusion of such transferred 24278
land in an agricultural security area. Upon the expiration of the 24279
partially elapsed ten-year enrollment period, enrollment in the 24280
agricultural security area may be renewed in accordance with 24281
section 931.06 of the Revised Code. 24282

Sec. 939.01. As used in this chapter: 24283

(A) "Agricultural pollution" means failure to use management 24284
or conservation practices in farming operations to abate wind or 24285
water erosion of the soil or to abate the degradation of the 24286
waters of the state by residual farm products, manure, or soil 24287
sediment, including attached substances. 24288

(B) "Animal feeding operation" means the production area, as 24289
defined in section 903.01 of the Revised Code, of an agricultural 24290
operation where agricultural animals are kept and raised in 24291
confined areas. "Animal feeding operation" does not include a 24292
facility that possesses a permit issued under Chapter 903. or 24293
division (J) of section 6111.03 of the Revised Code. 24294

(C) "Best management practices" means practices or a 24295
combination of practices that are determined to be the most 24296
effective and practicable means of preventing or reducing 24297
agricultural pollution sources to a level compatible with the 24298
attainment of applicable water quality standards. "Best management 24299
practices" includes structural and nonstructural practices, 24300
conservation practices, and operation and maintenance procedures. 24301

(D) "Composting" means the controlled decomposition of 24302
organic solid material consisting of dead animals that stabilizes 24303
the organic fraction of the material. 24304

(E) "Conservation" means the wise use and management of 24305
natural resources. 24306

(F) "Manure" means animal excreta. 24307

(G) "Ohio soil and water conservation commission" means the 24308
Ohio soil and water conservation commission established in section 24309
940.02 of the Revised Code. 24310

(H) "Operation and management plan" means a written record, 24311
developed or approved by the director of agriculture, the 24312
director's designee, or the board of supervisors of a soil and 24313
water conservation district, for the owner or operator of 24314
agricultural land or an animal feeding operation that contains 24315
both of the following: 24316

(1) Implementation schedules and operational procedures for a 24317
level of management and pollution abatement practices that will 24318
abate the degradation of the waters of the state by residual farm 24319
products, manure, and soil sediment, including attached 24320
pollutants; 24321

(2) Best management practices that are to be used by the 24322
owner or operator. 24323

(I) "Pollution abatement practice" means any erosion control, 24324
residual farm products, or manure pollution abatement facility, 24325
structure, or procedure and the operation and management 24326
associated with it as contained in an operation and management 24327
plan. 24328

(J) "Residual farm products" means bedding, wash waters, 24329
waste feed, and silage drainage. "Residual farm products" also 24330
includes the compost products resulting from the composting of 24331
dead animals in operations subject to section 939.04 of the 24332
Revised Code when either of the following applies: 24333

(1) The composting is conducted by the person who raises the 24334
animals and the compost product is used in agricultural operations 24335
owned or operated by that person regardless of whether the person 24336
owns the animals. 24337

(2) The composting is conducted by the person who owns the 24338

animals, but does not raise them and the compost product is used 24339
in agricultural operations either by a person who raises the 24340
animals or by a person who raises grain that is used to feed them 24341
and that is supplied by the owner of the animals. 24342

(K) "Soil and water conservation district" has the same 24343
meaning as in section 940.01 of the Revised Code. 24344

(L) "Waters of the state" means all streams, lakes, ponds, 24345
wetlands, watercourses, waterways, wells, springs, irrigation 24346
systems, drainage systems, and other bodies or accumulations of 24347
water, surface and underground, natural or artificial, regardless 24348
of the depth of the strata in which underground water is located, 24349
that are situated wholly or partly within, or border on, this 24350
state or are within its jurisdiction, except those private waters 24351
that do not combine or effect a junction with natural surface or 24352
underground waters. 24353

Sec. ~~1511.02~~ 939.02. ~~The chief of the division of soil and~~ 24354
~~water resources, subject to the approval of the director of~~ 24355
~~natural resources, agriculture~~ shall do all of the following: 24356

(A) Provide administrative leadership to soil and water 24357
conservation districts in planning, budgeting, staffing, and 24358
administering district programs and the training of district 24359
supervisors and personnel in their duties, responsibilities, and 24360
authorities as prescribed in this chapter and Chapter ~~1515-~~ 940. 24361
of the Revised Code; 24362

(B) Administer this chapter and Chapter ~~1515-~~ 940. of the 24363
Revised Code pertaining to state responsibilities and provide 24364
staff assistance to the Ohio soil and water conservation 24365
commission in exercising its statutory responsibilities; 24366

(C) Assist in expediting state responsibilities for watershed 24367
development and other natural resource conservation works of 24368

improvement; 24369

(D) Coordinate the development and implementation of 24370
cooperative programs and working agreements between soil and water 24371
conservation districts and ~~divisions or sections of~~ the department 24372
of ~~natural resources,~~ agriculture or other agencies of local, 24373
state, and federal government; 24374

(E) Subject to the approval of the Ohio soil and water 24375
conservation commission, ~~adopt, amend, or rescind~~ rules pursuant 24376
~~to~~ in accordance with Chapter 119. of the Revised Code. ~~Rules~~ 24377
~~adopted pursuant to this section that do or comply with all of the~~ 24378
following: 24379

(1) ~~Shall establish~~ Establish technically feasible and 24380
economically reasonable standards to achieve a level of management 24381
and conservation practices in farming ~~or silvicultural~~ operations 24382
that will abate wind or water erosion of the soil or abate the 24383
degradation of the waters of the state by residual farm products, 24384
manure, or soil sediment, including attached substances ~~attached~~ 24385
~~thereto,~~ and establish criteria for determination of the 24386
acceptability of such management and conservation practices; 24387

(2) ~~Shall establish technically feasible and economically~~ 24388
~~reasonable standards to achieve a level of management and~~ 24389
~~conservation practices that will abate wind or water erosion of~~ 24390
~~the soil or abate the degradation of the waters of the state by~~ 24391
~~soil sediment in conjunction with land grading, excavating,~~ 24392
~~filling, or other soil-disturbing activities on land used or being~~ 24393
~~developed for nonfarm commercial, industrial, residential, or~~ 24394
~~other nonfarm purposes, and establish criteria for determination~~ 24395
~~of the acceptability of such management and conservation~~ 24396
~~practices. The standards shall be designed to implement applicable~~ 24397
~~areawide waste treatment management plans prepared under section~~ 24398
~~208 of the "Federal Water Pollution Control Act," 86 Stat. 816~~ 24399
~~(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria~~ 24400

~~shall not apply in any municipal corporation or county that adopts~~ 24401
~~ordinances or rules pertaining to sediment control, nor to lands~~ 24402
~~being used in a strip mine operation as defined in section 1513.01~~ 24403
~~of the Revised Code, nor to lands being used in a surface mining~~ 24404
~~operation as defined in section 1514.01 of the Revised Code.~~ 24405

~~(3) May recommend criteria and procedures for the approval of~~ 24406
~~urban sediment pollution abatement plans and issuance of permits~~ 24407
~~prior to any grading, excavating, filling, or other whole or~~ 24408
~~partial disturbance of five or more contiguous acres of land owned~~ 24409
~~by one person or operated as one development unit and require~~ 24410
~~implementation of such a plan. Areas of less than five contiguous~~ 24411
~~acres are not exempt from compliance with other provisions of this~~ 24412
~~chapter and rules adopted under them.~~ 24413

~~(4) Shall establish~~ Establish procedures for administration 24414
of rules for agricultural pollution abatement ~~and urban sediment~~ 24415
~~pollution abatement~~ and for enforcement of those rules ~~for~~ 24416
~~agricultural pollution abatement;~~ 24417

~~(5) Shall specify~~ (3) Specify the pollution abatement 24418
practices eligible for state cost sharing and determine the 24419
conditions for eligibility, the construction standards and 24420
specifications, the useful life, the maintenance requirements, and 24421
the limits of cost sharing for those practices. Eligible practices 24422
shall be limited to practices that address agricultural ~~or~~ 24423
~~silvicultural~~ operations and that require expenditures that are 24424
likely to exceed the economic returns to the owner or operator and 24425
that abate soil erosion or degradation of the waters of the state 24426
by residual farm products, manure, or soil sediment, including 24427
attached pollutants ~~attached thereto.~~ 24428

~~(6) Shall establish~~ (4) Establish procedures for 24429
administering grants to owners or operators of agricultural land 24430
or animal feeding operations for the implementation of operation 24431
and management plans; 24432

~~(7) Shall establish procedures for administering grants to~~ 24433
~~soil and water conservation districts for urban sediment pollution~~ 24434
~~abatement programs, specify the types of projects eligible for~~ 24435
~~grants, establish limits on the availability of grants, and~~ 24436
~~establish requirements governing the execution of projects to~~ 24437
~~encourage the reduction of erosion and sedimentation associated~~ 24438
~~with soil-disturbing activities;~~ 24439

~~(8) Shall do all~~ (5) Do both of the following with regard to 24440
composting conducted in conjunction with agricultural operations: 24441

~~(a) Provide for the distribution of educational material~~ 24442
~~concerning composting to the offices of OSU extension for the~~ 24443
~~purposes of section 1511.022 of the Revised Code;~~ 24444

~~(b)~~ Establish methods, techniques, or practices for 24445
composting dead animals, or particular types of dead animals, that 24446
are to be used at such operations, as the ~~chief~~ director considers 24447
to be necessary or appropriate; 24448

~~(c)~~(b) Establish requirements and procedures governing the 24449
review and approval or disapproval of composting plans by the 24450
supervisors of soil and water conservation districts under 24451
division ~~(Q)~~(R) of section ~~1515.08~~ 940.06 of the Revised Code. 24452

~~(9) Shall be adopted, amended, or rescinded after the chief~~ 24453
~~does all of the following:~~ 24454

~~(a) Mails notice to each statewide organization that the~~ 24455
~~chief determines represents persons or local governmental agencies~~ 24456
~~who would be affected by the proposed rule, amendment thereto, or~~ 24457
~~rescission thereof at least thirty-five days before any public~~ 24458
~~hearing thereon;~~ 24459

~~(b) Mails a copy of each proposed rule, amendment thereto, or~~ 24460
~~rescission thereof to any person who requests a copy, within five~~ 24461
~~days after receipt of the request;~~ 24462

~~(c) Consults with appropriate state and local governmental agencies or their representatives, including statewide organizations of local governmental officials, industrial representatives, and other interested persons;~~ 24463
24464
24465
24466

~~(d) If the rule relates to agricultural pollution abatement, develops an economic impact statement concerning the effect of the proposed rule or amendment.~~ 24467
24468
24469

~~(10) Shall not~~ (6) Establish best management practices for inclusion in operation and management plans; 24470
24471

(7) Establish the amount of civil penalties assessed by the director under division (B) of section 939.07 of the Revised Code for violation of rules adopted under division (E) of this section; 24472
24473
24474

(8) Not conflict with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. 24475
24476
Compliance with rules adopted ~~pursuant to~~ under this section does 24477
not affect liability for noncompliance with air or water quality 24478
standards adopted pursuant to section 3704.03 or 6111.041 of the 24479
Revised Code. The application of a level of management and 24480
conservation practices recommended under this section to control 24481
windblown soil from farming operations creates a presumption of 24482
compliance with section 3704.03 of the Revised Code as that 24483
section applies to windblown soil. 24484

~~(11) Insofar as the rules relate to urban sediment pollution, shall not be applicable in a municipal corporation or county that adopts ordinances or rules for urban sediment control, except that a municipal corporation or county that adopts such ordinances or rules may receive moneys for urban sediment control that are disbursed by the board of supervisors of the applicable soil and water conservation district under division (N) of section 1515.08 of the Revised Code. The rules shall not exempt any person from compliance with municipal ordinances enacted pursuant to Section 3~~ 24485
24486
24487
24488
24489
24490
24491
24492
24493

~~of Article XVIII, Ohio Constitution.~~ 24494

(F) Cost share with landowners on practices established 24495
pursuant to division (E)~~(5)~~(3) of this section as moneys are 24496
appropriated and available for that purpose. Any practice for 24497
which cost share is provided shall be maintained for its useful 24498
life. Failure to maintain a cost share practice for its useful 24499
life shall subject the landowner to full repayment to the ~~division~~ 24500
department. 24501

(G) ~~Issue orders requiring compliance with any rule adopted~~ 24502
~~under division (E)(1) of this section or with section 1511.022 of~~ 24503
~~the Revised Code. Before the chief issues an order, the chief~~ 24504
~~shall afford each person allegedly liable an adjudication hearing~~ 24505
~~under Chapter 119. of the Revised Code. The chief may require in~~ 24506
~~an order that a person who has caused agricultural pollution by~~ 24507
~~failure to comply with the standards established under division~~ 24508
~~(E)(1) of this section operate under an operation and management~~ 24509
~~plan approved by the chief under this section. The chief shall~~ 24510
~~require in an order that a person who has failed to comply with~~ 24511
~~division (A) of section 1511.022 of the Revised Code prepare a~~ 24512
~~composting plan in accordance with rules adopted under division~~ 24513
~~(E)(8)(c) of this section and operate in accordance with that plan~~ 24514
~~or that a person who has failed to operate in accordance with such~~ 24515
~~a plan begin to operate in accordance with it. Each order shall be~~ 24516
~~issued in writing and contain a finding by the chief of the facts~~ 24517
~~upon which the order is based and the standard that is not being~~ 24518
~~met.~~ 24519

(H) Employ field assistants and ~~such~~ other employees as that 24520
are necessary for the performance of the work prescribed by 24521
Chapter ~~1515.~~ 940. of the Revised Code, for performance of work of 24522
the ~~division~~ department under this chapter, and as agreed to under 24523
working agreements or contractual arrangements with soil and water 24524
conservation districts, prescribe their duties, and fix their 24525

compensation in accordance with ~~such~~ schedules ~~as~~ that are 24526
provided by law for the compensation of state employees. All 24527

~~All~~ such employees of the ~~division~~ department, unless 24528
specifically exempted by law, shall be employed subject to the 24529
classified civil service laws in force at the time of employment. 24530

~~(I)~~(H) In connection with new or relocated projects involving 24531
highways, underground cables, pipelines, railroads, and other 24532
improvements affecting soil and water resources, including surface 24533
and subsurface drainage: 24534

(1) Provide engineering service ~~as~~ that is mutually agreeable 24535
to the Ohio soil and water conservation commission and the 24536
director to aid in the design and installation of soil and water 24537
conservation practices as a necessary component of such projects; 24538

(2) Maintain close liaison between the owners of lands on 24539
which the projects are executed, soil and water conservation 24540
districts, and authorities responsible for such projects; 24541

(3) Review plans for such projects to ensure their compliance 24542
with standards developed under division (E) of this section in 24543
cooperation with the department of transportation or with any 24544
other interested agency that is engaged in soil or water 24545
conservation projects in the state in order to minimize adverse 24546
impacts on soil and water resources adjacent to or otherwise 24547
affected by these projects; 24548

(4) Recommend measures to retard erosion and protect soil and 24549
water resources through the installation of water impoundment or 24550
other soil and water conservation practices; 24551

(5) Cooperate with other agencies and subdivisions of the 24552
state to protect the agricultural status of rural lands adjacent 24553
to such projects and control adverse impacts on soil and water 24554
resources. 24555

~~(J)~~(I) Collect, analyze, inventory, and interpret all 24556
available information pertaining to the origin, distribution, 24557
extent, use, and conservation of the soil resources of the state; 24558

~~(K)~~(J) Prepare and maintain up-to-date reports, maps, and 24559
other materials pertaining to the soil resources of the state and 24560
their use and make that information available to governmental 24561
agencies, public officials, conservation entities, and the public; 24562

~~(L)~~(K) Provide soil and water conservation districts with 24563
technical assistance including on-site soil investigations and 24564
soil interpretation reports on the suitability or limitations of 24565
soil to support a particular use or to plan soil conservation 24566
measures. The assistance shall be ~~upon such~~ on terms ~~as that~~ are 24567
mutually agreeable to the districts and the department of ~~natural~~ 24568
~~resources~~ agriculture. 24569

~~(M)~~(L) Assist local government officials in utilizing land 24570
use planning and zoning, current agricultural use value 24571
assessment, development reviews, and land management activities; 24572

~~(N)~~(M) When necessary for the purposes of this chapter or 24573
Chapter ~~1515-~~ 940. of the Revised Code, develop or approve 24574
operation and management plans. The director may designate an 24575
employee of the department to develop or approve operation and 24576
management plans in lieu of the director. 24577

This section does not restrict the manure of domestic or farm 24578
animals defecated on land outside an animal feeding operation or 24579
runoff ~~therefrom~~ from that land into the waters of the state. 24580

Sec. ~~1511.021~~ 939.03. (A) ~~Any~~ A person who owns or operates 24581
agricultural land or an animal feeding operation may develop and 24582
operate under an operation and management plan approved by the 24583
~~chief of the division of soil and water resources~~ director of 24584
agriculture or the director's designee under section ~~1511.02~~ 24585

939.02 of the Revised Code or by the supervisors of the applicable 24586
soil and water conservation district under section ~~1515.08~~ 940.06 24587
of the Revised Code. 24588

(B) ~~Any~~ A person who wishes to make a complaint regarding 24589
nuisances involving agricultural pollution may do so orally or by 24590
submitting a written, signed, and dated complaint to the ~~chief~~ 24591
director or to the ~~chief's~~ director's designee. After receiving an 24592
oral complaint, the ~~chief~~ director or the ~~chief's~~ director's 24593
designee may cause an investigation to be conducted to determine 24594
whether agricultural pollution has occurred or is imminent. After 24595
receiving a written, signed, and dated complaint, the ~~chief~~ 24596
director or the ~~chief's~~ director's designee shall cause such an 24597
investigation to be conducted. 24598

(C) In a private civil action for nuisances involving 24599
agricultural pollution, it is an affirmative defense if the person 24600
owning, operating, or otherwise responsible for agricultural land 24601
or an animal feeding operation is operating under and in 24602
substantial compliance with an approved operation and management 24603
plan developed under division (A) of this section, with an 24604
operation and management plan developed by the ~~chief~~ director or 24605
the director's designee under section ~~1511.02~~ 939.02 of the 24606
Revised Code or by the supervisors of the applicable soil and 24607
water conservation district under section ~~1515.08~~ 940.06 of the 24608
Revised Code, or with an operation and management plan required ~~by~~ 24609
~~an order issued by the chief~~ under division ~~(G)(A)(2)~~ of section 24610
~~1511.02~~ 939.02 of the Revised Code. Nothing in this section is in 24611
derogation of the authority granted to the ~~chief~~ director in 24612
division (E) of section ~~1511.02~~ 939.02 and in section ~~1511.07~~ 24613
939.07 of the Revised Code. 24614

Sec. ~~1511.022~~ 939.04. (A) ~~Any~~ A person who owns or operates 24615
an agricultural operation, or owns the animals raised by the owner 24616

or operator of an agricultural operation, and who wishes to 24617
conduct composting of dead animals resulting from the agricultural 24618
operation shall do both of the following: 24619

(1) Participate in an educational course concerning 24620
composting conducted by OSU extension and obtain a certificate of 24621
completion for the course; 24622

(2) Use the appropriate method, technique, or practice of 24623
composting established in rules adopted under division (E)~~(8)~~(5) 24624
of section ~~1511.02~~ 939.02 of the Revised Code. 24625

(B) ~~Any~~ A person who fails to comply with division (A) of 24626
this section shall prepare and operate under a composting plan ~~in~~ 24627
~~accordance with an order issued~~ required by the ~~chief of the~~ 24628
~~division of soil and water resources~~ director of agriculture under 24629
division ~~(6)~~(A)(2) of section ~~1511.02~~ 939.02 of the Revised Code. 24630
If the person's proposed composting plan is disapproved by the 24631
~~board of~~ supervisors of the appropriate soil and water 24632
conservation district under division ~~(Q)~~(R)(3) of section ~~1515.08~~ 24633
940.06 of the Revised Code, the person may appeal the plan 24634
disapproval to the ~~chief~~ director, who shall afford the person a 24635
hearing. Following the hearing, the ~~chief~~ director shall uphold 24636
the plan disapproval or reverse it. If the ~~chief~~ director reverses 24637
the disapproval, the plan shall be deemed approved. 24638

Sec. ~~1511.05~~ 939.05. The ~~chief of the division of soil and~~ 24639
~~water resources~~ director of agriculture, subject to approval of 24640
the terms of the agreement by the Ohio soil and water conservation 24641
commission, shall enter into cooperative agreements with the ~~board~~ 24642
~~of~~ supervisors of ~~any~~ a soil and water conservation district 24643
desiring to enter into ~~such~~ those agreements pursuant to section 24644
~~1515.08~~ 940.06 of the Revised Code. ~~Such~~ The agreements shall be 24645
entered into to obtain compliance with rules ~~and orders~~ of the 24646

~~chief director~~ pertaining to agricultural pollution abatement and 24647
~~urban sediment pollution abatement.~~ 24648

~~The chief or any person designated by the chief~~ director or 24649
~~the director's designee~~ may ~~upon obtaining agreement with the~~ 24650
~~owner, tenant, or manager of any land, public or private, enter~~ 24651
~~thereon at reasonable times on private property, with the consent~~ 24652
~~of the property owner, or on public property to make inspections~~ 24653
inspect and investigate conditions to determine whether or not 24654
there is compliance with the rules adopted under division (E)(1) 24655
of section ~~1511.02~~ 939.02 of the Revised Code. Upon reason to 24656
believe there is a violation, the ~~chief or the chief's~~ director or 24657
~~the director's~~ designee may apply for and a judge of the court of 24658
common pleas for the county where the land is located may issue an 24659
appropriate ~~inspection~~ search warrant as necessary to achieve the 24660
purposes of this chapter. 24661

Sec. ~~1511.03~~ 939.06. ~~The chief of the division of soil and~~ 24662
~~water resources may enter~~ director of agriculture may do any of 24663
the following: 24664

(A) Enter into contracts or agreements, ~~with the approval of~~ 24665
~~the director of natural resources,~~ with any agency of the United 24666
States government, or any other public or private agency, or 24667
organization, for the performance of the prescribed duties of the 24668
~~division,~~ department of agriculture under this chapter and Chapter 24669
940. of the Revised Code or for accomplishing cooperative projects 24670
within the ~~designated duties of the division~~ scope of those 24671
duties; 24672

(B) Enter into agreements with local government agencies for 24673
the purpose of soil surveys, land use inventories, and other 24674
soil-related duties; 24675

(C) Accept donations, grants, and contributions in money, 24676
service, or equipment to enhance or expedite the prescribed work 24677

of the department. 24678

Sec. 939.07. (A)(1) The director of agriculture may propose 24679
to require corrective actions and assess a civil penalty against 24680
the owner or operator of agricultural land or an animal feeding 24681
operation if the director or the director's designee determines 24682
that the owner or operator is doing one of the following: 24683

(a) Not complying with a standard established in rules 24684
adopted under division (E)(1) of section 939.02 of the Revised 24685
Code; 24686

(b) Not operating in accordance with an approved operation 24687
and management plan that is developed under division (A) of 24688
section 939.03 of the Revised Code, with an operation and 24689
management plan developed by the director or the director's 24690
designee under section 939.02 of the Revised Code or by the 24691
supervisors of the applicable soil and water conservation district 24692
under section 940.06 of the Revised Code, or with an operation and 24693
management plan required by the director under division (A)(2) of 24694
this section; 24695

(c) Not complying with a standard established in rules 24696
adopted under division (E)(5)(a) of section 939.02 of the Revised 24697
Code; 24698

(d) Not operating in accordance with a composting plan that 24699
is approved in accordance with rules adopted under division 24700
(E)(5)(b) of section 939.02 of the Revised Code or required by the 24701
director under division (A)(2) of this section. 24702

(2) The director may include in the corrective actions a 24703
requirement that an owner or operator do one of the following: 24704

(a) Operate under an operation and management plan approved 24705
by the director or the director's designee under section 939.02 of 24706
the Revised Code; 24707

(b) If the owner or operator has failed to operate in 24708
accordance with an existing operation and management plan, operate 24709
in accordance with that plan; 24710

(c) Prepare a composting plan in accordance with rules 24711
adopted under division (E)(5)(b) of section 939.02 of the Revised 24712
Code and operate in accordance with that plan; 24713

(d) If the owner or operator has failed to operate in 24714
accordance with an existing composting plan, operate in accordance 24715
with that plan. 24716

(3) The director may impose a civil penalty only if all of 24717
the following occur: 24718

(a) The owner or operator is notified in writing of the 24719
deficiencies resulting in noncompliance, the actions that the 24720
owner or operator must take to correct the deficiencies, and the 24721
time period within which the owner or operator must correct the 24722
deficiencies and attain compliance. 24723

(b) After the time period specified in the notice has 24724
elapsed, the director or the director's designee has inspected the 24725
agricultural land or animal feeding operation, determined that the 24726
owner or operator is still not in compliance, and issued a notice 24727
of an adjudication hearing. 24728

(c) The director affords the owner or operator an opportunity 24729
for an adjudication hearing under Chapter 119. of the Revised Code 24730
to challenge the determination of the director or the director's 24731
designee that the owner or operator is not in compliance or the 24732
imposition of the civil penalty, or both. However, the owner or 24733
operator may waive the right to an adjudication hearing. 24734

(4) If the opportunity for an adjudication hearing is waived 24735
or if, after an adjudication hearing, the director determines that 24736
noncompliance has occurred or is occurring, the director may issue 24737
an order requiring compliance and assess the civil penalty. The 24738

order and the assessment of the civil penalty may be appealed in 24739
accordance with section 119.12 of the Revised Code. 24740

(5) A person who has violated rules adopted under division 24741
(E) of section 939.02 of the Revised Code shall pay a civil 24742
penalty in an amount established in rules adopted under that 24743
section. 24744

(B) The attorney general, upon the written request of the 24745
director, shall bring an action for an injunction in any court of 24746
competent jurisdiction against a person violating or threatening 24747
to violate rules adopted under division (E) of section 939.02 of 24748
the Revised Code or an order issued under division (A)(4) of this 24749
section. 24750

(C)(1) In lieu of imposing a civil penalty under division (A) 24751
of this section, the director may request the attorney general, in 24752
writing, to bring an action for a civil penalty in a court of 24753
competent jurisdiction against a person that has violated or is 24754
violating a rule adopted under division (E) of section 939.02 of 24755
the Revised Code. 24756

(2) The civil penalty for which an action may be brought 24757
under division (C)(1) of this section shall not exceed ten 24758
thousand dollars per violation. Each day that a violation 24759
continues constitutes a separate violation. 24760

(D) In addition to any other penalties imposed under this 24761
section, the director may impose an administrative penalty against 24762
the owner or operator of agricultural land or an animal feeding 24763
operation if the director or the director's designee determines 24764
that the owner or operator is not in compliance with best 24765
management practices that are established in rules adopted under 24766
division (E) of section 939.02 of the Revised Code. The 24767
administrative penalty shall not exceed five thousand dollars. 24768

The director shall afford the owner or operator an 24769

opportunity for an adjudication hearing under Chapter 119. of the 24770
Revised Code to challenge the determination of the director or the 24771
director's designee under this division, the director's imposition 24772
of an administrative penalty under this division, or both. The 24773
determination and the imposition of the administrative penalty may 24774
be appealed in accordance with section 119.12 of the Revised Code. 24775

(E) Notwithstanding any other provision in this section, if 24776
the director determines that an emergency exists requiring 24777
immediate action to protect public health or safety or the 24778
environment, the director may issue an order, without notice or 24779
adjudication hearing, stating the existence of the emergency and 24780
requiring that action be taken that is necessary to address the 24781
emergency. The order shall take effect immediately. A person to 24782
whom the order is issued shall comply immediately, but on 24783
application to the director shall be afforded an adjudication 24784
hearing in accordance with Chapter 119. of the Revised Code as 24785
soon as possible, but not later than thirty days after the 24786
director's receipt of the application. Following the hearing, the 24787
director shall continue the order in effect, revoke it, or modify 24788
it. The order may be appealed in accordance with section 119.12 of 24789
the Revised Code. An emergency order shall not remain in effect 24790
for more than one hundred twenty days after its issuance. 24791

If a person to whom an order is issued does not comply with 24792
the order within a reasonable period of time as determined by the 24793
director, the director or the director's designee may enter on 24794
private or public lands to investigate and take action to 24795
mitigate, minimize, remove, or abate the conditions that are the 24796
subject of the order. 24797

(F) A person that is responsible for causing or allowing the 24798
unauthorized spill, release, or discharge of manure or residual 24799
farm products is liable to the director for the costs incurred in 24800
investigating, mitigating, minimizing, removing, or abating the 24801

spill, release, or discharge. Upon request of the director, the 24802
attorney general shall bring a civil action against the 24803
responsible person or persons to recover those costs. 24804

(G) Money recovered under division (F) of this section and 24805
money collected from civil penalties assessed under this section 24806
shall be paid into the state treasury to the credit of the 24807
agricultural pollution abatement fund created in section 939.10 of 24808
the Revised Code. 24809

(H) As used in this section, "noncompliance" means doing one 24810
of the actions specified in division (A)(1) of this section. 24811

Sec. ~~1511.10~~ 939.08. (A) Except as provided in division (B) 24812
of this section, no person in the western basin shall surface 24813
apply manure under any of the following circumstances: 24814

(1) On snow-covered or frozen soil; 24815

(2) When the top two inches of soil are saturated from 24816
precipitation; 24817

(3) When the local weather forecast for the application area 24818
contains greater than a fifty per cent chance of precipitation 24819
exceeding one-half inch in a twenty-four-hour period. 24820

(B) Division (A) of this section does not apply if a person 24821
in the western basin applies manure under any of the following 24822
circumstances: 24823

(1) The manure is injected into the ground. 24824

(2) The manure is incorporated within twenty-four hours of 24825
surface application. 24826

(3) The manure is applied onto a growing crop. 24827

(4) In the event of an emergency, the ~~chief of the division~~ 24828
~~of soil and water resources~~ director of agriculture or the ~~chief's~~ 24829
director's designee provides written consent and the manure 24830

application is made in accordance with procedures established in 24831
the United States department of agriculture natural resources 24832
conservation service practice standard code 590 prepared for this 24833
state. 24834

(C)(1) Upon receiving a complaint by any person or upon 24835
receiving information that would indicate a violation of this 24836
section, the ~~chief~~ director or the ~~chief's~~ director's designee may 24837
investigate or make inquiries into any alleged failure to comply 24838
with this section. 24839

(2) After receiving a complaint by any person or upon 24840
receiving information that would indicate a violation of this 24841
section, the ~~chief~~ director or the ~~chief's~~ director's designee may 24842
enter at reasonable times on any private or public property to 24843
inspect and investigate conditions relating to any such alleged 24844
failure to comply with this section. 24845

(3) If an individual denies access to the individual's 24846
property, the ~~chief~~ director may apply to a court of competent 24847
jurisdiction in the county in which the premises is located for a 24848
search warrant authorizing access to the premises for the purposes 24849
of this section. 24850

(4) The court shall issue the search warrant for the purposes 24851
requested if there is probable cause to believe that the person is 24852
not in compliance with this section. The finding of probable cause 24853
may be based on hearsay, provided that there is a reasonable basis 24854
for believing that the source of the hearsay is credible. 24855

(D) This section does not affect any restrictions established 24856
in Chapter 903. of the Revised Code or otherwise apply to those 24857
entities or facilities that are permitted as concentrated animal 24858
feeding facilities under that chapter. 24859

(E) As used in this section, "western basin" has the same 24860
meaning as in section 905.326 of the Revised Code. 24861

Sec. ~~1511.11~~ 939.09. (A) Except as provided in division (D) 24862
of this section, the ~~chief of the division of soil and water~~ 24863
~~resources~~ director of agriculture may assess a civil penalty 24864
against a person that violates section ~~1511.10~~ 939.08 of the 24865
Revised Code. The ~~chief~~ director may impose a civil penalty only 24866
if the ~~chief~~ director affords the person an opportunity for an 24867
adjudication hearing under Chapter 119. of the Revised Code to 24868
challenge the ~~chief's~~ director's determination that the person 24869
violated section ~~1511.10~~ 939.08 of the Revised Code. The person 24870
may waive the right to an adjudication hearing. 24871

(B) If the opportunity for an adjudication hearing is waived 24872
or if, after an adjudication hearing, the ~~chief~~ director 24873
determines that a violation has occurred or is occurring, the 24874
~~chief~~ director may issue an order requiring compliance with 24875
section ~~1511.10~~ 939.08 of the Revised Code and assess the civil 24876
penalty. The order and the assessment of the civil penalty may be 24877
appealed in accordance with section 119.12 of the Revised Code. 24878

(C) A person that has violated section ~~1511.10~~ 939.08 of the 24879
Revised Code shall pay a civil penalty in an amount established in 24880
rules. Each day during which manure is applied in violation of 24881
section ~~1511.10~~ 939.08 of the Revised Code constitutes a separate 24882
violation. 24883

(D)(1) The owner or operator of a small agricultural 24884
operation or a medium agricultural operation may apply to the 24885
~~chief~~ director for an exemption from the prohibition established 24886
in division (A) of section ~~1511.10~~ 939.08 of the Revised Code. If 24887
the ~~chief~~ director or the ~~chief's~~ director's designee determines 24888
that it is appropriate, the ~~chief~~ director or the ~~chief's~~ 24889
director's designee may issue such an exemption as follows: 24890

(a) For a medium agricultural operation, for a period ending 24891
not later than one year after ~~the effective date of this section~~ 24892

<u>July 3, 2015;</u>	24893
(b) For a small agricultural operation, for a period ending	24894
not later than two years after ~~the effective date of this section~~	24895
<u>July 3, 2015.</u>	24896
(2) The ~~chief~~ <u>director</u> shall establish the form of the	24897
application for an exemption in rules adopted under division (E)	24898
of this section.	24899
(3) The ~~chief~~ <u>director</u> or the ~~chief's~~ <u>director's</u> designee	24900
shall approve or deny an application for an exemption submitted	24901
under division (D)(1) of this section not later than thirty days	24902
after an application has been submitted.	24903
(4) The ~~chief~~ <u>director</u> or the ~~chief's~~ <u>director's</u> designee may	24904
deny an application for an exemption or revoke an exemption	24905
approved under division (D)(3) of this section if the ~~chief~~	24906
<u>director</u> or the ~~chief's~~ <u>director's</u> designee determines that the	24907
owner or operator is not in substantial compliance with this	24908
chapter and rules adopted under it other than violating division	24909
(A) of section ~~1511.10~~ <u>939.08</u> of the Revised Code.	24910
(5) An owner or operator that has been issued an exemption	24911
under this section is not subject to civil penalties assessed for	24912
a violation of division (A) of section ~~1511.10~~ <u>939.08</u> of the	24913
Revised Code during the exemption period.	24914
(6) An owner or operator that has an initial application for	24915
an exemption that is pending the ~~chief's~~ <u>director's</u> review is not	24916
subject to civil penalties assessed for a violation of division	24917
(A) of section ~~1511.10~~ <u>939.08</u> of the Revised Code.	24918
(E) The ~~chief~~ <u>director</u> shall adopt rules in accordance with	24919
Chapter 119. of the Revised Code that establish both of the	24920
following:	24921
(1) The amount of the civil penalty assessed under this	24922

section. The civil penalty shall be not more than ten thousand 24923
dollars for each violation. 24924

(2) Requirements governing the application form for an 24925
exemption submitted under division (D) of this section. The rules 24926
shall require the form to include all of the following: 24927

(a) A statement from the applicant affirming that the 24928
applicant understands the provisions of sections ~~1511.10~~ 939.08 24929
and ~~1511.11~~ 939.09 of the Revised Code; 24930

(b) A statement from the applicant affirming that the 24931
applicant understands that the applicant must be in compliance 24932
with procedures established in the United States department of 24933
agriculture natural resources conservation service practice 24934
standard code 590 prepared for this state except procedures that 24935
are in conflict with this section and section ~~1511.10~~ 939.08 of 24936
the Revised Code; 24937

(c) A place for the applicant to explain the reasons for the 24938
necessity for the exemption; 24939

(d) A place on the form that provides information on programs 24940
that may assist an applicant with methods to comply with division 24941
(A) of section ~~1511.10~~ 939.08 of the Revised Code; 24942

(e) A place on the form that provides the applicant an 24943
opportunity to request technical assistance or information from 24944
the ~~chief~~ director or the applicable soil and water conservation 24945
district to assist the applicant to comply with division (A) of 24946
section ~~1511.10~~ 939.08 of the Revised Code. 24947

(F) Money collected from civil penalties assessed under this 24948
section shall be paid into the state treasury to the credit of the 24949
agricultural pollution abatement fund created in section 939.10 of 24950
the Revised Code. 24951

(G) As used in this section: 24952

(1) "Small agricultural operation" means an agricultural operation in the western basin that stables or confines fewer than any of the numbers of animals specified in divisions (Q)(1)(a) to (m) of section 903.01 of the Revised Code.

(2) "Medium agricultural operation" means an agricultural operation in the western basin that stables or confines any of the numbers of animals specified in divisions (Q)(1)(a) to (m) of section 903.01 of the Revised Code.

(3) "Western basin" has the same meaning as in section 905.326 of the Revised Code.

Sec. ~~1511.071~~ 939.10. There is hereby created in the state treasury the agricultural pollution abatement fund, which shall be administered by the ~~chief of the division of soil and water resources~~ director of agriculture. The fund may be used to pay costs incurred by the ~~division~~ department of agriculture under division ~~(A)(3)(E)~~ of section ~~1511.07~~ 939.07 of the Revised Code in investigating, mitigating, minimizing, removing, or abating any pollution of the waters of the state caused by agricultural pollution or an unauthorized release, spill, or discharge of manure into or upon the environment that requires emergency action to protect the public health.

~~Any person responsible for causing or allowing agricultural pollution or an unauthorized release, spill, or discharge is liable to the chief for any costs incurred by the division and soil and water conservation districts in investigating, mitigating, minimizing, removing, or abating the agricultural pollution or release, spill, or discharge, regardless of whether those costs were paid out of the agricultural pollution abatement fund or any other fund of the division or a district. Upon the request of the chief, the attorney general shall bring a civil action against the responsible person to recover those costs.~~

~~Moneys recovered under this section shall be paid into the~~ 24984
~~agricultural pollution abatement fund.~~ 24985

Sec. ~~1515.01~~ 940.01. As used in this chapter: 24986

(A) "Soil and water conservation district" means a district 24987
organized in accordance with this chapter. 24988

(B) "Supervisor" means one of the members of the governing 24989
body of a district. 24990

(C) "Landowner," "owner," or "owner of land" means an owner 24991
of record as shown by the records in the office of the county 24992
recorder. With respect to an improvement or a proposed 24993
improvement, "landowner," "owner," or "owner of land" also 24994
includes any public corporation and the director of any 24995
department, office, or institution of the state that is affected 24996
by the improvement or that would be affected by the proposed 24997
improvement, but that does not own any right, title, estate, or 24998
interest in or to any real property. 24999

(D) "Land occupier" or "occupier of land" means any person, 25000
firm, or corporation that controls the use of land whether as 25001
landowner, lessee, renter, or tenant. 25002

(E) "Due notice" means notice published at least twice, 25003
stating time and place, with an interval of at least thirteen days 25004
between the two publication dates, in a newspaper of general 25005
circulation within a soil and water conservation district. 25006

(F) "Agricultural pollution" means failure to use management 25007
or conservation practices in farming or silvicultural operations 25008
to abate wind or water erosion of the soil or to abate the 25009
degradation of the waters of the state by residual farm products, 25010
manure, or soil sediment, including substances attached thereto. 25011

(G) "Urban sediment pollution" means failure to use 25012
management or conservation practices to abate wind or water 25013

erosion of the soil or to abate the degradation of the waters of 25014
the state by soil sediment in conjunction with land grading, 25015
excavating, filling, or other soil disturbing activities on land 25016
used or being developed for nonfarm commercial, industrial, 25017
residential, or other nonfarm purposes, except lands being used in 25018
a strip mine operation as defined in section 1513.01 of the 25019
Revised Code and except lands being used in a surface mining 25020
operation as defined in section 1514.01 of the Revised Code. 25021

(H) "Uniform assessment" means an assessment that is both of 25022
the following: 25023

(1) Based upon a complete appraisal of each parcel of land, 25024
together with all improvements thereon, within a project area and 25025
of the benefits or damages brought about as a result of the 25026
project that is determined by criteria applied equally to all 25027
parcels within the project area; 25028

(2) Levied upon the parcels at a uniform rate on the basis of 25029
the appraisal. 25030

(I) "Varied assessment" means any assessment that does not 25031
meet the criteria established in division (H) of this section. 25032

(J) "Project area" means an area determined and certified by 25033
the supervisors of a soil and water conservation district under 25034
section ~~1515.19~~ 940.25 of the Revised Code. 25035

(K) "Benefit" or "benefits" means advantages to land and 25036
owners, to public corporations, and to the state resulting from 25037
drainage, conservation, control, and management of water and from 25038
environmental, wildlife, and recreational improvements. "Benefit" 25039
or "benefits" includes, but is not limited to, any of the 25040
following factors: 25041

(1) Elimination or reduction of damage from flooding; 25042

(2) Removal of water conditions that jeopardize public 25043

health, safety, or welfare; 25044

(3) Increased value of land resulting from an improvement; 25045

(4) Use of water for irrigation, storage, regulation of 25046
stream flow, soil conservation, water supply, or any other 25047
incidental purpose; 25048

(5) Providing an outlet for the accelerated runoff from 25049
artificial drainage if a stream, watercourse, channel, or ditch 25050
that is under improvement is called upon to discharge functions 25051
for which it was not designed. Uplands that have been removed from 25052
their natural state by deforestation, cultivation, artificial 25053
drainage, urban development, or other human methods shall be 25054
considered to be benefited by an improvement that is required to 25055
dispose of the accelerated flow of water from the uplands. 25056

(L) "Improvement" or "conservation works of improvement" 25057
means an improvement that is made under the authority established 25058
in division (C) of section ~~1515.08~~ 940.06 of the Revised Code. 25059

(M) "Land" has the same meaning as in section 6131.01 of the 25060
Revised Code. 25061

(N) "Manure," "operation and management plan," and "residual 25062
farm products" have the same meanings as in section ~~1511.01~~ 939.01 25063
of the Revised Code. 25064

(O) "Voluntary nutrient management plan" has the same meaning 25065
as in section 905.31 of the Revised Code. 25066

Sec. ~~1515.02~~ 940.02. There is hereby established in the 25067
department of ~~natural resources~~ agriculture the Ohio soil and 25068
water conservation commission. The commission shall consist of 25069
seven members of equal status and authority, six of whom shall be 25070
appointed by the governor with the advice and consent of the 25071
senate, and one of whom shall be designated by resolution of the 25072
board of directors of the Ohio federation of soil and water 25073

conservation districts. The directors of agriculture, 25074
environmental protection, and natural resources, the 25075
vice-president for agricultural administration of the Ohio state 25076
university, and an officer of the Ohio federation of soil and 25077
water conservation districts, or their designees, may serve as ex 25078
officio members of the commission, but without the power to vote. 25079
A vacancy in the office of an appointed member shall be filled by 25080
the governor, with the advice and consent of the senate. Any 25081
member appointed to fill a vacancy occurring prior to the 25082
expiration of the term for which the member's predecessor was 25083
appointed shall hold office for the remainder of that term. Of the 25084
appointed members, four shall be persons who have a knowledge of 25085
or interest in agricultural production and the natural resources 25086
of the state. One member shall represent rural interests and one 25087
member shall represent urban interests. Not more than three of the 25088
appointed members shall be members of the same political party. 25089

Terms of office of the member designated by the board of 25090
directors of the federation and the members appointed by the 25091
governor shall be for four years, commencing on the first day of 25092
July and ending on the thirtieth day of June. 25093

Each appointed member shall hold office from the date of 25094
appointment until the end of the term for which the member was 25095
appointed. Any appointed member shall continue in office 25096
subsequent to the expiration date of the member's term until the 25097
member's successor takes office, or until a period of sixty days 25098
has elapsed, whichever occurs first. 25099

The commission shall organize by selecting from its members a 25100
chairperson and a vice-chairperson. The commission shall hold at 25101
least one regular meeting in each quarter of each calendar year 25102
and shall keep a record of its proceedings, which shall be open to 25103
the public for inspection. Special meetings may be called by the 25104
chairperson and shall be called by the chairperson upon receipt of 25105

a written request signed by two or more members of the commission. 25106
Written notice of the time and place of each meeting shall be sent 25107
to each member of the commission. A majority of the commission 25108
shall constitute a quorum. 25109

The commission may adopt rules as necessary to carry out the 25110
purposes of this chapter, subject to Chapter 119. of the Revised 25111
Code. 25112

The governor may remove any appointed member of the 25113
commission at any time for inefficiency, neglect of duty, or 25114
malfeasance in office, after giving to the member a copy of the 25115
charges against the member and an opportunity to be heard publicly 25116
in person or by counsel in the member's defense. Any such act of 25117
removal by the governor is final. A statement of the findings of 25118
the governor, the reason for the governor's action, and the 25119
answer, if any, of the member shall be filed by the governor with 25120
the secretary of state and shall be open to public inspection. 25121

All members of the commission shall be reimbursed for the 25122
necessary expenses incurred by them in the performance of their 25123
duties as members. 25124

Upon recommendation by the commission, the director of 25125
~~natural resources~~ agriculture shall designate an executive 25126
secretary and provide staff necessary to carry out the powers and 25127
duties of the commission. 25128

The commission shall do all of the following: 25129

(A) Determine distribution of funds under section ~~1515.14~~ 25130
940.15 of the Revised Code, recommend to the director of ~~natural~~ 25131
~~resources~~ and other agencies the levels of appropriations to 25132
special funds established to assist soil and water conservation 25133
districts, and recommend the amount of federal funds to be 25134
requested and policies for the use of such funds in support of 25135
soil and water conservation district programs; 25136

(B) Assist in keeping the supervisors of soil and water 25137
conservation districts informed of their powers and duties, 25138
program opportunities, and the activities and experience of all 25139
other districts, and facilitate the interchange of advice, 25140
experience, and cooperation between the districts; 25141

(C) Seek the cooperation and assistance of the federal 25142
government or any of its agencies, and of agencies of this state, 25143
in the work of the districts; 25144

(D) Adopt appropriate rules governing the conduct of 25145
elections provided for in this chapter, subject to Chapter 119. of 25146
the Revised Code, provided that only owners and occupiers of lands 25147
situated within the boundaries of the districts or proposed 25148
districts to which the elections apply shall be eligible to vote 25149
in the elections; 25150

(E) Recommend to the director priorities for planning and 25151
construction of small watershed projects, and make recommendations 25152
to the director concerning coordination of programs as proposed 25153
and implemented in agreements with soil and water conservation 25154
districts; 25155

(F) Recommend to the director, the governor, and the general 25156
assembly programs and legislation with respect to the operations 25157
of soil and water conservation districts that will encourage 25158
proper soil, water, and other natural resource management and 25159
promote the economic and social development of the state; 25160

(G) Recommend to the director of agriculture a procedure for 25161
coordination of a program of agricultural pollution abatement. 25162
Implementation of such a program shall be based on air and water 25163
quality standards adopted pursuant to sections 3704.03 and 25164
6111.041 of the Revised Code, respectively. The director of 25165
agriculture, through the division of soil and water conservation, 25166
shall coordinate the efforts of state and local governmental 25167

agencies to meet the minimum state air and water quality standards 25168
relating to agricultural pollutants. The director of environmental 25169
protection shall utilize the division of soil and water 25170
conservation in the department of agriculture and soil and water 25171
conservation districts in encouraging landowner abatement of 25172
agricultural pollution. 25173

Sec. ~~1515.03~~ 940.03. Each county shall have a soil and water 25174
conservation district coextensive with the geographic area of the 25175
county, and each district shall constitute a political subdivision 25176
of this state. 25177

Sec. ~~1515.05~~ 940.04. Each soil and water conservation 25178
district shall be administered by a board consisting of the five 25179
supervisors. Elections of supervisors shall be conducted by the 25180
Ohio soil and water conservation commission pursuant to rules it 25181
adopts under Chapter 119. of the Revised Code. The term of each 25182
supervisor shall be for three years, ~~except that supervisors~~ 25183
~~holding office on May 2, 1980 shall serve the terms to which they~~ 25184
~~were elected or appointed under former section 1515.05 of the~~ 25185
~~Revised Code.~~ Due notice of election of supervisors shall be given 25186
by the commission. Successors to fill unexpired terms may be 25187
appointed by the commission on the unanimous recommendation of the 25188
remaining supervisors. In any case in which a unanimous 25189
recommendation cannot be agreed upon, a successor to fill an 25190
unexpired term shall be elected in the same manner in which ~~his~~ 25191
the supervisor's predecessor was elected. 25192

Eligible voters and candidates for supervisor shall be at 25193
least eighteen years of age by the day of election. Candidates 25194
shall reside in the district in which they are running for office. 25195

Sec. ~~1515.07~~ 940.05. The governing body of a soil and water 25196
conservation district shall consist of five supervisors, as 25197

provided for in section ~~1515.05~~ 940.04 of the Revised Code. 25198

The supervisors shall organize annually by selecting a 25199
~~chairman~~ chairperson, a secretary, and a treasurer. They shall 25200
designate one of their members as fiscal agent. A majority of the 25201
five supervisors shall constitute a quorum. The concurrence of a 25202
majority of the five supervisors in any matter shall be required 25203
for its determination. A supervisor shall receive no compensation 25204
for ~~his~~ the supervisor's services, except when both of the 25205
following occur: 25206

(A) A district board of supervisors designates one or more of 25207
its supervisors to represent the district on a joint district 25208
board or if an agency or instrumentality of the United States, of 25209
this state, or of a political subdivision of this state requires 25210
or requests district board representation; 25211

(B) Such compensation is provided for by public moneys other 25212
than moneys in the special fund of the local district created 25213
pursuant to section ~~1515.10~~ 940.12 of the Revised Code. 25214

A supervisor is entitled to be reimbursed for the necessary 25215
expenses incurred in the discharge of ~~his~~ official duties. 25216

The supervisors shall furnish to the Ohio soil and water 25217
conservation commission, upon its request, copies of rules, 25218
orders, contracts, forms, and other documents they adopt or employ 25219
and other information concerning their activities as it requires 25220
in the performance of its duties under this chapter. 25221

At least once each year, a district shall submit to the 25222
commission a report of progress and operations, including a 25223
summary of receipts and disbursements during the period covered by 25224
the report. A district shall submit additional financial reports 25225
as requested by the commission. 25226

The supervisors shall provide for the execution of surety 25227
bonds for all employees and officers who are entrusted with funds 25228

and shall provide for the keeping of a full and accurate record of 25229
all proceedings and of all resolutions and orders issued or 25230
adopted. Any supervisor may be removed by the commission upon 25231
notice and hearing for neglect of duty or malfeasance in office. 25232

Sec. ~~1515.08~~ 940.06. The supervisors of a soil and water 25233
conservation district have the following powers in addition to 25234
their other powers: 25235

(A) To conduct surveys, investigations, and research relating 25236
to the character of soil erosion, floodwater and sediment damages, 25237
and the preventive and control measures and works of improvement 25238
for flood prevention and the conservation, development, 25239
utilization, and disposal of water needed within the district, and 25240
to publish the results of those surveys, investigations, or 25241
research, provided that no district shall initiate any research 25242
program except in cooperation or after consultation with the Ohio 25243
agricultural research and development center; 25244

(B) To develop plans for the conservation of soil resources, 25245
for the control and prevention of soil erosion, and for works of 25246
improvement for flood prevention and the conservation, 25247
development, utilization, and disposal of water within the 25248
district, and to publish those plans and information; 25249

(C) To implement, construct, repair, maintain, and operate 25250
preventive and control measures and other works of improvement for 25251
natural resource conservation and development and flood 25252
prevention, and the conservation, development, utilization, and 25253
disposal of water within the district on lands owned or controlled 25254
by this state or any of its agencies and on any other lands within 25255
the district, which works may include any facilities authorized 25256
under state or federal programs, and to acquire, by purchase or 25257
gift, to hold, encumber, or dispose of, and to lease real and 25258
personal property or interests in such property for those 25259

purposes; 25260

(D) To cooperate or enter into agreements with any occupier 25261
of lands within the district in the carrying on of natural 25262
resource conservation operations and works of improvement for 25263
flood prevention and the conservation, development, utilization, 25264
and management of natural resources within the district, subject 25265
to such conditions as the supervisors consider necessary; 25266

(E) To accept donations, gifts, grants, and contributions in 25267
money, service, materials, or otherwise, and to use or expend them 25268
according to their terms; 25269

(F) To adopt, amend, and rescind rules to carry into effect 25270
the purposes and powers of the district; 25271

(G) To sue and plead in the name of the district, and be sued 25272
and impleaded in the name of the district, with respect to its 25273
contracts and, as indicated in section ~~1515.081~~ 940.07 of the 25274
Revised Code, certain torts of its officers, employees, or agents 25275
acting within the scope of their employment or official 25276
responsibilities, or with respect to the enforcement of its 25277
obligations and covenants made under this chapter; 25278

(H) To make and enter into all contracts, leases, and 25279
agreements and execute all instruments necessary or incidental to 25280
the performance of the duties and the execution of the powers of 25281
the district under this chapter, provided that all of the 25282
following apply: 25283

(1) Except as provided in section 307.86 of the Revised Code 25284
regarding expenditures by boards of county commissioners, when the 25285
cost under any such contract, lease, or agreement, other than 25286
compensation for personal services or rental of office space, 25287
involves an expenditure of more than the amount established in 25288
that section regarding expenditures by boards of county 25289
commissioners, the supervisors shall make a written contract with 25290

the lowest and best bidder after advertisement, for not less than 25291
two nor more than four consecutive weeks preceding the day of the 25292
opening of bids, in a newspaper of general circulation within the 25293
district or as provided in section 7.16 of the Revised Code and in 25294
such other publications as the supervisors determine. The notice 25295
shall state the general character of the work and materials to be 25296
furnished, the place where plans and specifications may be 25297
examined, and the time and place of receiving bids. 25298

(2) Each bid for a contract shall contain the full name of 25299
every person interested in it. 25300

(3) Each bid for a contract for the construction, demolition, 25301
alteration, repair, or reconstruction of an improvement shall meet 25302
the requirements of section 153.54 of the Revised Code. 25303

(4) Each bid for a contract, other than a contract for the 25304
construction, demolition, alteration, repair, or reconstruction of 25305
an improvement, at the discretion of the supervisors, may be 25306
accompanied by a bond or certified check on a solvent bank in an 25307
amount not to exceed five per cent of the bid, conditioned that, 25308
if the bid is accepted, a contract shall be entered into. 25309

(5) The supervisors may reject any and all bids. 25310

~~(I) To make agreements with the department of natural 25311
resources giving it control over lands of the district for the 25312
purpose of construction of improvements by the department under 25313
section 1501.011 of the Revised Code; 25314~~

~~(J)~~ To charge, alter, and collect rentals and other charges 25315
for the use or services of any works of the district; 25316

~~(K)~~(J) To enter, either in person or by designated 25317
representatives, upon lands, private or public, in the necessary 25318
discharge of their duties; 25319

~~(L)~~(K) To enter into agreements or contracts with the 25320

department of agriculture for the determination, implementation, 25321
inspection, and funding of agricultural pollution abatement ~~and~~ 25322
~~urban sediment pollution abatement~~ measures whereby landowners, 25323
operators, managers, and developers may meet adopted state 25324
standards for a quality environment, except that failure of a 25325
district board of supervisors to negotiate an agreement or 25326
contract with the department ~~shall authorize~~ authorizes the 25327
~~division of soil and water resources~~ department to implement the 25328
required program; 25329

~~(M)~~(L) To conduct demonstrations and provide information to 25330
the public regarding practices and methods for natural resource 25331
conservation, development, and utilization; 25332

~~(N)~~(M) To enter into contracts or agreements with the chief 25333
~~of the division of soil and water resources to implement and~~ 25334
~~administer a program for~~ director of environmental protection in 25335
furtherance of actions to abate urban sediment pollution ~~abatement~~ 25336
~~and to receive and expend moneys provided by the chief for that~~ 25337
~~purpose;~~ 25338

~~(O)~~(N) To develop operation and management plans as 25339
necessary; 25340

~~(P)~~(O) To determine whether operation and management plans 25341
developed under division (A) of section ~~1511.021~~ 939.03 of the 25342
Revised Code comply with the standards established under division 25343
(E)(1) of section ~~1511.02~~ 939.02 of the Revised Code and to 25344
approve or disapprove the plans, based on such compliance. If an 25345
operation and management plan is disapproved, the board shall 25346
provide a written explanation to the person who submitted the 25347
plan. The person may appeal the plan disapproval to the ~~chief~~ 25348
director of agriculture or the director's designee, who shall 25349
afford the person a hearing. Following the hearing, the ~~chief~~ 25350
director or the director's designee shall uphold the plan 25351
disapproval or reverse it. If the ~~chief~~ director or the director's 25352

designee reverses the plan disapproval, the plan shall be deemed 25353
approved under this division. In the event that any person 25354
operating or owning agricultural land or an animal feeding 25355
operation in accordance with an approved operation and management 25356
plan who, in good faith, is following that plan, causes 25357
agricultural pollution, the plan shall be revised in a fashion 25358
necessary to mitigate the agricultural pollution, as determined 25359
and approved by the board of supervisors of the soil and water 25360
conservation district. 25361

~~(Q)(P)~~ To develop timber harvest plans; 25362

(Q) To determine whether timber harvest plans developed under 25363
division (A) of section 1503.52 of the Revised Code comply with 25364
the standards established under division (A)(1) of section 1503.51 25365
of the Revised Code and to approve or disapprove the plans based 25366
on such compliance. If a timber harvest plan is disapproved, the 25367
board shall provide a written explanation to the person who 25368
submitted the plan. The person may appeal the plan disapproval to 25369
the chief of the division of forestry or the chief's designee, who 25370
shall afford the person a hearing. Following the hearing, the 25371
chief or the chief's designee shall uphold the plan disapproval or 25372
reverse it. If the chief or the chief's designee reverses the plan 25373
disapproval, the plan shall be deemed approved under this 25374
division. 25375

(R) With regard to composting conducted in conjunction with 25376
agricultural operations, to do all of the following: 25377

(1) Upon request or upon their own initiative, inspect 25378
composting at any such operation to determine whether the 25379
composting is being conducted in accordance with section ~~1511.022~~ 25380
939.04 of the Revised Code; 25381

(2) If the board determines that composting is not being so 25382
conducted, request the ~~chief to issue an order under division (G)~~ 25383

~~of section 1511.02 of the Revised Code requiring director to take~~ 25384
~~corrective actions under section 939.07 of the Revised Code that~~ 25385
~~require~~ the person who is conducting the composting to prepare a 25386
composting plan in accordance with rules adopted under division 25387
(E)~~(8)(c)(5)(a)~~ of ~~that~~ section 939.02 of the Revised Code and to 25388
operate in accordance with that plan or to operate in accordance 25389
with a previously prepared plan, as applicable; 25390

(3) In accordance with rules adopted under division 25391
(E)~~(8)(c)(5)(b)~~ of section ~~1511.02~~ 939.02 of the Revised Code, 25392
review and approve or disapprove any such composting plan. If a 25393
plan is disapproved, the board shall provide a written explanation 25394
to the person who submitted the plan. 25395

As used in division ~~(Q)(R)~~ of this section, "composting" has 25396
the same meaning as in section ~~1511.01~~ 939.01 of the Revised Code. 25397

~~(R)(S)~~ With regard to conservation activities that are 25398
conducted in conjunction with agricultural operations, to assist 25399
the county auditor, upon request, in determining whether a 25400
conservation activity is a conservation practice for purposes of 25401
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the 25402
Revised Code. 25403

As used in this division, "conservation practice" has the 25404
same meaning as in section 5713.30 of the Revised Code. 25405

~~(S)(T)~~ To develop and approve or disapprove voluntary 25406
nutrient management plans in accordance with section 905.323 of 25407
the Revised Code; 25408

~~(T)(U)~~ To do all acts necessary or proper to carry out the 25409
powers granted in this chapter. 25410

The director ~~of natural resources~~ shall make recommendations 25411
to reduce the adverse environmental effects of each project that a 25412
soil and water conservation district plans to undertake under 25413
division (A), (B), (C), or (D) of this section and that will be 25414

funded in whole or in part by moneys authorized under section 25415
~~1515.16~~ 940.17 of the Revised Code and shall disapprove any such 25416
project that the director finds will adversely affect the 25417
environment without equal or greater benefit to the public. The 25418
director's disapproval or recommendations, upon the request of the 25419
district filed in accordance with rules adopted by the Ohio soil 25420
and water conservation commission, shall be reviewed by the 25421
commission, which may confirm the director's decision, modify it, 25422
or add recommendations to or approve a project the director has 25423
disapproved. 25424

Any instrument by which real property is acquired pursuant to 25425
this section shall identify the agency of the state that has the 25426
use and benefit of the real property as specified in section 25427
5301.012 of the Revised Code. 25428

Sec. ~~1515.081~~ 940.07. (A) As used in this section: 25429

(1) "Judgment" includes a consent judgment. 25430

(2) "Tort action" means a civil action for damages for 25431
injury, death, or loss to person or property, other than a civil 25432
action for damages for a breach of contract or another agreement 25433
between persons. 25434

(B) Except as provided in divisions (C) and (D) of this 25435
section, the provisions of Chapter 2744. of the Revised Code apply 25436
to soil and water conservation districts as political subdivisions 25437
of the state and to their supervisors and other officers, 25438
employees, and agents as employees of political subdivisions of 25439
the state. 25440

(C)(1) The attorney general, an assistant attorney general, 25441
or special counsel appointed by the attorney general shall defend 25442
a soil and water conservation district in any tort action that is 25443
commenced against the district as a political subdivision of the 25444

state under or pursuant to Chapter 2744. of the Revised Code, if a 25445
written request for the legal representation is submitted to the 25446
attorney general by the Ohio soil and water conservation 25447
commission. If a request is so submitted, the prosecuting attorney 25448
of the county associated with the district does not have legal 25449
representation duties in connection with the tort action under 25450
section ~~1515.11~~ 940.13 of the Revised Code. 25451

(2) The attorney general, an assistant attorney general, or 25452
special counsel appointed by the attorney general shall defend a 25453
supervisor or other officer, employee, or agent of a soil and 25454
water conservation district in any tort action that is commenced 25455
against that person and based upon an action or omission allegedly 25456
associated with ~~his~~ that person's employment or official 25457
responsibilities for the district, if both of the following apply: 25458

(a) At the time of the action or omission, the person was not 25459
acting manifestly outside the scope of ~~his~~ the person's employment 25460
or official responsibilities for the district or acting with 25461
malicious purpose, in bad faith, or in a wanton or reckless 25462
manner; 25463

(b) A written request for the legal representation is 25464
submitted to the attorney general by the Ohio soil and water 25465
conservation commission. 25466

(3) If a request for legal representation is submitted to the 25467
attorney general pursuant to division (C)(2) of this section, 25468
divisions (A)(1) and (C) of section 2744.07 of the Revised Code do 25469
not apply to the soil and water conservation district and the 25470
defense of its supervisor or other officer, employee, or agent. 25471

(D)(1) The state shall indemnify and hold harmless a soil and 25472
water conservation district as follows: 25473

(a) In the amount of any judgment that is rendered against 25474
the district in a tort action that is commenced under or pursuant 25475

to Chapter 2744. of the Revised Code; 25476

(b) In the amount of any settlement of a tort action against 25477
the district as described in division (D)(1)(a) of this section, 25478
or of a claim for damages for injury, death, or loss to person or 25479
property that could become a basis of a tort action against the 25480
district as described in division (D)(1)(a) of this section. 25481

(2) The state shall indemnify and hold harmless a supervisor 25482
or other officer, employee, or agent of a soil and water 25483
conservation district as follows: 25484

(a) Subject to the limitations specified in division (D)(3) 25485
of this section, in the amount of any judgment that is rendered 25486
against that person in a tort action based upon an action or 25487
omission allegedly associated with ~~his~~ the person's employment or 25488
official responsibilities for the district; 25489

(b) Subject to the limitations specified in division (D)(3) 25490
of this section, in the amount of any settlement of a tort action 25491
as described in division (D)(2)(a) of this section or of any 25492
settlement of a claim for damages for injury, death, or loss to 25493
person or property that could become a basis of a tort action as 25494
described in division (D)(2)(a) of this section. 25495

(3)(a) The maximum aggregate amount of indemnification paid 25496
directly from state funds to or on behalf of any supervisor or 25497
other officer, employee, or agent of a soil and water conservation 25498
district pursuant to divisions (D)(2)(a) and (b) of this section 25499
shall be one million dollars per occurrence, regardless of the 25500
number of persons who suffer injury, death, or loss to person or 25501
property as a result of the action or omission of that person. 25502

(b) An indemnification may be made pursuant to division 25503
(D)(2)(a) or (b) of this section only if, at the time of the 25504
action or omission, the supervisor or other officer, employee, or 25505
agent of a soil and water conservation district was not acting 25506

manifestly outside the scope of ~~his~~ the supervisor's or other 25507
officer's, employee's, or agent's employment or official 25508
responsibilities for the district or acting with malicious 25509
purpose, in bad faith, or in a wanton or reckless manner. 25510

(c) An indemnification shall not be made pursuant to division 25511
(D)(2)(a) or (b) of this section for any portion of a consent 25512
judgment or settlement that is unreasonable or for any portion of 25513
a judgment that represents punitive or exemplary damages. 25514

(4) Division (A)(2) of section 2744.07 of the Revised Code 25515
does not apply to a soil and water conservation district, or to 25516
any of its supervisors or other officers, employees, or agents, to 25517
the extent that division (D) of this section requires the state to 25518
indemnify and hold harmless a supervisor or other officer, 25519
employee, or agent of that district. 25520

Sec. ~~1515.09~~ 940.08. The supervisors of a soil and water 25521
conservation district may employ assistants and such other 25522
employees as they consider necessary and may provide for the 25523
payment of the reasonable compensation of such assistants and 25524
employees and expenses incurred by them in the discharge of their 25525
duties from the special fund established for the district pursuant 25526
to section ~~1515.10~~ 940.12 of the Revised Code. 25527

District employees are entitled to the sick leave benefits 25528
that are provided in section 124.38 of the Revised Code and the 25529
vacation leave benefits that are provided in section 325.19 of the 25530
Revised Code and are entitled to participate in the sick leave 25531
donation program established under section ~~1515.091~~ 940.09 of the 25532
Revised Code. 25533

The supervisors may designate the amounts and forms of other 25534
benefits, including insurance protection, to be provided to 25535
employees and may make payments of benefits from the district fund 25536
that is created with moneys accepted by the supervisors in 25537

accordance with division (E) of section ~~1515.08~~ 940.06 of the 25538
Revised Code or from the special fund created pursuant to section 25539
~~1515.10~~ 940.12 of the Revised Code. The board of county 25540
commissioners may make payments of benefits that are provided 25541
under this section. 25542

The supervisors may purchase such materials, equipment, and 25543
supplies, may lease such equipment, and may rent, purchase, or 25544
construct, and maintain, such offices, and provide for such 25545
equipment and supplies therefor, as they consider necessary and 25546
may pay for the same from the special fund established for the 25547
district pursuant to section ~~1515.10~~ 940.12 of the Revised Code. 25548

Sec. ~~1515.091~~ 940.09. (A) As used in this section: 25549

(1) "Receiving employee" means an employee of a soil and 25550
water conservation district who receives donated sick leave as 25551
authorized by this section. 25552

(2) "Donating employee" means an employee of a soil and water 25553
conservation district who donates sick leave as authorized by this 25554
section. 25555

(3) "Paid leave" has the same meaning as in section 124.391 25556
of the Revised Code. 25557

(4) "Full-time employee" means an employee of a soil and 25558
water conservation district whose regular hours of service for the 25559
district total forty hours per week or who renders any other 25560
standard of service accepted as full-time by the district. 25561

(5) "Full-time limited hours employee" means an employee of a 25562
soil and water conservation district whose regular hours of 25563
service for the district total twenty-five to thirty-nine hours 25564
per week or who renders any other standard of service accepted as 25565
full-time limited hours by the district. 25566

(B)(1) An employee of a soil and water conservation district 25567

is eligible to become a receiving employee if the employee is a 25568
full-time employee, or a full-time limited hours employee, who has 25569
completed the prescribed probationary period, has used up all 25570
accrued paid leave, and has been placed on an approved, unpaid, 25571
medical-related leave of absence for a period of at least thirty 25572
consecutive working days because of the employee's own serious 25573
illness or because of a serious illness of a member of the 25574
employee's immediate family. 25575

(2) An employee who desires to become a receiving employee 25576
shall submit to the board of supervisors of the employing soil and 25577
water conservation district, along with a satisfactory physician's 25578
certification, a written request for donated sick leave. The board 25579
of supervisors shall determine whether the employee is eligible to 25580
become a receiving employee and shall approve the request if it 25581
determines the employee is eligible. 25582

(C)(1) A board of supervisors that approves a request for an 25583
employee to become a receiving employee shall forward the approved 25584
application to a committee that the Ohio association of soil and 25585
water conservation district employees shall appoint to act as a 25586
clearinghouse for the donation of sick leave under this section. 25587
The committee shall post notice for not less than ten days 25588
informing all employees of soil and water conservation districts 25589
throughout the state that it has received an approved application 25590
to become a receiving employee. 25591

(2) A soil and water conservation district employee desiring 25592
to become a donating employee shall complete and submit a sick 25593
leave donation form to the employee's immediate supervisor within 25594
twenty days after the date of the initial posting of the notice 25595
described in division (C)(1) of this section. If the board of 25596
supervisors of the employing district of an employee desiring to 25597
become a donating employee approves the sick leave donation, the 25598
board shall forward to the committee, together with a check equal 25599

to the total value of the sick leave donation, a copy of the sick 25600
leave donation form, and the board shall notify the receiving 25601
employee regarding the donation. 25602

(D) If the committee described in division (C)(1) of this 25603
section receives a sick leave donation form and a check from a 25604
board of supervisors, the committee shall deposit the check into 25605
an account that it shall establish to be used to dispense funds to 25606
the employing district of a receiving employee. The committee 25607
shall notify the board of supervisors of the employing district of 25608
a receiving employee of the amount of sick leave donated. The 25609
board of supervisors shall bill the committee during each pay 25610
period for the receiving employee's gross hourly wages in an 25611
amount that does not exceed the amount donated to the receiving 25612
employee. The board of supervisors, with the approval of the 25613
county auditor, shall provide for the deposit into its appropriate 25614
payroll account of any payments it receives for the benefit of a 25615
receiving employee. 25616

(E) The donation and receipt of sick leave under this section 25617
is subject to all of the following: 25618

(1) All donations of sick leave shall be voluntary. 25619

(2) A donating employee is eligible to donate not less than 25620
eight hours and not more than eighty hours of sick leave during 25621
the same calendar year. 25622

(3) The value of an hour of sick leave donated is the value 25623
of the donating employee's gross hourly wage. The number of hours 25624
received by a receiving employee from a donating employee shall be 25625
a number that, when multiplied by the receiving employee's gross 25626
hourly wage, equals the amount resulting when the donating 25627
employee's gross hourly wage is multiplied by the number of hours 25628
of sick leave donated. 25629

(4) No paid leave shall accrue to a receiving employee for 25630

any compensation received through donated sick leave, and the 25631
receipt of donated sick leave does not affect the date on which a 25632
receiving employee first qualifies for continuation of health 25633
insurance coverage. 25634

(5) If a receiving employee does not use all donated sick 25635
leave during the period of the employee's leave of absence, the 25636
unused balance shall remain in the account that the committee 25637
described in division (C)(1) of this section established under 25638
division (D) of this section and shall be used to dispense funds 25639
in the future to the employing district of a receiving employee. 25640

Sec. ~~1515.092~~ 940.10. (A) When the supervisors of a soil and 25641
water conservation district find, by resolution, that the district 25642
has personal property, including motor vehicles acquired for the 25643
use of district officers, road machinery, equipment, tools, or 25644
supplies, ~~which~~ that is not needed for public use, or is obsolete 25645
or unfit for the use for which it was acquired, the supervisors 25646
may sell such property at public auction or by sealed bid to the 25647
highest bidder, after giving at least ten days' notice of the 25648
time, place, and manner of sale by posting a typewritten or 25649
printed notice in the office of the board of county commissioners. 25650
~~In case~~ If the fair market value of the property to be sold 25651
pursuant to this division is, in the opinion of the supervisors, 25652
in excess of two thousand dollars, notice of the time, place, and 25653
manner of the sale shall also be published in a newspaper of 25654
general circulation in the district at least ten days prior to 25655
such sale. The supervisors may authorize the sale of such personal 25656
property without advertisement or public notification and 25657
competitive bidding to the federal government, the state, or any 25658
political subdivision of the state. 25659

If the supervisors conduct a sale of personal property by 25660
sealed bid, the form of the bid shall be as prescribed by the 25661

supervisors, and each bid shall contain the name of the person 25662
submitting it. Bids received shall be opened and tabulated at the 25663
time stated in the notice. The property shall be sold to the 25664
highest bidder, except that the supervisors may reject all bids 25665
and hold another sale, by public auction or sealed bid, in the 25666
manner prescribed by this section. 25667

(B) Where the supervisors find, by resolution, that the 25668
district has vehicles, equipment, or machinery ~~which~~ that is not 25669
needed, or is unfit for public use, and the supervisors desire to 25670
sell such vehicles, equipment, or machinery to the person or firm 25671
from which they propose to purchase other vehicles, equipment, or 25672
machinery, the supervisors may offer to sell the vehicles, 25673
equipment, or machinery to such person or firm, and to have such 25674
selling price credited to the person or firm against the purchase 25675
price of other vehicles, equipment, or machinery. 25676

(C) Where the supervisors advertise for bids for the sale of 25677
new vehicles, equipment, or machinery to the district, they may 25678
include in the same advertisement a notice of their willingness to 25679
accept bids for the purchase of district-owned vehicles, 25680
equipment, or machinery ~~which~~ that is obsolete or not needed for 25681
public use, and to have the amount of such bids subtracted from 25682
the selling price of the other vehicles, equipment, or machinery 25683
as a means of determining the lowest responsible bidder. 25684

Sec. ~~1515.093~~ 940.11. The supervisors of a soil and water 25685
conservation district may hold one or more credit cards on behalf 25686
of the district and may authorize any supervisor or employee of 25687
the district to use such a credit card to pay for expenses related 25688
to the purposes of the district. The supervisors shall pay the 25689
debt incurred as a result of the use of such a credit card from 25690
money accepted by the supervisors as authorized under division (E) 25691
of section ~~1515.08~~ 940.06 of the Revised Code or from the special 25692

fund established for the district under section ~~1515.10~~ 940.12 of 25693
the Revised Code. 25694

The misuse of a credit card held on behalf of a soil and 25695
water conservation district is a violation of section 2913.21 of 25696
the Revised Code. In addition, a supervisor or employee of a 25697
district who makes unauthorized use of such a credit card may be 25698
held personally liable to the district for the unauthorized use. 25699
This section does not limit any other liability of a supervisor or 25700
employee of a district for the unauthorized use of such a credit 25701
card. 25702

A supervisor or employee of a soil and water conservation 25703
district who is authorized to use a credit card that is held on 25704
behalf of the district and who suspects the loss, theft, or 25705
possibility of another person's unauthorized use of the credit 25706
card immediately shall notify the supervisors in writing of the 25707
suspected loss, theft, or possible unauthorized use. 25708

Sec. ~~1515.10~~ 940.12. The board of county commissioners of 25709
each county in which there is a soil and water conservation 25710
district may levy a tax within the ten-mill limitation and may 25711
appropriate money from the proceeds of the levy or from the 25712
general fund of the county. The money shall be held in a special 25713
fund for the credit of the district, to be expended for the 25714
purposes prescribed in sections ~~1515.09~~ 940.08 and ~~1515.093~~ 940.11 25715
of the Revised Code, for construction and maintenance of 25716
improvements by the district, and for other expenses incurred in 25717
carrying out the program of the district upon the written order of 25718
the fiscal agent for the district after authorization by a 25719
majority of the supervisors of the district. 25720

Sec. ~~1515.11~~ 940.13. The prosecuting attorney of a county in 25721
which there is a soil and water conservation district shall be the 25722

legal adviser of the district. The prosecuting attorney shall be 25723
the legal counsel of such district in all civil actions brought by 25724
or against it and shall conduct all such actions in ~~his~~ the 25725
prosecuting attorney's official capacity. The supervisors of a 25726
district may also employ such attorneys as may be necessary or 25727
desirable in the operations of the district. 25728

Sec. ~~1515.13~~ 940.14. ~~Sections 1515.01 to 1515.29 of the~~ 25729
~~Revised Code do~~ This chapter does not infringe upon the rights, 25730
powers, and authority vested by law in the division of wildlife in 25731
the department of natural resources. 25732

Sec. ~~1515.14~~ 940.15. ~~Within (A)~~ Except as provided in 25733
division (B) of this section, within the limits of funds 25734
appropriated to the department of ~~natural resources~~ agriculture 25735
and the soil and water conservation district assistance fund 25736
created in this section, there shall be paid in each calendar year 25737
to each ~~local~~ soil and water conservation district an amount not 25738
to exceed one dollar for each one dollar received in accordance 25739
with section ~~1515.10~~ 940.12 of the Revised Code, received from tax 25740
levies in excess of the ten-mill levy limitation approved for the 25741
benefit of ~~local~~ soil and water conservation districts, received 25742
pursuant to a contract entered into under section 6117.021 of the 25743
Revised Code, or received from an appropriation by a municipal 25744
corporation or a township to a maximum of eight thousand dollars, 25745
provided that the Ohio soil and water conservation commission may 25746
approve payment to a district in an amount in excess of eight 25747
thousand dollars in any calendar year upon receipt of a request 25748
and justification from the district. The county auditor shall 25749
credit such payments to the special fund established pursuant to 25750
section ~~1515.10~~ 940.12 of the Revised Code for the ~~local~~ soil and 25751
water conservation district. The department may make advances at 25752
least quarterly to each district on the basis of the estimated 25753

contribution of the state to each district. Moneys received by 25754
each district shall be expended for the purposes of the district. 25755

For (B) Money paid to a soil and water conservation district 25756
under division (A) of this section that results from a board of 25757
county commissioners' compensation to the district pursuant to a 25758
contract entered into under section 6117.021 of the Revised Code 25759
in calendar years 2015, 2016, and 2017 shall not exceed the amount 25760
of money paid to the district under that division during calendar 25761
year 2013 that resulted from the board of county commissioners' 25762
having used the proceeds of a contract entered into between the 25763
board of county commissioners and a district of a type similar to 25764
that which is authorized by section 6117.021 of the Revised Code, 25765
directly or indirectly, for matching funds in calendar year 2013, 25766
but may exceed that amount to the extent that other sources of 25767
local matching funds specified by division (A) of this section are 25768
used by the district for local matching funds in state fiscal 25769
years 2015, 2016, and 2017. 25770

(C) For the purpose of providing money to soil and water 25771
conservation districts under this section, there is hereby created 25772
in the state treasury the soil and water conservation district 25773
assistance fund consisting of money credited to it under sections 25774
3714.073 and 3734.901 and division (A)(4) of section 3734.57 of 25775
the Revised Code. 25776

Sec. ~~1515.15~~ 940.16. A board of county commissioners may 25777
apply to the Ohio soil and water conservation commission for an 25778
advance of moneys from the soil and water conservation fund, which 25779
is hereby created in the state treasury, to enable a soil and 25780
water conservation district to pay all or part of the cost of 25781
surveys and plans, appraisals, estimates of cost, land options, 25782
and other incidental expenses of constructing works of improvement 25783
for the district. The commission shall consider the application 25784

and shall recommend an amount of moneys reasonably needed for that purpose. 25785
25786

The order of the commission recommending the amount of the 25787
moneys needed shall be certified to the controlling board. The 25788
controlling board shall then determine the amount to be advanced 25789
to the county and shall certify its action to the director of 25790
budget and management for payment. 25791

All such amounts received by any such district shall be 25792
repaid by the board of county commissioners to the state 25793
immediately upon the receipt by the board of funds from the sale 25794
of bonds or from other sources that may be used for that purpose, 25795
or in such number of equal annual installments, not exceeding 25796
five, and commencing at such time, as shall be specified in the 25797
order of the commission. 25798

If an unfavorable referendum or court decision has denied the 25799
work of improvement, the controlling board, upon receipt of 25800
sufficient and satisfactory evidence that the board and district 25801
have proceeded in good faith and the recommendation of the 25802
commission, shall relieve the board or district of its repayment 25803
obligation. 25804

Sec. ~~1515.16~~ 940.17. The director of ~~natural resources~~ 25805
agriculture, upon recommendation by the Ohio soil and water 25806
conservation commission, may enter into agreements with boards of 25807
county commissioners under which the state shares the cost of 25808
construction of works of improvement constructed by the county for 25809
a soil and water conservation district. The state share shall be 25810
paid from moneys appropriated for such purposes. The state share 25811
authorized under this section shall not exceed fifty per cent of 25812
the nonfederal cost of the project. 25813

Sec. ~~1515.17~~ 940.18. The supervisors of any two or more 25814

adjoining soil and water conservation districts may, with approval 25815
of the Ohio soil and water conservation commission, form a joint 25816
board of supervisors for the purpose of construction, maintenance, 25817
and operation of a work of improvement located or to be located in 25818
such districts. Each district shall have the same number of 25819
supervisors on the joint board, except that where the members on 25820
the joint board would otherwise be an even number, an additional 25821
supervisor shall be designated from the district in which it 25822
appears that the highest amount of taxes or assessment for 25823
benefits for the improvement is to be made. 25824

A joint board may exercise the powers given the supervisors 25825
of a soil and water conservation district under ~~Chapter 1515. of~~ 25826
~~the Revised Code~~ this chapter in connection with the work of 25827
improvement for which it was formed. 25828

Sec. ~~1515.18~~ 940.19. An owner of land that is located in a 25829
soil and water conservation district may file a petition with the 25830
supervisors of the district requesting the construction of a 25831
conservation ~~works~~ work of improvement. Upon the receipt of such a 25832
petition, the supervisors shall make a preliminary determination 25833
to accept or reject the petition. 25834

A petition may be rejected if the supervisors determine that 25835
the information that it contains about the proposed improvement is 25836
insufficient to enable the supervisors to proceed with the 25837
petition under this chapter or if the petition appears to be 25838
frivolous. The supervisors also may reject a petition on the 25839
grounds that the district lacks sufficient staff or other 25840
resources to proceed with the improvement in accordance with this 25841
chapter. If the supervisors reject a petition, they shall notify 25842
the petitioner of the reasons for the rejection. A petition that 25843
was rejected due to insufficient information may be supplemented 25844
with additional information and filed again. 25845

If the supervisors accept a petition for a proposed improvement, they shall establish a date and time for a view of the proposed improvement, which date shall be not fewer than twenty-five nor more than ninety days after the date on which the petition was filed. The supervisors shall designate a convenient place near the proposed improvement at which the view shall start.

Upon receipt of a petition, the supervisors also shall establish a date and time on and at which and designate a location at which they will hold a hearing on the proposed improvement. The hearing shall occur not later than ninety days after the date established for the view.

Sec. ~~1515.181~~ 940.20. As soon as the supervisors of a soil and water conservation district have established the dates, times, and locations of the view and the hearing concerning a proposed improvement, they shall send, at least twenty days prior to the date established for the view, a written notice of the view and the hearing to the landowners within the area to be benefited by the proposed improvement and to the board of county commissioners and the county engineer. The supervisors shall notify all landowners that are adjacent to the proposed improvement by certified mail and shall notify all others by certified mail or first class mailings. Any such written notice shall have the words "Legal Notice" printed in plain view on the face of the envelope. In addition, the supervisors shall invite to the view and the hearing the staff of the soil and water conservation district and the staff of the natural resources conservation service in the United States department of agriculture that is involved with the district together with any other people that the supervisors consider to be necessary to the proceedings.

Sec. ~~1515.182~~ 940.21. On the date established for the view of a proposed improvement, the supervisors of a soil and water

conservation district shall meet at the designated location near 25877
the proposed improvement at the established time. At that time, 25878
they shall hear proof of the need for the proposed improvement 25879
offered by any landowner that is affected by it. 25880

The supervisors shall view the area in which the proposed 25881
improvement is to be constructed. If the proposed improvement is a 25882
ditch, the view shall include the line of the proposed ditch and 25883
each branch, lateral, or spur of the ditch that is mentioned in 25884
the petition. If the area to be viewed is extensive, the 25885
supervisors may conduct the view on more than one day and may 25886
adjourn from day to day, or a longer period, until the view is 25887
completed. 25888

Sec. ~~1515.183~~ 940.22. Upon acceptance of a petition 25889
requesting the construction of an improvement, the supervisors of 25890
a soil and water conservation district shall begin to prepare, as 25891
a guide to the board of county commissioners and the petitioners, 25892
a preliminary report regarding the proposed improvement. The 25893
supervisors shall present the completed preliminary report at the 25894
hearing that is held on the proposed improvement. 25895

The preliminary report shall include a preliminary estimate 25896
of cost, comments on the feasibility of the project, and a 25897
statement of the supervisors' opinion as to whether the benefits 25898
from the project are likely to exceed the estimated cost. The 25899
preliminary report shall identify all factors that are apparent to 25900
the supervisors, both favorable and unfavorable to the proposed 25901
improvement, so that the petitioners may be informed concerning 25902
what is involved with the construction of the improvement. 25903

In addition to reporting on the improvement as petitioned, 25904
the supervisors may submit alternate proposals to accomplish the 25905
intent of the petition. The preliminary report and all alternate 25906

proposals shall be reviewed and receive concurrence from an 25907
engineer who is employed by the ~~division of soil and water~~ 25908
~~resources~~ department of agriculture or by the natural resources 25909
conservation service in the United States department of 25910
agriculture and who is responsible for providing technical 25911
assistance to the district or from any other registered 25912
professional engineer whom the supervisors choose. 25913

Sec. ~~1515.184~~ 940.23. On the date and at the time established 25914
for the hearing on a petition for a proposed improvement, the 25915
supervisors of a soil and water conservation district shall 25916
conduct the hearing. Prior to the hearing, landowners affected by 25917
the proposed improvement may file objections to it with the 25918
supervisors, and at the hearing the supervisors shall hear any 25919
objections so filed. In addition, the supervisors shall present 25920
their preliminary report on the proposed improvement and shall 25921
hear any evidence offered by any landowner for or against 25922
construction of the proposed improvement. If necessary, the 25923
hearing may occur on more than one day and may be adjourned from 25924
day to day or for a longer time that may be reasonable so that all 25925
interested landowners may have an opportunity to be heard in favor 25926
of or in opposition to the proposed improvement. 25927
25928

Sec. ~~1515.185~~ 940.24. If modifications or alternatives to a 25929
proposed improvement are proposed or discussed at the hearing on 25930
the improvement, the supervisors of the soil and water 25931
conservation district may adjourn the hearing for a period of time 25932
that is necessary to conduct a subsequent view of the proposed 25933
improvement in light of the proposed changes. If it appears that a 25934
subsequent view is necessary, the supervisors shall establish a 25935
date, time, and location for it and shall notify, in the same 25936
manner, the same persons that were required to be notified of the 25937

first view. 25938

Sec. ~~1515.19~~ 940.25. At the conclusion of the hearing on a 25939
proposed improvement, the supervisors of a soil and water 25940
conservation district may approve the petition for the improvement 25941
if they are reasonably certain that the cost of the proposed 25942
improvement will be less than the benefits from it and if they 25943
find that the improvement is necessary, that it will be conducive 25944
to the public welfare, that it will improve water management and 25945
development in the county in which the district is located to the 25946
advantage of lands located in it, and that it will aid lands in 25947
the area by promoting the economical, industrial, environmental, 25948
or social development of the area. 25949

Upon approval of the petition, the supervisors shall 25950
establish a date by which the supervisors must complete, in 25951
accordance with sections ~~1515.191~~ 940.26 to ~~1515.193~~ 940.28 of the 25952
Revised Code, plans and specifications for the improvement 25953
together with estimates of damages from and costs for it. The date 25954
established shall allow as much time as is necessary for the 25955
preparation of the plans, specifications, and estimates. The 25956
supervisors may extend the completion date if necessary. Upon 25957
completion of the plans, specifications, and estimates, the 25958
supervisors shall do both of the following: 25959

(A) Determine the area that would be benefited by the 25960
proposed improvement and certify the determination together with 25961
the supervisors' approval of the improvement to the board of 25962
county commissioners of each county containing land included in 25963
the benefited area; 25964

(B) Submit the plans, specifications, and estimates together 25965
with the preliminary report to each such board. 25966

Sec. ~~1515.191~~ 940.26. Upon approval by the supervisors of a 25967

soil and water conservation district of a petition for a proposed 25968
improvement, the supervisors or their designee shall conduct all 25969
necessary surveys for the proposed improvement. In addition, the 25970
supervisors or their designee shall prepare plans for constructing 25971
the improvement and shall prepare maps showing the location of the 25972
land that is proposed to be assessed in accordance with section 25973
~~1515.24~~ 940.33 of the Revised Code for the improvement. 25974

The supervisors or their designee shall prepare 25975
specifications for construction of the improvement and shall 25976
specify dimensions of any temporary easement that is necessary for 25977
construction purposes. In addition, the supervisors or their 25978
designee shall make estimates of the cost of material and any 25979
excavation costs. The construction of the improvement may be 25980
divided into construction areas if that would be expedient. 25981

In the case of an improvement that is a ditch or similar 25982
structure for the disposal of water, the specifications for its 25983
construction that the supervisors or their designee must prepare 25984
shall provide for spreading and leveling of spoil banks and shall 25985
provide for erosion and sediment control through the establishment 25986
of a sod or seeded strip not fewer than four feet nor more than 25987
fifteen feet wide, measured at right angles to the top of the 25988
ditch bank on both sides of the ditch, except where suitable 25989
vegetative cover exists. The strip or other such controls shall be 25990
considered to be part of the permanent improvement. Sod or seeded 25991
strips that are established and maintained in excess of four feet 25992
shall be compensated for by their removal from the taxable 25993
valuation of the property of which they are a part. 25994

The supervisors or their designee shall make note of all 25995
fences, floodgates, culverts, bridges, and other structures that 25996
will be removed or adjusted in constructing the improvement. The 25997
supervisors or their designee also shall make note of any gates 25998

that need to be installed in existing fences in order to provide 25999
access to the improvement for maintenance purposes. The gates 26000
shall be locked when requested by the owner of the fence and shall 26001
be considered to be a part of the original improvement and subject 26002
to maintenance along with the improvement. 26003

The supervisors shall submit the plans, specifications, and 26004
other information prepared in accordance with this section to the 26005
board of county commissioners of each county in which the proposed 26006
improvement is to be located. 26007

Sec. ~~1515.192~~ 940.27. The supervisors of a soil and water 26008
conservation district or their designee shall estimate the value 26009
of land or other property that must be taken and the damages to be 26010
sustained by any owner as a result of the construction and 26011
subsequent maintenance of a proposed improvement. The supervisors 26012
or their designee shall prepare a schedule of damages consisting 26013
of the name and address of each owner that is alleged to be 26014
damaged, the amount of the estimated damages, and an explanation 26015
of the injury upon which the estimate is based. The supervisors' 26016
or their designee's schedule of damages also shall contain the 26017
value of the land or other property that is necessary to be taken 26018
and a complete description of that land or other property. The 26019
supervisors shall include the total of the estimated damages and 26020
valuations as part of the estimate of the total cost of 26021
constructing the improvement and shall submit the schedule of 26022
damages to the board of county commissioners of each county in 26023
which the improvement is to be located. 26024

Sec. ~~1515.193~~ 940.28. The supervisors of a soil and water 26025
conservation district or their designee shall make an estimate of 26026
the cost of the construction of a proposed improvement, which 26027
shall include actual construction costs, any other expenses 26028
incurred in investigations and notifications related to the 26029

project, the value of land or other property that must be taken 26030
and the damages to be sustained by any owner as a result of the 26031
construction and subsequent maintenance of the proposed 26032
improvement, the cost of installing any gates in fences or any 26033
other structures that are necessary to provide access to the 26034
improvement for maintenance purposes, and any other incidental 26035
costs. Upon completion of the estimate of cost, the supervisors 26036
shall submit it to the board of county commissioners of each 26037
county in which the improvement is to be located. 26038

Sec. ~~1515.21~~ 940.29. Upon receipt of a certification under 26039
section ~~1515.19~~ 940.25 of the Revised Code, the board of county 26040
commissioners shall, within sixty days, approve or disapprove 26041
construction of the improvement. If a board disapproves 26042
construction of the improvement, the supervisors may revise the 26043
plan for the improvement and again proceed under section ~~1515.19~~ 26044
940.25 of the Revised Code. If the board of county commissioners 26045
of each county containing any of the territory included in the 26046
project area approves construction of the improvement, the board, 26047
or if there is more than one such county, the joint board formed 26048
under section ~~1515.22~~ 940.31 of the Revised Code, has in addition 26049
to its other powers, the powers of a soil and water conservation 26050
district granted by division (C) of section ~~1515.08~~ 940.06 of the 26051
Revised Code. 26052

When considering whether to approve or disapprove 26053
construction of an improvement, the board shall consider all of 26054
the following factors: 26055

(A) The cost of location and construction; 26056

(B) The compensation for land or other property that must be 26057
taken; 26058

(C) The benefits to the public welfare; 26059

(D) The benefits to land, public corporations, and the state 26060
needing the improvement; 26061

(E) In the case of an improvement involving the drainage of 26062
water, the effect on land below the improvement that may be caused 26063
by constructing the improvement and the sufficiency or 26064
insufficiency of the outlet that receives flow from the 26065
improvement; 26066

(F) Any other proper matter that will assist the board in 26067
approving or disapproving construction of the improvement. 26068

When, in the opinion of the board of county commissioners, it 26069
is necessary for the board to acquire real property or a 26070
right-of-way or other easement for a conservation works of 26071
improvement under this chapter, the board may appropriate the real 26072
property or right-of-way or other easement in accordance with 26073
sections 163.01 to 163.62 of the Revised Code. 26074

If the board approves construction of the improvement, the 26075
county engineer shall file with the county recorder a property 26076
plat showing the general location of the improvement and a 26077
statement describing the dimensions of any permanent easement that 26078
is necessary for maintenance of the improvement. In the case of an 26079
improvement that is an open ditch, provisions that govern the 26080
permanent easement for maintenance of the ditch that are 26081
established in section 6137.12 of the Revised Code shall apply. 26082

A board shall follow sections 307.86 to 307.91 of the Revised 26083
Code, except that the board may designate the board of supervisors 26084
as the contracting agency and it shall follow division (H) of 26085
section ~~1515.08~~ 940.06 of the Revised Code, or except that if the 26086
improvement is being undertaken through the joint efforts and 26087
cooperation of the board of county commissioners or board of 26088
supervisors and another state or federal agency, and if the state 26089
or federal regulations or procedures are in conflict with those 26090

sections with respect to the procedures for the preparing of 26091
contracts, the issuing of bids, the making of awards, and 26092
generally the administering of the contracts, the board of county 26093
commissioners or board of supervisors may adopt the state or 26094
federal regulations or procedures in those areas where conflict 26095
exists and proceed with the improvement in accordance with the 26096
requirements of the state or federal regulations or procedures. 26097

Sec. ~~1515.211~~ 940.30. (A) A board of county commissioners 26098
that approves construction of a proposed improvement or the 26099
board's designee shall prepare a schedule of estimated assessments 26100
on property within the area that is to be benefited by the 26101
improvement. In preparing the schedule, the board or its designee 26102
shall use information concerning the proposed improvement that 26103
must be submitted to the board by the supervisors of a soil and 26104
water conservation district. The information includes plans for 26105
the proposed improvement, including surveys, maps, and 26106
specifications, together with schedules of damages, cost 26107
estimates, and any related reports that the supervisors or their 26108
designee prepared. 26109

The schedule of estimated assessments that must be prepared 26110
shall include the name and address of each owner of land believed 26111
to be benefited by the proposed improvement together with a 26112
description of the land. The names and descriptions shall be 26113
obtained from the tax duplicates of the county. The board or its 26114
designee shall enter in the schedule the amount of each estimated 26115
assessment, which shall be determined using considerations 26116
established in section ~~1515.24~~ 940.33 of the Revised Code. In no 26117
case shall an assessment be less than twenty-five dollars for each 26118
parcel of land, except in the case of a multi-parcel lot, in which 26119
case the board may charge a minimum of twenty-five dollars with 26120
respect to all of the parcels comprising the multi-parcel lot. In 26121
addition, the board may charge an assessment of less than 26122

twenty-five dollars if the board determines that a lower amount is
appropriate, provided that the lower amount includes the cost of
preparing and mailing the notice required under division (D)(1) of
section ~~1515.24~~ 940.33 of the Revised Code. The total of the
estimated assessments, including the total estimated assessments
allocated to public corporations and the state, shall equal the
estimated cost of the proposed improvement. The board shall use
the schedule of estimated assessments for purposes of levying
final assessments under section ~~1515.24~~ 940.33 of the Revised
Code.

(B) As used in this section, "multi-parcel lot" means a site
on which a dwelling is located and that comprises two or more
contiguous parcels of land.

Sec. ~~1515.22~~ 940.31. The boards of county commissioners of
all the counties containing any of the territory included in the
project area, if all such counties have approved construction of
an improvement under section ~~1515.24~~ 940.29 of the Revised Code,
are a joint board of county commissioners for the improvement.

A joint board of county commissioners may do all the things
that a board of county commissioners may do in connection with the
improvement and shall proceed as if it were a board of county
commissioners representing a county that included all the
territory within the project area.

The joint board may agree to apportion any cost of the
improvement, or expenses incurred in connection therewith, not
paid by assessments or taxes levied for the improvement, or funds
other than county funds, among the participating counties.

The joint board shall elect one of its members president and
designate a clerk of one of the boards of county commissioners of
the participating counties as clerk of the joint board. A majority
of the county commissioners constituting the joint board

constitutes a quorum. All decisions of the joint board shall be 26154
made by a majority vote of the county commissioners constituting 26155
the joint board. 26156

For the purpose of bringing a referendum petition against a 26157
soil and water conservation project under section 305.31 of the 26158
Revised Code, a resolution adopted by a joint board of county 26159
commissioners shall be considered to be a resolution adopted by 26160
the board of county commissioners of each county in the project 26161
area. The electors of any county in the project area may file a 26162
petition for referendum under that section against a resolution 26163
adopted by the joint board of county commissioners as if it had 26164
been adopted by the board of county commissioners for that county. 26165
The referendum shall be conducted only in the county in which the 26166
referendum petition was filed. The electors of any county in the 26167
project area in which no referendum petition was filed shall not 26168
be eligible to vote in the referendum, and the outcome of a 26169
referendum shall have effect only in the county in which the 26170
referendum was held. Any county in the project area in which a 26171
referendum is not held remains subject to the provisions of the 26172
resolution adopted by the joint board of county commissioners for 26173
the soil and water conservation district. 26174

Sec. ~~1515.23~~ 940.32. The county auditor and county treasurer 26175
of one of the counties represented by a joint board of county 26176
commissioners under section ~~1515.22~~ 940.31 of the Revised Code, to 26177
be designated by the joint board, shall ex officio become the 26178
fiscal agents of all the participating counties. Such auditor 26179
shall certify to the auditor of the other counties a schedule of 26180
any taxes or assessments to be levied for the improvement, and the 26181
auditor of such other county shall proceed forthwith to place such 26182
tax or assessment upon the duplicates. Taxes or assessments so 26183
certified for collection to an auditor of another county ~~is~~ are a 26184
lien on the land within such county from the date such certificate 26185

is received by the auditor of such other county. The treasurer of 26186
each county shall proceed to collect the same pursuant to the 26187
orders made in the proceedings of the joint board, and such taxes 26188
or assessments when collected shall be paid to the treasurer for 26189
the joint board. The auditor and treasurer shall receive and 26190
account for such funds in the same manner as they would for taxes 26191
or assessments collected within their county. The treasurer and 26192
auditor with their ~~bondsman~~ bondspersons are liable on their 26193
official bonds for any misappropriation of such funds. All 26194
warrants for the payment of costs in connection with the 26195
improvement shall be drawn by the auditor designated under this 26196
section, on the treasurer of ~~said~~ the county, payable out of the 26197
fund designated by the joint board to receive moneys for the 26198
improvement. 26199

Sec. ~~1515.24~~ 940.33. (A) Following receipt of a certification 26200
made by the supervisors of a soil and water conservation district 26201
pursuant to section ~~1515.19~~ 940.25 of the Revised Code together 26202
with receipt of all plans, specifications, and estimates submitted 26203
under that section and upon completion of a schedule of estimated 26204
assessments in accordance with section ~~1515.211~~ 940.30 of the 26205
Revised Code, the board of county commissioners may adopt a 26206
resolution levying upon the property within the project area an 26207
assessment at a uniform or varied rate based upon the benefit to 26208
the area certified by the supervisors, as necessary to pay the 26209
cost of construction of the improvement not otherwise funded and 26210
to repay advances made for purposes of the improvement from the 26211
fund created by section ~~1515.15~~ 940.16 of the Revised Code. The 26212
board of county commissioners shall direct the person or authority 26213
preparing assessments to give primary consideration, in 26214
determining a parcel's estimated assessments relating to the 26215
disposal of water, to the potential increase in productivity that 26216
the parcel may experience as a result of the improvement and also 26217

to give consideration to the amount of water disposed of, the 26218
location of the property relative to the project, the value of the 26219
project to the watershed, and benefits. The part of the assessment 26220
that is found to benefit state, county, or township roads or 26221
highways or municipal streets shall be assessed against the state, 26222
county, township, or municipal corporation, respectively, payable 26223
from motor vehicle revenues. The part of the assessment that is 26224
found to benefit property owned by any public corporation, any 26225
political subdivision of the state, or the state shall be assessed 26226
against the public corporation, the political subdivision, or the 26227
state and shall be paid out of the general funds or motor vehicle 26228
revenues of the public corporation, the political subdivision of 26229
the state, or the state, except as otherwise provided by law. 26230

(B) The assessment shall be certified to the county auditor 26232
and by the county auditor to the county treasurer. The collection 26233
of the assessment shall conform in all matters to Chapter 323. of 26234
the Revised Code. 26235

(C) Any land owned and managed by the department of natural 26236
resources for wildlife, recreation, nature preserve, or forestry 26237
purposes is exempt from assessments if the director of natural 26238
resources determines that the land derives no benefit from the 26239
improvement. In making such a determination, the director shall 26240
consider the purposes for which the land is owned and managed and 26241
any relevant articles of dedication or existing management plans 26242
for the land. If the director determines that the land derives no 26243
benefit from the improvement, the director shall notify the board 26244
of county commissioners, within thirty days after receiving the 26245
assessment notification required by this section, indicating that 26246
the director has determined that the land is to be exempt and 26247
explaining the specific reason for making this determination. The 26248
board of county commissioners, within thirty days after receiving 26249

the director's exemption notification, may appeal the 26250
determination to the court of common pleas. If the court of common 26251
pleas finds in favor of the board of county commissioners, the 26252
department of natural resources shall pay all court costs and 26253
legal fees. 26254

(D)(1) The board shall give notice by first class mail to 26255
every public and private property owner whose property is subject 26256
to assessment, at the tax mailing or other known address of the 26257
owner. The notice shall contain a statement of the amount to be 26258
assessed against the property of the addressee, a description of 26259
the method used to determine the necessity for and the amount of 26260
the proposed assessment, a description of any easement on the 26261
property that is necessary for purposes of the improvement, and a 26262
statement that the addressee may file an objection in writing at 26263
the office of the board of county commissioners within thirty days 26264
after the mailing of notice. If the residence of any owner cannot 26265
be ascertained, or if any mailed notice is returned undelivered, 26266
the board shall publish the notice to all such owners in a 26267
newspaper of general circulation within the project area, once 26268
each week for three weeks or as provided in section 7.16 of the 26269
Revised Code. The notice shall include the information contained 26270
in the mailed notice, but shall state that the owner may file an 26271
objection in writing at the office of the board of county 26272
commissioners within thirty days after the last publication of the 26273
notice. 26274

(2) Upon receipt of objections as provided in this section, 26275
the board shall proceed within thirty days to hold a final hearing 26276
on the objections by fixing a date and giving notice by first 26277
class mail to the objectors at the address provided in filing the 26278
objection. If any mailed notice is returned undelivered, the board 26279
shall give due notice to the objectors in a newspaper of general 26280
circulation in the project area or as provided in section 7.16 of 26281

the Revised Code, stating the time, place, and purpose of the 26282
hearing. Upon hearing the objectors, the board may adopt a 26283
resolution amending and approving the final schedule of 26284
assessments and shall enter it in the journal. 26285

(3) Any owner whose objection is not allowed may appeal 26286
within thirty days to the court of common pleas of the county in 26287
which the property is located. 26288

(4) The board of county commissioners shall make an order 26289
approving the levying of the assessment and shall proceed under 26290
section 6131.23 of the Revised Code after one of the following has 26291
occurred, as applicable: 26292

(a) Final notice is provided by mail or publication. 26293

(b) The imposition of assessments is upheld in the final 26294
disposition of an appeal that is filed pursuant to division (D)(3) 26295
of this section. 26296

(c) The resolution levying the assessments is approved in a 26297
referendum that is held pursuant to section 305.31 of the Revised 26298
Code. 26299

(5) The county treasurer shall deposit the proceeds of the 26300
assessment in the fund designated by the board and shall report to 26301
the county auditor the amount of money from the assessment that is 26302
collected by the treasurer. Moneys shall be expended from the fund 26303
for purposes of the improvement. 26304

(E) Any moneys collected in excess of the amount needed for 26305
construction of the improvement and the subsequent first year's 26306
maintenance may be maintained in a fund to be used for maintenance 26307
of the improvement. In any year subsequent to a year in which an 26308
assessment for construction of an improvement levied under this 26309
section has been collected, and upon determination by the board of 26310
county commissioners that funds are not otherwise available for 26311
maintenance or repair of the improvement, the board shall levy on 26312

the property within the project area an assessment for maintenance 26313
at a uniform percentage of all construction costs based upon the 26314
assessment schedule used in determining the construction 26315
assessment. The assessment is not subject to the provisions 26316
concerning notice and petition contained in this section. An 26317
assessment for maintenance shall not be levied in any year in 26318
which the unencumbered balance of funds available for maintenance 26319
of the improvement exceeds twenty per cent of the cost of 26320
construction of the improvement, except that the board may adjust 26321
the level of assessment within the twenty per cent limitation, or 26322
suspend temporarily the levying of an assessment, for maintenance 26323
purposes as maintenance funds are needed. 26324

For the purpose of levying an assessment for maintenance of 26325
an improvement, a board may use the procedures established in 26326
Chapter 6137. of the Revised Code regarding maintenance of 26327
improvements as defined in section 6131.01 of the Revised Code in 26328
lieu of using the procedures established under this section. 26329

(F) The board of county commissioners may issue bonds and 26330
notes as authorized by section 131.23 or 133.17 of the Revised 26331
Code. 26332

Sec. ~~1515.28~~ 940.34. A board of county commissioners may 26333
declare by resolution that it is necessary to levy a tax upon the 26334
property within the project area in order to pay the costs of the 26335
improvement not otherwise funded. 26336

Such resolution shall specify the rate ~~which~~ that it is 26337
necessary to levy, the purpose thereof, and the number of years 26338
during which such increase shall be in effect, which levy may 26339
include a levy upon the duplicate of the current year. 26340

A copy of the resolution shall be certified to the board of 26341
elections for the county not less than ninety days before the 26342
general election in any year and ~~said~~ the board shall submit the 26343

proposal to the electors within the project area at the succeeding 26344
November election in accordance with section 5705.25 of the 26345
Revised Code. For purposes of that section, the subdivision is the 26346
project area. 26347

If the per cent required for approval of a levy as set forth 26348
in section 5705.26 of the Revised Code vote in favor thereof, the 26349
board of county commissioners may levy a tax within the project 26350
area, outside the ten-mill limitation, during the period and for 26351
the purpose stated in the resolution, or at any less rate or for 26352
any less number of years. 26353

The board may issue bonds and notes in anticipation of the 26354
collection of taxes levied under this section, and notes in 26355
anticipation of the issuance of bonds. 26356

Sec. ~~1515.29~~ 940.35. The board of county commissioners, or, 26357
if a joint board of county commissioners has been created under 26358
section ~~1515.22~~ 940.31 of the Revised Code, the joint board, shall 26359
maintain the works of improvement constructed by the board for a 26360
soil and water conservation district. For that purpose, the board 26361
or joint board may use procedures and requirements established in 26362
sections 6137.08 to 6137.14 of the Revised Code and may contract 26363
with or authorize the supervisors or joint board of supervisors of 26364
a soil and water conservation district to perform maintenance of 26365
such works of improvement. 26366

Sec. 941.14. (A) The owner shall burn the body of an animal 26367
that has died of, or been destroyed because of, a dangerously 26368
infectious or contagious disease, bury it not less than four feet 26369
under the surface of the ground, dissolve it by alkaline 26370
hydrolysis, remove it in a watertight tank to a rendering 26371
establishment, or otherwise dispose of it in accordance with 26372
section 939.04 or 953.26 ~~or 1511.022~~ of the Revised Code within 26373

twenty-four hours after knowledge thereof or after notice in 26374
writing from the department of agriculture. 26375

(B) The owner of premises that contain a dead animal shall 26376
burn the body of the animal, bury it not less than four feet 26377
beneath the surface of the ground, dissolve it by alkaline 26378
hydrolysis, remove it in a watertight tank to a rendering 26379
establishment, or otherwise dispose of it in accordance with 26380
section 939.04 or 953.26 or ~~1511.022~~ of the Revised Code within a 26381
reasonable time after knowledge thereof or after notice in writing 26382
from the department or from the township trustees of the township 26383
in which the owner's premises are located. 26384

(C) Notwithstanding division (A) or (B) of this section, the 26385
director of agriculture, in written notice sent to the owner of a 26386
dead animal, may require the owner to employ a specific method of 26387
disposition of the body, including burning, burying, rendering, 26388
composting, or alkaline hydrolysis, when that method does not 26389
conflict with any law or rule governing the disposal of infectious 26390
wastes and, in the director's judgment, is necessary for purposes 26391
of animal disease control. No person shall fail to employ the 26392
method of disposition required under this division. 26393

(D) The director, in written notice sent to the owner of a 26394
dead animal, may prohibit the owner from transporting the body of 26395
the dead animal on any street or highway if that prohibition does 26396
not conflict with any law or rule governing the transportation of 26397
infectious wastes and, in the director's judgment, is necessary 26398
for purposes of animal disease control. No person shall fail to 26399
comply with a prohibition issued under this division. 26400

(E) As used in this section, "infectious wastes" has the same 26401
meaning as in section 3734.01 of the Revised Code, and "street" or 26402
"highway" has the same meaning as in section 4511.01 of the 26403
Revised Code. 26404

Sec. 953.22. (A) No person shall engage in the business of 26405
disposing of, picking up, rendering, or collecting raw rendering 26406
material or transporting the material to a composting facility 26407
without a license to do so from the department of agriculture. 26408

(B) This chapter does not apply to any of the following: 26409

(1) A farmer who slaughters the farmer's own animals, raised 26410
by the farmer on the farmer's own farm, processes the farmer's own 26411
meat therefrom, and disposes of the farmer's raw rendering 26412
material only by delivery to a person licensed under section 26413
953.23 of the Revised Code; 26414

(2) A person whose only connection with raw rendering 26415
material is curing hides and skins; 26416

(3) A person whose only connection with raw rendering 26417
material is operating a pet cemetery; 26418

(4) A person who is conducting composting, as defined in 26419
section ~~1511.01~~ 939.01 of the Revised Code, in accordance with 26420
section ~~1511.022~~ 939.04 of the Revised Code; 26421

(5) A person whose only connection with raw rendering 26422
material is trapping wild animals in accordance with a nuisance 26423
wild animal permit issued by the chief of the division of wildlife 26424
in the department of natural resources under rules adopted 26425
pursuant to section 1531.08 of the Revised Code; 26426

(6) A county dog warden or animal control officer who 26427
transports raw rendering material only for disposal purposes. 26428

Sec. 955.12. Except as provided in section 955.121 of Revised 26429
Code, a board of county commissioners shall appoint or employ a 26430
county dog warden and deputies in such number, for such periods of 26431
time, and at such compensation as the board considers necessary to 26432
enforce sections 955.01 to 955.27, ~~955.29 to 955.38~~, and 955.50 to 26433

955.53 of the Revised Code. 26434

The warden and deputies shall give bond in a sum not less 26435
than five hundred dollars and not more than two thousand dollars, 26436
as set by the board, conditioned for the faithful performance of 26437
their duties. The bond or bonds may, in the discretion of the 26438
board, be individual or blanket bonds. The bonds shall be filed 26439
with the county auditor of their respective counties. 26440

The warden and deputies shall make a record of all dogs 26441
owned, kept, and harbored in their respective counties. They shall 26442
patrol their respective counties and seize and impound on sight 26443
all dogs found running at large and all dogs more than three 26444
months of age found not wearing a valid registration tag, except 26445
any dog that wears a valid registration tag and is: on the 26446
premises of its owner, keeper, or harborer, under the reasonable 26447
control of its owner or some other person, hunting with its owner 26448
or its handler at a field trial, kept constantly confined in a dog 26449
kennel registered under this chapter or one licensed under Chapter 26450
956. of the Revised Code, or acquired by, and confined on the 26451
premises of, an institution or organization of the type described 26452
in section 955.16 of the Revised Code. A dog that wears a valid 26453
registration tag may be seized on the premises of its owner, 26454
keeper, or harborer and impounded only in the event of a natural 26455
disaster. 26456

If a dog warden has reason to believe that a dog is being 26457
treated inhumanely on the premises of its owner, keeper, or 26458
harborer, the warden shall apply to the court of common pleas for 26459
the county in which the premises are located for an order to enter 26460
the premises, and if necessary, seize the dog. If the court finds 26461
probable cause to believe that the dog is being treated 26462
inhumanely, it shall issue such an order. 26463

The warden and deputies shall also ~~investigate all claims for~~ 26464
~~damages to animals reported to them under section 955.29 of the~~ 26465

~~Revised Code and assist claimants to fill out the claim form~~ 26466
~~therefor. They shall make weekly reports, in writing, to the board~~ 26467
~~in their respective counties of all dogs seized, impounded,~~ 26468
~~redeemed, and destroyed and of all claims for damage to animals~~ 26469
~~inflicted by dogs.~~ 26470

The wardens and deputies shall have the same police powers as 26471
are conferred upon sheriffs and police officers in the performance 26472
of their duties as prescribed by sections 955.01 to 955.27, ~~955.29~~ 26473
~~to 955.38,~~ and 955.50 to 955.53 of the Revised Code. They shall 26474
also have power to summon the assistance of bystanders in 26475
performing their duties and may serve writs and other legal 26476
processes issued by any court in their respective counties with 26477
reference to enforcing those sections. County auditors may 26478
deputize the wardens or deputies to issue dog licenses as provided 26479
in sections 955.01 and 955.14 of the Revised Code. 26480

Whenever any person files an affidavit in a court of 26481
competent jurisdiction that there is a dog running at large that 26482
is not kept constantly confined either in a dog kennel registered 26483
under this chapter or one licensed under Chapter 956. of the 26484
Revised Code or on the premises of an institution or organization 26485
of the type described in section 955.16 of the Revised Code or 26486
that a dog is kept or harbored in the warden's jurisdiction 26487
without being registered as required by law, the court shall 26488
immediately order the warden to seize and impound the dog. 26489
Thereupon the warden shall immediately seize and impound the dog 26490
complained of. The warden shall give immediate notice by certified 26491
mail to the owner, keeper, or harborer of the dog seized and 26492
impounded by the warden, if the owner, keeper, or harborer can be 26493
determined from the current year's registration list maintained by 26494
the warden and the county auditor of the county where the dog is 26495
registered, that the dog has been impounded and that, unless the 26496
dog is redeemed within fourteen days of the date of the notice, it 26497

may thereafter be sold or destroyed according to law. If the owner, keeper, or harborer cannot be determined from the current year's registration list maintained by the warden and the county auditor of the county where the dog is registered, the officer shall post a notice in the pound or animal shelter both describing the dog and place where seized and advising the unknown owner that, unless the dog is redeemed within three days, it may thereafter be sold or destroyed according to law.

~~As used in this section, "animal" has the same meaning as in section 955.51 of the Revised Code.~~

Sec. 955.121. (A)(1) In lieu of appointing a county dog warden and deputies under section 955.12 of the Revised Code, a board of county commissioners may appoint the county sheriff to enforce sections 955.01 to 955.27, ~~955.29 to 955.38,~~ and 955.50 to 955.53 of the Revised Code. If a board chooses to appoint the county sheriff as the county dog warden, the board shall enter into a two-year written agreement with the sheriff for that purpose at the first meeting in a calendar year following a general election in which at least one of the members of the board was elected.

(2) The agreement may authorize both of the following:

(a) The sheriff to appoint sheriff's deputies or persons other than peace officers as deputy dog wardens;

(b) The transfer of any benefits accrued by employees who are transferred as a result of the county sheriff's being appointed as the county dog warden.

(B) Any dog warden and deputy dog wardens appointed under this section shall comply with both of the following:

(1) Any training requirements applicable to county dog wardens and deputy dog wardens appointed or employed under section

955.12 of the Revised Code; 26528

(2) The requirements established in that section. 26529

(C) If a county sheriff or a sheriff's deputies are appointed 26530
as a dog warden or deputy dog wardens under this section, 26531
references in this chapter and in Chapters 953., 956., and 959. of 26532
the Revised Code to "dog warden" and "deputy dog warden" shall be 26533
deemed to be replaced, respectively, with references to "sheriff" 26534
and "deputy sheriff." 26535

Sec. 955.14. (A) Notwithstanding section 955.01 of the 26536
Revised Code, a board of county commissioners by resolution may 26537
increase dog and kennel registration fees in the county. The 26538
amount of the fees shall not exceed an amount that the board, in 26539
its discretion, estimates is needed to pay all expenses for the 26540
administration of this chapter ~~and to pay claims allowed for~~ 26541
~~animals injured or destroyed by dogs.~~ Such a resolution shall be 26542
adopted not earlier than the first day of February and not later 26543
than the thirty-first day of August of any year and shall specify 26544
the registration period or periods to which the increased fees 26545
apply. An increase in fees adopted under this division shall be in 26546
the ratio of two dollars for each year of registration for a dog 26547
registration fee, twenty dollars for a permanent dog registration 26548
fee, and ten dollars for a kennel registration fee. 26549

~~(B) Not later than the fifteenth day of October of each year,~~ 26550
~~the board of county commissioners shall determine if there is~~ 26551
~~sufficient money in the dog and kennel fund, after paying the~~ 26552
~~expenses of administration incurred or estimated to be incurred~~ 26553
~~for the remainder of the year, to pay the claims allowed for~~ 26554
~~animals injured or destroyed by dogs. If the board determines~~ 26555
~~there is not sufficient money in the dog and kennel fund to pay~~ 26556
~~the claims allowed, the board shall provide by resolution that all~~ 26557
~~claims remaining unpaid shall be paid from the general fund of the~~ 26558

county. All money paid out of the general fund for those purposes 26559
may be replaced by the board from the dog and kennel fund at any 26560
time during the following year notwithstanding section 5705.14 of 26561
the Revised Code. 26562

~~(C)~~ Notwithstanding section 955.20 of the Revised Code, if 26563
dog and kennel registration fees in any county are increased above 26564
two dollars for each year of registration and twenty dollars for a 26565
permanent registration for a dog registration fee and ten dollars 26566
for a kennel registration fee under authority of division (A) of 26567
this section, then on or before the first day of March following 26568
each year in which the increased fees are in effect, the county 26569
auditor shall draw on the dog and kennel fund a warrant payable to 26570
the college of veterinary medicine of the Ohio state university in 26571
an amount equal to ten cents for each one-year dog registration, 26572
thirty cents for each three-year dog registration, one dollar for 26573
each permanent dog registration, and ten cents for each kennel 26574
registration fee received during the preceding year. The money 26575
received by the college of veterinary medicine of the Ohio state 26576
university under this division shall be applied for research and 26577
study of the diseases of dogs, particularly those transmittable to 26578
humans, and for research of other diseases of dogs that by their 26579
nature will provide results applicable to the prevention and 26580
treatment of both human and canine illness. 26581

~~(D)~~~~(C)~~ The Ohio state university college of veterinary 26582
medicine shall be responsible to report annually to the general 26583
assembly the progress of the research and study authorized and 26584
funded by division ~~(C)~~~~(B)~~ of this section. The report shall 26585
briefly describe the research projects undertaken and assess the 26586
value of each. The report shall account for funds received 26587
pursuant to division ~~(C)~~~~(B)~~ of this section and for the funds 26588
expended attributable to each research project and for other 26589
necessary expenses in conjunction with the research authorized by 26590

division ~~(C)~~(B) of this section. The report shall be filed with 26591
the general assembly by the first day of May of each year. 26592

~~(E)~~(D) The county auditor may authorize agents to receive 26593
applications for registration of dogs and kennels and to issue 26594
certificates of registration and tags. If authorized agents are 26595
employed in a county, each applicant for a dog or kennel 26596
registration shall pay to the agent an administrative fee of 26597
seventy-five cents in addition to the registration fee. The 26598
administrative fee shall be the compensation of the agent. The 26599
county auditor shall establish rules for reporting and accounting 26600
by the agents. No administrative or similar fee shall be charged 26601
in any county except as authorized by this division or division 26602
~~(F)~~(E) of this section. 26603

~~(F)~~(E) For any county that accepts the payment of dog and 26604
kennel registration fees by financial transaction devices in 26605
accordance with section 955.013 of the Revised Code, in addition 26606
to those registration fees, the county auditor shall collect for 26607
each registration paid by a financial transaction device one of 26608
the following: 26609

(1) An administrative fee of seventy-five cents or another 26610
amount necessary to cover actual costs designated by the county 26611
auditor; 26612

(2) If the board of county commissioners adopts a surcharge 26613
or convenience fee for making payments by a financial transaction 26614
device under division (E) of section 301.28 of the Revised Code, 26615
that surcharge or convenience fee; 26616

(3) If the county auditor contracts with a third party to 26617
provide services to enable registration via the internet as 26618
provided in section 955.013 of the Revised Code, a surcharge or 26619
convenience fee as agreed to between that third party and the 26620
county for those internet registration services. Any additional 26621

expenses incurred by the county auditor that result from a 26622
contract with a third party as provided in this section and 26623
section 955.013 of the Revised Code and that are not covered by a 26624
surcharge or convenience fee shall be paid out of the allowance 26625
provided to the county auditor under section 955.20 of the Revised 26626
Code. 26627

~~(G)~~(F) The county auditor shall post conspicuously the amount 26628
of the administrative fee, surcharge, or convenience fee that is 26629
permissible under this section on the web page where the auditor 26630
accepts payments for registrations made under division (B)(1) of 26631
section 955.013 of the Revised Code. If any person chooses to pay 26632
by financial transaction device, the administrative fee, 26633
surcharge, or convenience fee shall be considered voluntary and is 26634
not refundable. 26635

~~(H) As used in this section, "animal" has the same meaning as~~ 26636
~~in section 955.51 of the Revised Code.~~ 26637

Sec. 955.15. The board of county commissioners shall provide 26638
nets and other suitable devices for the taking of dogs in a humane 26639
manner, provide a suitable place for impounding dogs, make proper 26640
provision for feeding and caring for the same, and provide humane 26641
devices and methods for destroying dogs. In any county in which 26642
there is a society for the prevention of cruelty to children and 26643
animals, having one or more agents and maintaining an animal 26644
shelter suitable for a dog pound and devices for humanely 26645
destroying dogs, the board need not furnish a dog pound, but the 26646
county dog warden shall deliver all dogs seized by ~~him~~ the warden 26647
and ~~his~~ the warden's deputies to such society at its animal 26648
shelter, there to be dealt with in accordance with law. The board 26649
shall provide for the payment of reasonable compensation to such 26650
society for its services so performed out of the dog and kennel 26651
fund. The board may designate and appoint any officers regularly 26652

employed by any society organized under sections 1717.02 to 26653
1717.05, ~~inclusive~~, of the Revised Code, to act as county dog 26654
warden or deputies for the purpose of carrying out sections 955.01 26655
to 955.27, ~~inclusive~~, and ~~955.29 to 955.38, inclusive~~, of the 26656
Revised Code, if such society whose agents are so employed owns or 26657
controls a suitable place for keeping and destroying dogs. 26658

Sec. 955.20. The registration fees provided for in sections 26659
955.01 to 955.14 of the Revised Code constitute a special fund 26660
known as "the dog and kennel fund." The fees shall be deposited by 26661
the county auditor in the county treasury daily as collected. 26662
Money in the fund shall be used for the purpose of defraying the 26663
cost of furnishing all blanks, records, tags, nets, and other 26664
equipment, for the purpose of paying the compensation of county 26665
dog wardens, deputies, poundkeepers, and other employees necessary 26666
to carry out and enforce sections 955.01 to 955.261 of the Revised 26667
Code, ~~and for the payment of animal claims as provided in sections~~ 26668
~~955.29 to 955.38 of the Revised Code~~, and in accordance with 26669
section 955.27 of the Revised Code. The board of county 26670
commissioners, by resolution, shall appropriate sufficient funds 26671
out of the dog and kennel fund, not more than fifteen per cent of 26672
which shall be expended by the auditor for registration tags, 26673
blanks, records, and clerk hire, for the purpose of defraying the 26674
necessary expenses of registering, seizing, impounding, and 26675
destroying dogs in accordance with sections 955.01 to 955.27 of 26676
the Revised Code, and for the purpose of covering any additional 26677
expenses incurred by the county auditor as authorized by division 26678
(F)(E)(3) of section 955.14 of the Revised Code. 26679

If the funds so appropriated in any calendar year are found 26680
by the board to be insufficient to defray the necessary cost and 26681
expense of the county dog warden in enforcing sections 955.01 to 26682
955.27 of the Revised Code, the board, by resolution so provided, 26683
~~after setting aside a sum equal to the total amount of animal~~ 26684

~~claims filed in that calendar year, or an amount equal to the~~ 26685
~~total amount of animal claims paid or allowed the preceding year,~~ 26686
~~whichever amount is larger,~~ may appropriate further funds for the 26687
use and purpose of the county dog warden in administering those 26688
sections. 26689

Sec. 955.27. After paying all necessary expenses of 26690
administering the sections of the Revised Code relating to the 26691
registration, seizing, impounding, and destroying of dogs, 26692
including the purchase, construction, and repair of vehicles and 26693
facilities necessary for the proper administration of such 26694
sections, ~~making compensation for injuries to livestock inflicted~~ 26695
~~by dogs, and after paying all animal claims,~~ the board of county 26696
commissioners, at the December session, if there remains more than 26697
two thousand dollars in the dog and kennel fund for that year in a 26698
county in which there is a society for the prevention of cruelty 26699
to children and animals, incorporated and organized by law, and 26700
having one or more agents appointed pursuant to law, or any other 26701
society organized under Chapter 1717. of the Revised Code, that 26702
owns or controls a suitable dog kennel or a place for the keeping 26703
and destroying of dogs that has one or more agents appointed and 26704
employed pursuant to law, may pay to the treasurer of the society, 26705
upon warrant of the county auditor, all such excess as the board 26706
deems necessary for the uses and purposes of the society. 26707

~~As used in this section, "animal" has the same meaning as in~~ 26708
~~section 955.51 of the Revised Code.~~ 26709

Sec. 991.03. (A) The Ohio expositions commission shall: 26710
(1) Conduct at least one fair or exposition annually; 26711
(2) Maintain and manage property held by the state for the 26712
purpose of conducting fairs, expositions, and exhibits; 26713
(3) As provided in section 109.122 of the Revised Code, 26714

provide notice of or copies of any proposed entertainment or 26715
sponsorship contracts to the attorney general. 26716

(B) The commission may: 26717

(1) Conduct such additional fairs, expositions, or 26718
exhibitions as the commission determines are in the general public 26719
interest; 26720

(2) Accept on behalf of the state conveyances of property for 26721
the purposes of conducting fairs, expositions, and exhibits, 26722
subject to any terms and conditions agreed to by the commission 26723
and approved by the controlling board; 26724

(3) Accept gifts, devises, and bequests of money, lands, and 26725
other property and apply the money, lands, or other property 26726
according to the terms of the gift, devise, or bequest. A 26727
political subdivision as authorized by law may make gifts and 26728
devises to the commission, and the commission shall apply such a 26729
gift or devise according to the terms of the gift or devise. All 26730
gifts and bequests of money accepted under this division shall be 26731
deposited into the state treasury to the credit of the Ohio 26732
expositions support fund. 26733

(4) Enter into contracts that the commission considers 26734
necessary or worthwhile in the conduct of its purposes, provided 26735
that contracts made for a term exceeding two years, other than 26736
those described in division (B)(4) of this section, shall be 26737
subject to the approval of the controlling board and provided that 26738
the attorney general, pursuant to the attorney general's authority 26739
under section 109.122 of the Revised Code, has not disapproved the 26740
proposed contract; 26741

(5) Enter into contracts for the mutual exchange of goods or 26742
services; 26743

(6) Sell or convey all or a portion of the property, land, or 26744
buildings under its management subject to the approval of the 26745

legislature; 26746

(7) Grant leases on all or any part of the property, land, or 26747
buildings under the management of the commission to private or 26748
public organizations, which appear to be in the best interests of 26749
the state, with the approval of the controlling board and director 26750
of administrative services, subject to the following conditions: 26751

(a) The lessees shall make or construct improvements on such 26752
lands or buildings at no cost to the commission or to the state, 26753
subject to prior approval by the director of administrative 26754
services of detailed plans and specifications of such 26755
improvements. 26756

(b) No person, firm, or corporation shall cause a lien to be 26757
filed against any funds or property of the state or of the 26758
commission as a result of a lessee's activities pursuant to 26759
division (B)(7)(a) of this section. 26760

(c) Leases shall be entered into subject to the sale of such 26761
property, lands, or buildings during the term of the lease. 26762

(d) No leases shall be made which interfere with a fair, 26763
exposition, or exhibition on such lands. 26764

(8) Encumber appropriations for the entire amount of a 26765
contract at the time the contract is made, even though the 26766
contract will not be performed in the fiscal year for which the 26767
appropriations were made. 26768

(9) Implement a credit card payment program permitting 26769
payment by means of a credit card of any fees, charges, and 26770
rentals associated with conducting fairs, expositions, and 26771
exhibits. The commission may open an account outside the state 26772
treasury in a financial institution for the purpose of depositing 26773
credit card receipts. By the end of the business day following the 26774
deposit of the receipts, the financial institution shall make 26775
available to the commission funds in the amount of the receipts. 26776

The commission shall then pay these funds into the state treasury 26777
to the credit of the Ohio expositions fund. 26778

The commission shall adopt rules as necessary to carry out 26779
the purposes of division (B)(9) of this section. The rules shall 26780
include standards for determining eligible financial institutions 26781
and the manner in which funds shall be made available and shall be 26782
consistent with the standards contained in sections 135.03, 26783
135.18, ~~and 135.181,~~ and 135.182 of the Revised Code. 26784

The commission shall not adopt or enforce any rules which 26785
will prohibit livestock exhibited at the Ohio state fair from 26786
participating in county and independent fairs in the state. 26787

Sec. 1306.20. (A) Subject to section 1306.11 of the Revised 26788
Code, each state agency shall determine if, and the extent to 26789
which, it will send and receive electronic records and electronic 26790
signatures to and from other persons and otherwise create, 26791
generate, communicate, store, process, use, and rely upon 26792
electronic records and electronic signatures. 26793

(B)(1) Subject to division (B)(2) of this section, a state 26794
agency may waive a requirement in the Revised Code, other than a 26795
requirement in sections 1306.01 to 1306.15 of the Revised Code, 26796
that relates to any of the following: 26797

(a) The method of posting or displaying records; 26798

(b) The manner of sending, communicating, or transmitting 26799
records; 26800

(c) The manner of formatting records. 26801

(2) A state agency may exercise its authority to waive a 26802
requirement under division (B)(1) of this section only if the 26803
following apply: 26804

(a) The requirement relates to a matter over which the state 26805
agency has jurisdiction; 26806

(b) The waiver is consistent with criteria set forth in rules 26807
adopted by the state agency. The criteria, to the extent 26808
reasonable under the circumstances, shall contain standards to 26809
facilitate the use of electronic commerce by persons under the 26810
jurisdiction of the state agency consistent with rules adopted by 26811
the department of administrative services pursuant to division (A) 26812
of section 1306.21 of the Revised Code. 26813

(C) If a state agency creates, uses, receives, or retains 26814
electronic records, both of the following apply: 26815

(1) Any rules adopted by a state agency relating to 26816
electronic records shall be consistent with rules adopted by the 26817
department of administrative services pursuant to division (A) of 26818
section 1306.21 of the Revised Code. 26819

(2) Each state agency shall create, use, receive, and retain 26820
electronic records in accordance with section 149.40 of the 26821
Revised Code. 26822

(D) If a state agency creates, uses, or receives electronic 26823
signatures, the state agency shall create, use, or receive the 26824
signatures in accordance with rules adopted by the department of 26825
administrative services pursuant to division (A) of section 26826
1306.21 of the Revised Code. 26827

(E)~~(1)~~ To the extent a state agency retains an electronic 26828
record, the state agency may retain a record in a format that is 26829
different from the format in which the record was originally 26830
created, used, sent, or received only if it can be demonstrated 26831
that the alternative format used accurately and completely 26832
reflects the record as it was originally created, used, sent, or 26833
received. 26834

~~(2) If a state agency in retaining any set of electronic 26835
records pursuant to division (E)(1) of this section alters the 26836
format of the records, the state agency shall create a certificate 26837~~

~~of authenticity for each set of records that is altered.~~ 26838

~~(3) The department of administrative services, in 26839
consultation with the state archivist, shall adopt rules in 26840
accordance with section 111.15 of the Revised Code that establish 26841
the methods for creating certificates of authenticity pursuant to 26842
division (E)(2) of this section. 26843~~

(F) Whenever any rule of law requires or authorizes the 26844
filing of any information, notice, lien, or other document or 26845
record with any state agency, a filing made by an electronic 26846
record shall have the same force and effect as a filing made on 26847
paper in all cases where the state agency has authorized or agreed 26848
to such electronic filing and the filing is made in accordance 26849
with applicable rules or agreement. 26850

(G) Nothing in sections 1306.01 to 1306.23 of the Revised 26851
Code shall be construed to require any state agency to use or 26852
permit the use of electronic records and electronic signatures. 26853

~~(H)(1) Notwithstanding division (C)(1) or (D) of this 26854
section, any state agency that, prior to September 14, 2000, used 26855
or permitted the use of electronic records or electronic 26856
signatures pursuant to laws enacted, rules adopted, or agency 26857
policies adopted before September 14, 2000, may use or permit the 26858
use of electronic records or electronic signatures pursuant to 26859
those previously enacted laws, adopted rules, or adopted policies 26860
for a period of two years after September 14, 2000. 26861~~

~~(2) Subject to division (H)(3) of this section, after the 26862
two-year period described in division (H)(1) of this section has 26863
concluded, all state agencies that use or permit the use of 26864
electronic records or electronic signatures before September 14, 26865
2000, shall only use or permit the use of electronic records or 26866
electronic signatures consistent with rules adopted by the 26867
department of administrative services pursuant to division (A) of 26868~~

~~section 1306.21 of the Revised Code.~~ 26869

~~(3) After the two year period described in division (H)(1) of
this section has concluded, the department of administrative
services may permit a state agency to use electronic records or
electronic signatures that do not comply with division (H)(2) of
this section, if the state agency files a written request with the
department.~~ 26870
26871
26872
26873
26874
26875

~~(I)~~ For the purposes of this section, "state agency" means 26876
every organized body, office, or agency established by the laws of 26877
the state for the exercise of any function of state government, 26878
but does not include the general assembly, any legislative agency, 26879
the supreme court, the other courts of record in this state, any 26880
judicial agency, or any state university identified in section 26881
3345.011 of the Revised Code, or the northeast Ohio medical 26882
university. 26883

~~(J)(I)~~ A state university identified in section 3345.011 of 26884
the Revised Code, and the northeast Ohio medical university, that 26885
uses or permits the use of electronic records or electronic 26886
signatures on ~~the effective date of this amendment~~ September 16, 26887
2014, shall, within six months after ~~the effective date of this~~ 26888
~~amendment~~ September 16, 2014, adopt rules in accordance with 26889
section 111.15 of the Revised Code to provide for the use or 26890
permission to use electronic records or electronic signatures. A 26891
state university identified in section 3345.011 of the Revised 26892
Code, and the northeast Ohio medical university, if not using or 26893
permitting the use of electronic records or electronic signatures 26894
on ~~the effective date of this amendment~~ September 16, 2014, shall 26895
adopt rules in accordance with section 111.15 of the Revised Code 26896
when it elects to begin using or permitting the use of electronic 26897
records or electronic signatures. 26898

Sec. 1309.528. All fees collected by the secretary of state 26899

for filings under Title XIII or XVII of the Revised Code shall be 26900
deposited into the state treasury to the credit of the corporate 26901
and uniform commercial code filing fund, which is hereby created. 26902
The fund shall also receive revenue from fees charged to customers 26903
for special database requests. All moneys credited to the fund 26904
shall be used for the purpose of paying for the operations of the 26905
office of the secretary of state and for the purpose of paying for 26906
expenses relating to the processing of filings under Title XIII or 26907
XVII of the Revised Code. 26908

Sec. 1332.25. (A) An application made to the director of 26909
commerce for a video service authorization under section 1332.24 26910
of the Revised Code shall require and contain only the following: 26911

(1) Specification of the location of the applicant's 26912
principal place of business and the names of the applicant's 26913
principal executive officers; 26914

(2) Specification of the geographic and political boundaries 26915
of the applicant's proposed video service area; 26916

(3) A general description of the type or types of 26917
technologies the applicant will use to deliver the video 26918
programming, which may include wireline, wireless, or any other 26919
alternative technology, subject, as applicable, to section 1332.29 26920
of the Revised Code; 26921

(4) An attestation that the applicant has filed or will 26922
timely file with the federal communications commission all forms 26923
required by that agency in advance of offering video service in 26924
this state; 26925

(5) An attestation that the applicant will comply with 26926
applicable federal, state, and local laws; 26927

(6) An attestation that the applicant is legally, 26928
financially, and technically qualified to provide video service; 26929

(7) A description of the applicant's customer complaint handling process, including policies on addressing customer service issues, billing adjustments, and communication with government officials regarding customer complaints, and a local or toll-free telephone number at which a customer may contact the applicant.

(B) For the purpose of division (A)(2) of this section:

(1) The video service areas of video service providers may overlap.

(2) A specified video service area shall be coextensive with municipal, township unincorporated area, or county boundaries, except as authorized under division (B)(3) or (4) of this section, but nothing in sections 1332.21 to 1332.34 of the Revised Code shall require a video service provider to provide access to video service within the entire video service area.

(3) The specified video service area of a person using telecommunications facilities to provide video service on September 24, 2007, or of any other person later so using telecommunications facilities shall be the geographic area in which the person ~~offers~~ offered basic local exchange service on September 24, 2007.

(4) Subject to division (C)(2) of section 1332.27 of the Revised Code, the specified video service area of an applicant cable operator that offers service under a franchise in effect on September 24, 2007, initially shall be, at minimum, the franchise area established under that franchise.

(C) A video service provider shall immediately file an application to amend its video service authorization with the director to reflect any change in the information required under division (A)(1), (2), or (3) of this section. An amendment pursuant to division (A)(2) of this section shall include any new

delivery technology information required by division (A)(3) of 26961
this section. 26962

(D) Within thirty days after its filing or within thirty days 26963
after the filing of supplemental information necessary to make it 26964
complete, the director shall determine the completeness of an 26965
application filed under division (A) or (C) of this section 26966
relative to the respective requirements of divisions (A), (B), and 26967
(C) of this section and, as applicable, shall notify the applicant 26968
of an incompleteness determination, state the bases for that 26969
determination, and inform the applicant that it may resubmit a 26970
corrected application. The director shall issue a video service 26971
authorization, authorization renewal, or amended authorization 26972
within fifteen days after the director's determination that the 26973
filed application is complete. 26974

If the director does not notify the applicant regarding the 26975
completeness of the application within the time period specified 26976
in this division or does not issue the authorization requested by 26977
a completed application within the applicable time period, the 26978
application shall be deemed complete, and the authorization or 26979
amended authorization deemed issued on the forty-fifth day after 26980
the application's filing date. 26981

(E) An applicant shall pay a two thousand dollar 26982
nonrefundable fee for each application filed under division (A) of 26983
this section and a one hundred dollar nonrefundable fee for each 26984
application to amend filed under division (C) of this section. 26985
Fees collected under this division shall be deposited to the 26986
credit of the video service authorization fund in the state 26987
treasury, which is hereby created, to be used by the department of 26988
commerce in carrying out its duties under sections 1332.21 to 26989
1332.34 of the Revised Code. 26990

(F)(1) No video service provider shall identify or make 26991
reference to an application fee under division (E) of this section 26992

on any subscriber bill or in conjunction with charging any fee to 26993
the subscriber. 26994

(2) A video service provider may identify or make reference 26995
on a subscriber bill to an assessment under section 1332.24 of the 26996
Revised Code only if the provider opts to pass the cost of the 26997
assessment onto subscribers. 26998

(G) An applicant may identify any information in its 26999
application as trade secret information, and if, upon its written 27000
request to the director, the director reasonably affirms all or 27001
part of that information as trade secret information, the 27002
information so affirmed does not constitute a public record for 27003
the purpose of section 149.43 of the Revised Code. 27004

Sec. 1347.08. (A) Every state or local agency that maintains 27005
a personal information system, upon the request and the proper 27006
identification of any person who is the subject of personal 27007
information in the system, shall: 27008

(1) Inform the person of the existence of any personal 27009
information in the system of which the person is the subject; 27010

(2) Except as provided in divisions (C) and (E)(2) of this 27011
section, permit the person, the person's legal guardian, or an 27012
attorney who presents a signed written authorization made by the 27013
person, to inspect all personal information in the system of which 27014
the person is the subject; 27015

(3) Inform the person about the types of uses made of the 27016
personal information, including the identity of any users usually 27017
granted access to the system. 27018

(B) Any person who wishes to exercise a right provided by 27019
this section may be accompanied by another individual of the 27020
person's choice. 27021

(C)(1) A state or local agency, upon request, shall disclose 27022

medical, psychiatric, or psychological information to a person who 27023
is the subject of the information or to the person's legal 27024
guardian, unless a physician, psychiatrist, or psychologist 27025
determines for the agency that the disclosure of the information 27026
is likely to have an adverse effect on the person, in which case 27027
the information shall be released to a physician, psychiatrist, or 27028
psychologist who is designated by the person or by the person's 27029
legal guardian. 27030

(2) Upon the signed written request of either a licensed 27031
attorney at law or a licensed physician designated by the inmate, 27032
together with the signed written request of an inmate of a 27033
correctional institution under the administration of the 27034
department of rehabilitation and correction, the department shall 27035
disclose medical information to the designated attorney or 27036
physician as provided in division (C) of section 5120.21 of the 27037
Revised Code. 27038

(D) If an individual who is authorized to inspect personal 27039
information that is maintained in a personal information system 27040
requests the state or local agency that maintains the system to 27041
provide a copy of any personal information that the individual is 27042
authorized to inspect, the agency shall provide a copy of the 27043
personal information to the individual. Each state and local 27044
agency may establish reasonable fees for the service of copying, 27045
upon request, personal information that is maintained by the 27046
agency. 27047

(E)(1) This section regulates access to personal information 27048
that is maintained in a personal information system by persons who 27049
are the subject of the information, but does not limit the 27050
authority of any person, including a person who is the subject of 27051
personal information maintained in a personal information system, 27052
to inspect or have copied, pursuant to section 149.43 of the 27053
Revised Code, a public record as defined in that section. 27054

(2) This section does not provide a person who is the subject of personal information maintained in a personal information system, the person's legal guardian, or an attorney authorized by the person, with a right to inspect or have copied, or require an agency that maintains a personal information system to permit the inspection of or to copy, a confidential law enforcement investigatory record or trial preparation record, as defined in divisions (A)(2) and (4) of section 149.43 of the Revised Code.

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

(1) The contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;

(2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code;

(4) Records specified in division (A) of section 3107.52 of the Revised Code;

(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;

(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;

(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend

to identify such an individual; 27085

(8) Records that identify an individual described in division 27086
(A)(1) of section 5165.88 of the Revised Code, or that would tend 27087
to identify such an individual; 27088

(9) Test materials, examinations, or evaluation tools used in 27089
an examination for licensure as a nursing home administrator that 27090
the board of executives of long-term services and supports 27091
administers under section 4751.04 of the Revised Code or contracts 27092
under that section with a private or government entity to 27093
administer; 27094

(10) Information contained in a database established and 27095
maintained pursuant to section 5101.13 of the Revised Code; 27096

(11) Information contained in a database established and 27097
maintained pursuant to section 5101.612 of the Revised Code. 27098

Sec. 1349.04. (A) As used in this section: 27099

(1) "Active duty" means active duty pursuant to an executive 27100
order of the president of the United States, an act of the 27101
congress of the United States, or section 5919.29 or 5923.21 of 27102
the Revised Code. 27103

(2) "Immediate family" means a person's spouse residing in 27104
the person's household; brothers and sisters of the whole or half 27105
blood; children, including adopted children and stepchildren; 27106
parents; and grandparents. 27107

(B) The attorney general shall appoint a member of the staff 27108
of the consumer protection division of the attorney general's 27109
office to expedite cases or issues raised by a person, or the 27110
immediate family of the person, who is deployed on active duty, 27111
which cases or issues raised relate to ~~sections 125.021,~~ section 27112
317.322, 1343.031, 1349.02, 1349.03, 1713.60, 1923.062, 3313.64, 27113
3332.20, 3345.53, 3915.053, 4933.12, or 4933.121 of the Revised 27114

Code or to any other relevant section of the Revised Code 27115
regulating consumer protection. 27116

Sec. 1501.01. (A) Except where otherwise expressly provided, 27117
the director of natural resources shall formulate and institute 27118
all the policies and programs of the department of natural 27119
resources. The chief of any division of the department shall not 27120
enter into any contract, agreement, or understanding unless it is 27121
approved by the director. No appointee or employee of the 27122
director, other than the assistant director, may bind the director 27123
in a contract except when given general or special authority to do 27124
so by the director. 27125

The director may enter into contracts or agreements with any 27126
agency of the United States government, any other public agency, 27127
or any private entity or organization for the performance of the 27128
duties of the department. 27129

(B) The director shall correlate and coordinate the work and 27130
activities of the divisions in the department to eliminate 27131
unnecessary duplications of effort and overlapping of functions. 27132
The chiefs of the various divisions of the department shall meet 27133
with the director at least once each month at a time and place 27134
designated by the director. 27135

The director may create advisory boards to any of those 27136
divisions in conformity with section 121.13 of the Revised Code. 27137

(C) The director may accept and expend gifts, devises, and 27138
bequests of money, lands, and other properties on behalf of the 27139
department or any division thereof under the terms set forth in 27140
section 9.20 of the Revised Code. Any political subdivision of 27141
this state may make contributions to the department for the use of 27142
the department or any division therein according to the terms of 27143
the contribution. 27144

(D) The director may publish and sell or otherwise distribute 27145
data, reports, and information. 27146

(E) The director may identify and develop the geographic 27147
information system needs for the department, which may include, 27148
but not be limited to, all of the following: 27149

(1) Assisting in the training and education of department 27150
resource managers, administrators, and other staff in the 27151
application and use of geographic information system technology; 27152

(2) Providing technical support to the department in the 27153
design, preparation of data, and use of appropriate geographic 27154
information system applications in order to help solve resource 27155
related problems and to improve the effectiveness and efficiency 27156
of department delivered services; 27157

(3) Creating, maintaining, and documenting spatial digital 27158
data bases; 27159

(4) Providing information to and otherwise assisting 27160
government officials, planners, and resource managers in 27161
understanding land use planning and resource management; 27162

(5) Providing continuing assistance to local government 27163
officials and others in natural resource digital data base 27164
development and in applying and utilizing the geographic 27165
information system for land use planning, current agricultural use 27166
value assessment, development reviews, coastal management, and 27167
other resource management activities; 27168

(6) Coordinating and administering the remote sensing needs 27169
of the department, including the collection and analysis of aerial 27170
photography, satellite data, and other data pertaining to land, 27171
water, and other resources of the state; 27172

(7) Preparing and publishing maps and digital data relating 27173
to the state's land use and land cover over time on a local, 27174

regional, and statewide basis; 27175

(8) Locating and distributing hard copy maps, digital data, 27176
aerial photography, and other resource data and information to 27177
government agencies and the public; 27178

(9) Preparing special studies and executing any other related 27179
duties, functions, and responsibilities identified by the 27180
director; 27181

(10) Entering into contracts or agreements with any agency of 27182
the United States government, any other public agency, or any 27183
private agency or organization for the performance of the duties 27184
specified in division (E) of this section or for accomplishing 27185
cooperative projects within those duties; 27186

(11) Entering into agreements with local government agencies 27187
for the purposes of land use inventories, Ohio capability analysis 27188
data layers, and other duties related to resource management. 27189

(F) The director shall adopt rules in accordance with Chapter 27190
119. of the Revised Code to permit the department to accept by 27191
means of a credit card the payment of fees, charges, and rentals 27192
at those facilities described in section 1501.07 of the Revised 27193
Code that are operated by the department, for any data, reports, 27194
or information sold by the department, and for any other goods or 27195
services provided by the department. 27196

(G) Whenever authorized by the governor to do so, the 27197
director may appropriate property for the uses and purposes 27198
authorized to be performed by the department and on behalf of any 27199
division within the department. This authority shall be exercised 27200
in the manner provided in sections 163.01 to 163.22 of the Revised 27201
Code for the appropriation of property by the director of 27202
administrative services. This authority to appropriate property is 27203
in addition to the authority provided by law for the appropriation 27204
of property by divisions of the department. The director of 27205

natural resources also may acquire by purchase, lease, or 27206
otherwise such real and personal property rights or privileges in 27207
the name of the state as are necessary for the purposes of the 27208
department or any division therein. The director, ~~with the~~ 27209
~~approval of the governor and the attorney general in accordance~~ 27210
~~with section 5301.13 of the Revised Code, if applicable,~~ may sell, 27211
lease, or exchange portions of lands or property, real or 27212
personal, of any division of the department or grant easements or 27213
licenses for the use thereof, or enter into agreements for the 27214
sale of water from lands and waters under the administration or 27215
care of the department or any of its divisions, when the sale, 27216
lease, exchange, easement, agreement, or license for use is in an 27217
amount that is less than fifty thousand dollars and is 27218
advantageous to the state, ~~provided that such approval is not~~ 27219
~~required for leases and contracts made under section 1501.07,~~ 27220
~~1501.09, or 1520.03 or Chapter 1523. of the Revised Code. With the~~ 27221
approval of the governor, the director, in accordance with section 27222
5301.13 of the Revised Code, if applicable, may sell, lease, or 27223
exchange portions of, grant easements or licenses for the use of, 27224
or enter into agreements for the sale of such lands, property, or 27225
waters in an amount of fifty thousand dollars or more when the 27226
sale, lease, exchange, easement, agreement, or license is 27227
advantageous to the state. Water may be sold from a reservoir only 27228
to the extent that the reservoir was designed to yield a supply of 27229
water for a purpose other than recreation or wildlife, and the 27230
water sold is in excess of that needed to maintain the reservoir 27231
for purposes of recreation or wildlife. 27232

Money received from such sales, leases, easements, exchanges, 27233
agreements, or licenses for use, except revenues required to be 27234
set aside or paid into depositories or trust funds for the payment 27235
of bonds issued under sections 1501.12 to 1501.15 of the Revised 27236
Code, and to maintain the required reserves therefor as provided 27237
in the orders authorizing the issuance of such bonds or the trust 27238

agreements securing such bonds, revenues required to be paid and 27239
credited pursuant to the bond proceeding applicable to obligations 27240
issued pursuant to section 154.22, and revenues generated under 27241
section 1520.05 of the Revised Code, shall be deposited in the 27242
state treasury to the credit of the fund of the division of the 27243
department having prior jurisdiction over the lands or property. 27244
If no such fund exists, the money shall be credited to the general 27245
revenue fund. All such money received from lands or properties 27246
administered by the division of wildlife shall be credited to the 27247
wildlife fund. 27248

(H) The director shall provide for the custody, safekeeping, 27249
and deposit of all moneys, checks, and drafts received by the 27250
department or its employees prior to paying them to the treasurer 27251
of state under section 113.08 of the Revised Code. 27252

(I) The director shall cooperate with the nature conservancy, 27253
other nonprofit organizations, and the United States fish and 27254
wildlife service in order to secure protection of islands in the 27255
Ohio river and the wildlife and wildlife habitat of those islands. 27256

(J) Any instrument by which real property is acquired 27257
pursuant to this section shall identify the agency of the state 27258
that has the use and benefit of the real property as specified in 27259
section 5301.012 of the Revised Code. 27260

Sec. 1501.011. (A) Except as provided in divisions (B), (C), 27261
and (D) of this section, the Ohio facilities construction 27262
commission shall supervise the design and construction of, and 27263
make contracts for the construction, reconstruction, improvement, 27264
enlargement, alteration, repair, or decoration of, any projects or 27265
improvements for the department of natural resources that may be 27266
authorized by legislative appropriations or any other funds 27267
available therefor, the estimated cost of which amounts to two 27268
hundred thousand dollars or more or the amount determined pursuant 27269

to section 153.53 of the Revised Code or more. 27270

~~(B) The department of natural resources shall administer the 27271
construction of improvements under an agreement with the 27272
supervisors of a soil and water conservation district pursuant to 27273
division (I) of section 1515.08 of the Revised Code. 27274~~

~~(C)~~(1) The department of natural resources shall supervise 27275
the design and construction of, and make contracts for the 27276
construction, reconstruction, improvement, enlargement, 27277
alteration, repair, or decoration of, any of the following 27278
activities, projects, or improvements: 27279

(a) Dam repairs administered by the division of engineering 27280
under Chapter 1507. of the Revised Code; 27281

(b) Projects or improvements administered by the division of 27282
watercraft and funded through the waterways safety fund 27283
established in section 1547.75 of the Revised Code; 27284

(c) Projects or improvements administered by the division of 27285
wildlife under Chapter 1531. or 1533. of the Revised Code; 27286

(d) Activities conducted by the department pursuant to 27287
section 5511.05 of the Revised Code in order to maintain the 27288
department's roadway inventory. 27289

(2) If a contract to be let under division ~~(C)~~(B)(1) of this 27290
section involves an exigency that concerns the public health, 27291
safety, or welfare or addresses an emergency situation in which 27292
timeliness is crucial in preventing the cost of the contract from 27293
increasing significantly, pursuant to the declaration of a public 27294
exigency, the department may award the contract without 27295
competitive bidding or selection as otherwise required by Chapter 27296
153. of the Revised Code. 27297

A notice published by the department of natural resources 27298
regarding an activity, project, or improvement shall be published 27299

as contemplated in section 7.16 of the Revised Code. 27300

~~(D)~~(C) The executive director of the Ohio facilities 27301
construction commission may authorize the department of natural 27302
resources to administer any other project or improvement, the 27303
estimated cost of which, including design fees, construction, 27304
equipment, and contingency amounts, is not more than one million 27305
five hundred thousand dollars. 27306

Sec. 1501.022. There is hereby created in the state treasury 27307
the injection well review fund consisting of moneys transferred to 27308
it under section 6111.046 of the Revised Code. Moneys in the fund 27309
shall be used by the chiefs of the divisions of mineral resources 27310
management, oil and gas resources management, geological survey, 27311
and ~~soil and~~ water resources in the department of natural 27312
resources exclusively for the purpose of executing their duties 27313
under sections 6111.043 to 6111.047 of the Revised Code. 27314

Sec. 1501.04. There is hereby created in the department of 27315
natural resources a recreation and resources commission composed 27316
of the chairperson of the wildlife council created under section 27317
1531.03 of the Revised Code, the chairperson of the parks and 27318
recreation council created under section 1541.40 of the Revised 27319
Code, the chairperson of the waterways safety council created 27320
under section 1547.73 of the Revised Code, the chairperson of the 27321
technical advisory council on oil and gas created under section 27322
1509.38 of the Revised Code, the chairperson of the forestry 27323
advisory council created under section 1503.40 of the Revised 27324
Code, ~~the chairperson of the Ohio soil and water conservation~~ 27325
~~commission created under section 1515.02 of the Revised Code,~~ the 27326
chairperson of the Ohio natural areas council created under 27327
section 1517.03 of the Revised Code, the chairperson of the Ohio 27328
water advisory council created under section 1521.031 of the 27329
Revised Code, the chairperson of the Ohio geology advisory council 27330

created under section 1505.11 of the Revised Code, and five 27331
members appointed by the governor with the advice and consent of 27332
the senate, not more than three of whom shall belong to the same 27333
political party. The director of natural resources shall be an ex 27334
officio member of the commission, with a voice in its 27335
deliberations, but without the power to vote. 27336

Terms of office of members of the commission appointed by the 27337
governor shall be for five years, commencing on the second day of 27338
February and ending on the first day of February. Each member 27339
shall hold office from the date of appointment until the end of 27340
the term for which the member was appointed. 27341

In the event of the death, removal, resignation, or 27342
incapacity of a member of the commission, the governor, with the 27343
advice and consent of the senate, shall appoint a successor who 27344
shall hold office for the remainder of the term for which the 27345
member's predecessor was appointed. Any member shall continue in 27346
office subsequent to the expiration date of the member's term 27347
until the member's successor takes office, or until a period of 27348
sixty days has elapsed, whichever occurs first. 27349

The governor may remove any appointed member of the 27350
commission for misfeasance, nonfeasance, or malfeasance in office. 27351

The commission shall exercise no administrative function, but 27352
may do any of the following: 27353

(A) Advise with and recommend to the director as to plans and 27354
programs for the management, development, utilization, and 27355
conservation of the natural resources of the state; 27356

(B) Advise with and recommend to the director as to methods 27357
of coordinating the work of the divisions of the department; 27358

(C) Consider and make recommendations upon any matter that 27359
the director may submit to it; 27360

(D) Submit to the governor biennially recommendations for 27361
amendments to the conservation laws of the state. 27362

Each member of the commission, before entering upon the 27363
discharge of the member's duties, shall take and subscribe to an 27364
oath of office, which oath, in writing, shall be filed in the 27365
office of the secretary of state. 27366

The members of the commission shall serve without 27367
compensation, but shall be entitled to receive their actual and 27368
necessary expenses incurred in the performance of their official 27369
duties. 27370

The commission, by a majority vote of all its members, shall 27371
adopt and amend bylaws. 27372

To be eligible for appointment, a person shall be a citizen 27373
of the United States and an elector of the state and shall possess 27374
a knowledge of and have an interest in the natural resources of 27375
this state. 27376

The commission shall hold at least four regular quarterly 27377
meetings each year. Special meetings shall be held at such times 27378
as the bylaws of the commission provide. Notices of all meetings 27379
shall be given in such manner as the bylaws provide. The 27380
commission shall choose annually from among its members a 27381
chairperson to preside over its meetings and a secretary to keep a 27382
record of its proceedings. A majority of the members of the 27383
commission constitutes a quorum. No advice shall be given or 27384
recommendation made without a majority of the members of the 27385
commission concurring in it. 27386

Sec. 1503.50. As used in sections 1503.50 to 1503.55 of the 27387
Revised Code: 27388

(A) "Conservation" means the wise use and management of 27389
natural resources. 27390

(B) "Forestry pollution" means failure to use management or conservation practices in silvicultural operations to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment, including attached substances, from silvicultural operations.

(C) "Pollution abatement practice" means any erosion control practice or timber harvest best management practice or procedure and the operation and management associated with it as contained in a timber harvest plan.

(D) "Soil and water conservation district" has the same meaning as in section 940.01 of the Revised Code.

(E) "Timber harvest plan" means a written record, developed or approved by the chief of the division of forestry or the chief's designee that contains implementation schedules and operational procedures for a level of land and water management that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by soil sediment, including attached substances, from silvicultural operations.

(F) "Waters of the state" has the same meaning as in section 903.01 of the Revised Code.

Sec. 1503.51. (A) The chief of the division of forestry shall adopt rules in accordance with Chapter 119. of the Revised Code that do or comply with all of the following:

(1) Establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices in silvicultural operations that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by soil sediment, including attached substances, from silvicultural operations and establish criteria for determination of the acceptability of such management and

<u>conservation practices;</u>	27421
<u>(2) Establish procedures for administration of the rules;</u>	27422
<u>(3) Specify the pollution abatement practices eligible for</u>	27423
<u>state cost sharing and determine the conditions for eligibility,</u>	27424
<u>the construction standards and specifications, the useful life,</u>	27425
<u>the maintenance requirements, and the limits of cost sharing for</u>	27426
<u>those practices. Eligible practices shall be limited to practices</u>	27427
<u>that address silvicultural operations, that require expenditures</u>	27428
<u>that are likely to exceed the economic returns to the owner or</u>	27429
<u>operator of a silvicultural operation, and that abate soil erosion</u>	27430
<u>or degradation of the waters of the state by soil sediment,</u>	27431
<u>including attached substances, from silvicultural operations.</u>	27432
<u>(B) The chief or the chief's designee shall do all of the</u>	27433
<u>following:</u>	27434
<u>(1) Issue orders requiring compliance with a rule adopted</u>	27435
<u>under this section. Before the chief or the chief's designee</u>	27436
<u>issues an order, the chief or the chief's designee shall afford</u>	27437
<u>the person an adjudication hearing under Chapter 119. of the</u>	27438
<u>Revised Code. The chief or the chief's designee may require in an</u>	27439
<u>order that a person who has caused forestry pollution by failure</u>	27440
<u>to comply with the standards established in rules adopted under</u>	27441
<u>this section operate under a timber harvest plan approved by the</u>	27442
<u>chief or the chief's designee under this section. An order shall</u>	27443
<u>be issued in writing and contain a finding by the chief or the</u>	27444
<u>chief's designee of the facts on which the order is based and the</u>	27445
<u>standard that is not being met.</u>	27446
<u>(2) Periodically monitor the use and effectiveness of</u>	27447
<u>management and conservation practices conducted in accordance with</u>	27448
<u>standards established in rules adopted under division (A)(1) of</u>	27449
<u>this section;</u>	27450
<u>(3) Assist in expediting state responsibilities for watershed</u>	27451

development and other natural resource conservation works of 27452
improvement; 27453

(4) When necessary for the purposes of sections 1503.50 to 27454
1503.55 of the Revised Code, develop or approve timber harvest 27455
plans. 27456

Sec. 1503.52. (A) A person who owns or operates a 27457
silviculture operation may develop and operate under a timber 27458
harvest plan approved by the chief of the division of forestry or 27459
the chief's designee under section 1503.51 of the Revised Code or 27460
by the supervisors of the applicable soil and water conservation 27461
district under section 940.06 of the Revised Code. 27462

(B) Any person who wishes to make a complaint regarding 27463
nuisances involving forestry pollution may do so orally or by 27464
submitting a written, signed, and dated complaint to the chief or 27465
the chief's designee. After receiving an oral complaint, the chief 27466
or the chief's designee may cause an investigation to be conducted 27467
to determine whether forestry pollution has occurred or is 27468
imminent. After receiving a written, signed, and dated complaint, 27469
the chief or the chief's designee shall cause such an 27470
investigation to be conducted. 27471

(C) In a private civil action for nuisances involving 27472
forestry pollution, it is an affirmative defense if the person 27473
owning, operating, or otherwise responsible for a silvicultural 27474
operation is operating under and in substantial compliance with an 27475
approved timber harvest plan developed under division (A) of this 27476
section, with a timber harvest plan developed by the chief or the 27477
chief's designee under section 1503.51 of the Revised Code or by 27478
the supervisors of the applicable soil and water conservation 27479
district under section 940.06 of the Revised Code, or with a 27480
timber harvest plan required by an order issued by the chief or 27481
the chief's designee under division (B)(1) of section 1503.51 of 27482

the Revised Code. Nothing in this section is in derogation of the 27483
authority granted to the chief or the chief's designee in 1503.51 27484
of the Revised Code. 27485

Sec. 1503.53. (A) Except as provided in division (B) of this 27486
section, the chief of the division of forestry, an employee of the 27487
division of forestry, the supervisors of a soil and water 27488
conservation district, an employee of a district, and a contractor 27489
of the division or a district shall not disclose either of the 27490
following: 27491

(1) Information, including data from geographic information 27492
systems and global positioning systems, provided by a person who 27493
owns or operates a silvicultural operation that is operated under 27494
a timber harvest plan; 27495

(2) Information gathered as a result of an inspection to 27496
determine whether the person who owns or operates the operation is 27497
in compliance with a timber harvest plan. 27498

(B) The chief or the supervisors of a district may release or 27499
disclose information specified in division (A)(1) or (2) of this 27500
section to a person or a federal, state, or local agency working 27501
in cooperation with the chief or the supervisors in the 27502
development of a timber harvest plan or an inspection to determine 27503
compliance with such a plan if the chief or supervisors determine 27504
that the person or federal, state, or local agency will not 27505
subsequently disclose the information to another person. 27506

Sec. 1503.54. (A)(1) No person shall recklessly fail to 27507
comply with an order of the chief of the division of forestry or 27508
the chief's designee issued under section 1503.51 of the Revised 27509
Code. 27510

(2) In addition to the remedies provided and irrespective of 27511
whether an adequate remedy at law exists, the chief may apply to 27512

the court of common pleas in the county where a violation of a 27513
standard established in rules adopted under section 1503.51 of the 27514
Revised Code causes forestry pollution for an order to compel the 27515
violation to cease the violation and to remove the pollutant or to 27516
comply with the rules adopted under that section, as appropriate. 27517

(3) In addition to the remedies provided and irrespective of 27518
whether an adequate remedy at law exists, whenever the chief 27519
officially determines that an emergency exists because of forestry 27520
pollution, the chief may issue an order, without notice or 27521
hearing, stating the existence of the emergency and requiring that 27522
action be taken that is necessary to address the emergency. The 27523
order shall be effective immediately. 27524

A person to whom the order is issued shall comply with the 27525
order immediately, but on application to the chief shall be 27526
afforded an adjudication hearing in accordance with Chapter 119. 27527
of the Revised Code as soon as possible, but not later than twenty 27528
days after the chief's receipt of the application. Following the 27529
hearing, the chief shall continue the order in effect, revoke it, 27530
or modify it. The order may be appealed in accordance with section 27531
119.12 of the Revised Code. An emergency order shall not remain in 27532
effect for more than sixty days after its issuance. 27533

If a person to whom an order is issued does not comply with 27534
the order within a reasonable period of time as determined by the 27535
chief, the chief or the chief's designee may enter on private or 27536
public lands to investigate and take action to mitigate, minimize, 27537
remove, or abate the conditions that are the subject of the order. 27538

(B) The attorney general, upon the written request of the 27539
chief, shall bring appropriate legal action in Franklin county 27540
against any person who fails to comply with an order of the chief 27541
or the chief's designee issued under section 1503.51 of the 27542
Revised Code. 27543

Sec. 1503.55. (A) There is hereby created in the state 27544
treasury the forestry pollution abatement fund, which shall be 27545
administered by the chief of the division of forestry. 27546

(B) The fund may be used to pay costs incurred under all of 27547
the following: 27548

(1) Rules adopted under division (A)(3) of section 1503.51 of 27549
the Revised Code; 27550

(2) Division (B)(2) of section 1503.51 of the Revised Code; 27551

(3) Division (A)(3) of section 1503.54 of the Revised Code in 27552
investigating, mitigating, minimizing, removing, or abating any 27553
pollution of the waters of the state caused by forestry pollution 27554
that requires emergency action to protect public health. 27555

(C) Any person responsible for causing or allowing forestry 27556
pollution or an unauthorized release, spill, or discharge is 27557
liable to the chief for any costs incurred by the chief in 27558
investigating, mitigating, minimizing, removing, or abating the 27559
forestry pollution or release, spill, or discharge regardless of 27560
whether those costs were paid from the forestry pollution 27561
abatement fund or any other fund of the division. Upon the request 27562
of the chief, the attorney general shall bring a civil action 27563
against the responsible person to recover those costs. Money 27564
recovered under this section shall be credited to the forestry 27565
pollution abatement fund. 27566

Sec. 1503.99. (A) Whoever violates section 1503.01 or 1503.12 27567
of the Revised Code is guilty of a minor misdemeanor. 27568

(B) Whoever violates section 1503.18 or 1503.43 of the 27569
Revised Code is guilty of a misdemeanor of the third degree. 27570

(C) Whoever violates division (A) of section 1503.54 of the 27571
Revised Code is guilty of a misdemeanor of the first degree. Each 27572

day of violation is a separate offense. In addition to the penalty 27573
provided in this division, the sentencing court may assess damages 27574
in an amount equal to the costs of reclaiming, restoring, or 27575
otherwise repairing any damage to public or private property 27576
caused by any violation of division (A) of section 1503.54 of the 27577
Revised Code. All fines and moneys assessed as damages under this 27578
section shall be credited to the forestry pollution abatement fund 27579
created in section 1503.55 of the Revised Code. 27580

Sec. 1505.10. ~~The chief of the division of geological survey~~ 27581
director of natural resources or the director's designee shall 27582
prepare and publish for public distribution annual reports that 27583
shall include all of the following: 27584

(A) A list of the operators of mines, quarries, pits, or 27585
other mineral resource extraction operations in this state; 27586

(B) Information on the location of and commodity extracted at 27587
each operation; 27588

(C) Information on the employment at each operation; 27589

(D) Information on the tonnage of coal or other minerals 27590
extracted at each operation along with the method of extraction; 27591

(E) Information on the production, use, distribution, value, 27592
and other facts relative to the mineral resources of the state 27593
that may be of public interest. 27594

The director or the director's designee may require the 27595
division of mineral resources management to perform the duties 27596
required by this section. 27597

Each operator engaged in the extraction of minerals shall 27598
submit an accurate and complete annual report, on or before the 27599
last day of January each year, to the ~~chief of the division of~~ 27600
~~geological survey~~ director or the director's designee on forms 27601
provided by the ~~chief~~ director or the director's designee and 27602

containing the information specified in divisions (A) to (E) of 27603
this section for the immediately preceding calendar year. The 27604
~~chief of the division of mineral resources management~~ director or 27605
the director's designee may use all or portions of the information 27606
collected pursuant to this section in preparing the annual report 27607
required by section 1561.04 of the Revised Code. 27608

No person shall fail to comply with this section. 27609

Sec. 1506.01. As used in this chapter: 27610

(A) "Coastal area" means the waters of Lake Erie, the islands 27611
in the lake, and the lands under and adjacent to the lake, 27612
including transitional areas, wetlands, and beaches. The coastal 27613
area extends in Lake Erie to the international boundary line 27614
between the United States and Canada and landward only to the 27615
extent necessary to include shorelands, the uses of which have a 27616
direct and significant impact on coastal waters as determined by 27617
the director of natural resources. 27618

(B) "Coastal management program" means the comprehensive 27619
action of the state and its political subdivisions cooperatively 27620
to preserve, protect, develop, restore, or enhance the resources 27621
of the coastal area and to ensure wise use of the land and water 27622
resources of the coastal area, giving attention to natural, 27623
cultural, historic, and aesthetic values; agricultural, 27624
recreational, energy, and economic needs; and the national 27625
interest. "Coastal management program" includes the establishment 27626
of objectives, policies, standards, and criteria concerning, 27627
without limitation, protection of air, water, wildlife, rare and 27628
endangered species, wetlands and natural areas, and other natural 27629
resources in the coastal area; management of coastal development 27630
and redevelopment; preservation and restoration of historic, 27631
cultural, and aesthetic coastal features; and public access to the 27632
coastal area for recreation purposes. 27633

(C) "Coastal management program document" means a 27634
comprehensive statement consisting of, without limitation, text, 27635
maps, and illustrations that is adopted by the director in 27636
accordance with this chapter, describes the objectives, policies, 27637
standards, and criteria of the coastal management program for 27638
guiding public and private uses of lands and waters in the coastal 27639
area, lists the governmental agencies, including, without 27640
limitation, state agencies, involved in implementing the coastal 27641
management program, describes their applicable policies and 27642
programs, and cites the statutes and rules under which they may 27643
adopt and implement those policies and programs. 27644

(D) "Person" means any agency of this state, any political 27645
subdivision of this state or of the United States, and any legal 27646
entity defined as a person under section 1.59 of the Revised Code. 27647

(E) "Director" means the director of natural resources or the 27648
director's designee. 27649

(F) "Permanent structure" means any residential, commercial, 27650
industrial, institutional, or agricultural building, any mobile 27651
home as defined in division (O) of section 4501.01 of the Revised 27652
Code, any manufactured home as defined in division (C)(4) of 27653
section 3781.06 of the Revised Code, and any septic system that 27654
receives sewage from a single-family, two-family, or three-family 27655
dwelling, but does not include any recreational vehicle as defined 27656
in section 4501.01 of the Revised Code. 27657

(G) "State agency" or "agency of the state" has the same 27658
meaning as "agency" as defined in section 111.15 of the Revised 27659
Code. 27660

(H) "Coastal flood hazard area" means any territory within 27661
the coastal area that has been identified as a flood hazard area 27662
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 27663
42 U.S.C.A. 4002, as amended. 27664

(I) "Coastal erosion area" means any territory included in 27665
Lake Erie coastal erosion areas identified by the director under 27666
section 1506.06 of the Revised Code. 27667

(J) "Conservancy district" means a conservancy district that 27668
is established under Chapter 6101. of the Revised Code. 27669

(K) "Park board" means the board of park commissioners of a 27670
park district that is created under Chapter 1545. of the Revised 27671
Code. 27672

(L) "Erosion control structure" means a structure that is 27673
designed solely and specifically to reduce or control erosion of 27674
the shore along or near Lake Erie, including, without limitation, 27675
revetments, seawalls, bulkheads, certain breakwaters, and similar 27676
structures. 27677

(M) "Shore structure" includes, but is not limited to, 27678
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 27679
certain dikes designated by the chief of the division of ~~soil and~~ 27680
water resources; piers; docks; jetties; wharves; marinas; boat 27681
ramps; any associated fill or debris used as part of the 27682
construction of shore structures that may affect shore erosion, 27683
wave action, or inundation; and fill or debris that is placed 27684
along or near the shore, including bluffs, banks, or beach ridges, 27685
for the purpose of stabilizing slopes. 27686

Sec. 1509.01. As used in this chapter: 27687

(A) "Well" means any borehole, whether drilled or bored, 27688
within the state for production, extraction, or injection of any 27689
gas or liquid mineral, excluding potable water to be used as such, 27690
but including natural or artificial brines and oil field waters. 27691

(B) "Oil" means crude petroleum oil and all other 27692
hydrocarbons, regardless of gravity, that are produced in liquid 27693
form by ordinary production methods, but does not include 27694

hydrocarbons that were originally in a gaseous phase in the 27695
reservoir. 27696

(C) "Gas" means all natural gas and all other fluid 27697
hydrocarbons that are not oil, including condensate. 27698

(D) "Condensate" means liquid hydrocarbons separated at or 27699
near the well pad or along the gas production or gathering system 27700
prior to gas processing. 27701

(E) "Pool" means an underground reservoir containing a common 27702
accumulation of oil or gas, or both, but does not include a gas 27703
storage reservoir. Each zone of a geological structure that is 27704
completely separated from any other zone in the same structure may 27705
contain a separate pool. 27706

(F) "Field" means the general area underlaid by one or more 27707
pools. 27708

(G) "Drilling unit" means the minimum acreage on which one 27709
well may be drilled, but does not apply to a well for injecting 27710
gas into or removing gas from a gas storage reservoir. 27711

(H) "Waste" includes all of the following: 27712

(1) Physical waste, as that term generally is understood in 27713
the oil and gas industry; 27714

(2) Inefficient, excessive, or improper use, or the 27715
unnecessary dissipation, of reservoir energy; 27716

(3) Inefficient storing of oil or gas; 27717

(4) Locating, drilling, equipping, operating, or producing an 27718
oil or gas well in a manner that reduces or tends to reduce the 27719
quantity of oil or gas ultimately recoverable under prudent and 27720
proper operations from the pool into which it is drilled or that 27721
causes or tends to cause unnecessary or excessive surface loss or 27722
destruction of oil or gas; 27723

(5) Other underground or surface waste in the production or 27724

storage of oil, gas, or condensate, however caused. 27725

(I) "Correlative rights" means the reasonable opportunity to 27726
every person entitled thereto to recover and receive the oil and 27727
gas in and under the person's tract or tracts, or the equivalent 27728
thereof, without having to drill unnecessary wells or incur other 27729
unnecessary expense. 27730

(J) "Tract" means a single, ~~individually taxed~~ individual 27731
parcel of land ~~appearing on the tax list or a portion of a single,~~ 27732
individual parcel of land. 27733

(K) "Owner," unless referring to a mine, means the person who 27734
has the right to drill on a tract or drilling unit, to drill into 27735
and produce from a pool, and to appropriate the oil or gas 27736
produced therefrom either for the person or for others, except 27737
that a person ceases to be an owner with respect to a well when 27738
the well has been plugged in accordance with applicable rules 27739
adopted and orders issued under this chapter. "Owner" does not 27740
include a person who obtains a lease of the mineral rights for oil 27741
and gas on a parcel of land if the person does not attempt to 27742
produce or produce oil or gas from a well or obtain a permit under 27743
this chapter for a well or if the entire interest of a well is 27744
transferred to the person in accordance with division (B) of 27745
section 1509.31 of the Revised Code. 27746

(L) "Royalty interest" means the fee holder's share in the 27747
production from a well. 27748

(M) "Discovery well" means the first well capable of 27749
producing oil or gas in commercial quantities from a pool. 27750

(N) "Prepared clay" means a clay that is plastic and is 27751
thoroughly saturated with fresh water to a weight and consistency 27752
great enough to settle through saltwater in the well in which it 27753
is to be used, except as otherwise approved by the chief of the 27754
division of oil and gas resources management. 27755

(O) "Rock sediment" means the combined cutting and residue 27756
from drilling sedimentary rocks and formation. 27757

(P) "Excavations and workings," "mine," and "pillar" have the 27758
same meanings as in section 1561.01 of the Revised Code. 27759

(Q) "Coal bearing township" means a township designated as 27760
such by the chief of the division of mineral resources management 27761
under section 1561.06 of the Revised Code. 27762

(R) "Gas storage reservoir" means a continuous area of a 27763
subterranean porous sand or rock stratum or strata into which gas 27764
is or may be injected for the purpose of storing it therein and 27765
removing it therefrom and includes a gas storage reservoir as 27766
defined in section 1571.01 of the Revised Code. 27767

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 27768
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 27769
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 27770
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 27771
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 27772
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 27773
regulations adopted under those acts. 27774

(T) "Person" includes any political subdivision, department, 27775
agency, or instrumentality of this state; the United States and 27776
any department, agency, or instrumentality thereof; ~~and~~ any legal 27777
entity defined as a person under section 1.59 of the Revised Code; 27778
and any other form of business organization or entity recognized 27779
by the laws of this state. 27780

(U) "Brine" means all saline geological formation water 27781
resulting from, obtained from, or produced in connection with 27782
exploration, drilling, well stimulation, production of oil or gas, 27783
or plugging of a well. 27784

(V) "Waters of the state" means all streams, lakes, ponds, 27785
marshes, watercourses, waterways, springs, irrigation systems, 27786

drainage systems, and other bodies of water, surface or 27787
underground, natural or artificial, that are situated wholly or 27788
partially within this state or within its jurisdiction, except 27789
those private waters that do not combine or effect a junction with 27790
natural surface or underground waters. 27791

(W) "Exempt Mississippian well" means a well that meets all 27792
of the following criteria: 27793

(1) Was drilled and completed before January 1, 1980; 27794

(2) Is located in an unglaciated part of the state; 27795

(3) Was completed in a reservoir no deeper than the 27796
Mississippian Big Injun sandstone in areas underlain by 27797
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 27798
sandstone in areas directly underlain by Permian stratigraphy; 27799

(4) Is used primarily to provide oil or gas for domestic use. 27800

(X) "Exempt domestic well" means a well that meets all of the 27801
following criteria: 27802

(1) Is owned by the owner of the surface estate of the tract 27803
on which the well is located; 27804

(2) Is used primarily to provide gas for the owner's domestic 27805
use; 27806

(3) Is located more than two hundred feet horizontal distance 27807
from any inhabited private dwelling house other than an inhabited 27808
private dwelling house located on the tract on which the well is 27809
located; 27810

(4) Is located more than two hundred feet horizontal distance 27811
from any public building that may be used as a place of resort, 27812
assembly, education, entertainment, lodging, trade, manufacture, 27813
repair, storage, traffic, or occupancy by the public. 27814

(Y) "Urbanized area" means an area where a well or production 27815
facilities of a well are located within a municipal corporation or 27816

within a township that has an unincorporated population of more 27817
than five thousand in the most recent federal decennial census 27818
prior to the issuance of the permit for the well or production 27819
facilities. 27820

(Z) "Well stimulation" or "stimulation of a well" means the 27821
process of enhancing well productivity, including hydraulic 27822
fracturing operations. 27823

(AA) "Production operation" means all operations and 27824
activities and all related equipment, facilities, and other 27825
structures that may be used in or associated with the exploration 27826
and production of oil, gas, or other mineral resources that are 27827
regulated under this chapter, including operations and activities 27828
associated with site preparation, site construction, access road 27829
construction, well drilling, well completion, well stimulation, 27830
well site activities, reclamation, and plugging. "Production 27831
operation" also includes all of the following: 27832

(1) The piping, equipment, and facilities used for the 27833
production and preparation of hydrocarbon gas or liquids for 27834
transportation or delivery; 27835

(2) The processes of extraction and recovery, lifting, 27836
stabilization, treatment, separation, production processing, 27837
storage, waste disposal, and measurement of hydrocarbon gas and 27838
liquids, including related equipment and facilities; 27839

(3) The processes and related equipment and facilities 27840
associated with production compression, gas lift, gas injection, 27841
fuel gas supply, well drilling, well stimulation, and well 27842
completion activities, including dikes, pits, and earthen and 27843
other impoundments used for the temporary storage of fluids and 27844
waste substances associated with well drilling, well stimulation, 27845
and well completion activities; 27846

(4) Equipment and facilities at a wellpad or other location 27847

that are used for the transportation, handling, recycling, 27848
temporary storage, management, processing, or treatment of any 27849
equipment, material, and by-products or other substances from an 27850
operation at a wellpad that may be used or reused at the same or 27851
another operation at a wellpad or that will be disposed of in 27852
accordance with applicable laws and rules adopted under them. 27853

(BB) "Annular overpressurization" means the accumulation of 27854
fluids within an annulus with sufficient pressure to allow 27855
migration of annular fluids into underground sources of drinking 27856
water. 27857

(CC) "Idle and orphaned well" means a well for which a bond 27858
has been forfeited or an abandoned well for which no money is 27859
available to plug the well in accordance with this chapter and 27860
rules adopted under it. 27861

(DD) "Temporarily inactive well" means a well that has been 27862
granted temporary inactive status under section 1509.062 of the 27863
Revised Code. 27864

(EE) "Material and substantial violation" means any of the 27865
following: 27866

(1) Failure to obtain a permit to drill, reopen, convert, 27867
plugback, or plug a well under this chapter; 27868

(2) Failure to obtain, maintain, update, or submit proof of 27869
insurance coverage that is required under this chapter; 27870

(3) Failure to obtain, maintain, update, or submit proof of a 27871
surety bond that is required under this chapter; 27872

(4) Failure to plug an abandoned well or idle and orphaned 27873
well unless the well has been granted temporary inactive status 27874
under section 1509.062 of the Revised Code or the chief of the 27875
division of oil and gas resources management has approved another 27876
option concerning the abandoned well or idle and orphaned well; 27877

(5) Failure to restore a disturbed land surface as required 27878
by section 1509.072 of the Revised Code; 27879

(6) Failure to reimburse the oil and gas well fund pursuant 27880
to a final order issued under section 1509.071 of the Revised 27881
Code; 27882

(7) Failure to comply with a final nonappealable order of the 27883
chief issued under section 1509.04 of the Revised Code; 27884

(8) Failure to submit a report, test result, fee, or document 27885
that is required in this chapter or rules adopted under it. 27886

(FF) "Severer" has the same meaning as in section 5749.01 of 27887
the Revised Code. 27888

(GG) "Horizontal well" means a well that is drilled for the 27889
production of oil or gas in which the wellbore reaches a 27890
horizontal or near horizontal position in the Point Pleasant, 27891
Utica, or Marcellus formation and the well is stimulated. 27892

(HH) "Well pad" means the area that is cleared or prepared 27893
for the drilling of one or more horizontal wells. 27894

Sec. 1509.06. (A) An application for a permit to drill a new 27895
well, drill an existing well deeper, reopen a well, convert a well 27896
to any use other than its original purpose, or plug back a well to 27897
a different source of supply, including associated production 27898
operations, shall be filed with the chief of the division of oil 27899
and gas resources management upon such form as the chief 27900
prescribes and shall contain each of the following that is 27901
applicable: 27902

(1) The name and address of the owner and, if a corporation, 27903
the name and address of the statutory agent; 27904

(2) The signature of the owner or the owner's authorized 27905
agent. When an authorized agent signs an application, it shall be 27906
accompanied by a certified copy of the appointment as such agent. 27907

(3) The names and addresses of all persons holding the 27908
royalty interest in the tract upon which the well is located or is 27909
to be drilled or within a proposed drilling unit; 27910

(4) The location of the tract or drilling unit on which the 27911
well is located or is to be drilled identified by section or lot 27912
number, city, village, township, and county; 27913

(5) Designation of the well by name and number; 27914

(6)(a) The geological formation to be tested or used and the 27915
proposed total depth of the well; 27916

(b) If the well is for the injection of a liquid, identity of 27917
the geological formation to be used as the injection zone and the 27918
composition of the liquid to be injected. 27919

(7) The type of drilling equipment to be used; 27920

(8)(a) An identification, to the best of the owner's 27921
knowledge, of each proposed source of ground water and surface 27922
water that will be used in the production operations of the well. 27923
The identification of each proposed source of water shall indicate 27924
if the water will be withdrawn from the Lake Erie watershed or the 27925
Ohio river watershed. In addition, the owner shall provide, to the 27926
best of the owner's knowledge, the proposed estimated rate and 27927
volume of the water withdrawal for the production operations. If 27928
recycled water will be used in the production operations, the 27929
owner shall provide the estimated volume of recycled water to be 27930
used. The owner shall submit to the chief an update of any of the 27931
information that is required by division (A)(8)(a) of this section 27932
if any of that information changes before the chief issues a 27933
permit for the application. 27934

(b) Except as provided in division (A)(8)(c) of this section, 27935
for an application for a permit to drill a new well within an 27936
urbanized area, the results of sampling of water wells within 27937
three hundred feet of the proposed well prior to commencement of 27938

drilling. In addition, the owner shall include a list that 27939
identifies the location of each water well where the owner of the 27940
property on which the water well is located denied the owner 27941
access to sample the water well. The sampling shall be conducted 27942
in accordance with the guidelines established in "Best Management 27943
Practices For Pre-drilling Water Sampling" in effect at the time 27944
that the application is submitted. The division shall furnish 27945
those guidelines upon request and shall make them available on the 27946
division's web site. If the chief determines that conditions at 27947
the proposed well site warrant a revision, the chief may revise 27948
the distance established in this division for purposes of 27949
pre-drilling water sampling. 27950

(c) For an application for a permit to drill a new horizontal 27951
well, the results of sampling of water wells within one thousand 27952
five hundred feet of the proposed horizontal wellhead prior to 27953
commencement of drilling. In addition, the owner shall include a 27954
list that identifies the location of each water well where the 27955
owner of the property on which the water well is located denied 27956
the owner access to sample the water well. The sampling shall be 27957
conducted in accordance with the guidelines established in "Best 27958
Management Practices For Pre-drilling Water Sampling" in effect at 27959
the time that the application is submitted. The division shall 27960
furnish those guidelines upon request and shall make them 27961
available on the division's web site. If the chief determines that 27962
conditions at the proposed well site warrant a revision, the chief 27963
may revise the distance established in this division for purposes 27964
of pre-drilling water sampling. 27965

(9) For an application for a permit to drill a new well 27966
within an urbanized area, a sworn statement that the applicant has 27967
provided notice by regular mail of the application to the owner of 27968
each parcel of real property that is located within five hundred 27969
feet of the surface location of the well and to the executive 27970

authority of the municipal corporation or the board of township 27971
trustees of the township, as applicable, in which the well is to 27972
be located. In addition, the notice shall contain a statement that 27973
informs an owner of real property who is required to receive the 27974
notice under division (A)(9) of this section that within five days 27975
of receipt of the notice, the owner is required to provide notice 27976
under section 1509.60 of the Revised Code to each residence in an 27977
occupied dwelling that is located on the owner's parcel of real 27978
property. The notice shall contain a statement that an application 27979
has been filed with the division of oil and gas resources 27980
management, identify the name of the applicant and the proposed 27981
well location, include the name and address of the division, and 27982
contain a statement that comments regarding the application may be 27983
sent to the division. The notice may be provided by hand delivery 27984
or regular mail. The identity of the owners of parcels of real 27985
property shall be determined using the tax records of the 27986
municipal corporation or county in which a parcel of real property 27987
is located as of the date of the notice. 27988

(10) A plan for restoration of the land surface disturbed by 27989
drilling operations. The plan shall provide for compliance with 27990
the restoration requirements of division (A) of section 1509.072 27991
of the Revised Code and any rules adopted by the chief pertaining 27992
to that restoration. 27993

(11)(a) A description by name or number of the county, 27994
township, and municipal corporation roads, streets, and highways 27995
that the applicant anticipates will be used for access to and 27996
egress from the well site; 27997

(b) For an application for a permit for a horizontal well, a 27998
copy of an agreement concerning maintenance and safe use of the 27999
roads, streets, and highways described in division (A)(11)(a) of 28000
this section entered into on reasonable terms with the public 28001
official that has the legal authority to enter into such 28002

maintenance and use agreements for each county, township, and 28003
municipal corporation, as applicable, in which any such road, 28004
street, or highway is located or an affidavit on a form prescribed 28005
by the chief attesting that the owner attempted in good faith to 28006
enter into an agreement under division (A)(11)(b) of this section 28007
with the applicable public official of each such county, township, 28008
or municipal corporation, but that no agreement was executed. 28009

(12) Such other relevant information as the chief prescribes 28010
by rule. 28011

Each application shall be accompanied by a map, on a scale 28012
not smaller than four hundred feet to the inch, prepared by an 28013
Ohio registered surveyor, showing the location of the well and 28014
containing such other data as may be prescribed by the chief. If 28015
the well is or is to be located within the excavations and 28016
workings of a mine, the map also shall include the location of the 28017
mine, the name of the mine, and the name of the person operating 28018
the mine. 28019

(B) The chief shall cause a copy of the weekly circular 28020
prepared by the division to be provided to the county engineer of 28021
each county that contains active or proposed drilling activity. 28022
The weekly circular shall contain, in the manner prescribed by the 28023
chief, the names of all applicants for permits, the location of 28024
each well or proposed well, the information required by division 28025
(A)(11) of this section, and any additional information the chief 28026
prescribes. In addition, the chief promptly shall transfer an 28027
electronic copy or facsimile, or if those methods are not 28028
available to a municipal corporation or township, a copy via 28029
regular mail, of a drilling permit application to the clerk of the 28030
legislative authority of the municipal corporation or to the clerk 28031
of the township in which the well or proposed well is or is to be 28032
located if the legislative authority of the municipal corporation 28033
or the board of township trustees has asked to receive copies of 28034

such applications and the appropriate clerk has provided the chief 28035
an accurate, current electronic mailing address or facsimile 28036
number, as applicable. 28037

(C)(1) Except as provided in division (C)(2) of this section, 28038
the chief shall not issue a permit for at least ten days after the 28039
date of filing of the application for the permit unless, upon 28040
reasonable cause shown, the chief waives that period or a request 28041
for expedited review is filed under this section. However, the 28042
chief shall issue a permit within twenty-one days of the filing of 28043
the application unless the chief denies the application by order. 28044

(2) If the location of a well or proposed well will be or is 28045
within an urbanized area, the chief shall not issue a permit for 28046
at least eighteen days after the date of filing of the application 28047
for the permit unless, upon reasonable cause shown, the chief 28048
waives that period or the chief at the chief's discretion grants a 28049
request for an expedited review. However, the chief shall issue a 28050
permit for a well or proposed well within an urbanized area within 28051
thirty days of the filing of the application unless the chief 28052
denies the application by order. 28053

(D) An applicant may file a request with the chief for 28054
expedited review of a permit application if the well is not or is 28055
not to be located in a gas storage reservoir or reservoir 28056
protective area, as "reservoir protective area" is defined in 28057
section 1571.01 of the Revised Code. If the well is or is to be 28058
located in a coal bearing township, the application shall be 28059
accompanied by the affidavit of the landowner prescribed in 28060
section 1509.08 of the Revised Code. 28061

In addition to a complete application for a permit that meets 28062
the requirements of this section and the permit fee prescribed by 28063
this section, a request for expedited review shall be accompanied 28064
by a separate nonrefundable filing fee of two hundred fifty 28065
dollars. Upon the filing of a request for expedited review, the 28066

chief shall cause the county engineer of the county in which the
well is or is to be located to be notified of the filing of the
permit application and the request for expedited review by
telephone or other means that in the judgment of the chief will
provide timely notice of the application and request. The chief
shall issue a permit within seven days of the filing of the
request unless the chief denies the application by order.
Notwithstanding the provisions of this section governing expedited
review of permit applications, the chief may refuse to accept
requests for expedited review if, in the chief's judgment, the
acceptance of the requests would prevent the issuance, within
twenty-one days of their filing, of permits for which applications
are pending.

(E) A well shall be drilled and operated in accordance with
the plans, sworn statements, and other information submitted in
the approved application.

(F) The chief shall issue an order denying a permit if the
chief finds that there is a substantial risk that the operation
will result in violations of this chapter or rules adopted under
it that will present an imminent danger to public health or safety
or damage to the environment, provided that where the chief finds
that terms or conditions to the permit can reasonably be expected
to prevent such violations, the chief shall issue the permit
subject to those terms or conditions, including, if applicable,
terms and conditions regarding subjects identified in rules
adopted under section 1509.03 of the Revised Code. The issuance of
a permit shall not be considered an order of the chief.

The chief shall post notice of each permit that has been
approved under this section on the division's web site not later
than two business days after the application for a permit has been
approved.

(G) Each application for a permit required by section 1509.05

of the Revised Code, except an application ~~to plug back an~~ 28099
~~existing well that is required by that section and an application~~ 28100
for a well drilled or reopened for purposes of section 1509.22 of 28101
the Revised Code, also shall be accompanied by a nonrefundable fee 28102
as follows: 28103

(1) Five hundred dollars for a permit to conduct activities 28104
in a township with a population of fewer than ten thousand; 28105

(2) Seven hundred fifty dollars for a permit to conduct 28106
activities in a township with a population of ten thousand or 28107
more, but fewer than fifteen thousand; 28108

(3) One thousand dollars for a permit to conduct activities 28109
in either of the following: 28110

(a) A township with a population of fifteen thousand or more; 28111

(b) A municipal corporation regardless of population. 28112

(4) If the application is for a permit that requires 28113
mandatory pooling, an additional five thousand dollars. 28114

For purposes of calculating fee amounts, populations shall be 28115
determined using the most recent federal decennial census. 28116

Each application for the revision or reissuance of a permit 28117
shall be accompanied by a nonrefundable fee of two hundred fifty 28118
dollars. 28119

(H)(1) Prior to the commencement of well pad construction and 28120
prior to the issuance of a permit to drill a proposed horizontal 28121
well or a proposed well that is to be located in an urbanized 28122
area, the division shall conduct a site review to identify and 28123
evaluate any site-specific terms and conditions that may be 28124
attached to the permit. At the site review, a representative of 28125
the division shall consider fencing, screening, and landscaping 28126
requirements, if any, for similar structures in the community in 28127
which the well is proposed to be located. The terms and conditions 28128

that are attached to the permit shall include the establishment of 28129
fencing, screening, and landscaping requirements for the surface 28130
facilities of the proposed well, including a tank battery of the 28131
well. 28132

(2) Prior to the issuance of a permit to drill a proposed 28133
well, the division shall conduct a review to identify and evaluate 28134
any site-specific terms and conditions that may be attached to the 28135
permit if the proposed well will be located in a one-hundred-year 28136
floodplain or within the five-year time of travel associated with 28137
a public drinking water supply. 28138

(I) A permit shall be issued by the chief in accordance with 28139
this chapter. A permit issued under this section for a well that 28140
is or is to be located in an urbanized area shall be valid for 28141
twelve months, and all other permits issued under this section 28142
shall be valid for twenty-four months. 28143

(J) An applicant or a permittee, as applicable, shall submit 28144
to the chief an update of the information that is required under 28145
division (A)(8)(a) of this section if any of that information 28146
changes prior to commencement of production operations. 28147

(K) A permittee or a permittee's authorized representative 28148
shall notify an inspector from the division at least twenty-four 28149
hours, or another time period agreed to by the chief's authorized 28150
representative, prior to the commencement of well pad construction 28151
and of drilling, reopening, converting, well stimulation, or 28152
plugback operations. 28153

Sec. 1509.11. (A)(1) The owner of any well, except a 28154
horizontal well, that is producing or capable of producing oil or 28155
gas shall file with the chief of the division of oil and gas 28156
resources management, on or before the thirty-first day of March, 28157
a statement of production of oil, gas, and brine for the last 28158
preceding calendar year in such form as the chief may prescribe. 28159

An owner that has more than one hundred such wells in this state 28160
shall submit electronically the statement of production in a 28161
format that is approved by the chief. ~~The chief shall include on~~ 28162
~~the form, at the minimum, a request for the submittal of the~~ 28163
~~information that a person who is regulated under this chapter is~~ 28164
~~required to submit under the "Emergency Planning and Community~~ 28165
~~Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and~~ 28166
~~regulations adopted under it, and that the division of oil and gas~~ 28167
~~resources management does not obtain through other reporting~~ 28168
~~mechanisms.~~ 28169

(2) The owner of any horizontal well that is producing or 28170
capable of producing oil or gas shall file with the chief, on the 28171
forty-fifth day following the close of each calendar quarter, a 28172
statement of production of oil, gas, and brine for the preceding 28173
calendar quarter in a form that the chief prescribes. An owner 28174
that has more than one hundred horizontal wells in this state 28175
shall submit electronically the statement of production in a 28176
format that is approved by the chief. ~~The chief shall include on~~ 28177
~~the form, at a minimum, a request for the submittal of the~~ 28178
~~information that a person who is regulated under this chapter is~~ 28179
~~required to submit under the "Emergency Planning and Community~~ 28180
~~Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, and~~ 28181
~~regulations adopted under it, and that the division does not~~ 28182
~~obtain through other reporting mechanisms.~~ 28183

(B) The chief shall not disclose information received from 28184
the department of taxation under division (C)(12) of section 28185
5703.21 of the Revised Code until the related statement of 28186
production required by division (A) of this section is filed with 28187
the chief. 28188

Sec. 1509.23. ~~(A)~~ Rules of the chief of the division of oil 28189
and gas resources management may specify practices to be followed 28190

in the drilling and treatment of wells, production of oil and gas, 28191
and plugging of wells for protection of public health or safety or 28192
to prevent damage to natural resources, including specification of 28193
the following: 28194

~~(1)~~(A) Appropriate devices; 28195

~~(2)~~(B) Minimum distances that wells and other excavations, 28196
structures, and equipment shall be located from water wells, 28197
streets, roads, highways, rivers, lakes, streams, ponds, other 28198
bodies of water, railroad tracks, public or private recreational 28199
areas, zoning districts, and buildings or other structures. Rules 28200
adopted under this division ~~(A)(2) of this section~~ shall not 28201
conflict with section 1509.021 of the Revised Code. 28202

~~(3)~~(C) Other methods of operation; 28203

~~(4)~~(D) Procedures, methods, and equipment and other 28204
requirements for equipment to prevent and contain discharges of 28205
oil and brine from oil production facilities and oil drilling and 28206
workover facilities consistent with and equivalent in scope, 28207
content, and coverage to section 311(j)(1)(c) of the "Federal 28208
Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 28209
U.S.C.A. 1251, as amended, and regulations adopted under it. In 28210
addition, the rules may specify procedures, methods, and equipment 28211
and other requirements for equipment to prevent and contain 28212
surface and subsurface discharges of fluids, condensates, and 28213
gases. 28214

~~(5)~~(E) Notifications; 28215

~~(6)~~(F) Requirements governing the location and construction 28216
of fresh water impoundments that are part of a production 28217
operation. 28218

~~(B) The chief, in consultation with the emergency response 28219
commission created in section 3750.02 of the Revised Code, shall 28220
adopt rules in accordance with Chapter 119. of the Revised Code 28221~~

~~that specify the information that shall be included in an 28222~~
~~electronic database that the chief shall create and host. The 28223~~
~~information shall be that which the chief considers to be 28224~~
~~appropriate for the purpose of responding to emergency situations 28225~~
~~that pose a threat to public health or safety or the environment. 28226~~
~~At the minimum, the information shall include that which a person 28227~~
~~who is regulated under this chapter is required to submit under 28228~~
~~the "Emergency Planning and Community Right To Know Act of 1986," 28229~~
~~100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 28230~~
~~it. 28231~~

~~In addition, the rules shall specify whether and to what 28232~~
~~extent the database and the information that it contains will be 28233~~
~~made accessible to the public. The rules shall ensure that the 28234~~
~~database will be made available via the internet or a system of 28235~~
~~computer disks to the emergency response commission and to every 28236~~
~~local emergency planning committee and fire department in this 28237~~
~~state. 28238~~

Sec. 1509.231. (A) A person that is regulated under this 28239
chapter and rules adopted under it and that is required to submit 28240
information under the "Emergency Planning and Community 28241
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and 28242
regulations adopted under it shall submit the information to the 28243
chief of the division of oil and gas resources management on or 28244
before the first day of March of each calendar year. The person 28245
shall submit the information in accordance with rules adopted 28246
under division (B) of this section. 28247

(B) The chief, in consultation with the emergency response 28248
commission created in section 3750.02 of the Revised Code, shall 28249
adopt rules in accordance with Chapter 119. of the Revised Code 28250
that specify the information that shall be included in an 28251
electronic database that the chief shall create and host. The 28252

information shall be information that the chief considers to be 28253
appropriate for the purpose of responding to emergency situations 28254
that pose a threat to public health or safety or the environment. 28255
The rules shall require that the information be consistent with 28256
the information that a person that is regulated under this chapter 28257
is required to submit under the "Emergency Planning and Community 28258
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and 28259
regulations adopted under it. 28260

In addition, the rules shall do all of the following: 28261

(1) Specify whether and to what extent the database and the 28262
information that it contains will be made accessible to the 28263
public; 28264

(2) Ensure that the information submitted for the database 28265
will be made immediately available to the emergency response 28266
commission, the local emergency planning committee of the 28267
emergency planning district in which a facility is located, and 28268
the fire department having jurisdiction over a facility; 28269

(3) Ensure that the information submitted for the database 28270
includes the information required to be reported under section 28271
3750.08 of the Revised Code and rules adopted under section 28272
3750.02 of the Revised Code. 28273

(C) As used in this section, "emergency planning district," 28274
"facility," and "fire department" have the same meanings as in 28275
section 3750.01 of the Revised Code. 28276

Sec. 1509.232. (A) An owner, a person to whom an order is 28277
issued under this chapter or rules adopted under it, a person to 28278
whom a registration certificate is issued under section 1509.222 28279
of the Revised Code, or a person engaged in an activity pursuant 28280
to section 1509.226 of the Revised Code shall notify the division 28281
of oil and gas resources management by means of a toll free 28282

telephone number designated by the chief of the division of oil 28283
and gas resources management or by electronic means designated by 28284
the chief within thirty minutes after becoming aware of the 28285
occurrence of any of the following unless notification within that 28286
time is impracticable under the circumstances: 28287

(1) An uncontrolled or unplanned release of gas associated 28288
with a production operation or other activity regulated under this 28289
chapter or rules adopted under it in an amount determined, in good 28290
faith, to equal or exceed one hundred MCF as defined in section 28291
5727.80 of the Revised Code; 28292

(2) A release of oil outside a containment area associated 28293
with a production operation or other activity regulated under this 28294
chapter or rules adopted under it if the release is in an amount 28295
determined, in good faith, to exceed two hundred ten United States 28296
gallons or as specified by rule adopted by the chief in accordance 28297
with Chapter 119. of the Revised Code; 28298

(3) A release of brine, drill cuttings, or other drilling 28299
wastes regulated under this chapter or rules adopted under it 28300
outside the boundary of a site or facility regulated under this 28301
chapter or rules adopted under it; 28302

(4) A release of hydrogen sulfide associated with a 28303
production operation or other activity regulated under this 28304
chapter or rules adopted under it in an amount determined, in good 28305
faith, to exceed twenty parts per million; 28306

(5) A discharge or spill of a liquid, solid, or semisolid 28307
substance or material associated with a production operation or 28308
other activity regulated under this chapter or rules adopted under 28309
it in an amount determined, in good faith, to exceed a reportable 28310
quantity as defined in rules adopted under section 3750.02 of the 28311
Revised Code, excluding a discharge or spill consisting solely of 28312
fresh water or storm water; 28313

(6) A fire or explosion associated with a production 28314
operation or other activity regulated under this chapter or rules 28315
adopted under it, excluding flaring or controlled burns authorized 28316
under this chapter or rules adopted under it or by the terms and 28317
conditions of a permit issued under this chapter; 28318

(7) The response by a fire department as defined in section 28319
742.01 of the Revised Code or a person providing emergency medical 28320
services as defined in section 4765.01 of the Revised Code to the 28321
location of, and for the purpose of responding to, an occurrence 28322
specified in division (A)(1), (2), (3), (4), (5), or (6) of this 28323
section. 28324

(B) If a contractor performs services on behalf of a person 28325
specified in division (A) of this section, the contractor shall 28326
notify that person within thirty minutes after the contractor 28327
becomes aware of any occurrence specified in that division unless 28328
notification within that time is impracticable under the 28329
circumstances. 28330

(C) The chief may adopt rules in accordance with Chapter 119. 28331
of the Revised Code that are necessary for the administration of 28332
this section. 28333

(D) No person shall fail to comply with this section. 28334

(E)(1) Section 1509.33 of the Revised Code applies to this 28335
section. 28336

(2) Section 1509.99 of the Revised Code does not apply to 28337
this section. 28338

Sec. 1509.27. ~~If a tract of land is~~ or tracts are of 28339
insufficient size or shape to meet the requirements for drilling a 28340
~~proposed~~ well thereon as provided in section 1509.24 or 1509.25 of 28341
the Revised Code, whichever is applicable, and the owner ~~of the~~ 28342
~~tract who also is the owner of the mineral interest~~ has been 28343

unable to form a drilling unit under agreement as provided in 28344
section 1509.26 of the Revised Code, on a just and equitable 28345
basis, ~~such as~~ the owner may make application to the division of 28346
oil and gas resources management for a mandatory pooling order. 28347

The application shall include information as shall be 28348
reasonably required by the chief of the division of oil and gas 28349
resources management and shall be accompanied by an application 28350
for a permit as required by section 1509.05 of the Revised Code. 28351
The chief shall notify all mineral rights owners of ~~land tracts~~ 28352
within the area proposed to be pooled by an order and included 28353
within the drilling unit of the filing of the application and of 28354
their right to a hearing. After the hearing or after the 28355
expiration of thirty days from the date notice of application was 28356
mailed to such owners, the chief, if satisfied that the 28357
application is proper in form and that mandatory pooling is 28358
necessary to protect correlative rights and to provide effective 28359
development, use, and conservation of oil and gas, shall issue a 28360
drilling permit and a mandatory pooling order complying with the 28361
requirements for drilling a well as provided in section 1509.24 or 28362
1509.25 of the Revised Code, whichever is applicable. The 28363
mandatory pooling order shall: 28364

(A) Designate the boundaries of the drilling unit within 28365
which the well shall be drilled; 28366

(B) Designate the proposed production site; 28367

(C) Describe each separately owned tract or part thereof 28368
pooled by the order; 28369

(D) Allocate on a surface acreage basis a pro rata portion of 28370
the production to ~~the owner of~~ each tract pooled by the order. The 28371
pro rata portion shall be in the same proportion that the 28372
percentage of the ~~owner's~~ tract's acreage is to the state minimum 28373
acreage requirements established in rules adopted under this 28374

chapter for a drilling unit unless the applicant demonstrates to the chief using geological evidence that the geologic structure containing the oil or gas is larger than the minimum acreage requirement in which case the pro rata portion shall be in the same proportion that the percentage of the ~~owner's~~ tract's acreage is to the geologic structure.

(E) Specify the basis upon which each mineral rights owner of a tract pooled by the order shall share all reasonable costs and expenses of drilling and producing if the mineral rights owner elects to participate in the drilling and operation of the well;

(F) Designate the person to whom the permit shall be issued.

A person shall not submit more than five applications for mandatory pooling orders per year under this section unless otherwise approved by the chief.

No surface operations or disturbances to the surface of the land shall occur on a tract pooled by an order without the written consent of or a written agreement with the surface rights owner of the tract that approves the operations or disturbances.

If ~~an~~ a mineral rights owner of a tract pooled by the order does not elect to participate in the risk and cost of the drilling and operation of a well, the mineral rights owner shall be designated as a nonparticipating owner in the drilling and operation of the well on a limited or carried basis and is subject to terms and conditions determined by the chief to be just and reasonable. In addition, if ~~an~~ a mineral rights owner is designated as a nonparticipating owner, the mineral rights owner is not liable for actions or conditions associated with the drilling or operation of the well. If the applicant bears the costs of drilling, equipping, and operating a well for the benefit of a nonparticipating owner, as provided for in the pooling order, then the applicant shall be entitled to the share of production

from the drilling unit accruing to the interest of that 28406
nonparticipating owner, exclusive of the nonparticipating owner's 28407
proportionate share of the royalty interest until there has been 28408
received the share of costs charged to that nonparticipating owner 28409
plus such additional percentage of the share of costs as the chief 28410
shall determine. The total amount receivable hereunder shall in no 28411
event exceed two hundred per cent of the share of costs charged to 28412
that nonparticipating owner. After receipt of that share of costs 28413
by such an applicant, a nonparticipating owner shall receive a 28414
proportionate share of the working interest in the well in 28415
addition to a proportionate share of the royalty interest, if any. 28416

If there is a dispute as to costs of drilling, equipping, or 28417
operating a well, the chief shall determine those costs. 28418

Sec. 1509.28. (A) The chief of the division of oil and gas 28419
resources management, upon the chief's own motion or upon 28420
application by the owners of sixty-five per cent of the land area 28421
overlying the pool, shall hold a hearing to consider the need for 28422
the operation as a unit of an entire pool or part thereof. An 28423
application by owners shall be accompanied by a nonrefundable fee 28424
of ten thousand dollars and by such information as the chief may 28425
request. 28426

The chief shall make an order providing for the unit 28427
operation of a pool or part thereof if the chief finds that such 28428
operation is reasonably necessary to increase substantially the 28429
ultimate recovery of oil and gas, and the value of the estimated 28430
additional recovery of oil or gas exceeds the estimated additional 28431
cost incident to conducting the operation. The order shall be upon 28432
terms and conditions that are just and reasonable and shall 28433
prescribe a plan for unit operations that shall include: 28434

(1) A description of the unitized area, termed the unit area; 28435

(2) A statement of the nature of the operations contemplated; 28436

(3) An allocation to the separately owned tracts in the unit 28437
area of all the oil and gas that is produced from the unit area 28438
and is saved, being the production that is not used in the conduct 28439
of operations on the unit area or not unavoidably lost. The 28440
allocation shall be in accord with the agreement, if any, of the 28441
interested parties. If there is no such agreement, the chief shall 28442
determine the value, from the evidence introduced at the hearing, 28443
of each separately owned tract in the unit area, exclusive of 28444
physical equipment, for development of oil and gas by unit 28445
operations, and the production allocated to each tract shall be 28446
the proportion that the value of each tract so determined bears to 28447
the value of all tracts in the unit area. 28448

(4) A provision for the credits and charges to be made in the 28449
adjustment among the owners in the unit area for their respective 28450
investments in wells, tanks, pumps, machinery, materials, and 28451
equipment contributed to the unit operations; 28452

(5) A provision providing how the expenses of unit 28453
operations, including capital investment, shall be determined and 28454
charged to the separately owned tracts and how the expenses shall 28455
be paid; 28456

(6) A provision, if necessary, for carrying or otherwise 28457
financing any person who is unable to meet the person's financial 28458
obligations in connection with the unit, allowing a reasonable 28459
interest charge for such service; 28460

(7) A provision for the supervision and conduct of the unit 28461
operations, in respect to which each person shall have a vote with 28462
a value corresponding to the percentage of the expenses of unit 28463
operations chargeable against the interest of that person; 28464

(8) The time when the unit operations shall commence, and the 28465
manner in which, and the circumstances under which, the unit 28466
operations shall terminate; 28467

(9) Such additional provisions as are found to be appropriate 28468
for carrying on the unit operations, and for the protection or 28469
adjustment of correlative rights. 28470

(B) No order of the chief providing for unit operations shall 28471
become effective unless and until the plan for unit operations 28472
prescribed by the chief has been approved in writing by those 28473
owners who, under the chief's order, will be required to pay at 28474
least sixty-five per cent of the costs of the unit operation, and 28475
also by the royalty or, with respect to unleased acreage, fee 28476
owners of sixty-five per cent of the acreage to be included in the 28477
unit. If the plan for unit operations has not been so approved by 28478
owners and royalty owners at the time the order providing for unit 28479
operations is made, the chief shall upon application and notice 28480
hold such supplemental hearings as may be required to determine if 28481
and when the plan for unit operations has been so approved. If the 28482
owners and royalty owners, or either, owning the required 28483
percentage of interest in the unit area do not approve the plan 28484
for unit operations within a period of six months from the date on 28485
which the order providing for unit operations is made, the order 28486
shall cease to be of force and shall be revoked by the chief. 28487

An order providing for unit operations may be amended by an 28488
order made by the chief, in the same manner and subject to the 28489
same conditions as an original order providing for unit 28490
operations, provided that: 28491

(1) If such an amendment affects only the rights and 28492
interests of the owners, the approval of the amendment by the 28493
royalty owners shall not be required. 28494

(2) No such order of amendment shall change the percentage 28495
for allocation of oil and gas as established for any separately 28496
owned tract by the original order, except with the consent of all 28497
persons owning interest in the tract. 28498

The chief, by an order, may provide for the unit operation of a pool or a part thereof that embraces a unit area established by a previous order of the chief. Such an order, in providing for the allocation of unit production, shall first treat the unit area previously established as a single tract, and the portion of the unit production so allocated thereto shall then be allocated among the separately owned tracts included in the previously established unit area in the same proportions as those specified in the previous order.

Oil and gas allocated to a separately owned tract shall be deemed, for all purposes, to have been actually produced from the tract, and all operations, including, but not limited to, the commencement, drilling, operation of, or production from a well upon any portion of the unit area shall be deemed for all purposes the conduct of such operations and production from any lease or contract for lands any portion of which is included in the unit area. The operations conducted pursuant to the order of the chief shall constitute a fulfillment of all the express or implied obligations of each lease or contract covering lands in the unit area to the extent that compliance with such obligations cannot be had because of the order of the chief.

Oil and gas allocated to any tract, and the proceeds from the sale thereof, shall be the property and income of the several persons to whom, or to whose credit, the same are allocated or payable under the order providing for unit operations.

No order of the chief or other contract relating to the sale or purchase of production from a separately owned tract shall be terminated by the order providing for unit operations, but shall remain in force and apply to oil and gas allocated to the tract until terminated in accordance with the provisions thereof.

Notwithstanding divisions (A) to (H) of section 1509.73 of the Revised Code and rules adopted under it, the chief shall issue

an order for the unit operation of a pool or a part of a pool that 28531
encompasses a unit area for which all or a portion of the mineral 28532
rights are owned by the department of transportation. 28533

Except to the extent that the parties affected so agree, no 28534
order providing for unit operations shall be construed to result 28535
in a transfer of all or any part of the title of any person to the 28536
oil and gas rights in any tract in the unit area. All property, 28537
whether real or personal, that may be acquired for the account of 28538
the owners within the unit area shall be the property of such 28539
owners in the proportion that the expenses of unit operations are 28540
charged. 28541

Sec. 1509.33. (A) Whoever violates sections 1509.01 to 28542
1509.31 of the Revised Code, or any rules adopted or orders or 28543
terms or conditions of a permit or registration certificate issued 28544
pursuant to these sections for which no specific penalty is 28545
provided in this section, shall pay a civil penalty of not more 28546
than ~~four~~ ten thousand dollars for each offense. 28547

(B) Whoever violates section 1509.221 of the Revised Code or 28548
any rules adopted or orders or terms or conditions of a permit 28549
issued thereunder shall pay a civil penalty of not more than ~~two~~ 28550
ten thousand ~~five hundred~~ dollars for each violation. 28551

(C) Whoever violates division (D) of section 1509.22 or 28552
division (A)(1) of section 1509.222 of the Revised Code shall pay 28553
a civil penalty of not less than two thousand five hundred dollars 28554
nor more than twenty thousand dollars for each violation. 28555

(D) Whoever violates division (A) of section 1509.22 of the 28556
Revised Code shall pay a civil penalty of not less than two 28557
thousand five hundred dollars nor more than ten thousand dollars 28558
for each violation. 28559

(E) Whoever violates division (A) of section 1509.223 of the 28560

Revised Code shall pay a civil penalty of not more than ten 28561
thousand dollars for each violation. 28562

(F) Whoever violates section 1509.072 of the Revised Code or 28563
any rules adopted or orders issued to administer, implement, or 28564
enforce that section shall pay a civil penalty of not more than 28565
five thousand dollars for each violation. 28566

(G) In addition to any other penalties provided in this 28567
chapter, whoever violates section 1509.05, section 1509.21, 28568
division (B) of section 1509.22, or division (A)(1) of section 28569
1509.222 of the Revised Code or a term or condition of a permit or 28570
an order issued by the chief of the division of oil and gas 28571
resources management under this chapter or knowingly violates 28572
division (A) of section 1509.223 of the Revised Code is liable for 28573
any damage or injury caused by the violation and for the actual 28574
cost of rectifying the violation and conditions caused by the 28575
violation. If two or more persons knowingly violate one or more of 28576
those divisions in connection with the same event, activity, or 28577
transaction, they are jointly and severally liable under this 28578
division. 28579

(H) The attorney general, upon the request of the chief of 28580
the division of oil and gas resources management, shall commence 28581
an action under this section against any person who violates 28582
sections 1509.01 to 1509.31 of the Revised Code, or any rules 28583
adopted or orders or terms or conditions of a permit or 28584
registration certificate issued pursuant to these sections. Any 28585
action under this section is a civil action, governed by the Rules 28586
of Civil Procedure and other rules of practice and procedure 28587
applicable to civil actions. The remedy provided in this division 28588
is cumulative and concurrent with any other remedy provided in 28589
this chapter, and the existence or exercise of one remedy does not 28590
prevent the exercise of any other, except that no person shall be 28591
subject to both a civil penalty under division (A), (B), (C), or 28592

(D) of this section and a ~~criminal penalty under~~ fine established 28593
in section 1509.99 of the Revised Code for the same offense. 28594

(I) For purposes of this section, each day of violation 28595
constitutes a separate offense. 28596

Sec. 1513.07. (A)(1) No operator shall conduct a coal mining 28597
operation without a permit for the operation issued by the chief 28598
of the division of mineral resources management. 28599

(2) All permits issued pursuant to this chapter shall be 28600
issued for a term not to exceed five years, except that, if the 28601
applicant demonstrates that a specified longer term is reasonably 28602
needed to allow the applicant to obtain necessary financing for 28603
equipment and the opening of the operation and if the application 28604
is full and complete for the specified longer term, the chief may 28605
grant a permit for the longer term. A successor in interest to a 28606
permittee who applies for a new permit within thirty days after 28607
succeeding to the interest and who is able to obtain the 28608
performance security of the original permittee may continue coal 28609
mining and reclamation operations according to the approved mining 28610
and reclamation plan of the original permittee until the 28611
successor's application is granted or denied. 28612

(3) A permit shall terminate if the permittee has not 28613
commenced the coal mining operations covered by the permit within 28614
three years after the issuance of the permit, except that the 28615
chief may grant reasonable extensions of the time upon a showing 28616
that the extensions are necessary by reason of litigation 28617
precluding the commencement or threatening substantial economic 28618
loss to the permittee or by reason of conditions beyond the 28619
control and without the fault or negligence of the permittee, and 28620
except that with respect to coal to be mined for use in a 28621
synthetic fuel facility or specified major electric generating 28622
facility, the permittee shall be deemed to have commenced coal 28623

mining operations at the time construction of the synthetic fuel 28624
or generating facility is initiated. 28625

(4)(a) Any permit issued pursuant to this chapter shall carry 28626
with it the right of successive renewal upon expiration with 28627
respect to areas within the boundaries of the permit. The holders 28628
of the permit may apply for renewal and the renewal shall be 28629
issued unless the chief determines by written findings, subsequent 28630
to fulfillment of the public notice requirements of this section 28631
and section 1513.071 of the Revised Code through demonstrations by 28632
opponents of renewal or otherwise, that one or more of the 28633
following circumstances exists: 28634

(i) The terms and conditions of the existing permit are not 28635
being satisfactorily met. 28636

(ii) The present coal mining and reclamation operation is not 28637
in compliance with the environmental protection standards of this 28638
chapter. 28639

(iii) The renewal requested substantially jeopardizes the 28640
operator's continuing responsibilities on existing permit areas. 28641

(iv) The applicant has not provided evidence that the 28642
performance security in effect for the operation will continue in 28643
effect for any renewal requested in the application. 28644

(v) Any additional, revised, or updated information required 28645
by the chief has not been provided. Prior to the approval of any 28646
renewal of a permit, the chief shall provide notice to the 28647
appropriate public authorities as prescribed by rule of the chief. 28648

(b) If an application for renewal of a valid permit includes 28649
a proposal to extend the mining operation beyond the boundaries 28650
authorized in the existing permit, the portion of the application 28651
for renewal of a valid permit that addresses any new land areas 28652
shall be subject to the full standards applicable to new 28653
applications under this chapter. 28654

(c) A permit renewal shall be for a term not to exceed the 28655
period of the original permit established by this chapter. 28656
Application for permit renewal shall be made at least one hundred 28657
twenty days prior to the expiration of the valid permit. 28658

(5) A permit issued pursuant to this chapter does not 28659
eliminate the requirements for obtaining a permit to install or 28660
modify a disposal system or any part thereof or to discharge 28661
sewage, industrial waste, or other wastes into the waters of the 28662
state in accordance with Chapter 6111. of the Revised Code. 28663

(B)(1) The permit application shall be submitted in a manner 28664
satisfactory to the chief and shall contain, among other things, 28665
all of the following: 28666

(a) The names and addresses of all of the following: 28667

(i) The permit applicant; 28668

(ii) Every legal owner of record of the property, surface and 28669
mineral, to be mined; 28670

(iii) The holders of record of any leasehold interest in the 28671
property; 28672

(iv) Any purchaser of record of the property under a real 28673
estate contract; 28674

(v) The operator if different from the applicant; 28675

(vi) If any of these are business entities other than a 28676
single proprietor, the names and addresses of the principals, 28677
officers, and statutory agent for service of process. 28678

(b) The names and addresses of the owners of record of all 28679
surface and subsurface areas adjacent to any part of the permit 28680
area; 28681

(c) A statement of any current or previous coal mining 28682
permits in the United States held by the applicant, the permit 28683
identification, and any pending applications; 28684

(d) If the applicant is a partnership, corporation, 28685
association, or other business entity, the following where 28686
applicable: the names and addresses of every officer, partner, 28687
director, or person performing a function similar to a director, 28688
of the applicant, the name and address of any person owning, of 28689
record, ten per cent or more of any class of voting stock of the 28690
applicant, a list of all names under which the applicant, partner, 28691
or principal shareholder previously operated a coal mining 28692
operation within the United States within the five-year period 28693
preceding the date of submission of the application, and a list of 28694
the person or persons primarily responsible for ensuring that the 28695
applicant complies with the requirements of this chapter and rules 28696
adopted pursuant thereto while mining and reclaiming under the 28697
permit; 28698

(e) A statement of whether the applicant, any subsidiary, 28699
affiliate, or persons controlled by or under common control with 28700
the applicant, any partner if the applicant is a partnership, any 28701
officer, principal shareholder, or director if the applicant is a 28702
corporation, or any other person who has a right to control or in 28703
fact controls the management of the applicant or the selection of 28704
officers, directors, or managers of the applicant: 28705

(i) Has ever held a federal or state coal mining permit that 28706
in the five-year period prior to the date of submission of the 28707
application has been suspended or revoked or has had a coal mining 28708
bond, performance security, or similar security deposited in lieu 28709
of bond forfeited and, if so, a brief explanation of the facts 28710
involved; 28711

(ii) Has been an officer, partner, director, principal 28712
shareholder, or person having the right to control or has in fact 28713
controlled the management of or the selection of officers, 28714
directors, or managers of a business entity that has had a coal 28715
mining or surface mining permit that in the five-year period prior 28716

to the date of submission of the application has been suspended or 28717
revoked or has had a coal mining or surface mining bond, 28718
performance security, or similar security deposited in lieu of 28719
bond forfeited and, if so, a brief explanation of the facts 28720
involved. 28721

(f) A copy of the applicant's advertisement to be published 28722
in a newspaper of general circulation in the locality of the 28723
proposed site at least once a week for four successive weeks, 28724
which shall include the ownership of the proposed mine, a 28725
description of the exact location and boundaries of the proposed 28726
site sufficient to make the proposed operation readily 28727
identifiable by local residents, and the location where the 28728
application is available for public inspection; 28729

(g) A description of the type and method of coal mining 28730
operation that exists or is proposed, the engineering techniques 28731
proposed or used, and the equipment used or proposed to be used; 28732

(h) The anticipated or actual starting and termination dates 28733
of each phase of the mining operation and number of acres of land 28734
to be affected; 28735

(i) An accurate map or plan, to an appropriate scale, clearly 28736
showing the land to be affected ~~and~~, the land upon which the 28737
applicant has the legal right to enter and commence coal mining 28738
operations, and the land for which the applicant will acquire the 28739
legal right to enter and commence coal mining operations during 28740
the term of the permit, copies of those documents upon which is 28741
based the applicant's legal right to enter and commence coal 28742
mining operations or a notarized statement describing the 28743
applicant's legal right to enter and commence coal mining 28744
operations, and a statement whether that right is the subject of 28745
pending litigation. This chapter does not authorize the chief to 28746
adjudicate property title disputes. 28747

(j) The name of the watershed and location of the surface 28748
stream or tributary into which drainage from the operation will be 28749
discharged; 28750

(k) A determination of the probable hydrologic consequences 28751
of the mining and reclamation operations, both on and off the mine 28752
site, with respect to the hydrologic regime, providing information 28753
on the quantity and quality of water in surface and ground water 28754
systems including the dissolved and suspended solids under 28755
seasonal flow conditions and the collection of sufficient data for 28756
the mine site and surrounding areas so that an assessment can be 28757
made by the chief of the probable cumulative impacts of all 28758
anticipated mining in the area upon the hydrology of the area and 28759
particularly upon water availability, but this determination shall 28760
not be required until hydrologic information of the general area 28761
prior to mining is made available from an appropriate federal or 28762
state agency; however, the permit shall not be approved until the 28763
information is available and is incorporated into the application; 28764

(l) When requested by the chief, the climatological factors 28765
that are peculiar to the locality of the land to be affected, 28766
including the average seasonal precipitation, the average 28767
direction and velocity of prevailing winds, and the seasonal 28768
temperature ranges; 28769

(m) Accurate maps prepared by or under the direction of and 28770
certified by a qualified registered professional engineer, 28771
registered surveyor, or licensed landscape architect to an 28772
appropriate scale clearly showing all types of information set 28773
forth on topographical maps of the United States geological survey 28774
of a scale of not more than four hundred feet to the inch, 28775
including all artificial features and significant known 28776
archeological sites. The map, among other things specified by the 28777
chief, shall show all boundaries of the land to be affected, the 28778
boundary lines and names of present owners of record of all 28779

surface areas abutting the permit area, and the location of all 28780
buildings within one thousand feet of the permit area. 28781

(n)(i) Cross-section maps or plans of the land to be affected 28782
including the actual area to be mined, prepared by or under the 28783
direction of and certified by a qualified registered professional 28784
engineer or certified professional geologist with assistance from 28785
experts in related fields such as hydrology, hydrogeology, 28786
geology, and landscape architecture, showing pertinent elevations 28787
and locations of test borings or core samplings and depicting the 28788
following information: the nature and depth of the various strata 28789
of overburden; the nature and thickness of any coal or rider seam 28790
above the coal seam to be mined; the nature of the stratum 28791
immediately beneath the coal seam to be mined; all mineral crop 28792
lines and the strike and dip of the coal to be mined within the 28793
area to be affected; existing or previous coal mining limits; the 28794
location and extent of known workings of any underground mines, 28795
including mine openings to the surface; the location of spoil, 28796
waste, or refuse areas and topsoil preservation areas; the 28797
location of all impoundments for waste or erosion control; any 28798
settling or water treatment facility; constructed or natural 28799
drainways and the location of any discharges to any surface body 28800
of water on the land to be affected or adjacent thereto; profiles 28801
at appropriate cross sections of the anticipated final surface 28802
configuration that will be achieved pursuant to the operator's 28803
proposed reclamation plan; the location of subsurface water, if 28804
encountered; the location and quality of aquifers; and the 28805
estimated elevation of the water table. Registered surveyors shall 28806
be allowed to perform all plans, maps, and certifications under 28807
this chapter as they are authorized under Chapter 4733. of the 28808
Revised Code. 28809

(ii) A statement of the quality and locations of subsurface 28810
water. The chief shall provide by rule the number of locations to 28811

be sampled, frequency of collection, and parameters to be analyzed 28812
to obtain the statement required. 28813

(o) A statement of the results of test borings or core 28814
samplings from the permit area, including logs of the drill holes, 28815
the thickness of the coal seam found, an analysis of the chemical 28816
properties of the coal, the sulfur content of any coal seam, 28817
chemical analysis of potentially acid or toxic forming sections of 28818
the overburden, and chemical analysis of the stratum lying 28819
immediately underneath the coal to be mined, except that this 28820
division may be waived by the chief with respect to the specific 28821
application by a written determination that its requirements are 28822
unnecessary. If the test borings or core samplings from the permit 28823
area indicate the existence of potentially acid forming or toxic 28824
forming quantities of sulfur in the coal or overburden to be 28825
disturbed by mining, the application also shall include a 28826
statement of the acid generating potential and the acid 28827
neutralizing potential of the rock strata to be disturbed as 28828
calculated in accordance with the calculation method established 28829
under section 1513.075 of the Revised Code or with another 28830
calculation method. 28831

(p) For those lands in the permit application that a 28832
reconnaissance inspection suggests may be prime farmlands, a soil 28833
survey shall be made or obtained according to standards 28834
established by the secretary of the United States department of 28835
agriculture in order to confirm the exact location of the prime 28836
farmlands, if any; 28837

(q) A certificate issued by an insurance company authorized 28838
to do business in this state certifying that the applicant has a 28839
public liability insurance policy in force for the coal mining and 28840
reclamation operations for which the permit is sought or evidence 28841
that the applicant has satisfied other state self-insurance 28842
requirements. The policy shall provide for personal injury and 28843

property damage protection in an amount adequate to compensate any persons damaged as a result of coal mining and reclamation operations, including the use of explosives, and entitled to compensation under the applicable provisions of state law. The policy shall be maintained in effect during the term of the permit or any renewal, including the length of all reclamation operations. The insurance company shall give prompt notice to the permittee and the chief if the public liability insurance policy lapses for any reason including the nonpayment of insurance premiums. Upon the lapse of the policy, the chief may suspend the permit and all other outstanding permits until proper insurance coverage is obtained.

(r) The business telephone number of the applicant;

(s) If the applicant seeks an authorization under division (E)(7) of this section to conduct coal mining and reclamation operations on areas to be covered by the permit that were affected by coal mining operations before August 3, 1977, that have resulted in continuing water pollution from or on the previously mined areas, such additional information pertaining to those previously mined areas as may be required by the chief, including, without limitation, maps, plans, cross sections, data necessary to determine existing water quality from or on those areas with respect to pH, iron, and manganese, and a pollution abatement plan that may improve water quality from or on those areas with respect to pH, iron, and manganese.

(2) Information pertaining to coal seams, test borings, core samplings, or soil samples as required by this section shall be made available by the chief to any person with an interest that is or may be adversely affected, except that information that pertains only to the analysis of the chemical and physical properties of the coal, excluding information regarding mineral or elemental content that is potentially toxic in the environment,

shall be kept confidential and not made a matter of public record. 28876

(3)(a) If the chief finds that the probable total annual 28877
production at all locations of any operator will not exceed three 28878
hundred thousand tons, the following activities, upon the written 28879
request of the operator in connection with a permit application, 28880
shall be performed by a qualified public or private laboratory or 28881
another public or private qualified entity designated by the 28882
chief, and the cost of the activities shall be assumed by the 28883
chief, provided that sufficient moneys for such assistance are 28884
available: 28885

(i) The determination of probable hydrologic consequences 28886
required under division (B)(1)(k) of this section; 28887

(ii) The development of cross-section maps and plans required 28888
under division (B)(1)(n)(i) of this section; 28889

(iii) The geologic drilling and statement of results of test 28890
borings and core samplings required under division (B)(1)(o) of 28891
this section; 28892

(iv) The collection of archaeological information required 28893
under division (B)(1)(m) of this section and any other 28894
archaeological and historical information required by the chief, 28895
and the preparation of plans necessitated thereby; 28896

(v) Pre-blast surveys required under division (E) of section 28897
1513.161 of the Revised Code; 28898

(vi) The collection of site-specific resource information and 28899
production of protection and enhancement plans for fish and 28900
wildlife habitats and other environmental values required by the 28901
chief under this chapter. 28902

(b) A coal operator that has received assistance under 28903
division (B)(3)(a) of this section shall reimburse the chief for 28904
the cost of the services rendered if the chief finds that the 28905

operator's actual and attributed annual production of coal for all 28906
locations exceeds three hundred thousand tons during the twelve 28907
months immediately following the date on which the operator was 28908
issued a coal mining and reclamation permit. 28909

(4) Each applicant for a permit shall submit to the chief as 28910
part of the permit application a reclamation plan that meets the 28911
requirements of this chapter. 28912

(5) Each applicant for a coal mining and reclamation permit 28913
shall file a copy of the application for a permit, excluding that 28914
information pertaining to the coal seam itself, for public 28915
inspection with the county recorder or an appropriate public 28916
office approved by the chief in the county where the mining is 28917
proposed to occur. 28918

(6) Each applicant for a coal mining and reclamation permit 28919
shall submit to the chief as part of the permit application a 28920
blasting plan that describes the procedures and standards by which 28921
the operator will comply with section 1513.161 of the Revised 28922
Code. 28923

(C) Each reclamation plan submitted as part of a permit 28924
application shall include, in the detail necessary to demonstrate 28925
that reclamation required by this chapter can be accomplished and 28926
in the detail necessary for the chief to determine the estimated 28927
cost of reclamation if the reclamation has to be performed by the 28928
division of mineral resources management in the event of 28929
forfeiture of the performance security by the applicant, a 28930
statement of: 28931

(1) The identification of the lands subject to coal mining 28932
operations over the estimated life of those operations and the 28933
size, sequence, and timing of the subareas for which it is 28934
anticipated that individual permits for mining will be sought; 28935

(2) The condition of the land to be covered by the permit 28936

prior to any mining, including all of the following: 28937

(a) The uses existing at the time of the application and, if 28938
the land has a history of previous mining, the uses that preceded 28939
any mining; 28940

(b) The capability of the land prior to any mining to support 28941
a variety of uses, giving consideration to soil and foundation 28942
characteristics, topography, and vegetative cover and, if 28943
applicable, a soil survey prepared pursuant to division (B)(1)(p) 28944
of this section; 28945

(c) The productivity of the land prior to mining, including 28946
appropriate classification as prime farmlands as well as the 28947
average yield of food, fiber, forage, or wood products obtained 28948
from the land under high levels of management. 28949

(3) The use that is proposed to be made of the land following 28950
reclamation, including information regarding the utility and 28951
capacity of the reclaimed land to support a variety of alternative 28952
uses, the relationship of the proposed use to existing land use 28953
policies and plans, and the comments of any owner of the land and 28954
state and local governments or agencies thereof that would have to 28955
initiate, implement, approve, or authorize the proposed use of the 28956
land following reclamation; 28957

(4) A detailed description of how the proposed postmining 28958
land use is to be achieved and the necessary support activities 28959
that may be needed to achieve the proposed land use; 28960

(5) The engineering techniques proposed to be used in mining 28961
and reclamation and a description of the major equipment; a plan 28962
for the control of surface water drainage and of water 28963
accumulation; a plan, where appropriate, for backfilling, soil 28964
stabilization, and compacting, grading, and appropriate 28965
revegetation; a plan for soil reconstruction, replacement, and 28966
stabilization, pursuant to the performance standards in section 28967

1513.16 of the Revised Code, for those food, forage, and forest 28968
lands identified in that section; and a statement as to how the 28969
permittee plans to comply with each of the requirements set out in 28970
section 1513.16 of the Revised Code; 28971

(6) A description of the means by which the utilization and 28972
conservation of the solid fuel resource being recovered will be 28973
maximized so that re-affecting the land in the future can be 28974
minimized; 28975

(7) A detailed estimated timetable for the accomplishment of 28976
each major step in the reclamation plan; 28977

(8) A description of the degree to which the coal mining and 28978
reclamation operations are consistent with surface owner plans and 28979
applicable state and local land use plans and programs; 28980

(9) The steps to be taken to comply with applicable air and 28981
water quality laws and regulations and any applicable health and 28982
safety standards; 28983

(10) A description of the degree to which the reclamation 28984
plan is consistent with local physical, environmental, and 28985
climatological conditions; 28986

(11) A description of all lands, interests in lands, or 28987
options on such interests held by the applicant or pending bids on 28988
interests in lands by the applicant, which lands are contiguous to 28989
the area to be covered by the permit; 28990

(12) The results of test borings that the applicant has made 28991
at the area to be covered by the permit, or other equivalent 28992
information and data in a form satisfactory to the chief, 28993
including the location of subsurface water, and an analysis of the 28994
chemical properties, including acid forming properties of the 28995
mineral and overburden; except that information that pertains only 28996
to the analysis of the chemical and physical properties of the 28997
coal, excluding information regarding mineral or elemental 28998

contents that are potentially toxic in the environment, shall be 28999
kept confidential and not made a matter of public record; 29000

(13) A detailed description of the measures to be taken 29001
during the mining and reclamation process to ensure the protection 29002
of all of the following: 29003

(a) The quality of surface and ground water systems, both on- 29004
and off-site, from adverse effects of the mining and reclamation 29005
process; 29006

(b) The rights of present users to such water; 29007

(c) The quantity of surface and ground water systems, both 29008
on- and off-site, from adverse effects of the mining and 29009
reclamation process or, where such protection of quantity cannot 29010
be assured, provision of alternative sources of water. 29011

(14) Any other requirements the chief prescribes by rule. 29012

(D)(1) Any information required by division (C) of this 29013
section that is not on public file pursuant to this chapter shall 29014
be held in confidence by the chief. 29015

(2) With regard to requests for an exemption from the 29016
requirements of this chapter for coal extraction incidental to the 29017
extraction of other minerals, as described in division (H)(1)(a) 29018
of section 1513.01 of the Revised Code, confidential information 29019
includes and is limited to information concerning trade secrets or 29020
privileged commercial or financial information relating to the 29021
competitive rights of the persons intending to conduct the 29022
extraction of minerals. 29023

(E)(1) Upon the basis of a complete mining application and 29024
reclamation plan or a revision or renewal thereof, as required by 29025
this chapter, and information obtained as a result of public 29026
notification and public hearing, if any, as provided by section 29027
1513.071 of the Revised Code, the chief shall grant, require 29028

modification of, or deny the application for a permit and notify 29029
the applicant in writing in accordance with division (I)(3) of 29030
this section. An application is deemed to be complete as submitted 29031
to the chief unless the chief, within fourteen days of the 29032
submission, identifies deficiencies in the application in writing 29033
and subsequently submits a copy of a written list of deficiencies 29034
to the applicant. An application shall not be considered 29035
incomplete or denied by reason of right of entry documentation, 29036
provided that the applicant documents the applicant's legal right 29037
to enter and mine at least sixty-seven per cent of the total area 29038
for which coal mining operations are proposed. 29039

A decision of the chief denying a permit shall state in 29040
writing the specific reasons for the denial. 29041

The applicant for a permit or revision of a permit has the 29042
burden of establishing that the application is in compliance with 29043
all the requirements of this chapter. Within ten days after the 29044
granting of a permit, the chief shall notify the boards of 29045
township trustees and county commissioners, the mayor, and the 29046
legislative authority in the township, county, and municipal 29047
corporation in which the area of land to be affected is located 29048
that a permit has been issued and shall describe the location of 29049
the land. However, failure of the chief to notify the local 29050
officials shall not affect the status of the permit. 29051

(2) No permit application or application for revision of an 29052
existing permit shall be approved unless the application 29053
affirmatively demonstrates and the chief finds in writing on the 29054
basis of the information set forth in the application or from 29055
information otherwise available, which shall be documented in the 29056
approval and made available to the applicant, all of the 29057
following: 29058

(a) The application is accurate and complete and all the 29059
requirements of this chapter have been complied with. 29060

(b) The applicant has demonstrated that the reclamation 29061
required by this chapter can be accomplished under the reclamation 29062
plan contained in the application. 29063

(c)(i) Assessment of the probable cumulative impact of all 29064
anticipated mining in the general and adjacent area on the 29065
hydrologic balance specified in division (B)(1)(k) of this section 29066
has been made by the chief, and the proposed operation has been 29067
designed to prevent material damage to hydrologic balance outside 29068
the permit area. 29069

(ii) There shall be an ongoing process conducted by the chief 29070
in cooperation with other state and federal agencies to review all 29071
assessments of probable cumulative impact of coal mining in light 29072
of post-mining data and any other hydrologic information as it 29073
becomes available to determine if the assessments were realistic. 29074
The chief shall take appropriate action as indicated in the review 29075
process. 29076

(d) The area proposed to be mined is not included within an 29077
area designated unsuitable for coal mining pursuant to section 29078
1513.073 of the Revised Code or is not within an area under study 29079
for such designation in an administrative proceeding commenced 29080
pursuant to division (A)(3)(c) or (B) of section 1513.073 of the 29081
Revised Code unless in an area as to which an administrative 29082
proceeding has commenced pursuant to division (A)(3)(c) or (B) of 29083
section 1513.073 of the Revised Code, the operator making the 29084
permit application demonstrates that, prior to January 1, 1977, 29085
the operator made substantial legal and financial commitments in 29086
relation to the operation for which a permit is sought. 29087

(e) In cases where the private mineral estate has been 29088
severed from the private surface estate and surface disturbance 29089
will result from the applicant's proposed use of a strip mining 29090
method, the applicant has submitted to the chief one of the 29091
following: 29092

(i) The written consent of the surface owner to the surface disturbance that will result from the extraction of coal by the applicant's proposed strip mining method;

(ii) A conveyance that expressly grants or reserves the right to extract the coal by strip mining methods that cause surface disturbance;

(iii) If the conveyance does not expressly grant the right to extract coal by strip mining methods that cause surface disturbance, the surface-subsurface legal relationship concerning surface disturbance shall be determined under the law of this state. This chapter does not authorize the chief to adjudicate property rights disputes.

(3)(a) The applicant shall file with the permit application a schedule listing all notices of violations of any law, rule, or regulation of the United States or of any department or agency thereof or of any state pertaining to air or water environmental protection incurred by the applicant in connection with any coal mining operation during the three-year period prior to the date of application. The schedule also shall indicate the final resolution of such a notice of violation. Upon receipt of an application, the chief shall provide a schedule listing all notices of violations of this chapter pertaining to air or water environmental protection incurred by the applicant during the three-year period prior to receipt of the application and the final resolution of all such notices of violation. The chief shall provide this schedule to the applicant for filing by the applicant with the application filed for public review, as required by division (B)(5) of this section. When the schedule or other information available to the chief indicates that any coal mining operation owned or controlled by the applicant is currently in violation of such laws, the permit shall not be issued until the applicant submits proof that the violation has been corrected or is in the

process of being corrected to the satisfaction of the regulatory 29125
authority, department, or agency that has jurisdiction over the 29126
violation and that any civil penalties owed to the state for a 29127
violation and not the subject of an appeal have been paid. No 29128
permit shall be issued to an applicant after a finding by the 29129
chief that the applicant or the operator specified in the 29130
application controls or has controlled mining operations with a 29131
demonstrated pattern of willful violations of this chapter of a 29132
nature and duration to result in irreparable damage to the 29133
environment as to indicate an intent not to comply with or a 29134
disregard of this chapter. 29135

(b) For the purposes of division (E)(3)(a) of this section, 29136
any violation resulting from an unanticipated event or condition 29137
at a surface coal mining operation on lands eligible for remining 29138
under a permit held by the person submitting an application for a 29139
coal mining permit under this section shall not prevent issuance 29140
of that permit. As used in this division, "unanticipated event or 29141
condition" means an event or condition encountered in a remining 29142
operation that was not contemplated by the applicable surface coal 29143
mining and reclamation permit. 29144

(4)(a) In addition to finding the application in compliance 29145
with division (E)(2) of this section, if the area proposed to be 29146
mined contains prime farmland as determined pursuant to division 29147
(B)(1)(p) of this section, the chief, after consultation with the 29148
secretary of the United States department of agriculture and 29149
pursuant to regulations issued by the secretary of the interior 29150
with the concurrence of the secretary of agriculture, may grant a 29151
permit to mine on prime farmland if the chief finds in writing 29152
that the operator has the technological capability to restore the 29153
mined area, within a reasonable time, to equivalent or higher 29154
levels of yield as nonmined prime farmland in the surrounding area 29155
under equivalent levels of management and can meet the soil 29156

reconstruction standards in section 1513.16 of the Revised Code. 29157

(b) Division (E)(4)(a) of this section does not apply to a 29158
permit issued prior to August 3, 1977, or revisions or renewals 29159
thereof. 29160

(5) The chief shall issue an order denying a permit after 29161
finding that the applicant has misrepresented or omitted any 29162
material fact in the application for the permit. 29163

(6) The chief may issue an order denying a permit after 29164
finding that the applicant, any partner, if the applicant is a 29165
partnership, any officer, principal shareholder, or director, if 29166
the applicant is a corporation, or any other person who has a 29167
right to control or in fact controls the management of the 29168
applicant or the selection of officers, directors, or managers of 29169
the applicant has been a sole proprietor or partner, officer, 29170
director, principal shareholder, or person having the right to 29171
control or has in fact controlled the management of or the 29172
selection of officers, directors, or managers of a business entity 29173
that ever has had a coal mining license or permit issued by this 29174
or any other state or the United States suspended or revoked, ever 29175
has forfeited a coal or surface mining bond, performance security, 29176
or similar security deposited in lieu of bond in this or any other 29177
state or with the United States, or ever has substantially or 29178
materially failed to comply with this chapter. 29179

(7) When issuing a permit under this section, the chief may 29180
authorize an applicant to conduct coal mining and reclamation 29181
operations on areas to be covered by the permit that were affected 29182
by coal mining operations before August 3, 1977, that have 29183
resulted in continuing water pollution from or on the previously 29184
mined areas for the purpose of potentially reducing the pollution 29185
loadings of pH, iron, and manganese from discharges from or on the 29186
previously mined areas. Following the chief's authorization to 29187
conduct such operations on those areas, the areas shall be 29188

designated as pollution abatement areas for the purposes of this 29189
chapter. 29190

The chief shall not grant an authorization under division 29191
(E)(7) of this section to conduct coal mining and reclamation 29192
operations on any such previously mined areas unless the applicant 29193
demonstrates to the chief's satisfaction that all of the following 29194
conditions are met: 29195

(a) The applicant's pollution abatement plan for mining and 29196
reclaiming the previously mined areas represents the best 29197
available technology economically achievable. 29198

(b) Implementation of the plan will potentially reduce 29199
pollutant loadings of pH, iron, and manganese resulting from 29200
discharges of surface waters or ground water from or on the 29201
previously mined areas within the permit area. 29202

(c) Implementation of the plan will not cause any additional 29203
degradation of surface water quality off the permit area with 29204
respect to pH, iron, and manganese. 29205

(d) Implementation of the plan will not cause any additional 29206
degradation of ground water. 29207

(e) The plan meets the requirements governing mining and 29208
reclamation of such previously mined pollution abatement areas 29209
established by the chief in rules adopted under section 1513.02 of 29210
the Revised Code. 29211

(f) Neither the applicant; any partner, if the applicant is a 29212
partnership; any officer, principal shareholder, or director, if 29213
the applicant is a corporation; any other person who has a right 29214
to control or in fact controls the management of the applicant or 29215
the selection of officers, directors, or managers of the 29216
applicant; nor any contractor or subcontractor of the applicant, 29217
has any of the following: 29218

(i) Responsibility or liability under this chapter or rules 29219
adopted under it as an operator for treating the discharges of 29220
water pollutants from or on the previously mined areas for which 29221
the authorization is sought; 29222

(ii) Any responsibility or liability under this chapter or 29223
rules adopted under it for reclaiming the previously mined areas 29224
for which the authorization is sought; 29225

(iii) During the eighteen months prior to submitting the 29226
permit application requesting an authorization under division 29227
(E)(7) of this section, had a coal mining and reclamation permit 29228
suspended or revoked under division (D)(3) of section 1513.02 of 29229
the Revised Code for violating this chapter or Chapter 6111. of 29230
the Revised Code or rules adopted under them with respect to water 29231
quality, effluent limitations, or surface or ground water 29232
monitoring; 29233

(iv) Ever forfeited a coal or surface mining bond, 29234
performance security, or similar security deposited in lieu of a 29235
bond in this or any other state or with the United States. 29236

(8) In the case of the issuance of a permit that involves a 29237
conflict of results between various methods of calculating 29238
potential acidity and neutralization potential for purposes of 29239
assessing the potential for acid mine drainage to occur at a mine 29240
site, the permit shall include provisions for monitoring and 29241
record keeping to identify the creation of unanticipated acid 29242
water at the mine site. If the monitoring detects the creation of 29243
acid water at the site, the permit shall impose on the permittee 29244
additional requirements regarding mining practices and site 29245
reclamation to prevent the discharge of acid mine drainage from 29246
the mine site. As used in division (E)(8) of this section, 29247
"potential acidity" and "neutralization potential" have the same 29248
meanings as in section 1513.075 of the Revised Code. 29249

(F)(1) During the term of the permit, the permittee may 29250
submit an application for a revision of the permit, together with 29251
a revised reclamation plan, to the chief. 29252

(2) An application for a revision of a permit shall not be 29253
approved unless the chief finds that reclamation required by this 29254
chapter can be accomplished under the revised reclamation plan. 29255
The revision shall be approved or disapproved within ninety days 29256
after receipt of a complete revision application. The chief shall 29257
establish, by rule, criteria for determining the extent to which 29258
all permit application information requirements and procedures, 29259
including notice and hearings, shall apply to the revision 29260
request, except that any revisions that propose significant 29261
alterations in the reclamation plan, at a minimum, shall be 29262
subject to notice and hearing requirements. 29263

(3) Any extensions to the area covered by the permit except 29264
incidental boundary revisions shall be made by application for a 29265
permit. 29266

(4) Documents or a notarized statement that form the basis of 29267
the applicant's legal right to enter and commence coal mining 29268
operations on land that is located within an area covered by the 29269
permit and that was legally acquired subsequent to the issuance of 29270
the permit for the area shall be submitted with an application for 29271
a revision of the permit. 29272

(G) No transfer, assignment, or sale of the rights granted 29273
under a permit issued pursuant to this chapter shall be made 29274
without the written approval of the chief. 29275

(H) The chief, within a time limit prescribed in the chief's 29276
rules, shall review outstanding permits and may require reasonable 29277
revision or modification of a permit. A revision or modification 29278
shall be based upon a written finding and subject to notice and 29279
hearing requirements established by rule of the chief. 29280

(I)(1) If an informal conference has been held pursuant to 29281
section 1513.071 of the Revised Code, the chief shall issue and 29282
furnish the applicant for a permit, persons who participated in 29283
the informal conference, and persons who filed written objections 29284
pursuant to division (B) of section 1513.071 of the Revised Code, 29285
with the written finding of the chief granting or denying the 29286
permit in whole or in part and stating the reasons therefor within 29287
sixty days of the conference, provided that the chief shall comply 29288
with the time frames established in division (I)(3) of this 29289
section. 29290

(2) If there has been no informal conference held pursuant to 29291
section 1513.071 of the Revised Code, the chief shall submit to 29292
the applicant for a permit the written finding of the chief 29293
granting or denying the permit in whole or in part and stating the 29294
reasons therefor within the time frames established in division 29295
(I)(3) of this section. 29296

(3) The chief shall grant or deny a permit not later than two 29297
hundred forty days after the submission of a complete application 29298
for the permit. Any time during which the applicant is making 29299
revisions to an application or providing additional information 29300
requested by the chief regarding an application shall not be 29301
included in the two hundred forty days. If the chief determines 29302
that a permit cannot be granted or denied within the 29303
two-hundred-forty-day time frame, the chief, not later than two 29304
hundred ten days after the submission of a complete application 29305
for the permit, shall provide the applicant with written notice of 29306
the expected delay. 29307

(4) If the application is approved, the permit shall be 29308
issued. However, the permit shall prohibit the commencement of 29309
coal mining operations on any land that is located within an area 29310
covered by the permit if the permittee has not provided to the 29311
chief documents that form the basis of the permittee's legal right 29312

to enter and conduct coal mining operations on that land. If the 29313
application is disapproved, specific reasons therefor shall be set 29314
forth in the notification. Within thirty days after the applicant 29315
is notified of the final decision of the chief on the permit 29316
application, the applicant or any person with an interest that is 29317
or may be adversely affected may appeal the decision to the 29318
reclamation commission pursuant to section 1513.13 of the Revised 29319
Code. 29320

(5) Any applicant or any person with an interest that is or 29321
may be adversely affected who has participated in the 29322
administrative proceedings as an objector and is aggrieved by the 29323
decision of the reclamation commission, or if the commission fails 29324
to act within the time limits specified in this chapter, may 29325
appeal in accordance with section 1513.14 of the Revised Code. 29326

Sec. 1513.16. (A) Any permit issued under this chapter to 29327
conduct coal mining operations shall require that the operations 29328
meet all applicable performance standards of this chapter and such 29329
other requirements as the chief of the division of mineral 29330
resources management shall adopt by rule. General performance 29331
standards shall apply to all coal mining and reclamation 29332
operations and shall require the operator at a minimum to do all 29333
of the following: 29334

(1) Conduct coal mining operations so as to maximize the 29335
utilization and conservation of the solid fuel resource being 29336
recovered so that re-affecting the land in the future through coal 29337
mining can be minimized; 29338

(2) Restore the land affected to a condition capable of 29339
supporting the uses that it was capable of supporting prior to any 29340
mining, or higher or better uses of which there is reasonable 29341
likelihood, so long as the uses do not present any actual or 29342
probable hazard to public health or safety or pose any actual or 29343

probable threat of diminution or pollution of the waters of the 29344
state, and the permit applicants' declared proposed land uses 29345
following reclamation are not considered to be impractical or 29346
unreasonable, to be inconsistent with applicable land use policies 29347
and plans, to involve unreasonable delay in implementation, or to 29348
violate federal, state, or local law; 29349

(3) Except as provided in division (B) of this section, with 29350
respect to all coal mining operations, backfill, compact where 29351
advisable to ensure stability or to prevent leaching of toxic 29352
materials, and grade in order to restore the approximate original 29353
contour of the land with all highwalls, spoil piles, and 29354
depressions eliminated unless small depressions are needed in 29355
order to retain moisture to assist revegetation or as otherwise 29356
authorized pursuant to this chapter, provided that if the operator 29357
demonstrates that due to volumetric expansion the amount of 29358
overburden and the spoil and waste materials removed in the course 29359
of the mining operation are more than sufficient to restore the 29360
approximate original contour, the operator shall backfill, grade, 29361
and compact the excess overburden and other spoil and waste 29362
materials to attain the lowest grade, but not more than the angle 29363
of repose, and to cover all acid-forming and other toxic materials 29364
in order to achieve an ecologically sound land use compatible with 29365
the surrounding region in accordance with the approved mining 29366
plan. The overburden or spoil shall be shaped and graded in such a 29367
way as to prevent slides, erosion, and water pollution and shall 29368
be revegetated in accordance with this chapter. 29369

(4) Stabilize and protect all surface areas, including spoil 29370
piles affected by the coal mining and reclamation operation, to 29371
control erosion and attendant air and water pollution effectively; 29372

(5) Remove the topsoil from the land in a separate layer, 29373
replace it on the backfill area, or, if not utilized immediately, 29374
segregate it in a separate pile from the spoil, and when the 29375

topsoil is not replaced on a backfill area within a time short 29376
enough to avoid deterioration of the topsoil, maintain a 29377
successful cover by quick-growing plants or other means thereafter 29378
so that the topsoil is preserved from wind and water erosion, 29379
remains free of any contamination by acid or other toxic material, 29380
and is in a usable condition for sustaining vegetation when 29381
restored during reclamation. If the topsoil is of insufficient 29382
quantity or of poor quality for sustaining vegetation or if other 29383
strata can be shown to be more suitable for vegetation 29384
requirements, the operator shall remove, segregate, and preserve 29385
in a like manner such other strata as are best able to support 29386
vegetation. 29387

(6) Restore the topsoil or the best available subsoil that is 29388
best able to support vegetation; 29389

(7) For all prime farmlands as identified in division 29390
(B)(1)(p) of section 1513.07 of the Revised Code to be mined and 29391
reclaimed, perform soil removal, storage, replacement, and 29392
reconstruction in accordance with specifications established by 29393
the secretary of the United States department of agriculture under 29394
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 29395
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 29396
required to do all of the following: 29397

(a) Segregate the A horizon of the natural soil, except where 29398
it can be shown that other available soil materials will create a 29399
final soil having a greater productive capacity, and, if not 29400
utilized immediately, stockpile this material separately from the 29401
spoil and provide needed protection from wind and water erosion or 29402
contamination by acid or other toxic material; 29403

(b) Segregate the B horizon of the natural soil, or 29404
underlying C horizons or other strata, or a combination of such 29405
horizons or other strata that are shown to be both texturally and 29406
chemically suitable for plant growth and that can be shown to be 29407

equally or more favorable for plant growth than the B horizon, in 29408
sufficient quantities to create in the regraded final soil a root 29409
zone of comparable depth and quality to that which existed in the 29410
natural soil, and, if not utilized immediately, stockpile this 29411
material separately from the spoil and provide needed protection 29412
from wind and water erosion or contamination by acid or other 29413
toxic material; 29414

(c) Replace and regrade the root zone material described in 29415
division (A)(7)(b) of this section with proper compaction and 29416
uniform depth over the regraded spoil material; 29417

(d) Redistribute and grade in a uniform manner the surface 29418
soil horizon described in division (A)(7)(a) of this section. 29419

(8) Create, if authorized in the approved mining and 29420
reclamation plan and permit, permanent impoundments of water on 29421
mining sites as part of reclamation activities only when it is 29422
adequately demonstrated by the operator that all of the following 29423
conditions will be met: 29424

(a) The size of the impoundment is adequate for its intended 29425
purposes. 29426

(b) The impoundment dam construction will be so designed as 29427
to achieve necessary stability with an adequate margin of safety 29428
compatible with that of structures constructed under the 29429
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 29430
(1954), 16 U.S.C. 1001, as amended. 29431

(c) The quality of impounded water will be suitable on a 29432
permanent basis for its intended use and discharges from the 29433
impoundment will not degrade the water quality below water quality 29434
standards established pursuant to applicable federal and state law 29435
in the receiving stream. 29436

(d) The level of water will be reasonably stable. 29437

(e) Final grading will provide adequate safety and access for proposed water users. 29438
29439

(f) The water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses. 29440
29441
29442
29443

(9) Conduct any augering operation associated with strip mining in a manner to maximize recoverability of mineral reserves remaining after the operation and reclamation are complete and seal all auger holes with an impervious and noncombustible material in order to prevent drainage, except where the chief determines that the resulting impoundment of water in such auger holes may create a hazard to the environment or the public health or safety. The chief may prohibit augering if necessary to maximize the utilization, recoverability, or conservation of the solid fuel resources or to protect against adverse water quality impacts. 29444
29445
29446
29447
29448
29449
29450
29451
29452
29453
29454

(10) Minimize the disturbances to the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after coal mining operations and during reclamation by doing all of the following: 29455
29456
29457
29458
29459

(a) Avoiding acid or other toxic mine drainage by such measures as, but not limited to: 29460
29461

(i) Preventing or removing water from contact with toxic producing deposits; 29462
29463

(ii) Treating drainage to reduce toxic content that adversely affects downstream water upon being released to water courses in accordance with rules adopted by the chief in accordance with section 1513.02 of the Revised Code; 29464
29465
29466
29467

(iii) Casing, sealing, or otherwise managing boreholes, 29468

shafts, and wells, and keeping acid or other toxic drainage from 29469
entering ground and surface waters. 29470

(b)(i) Conducting coal mining operations so as to prevent, to 29471
the extent possible using the best technology currently available, 29472
additional contributions of suspended solids to streamflow or 29473
runoff outside the permit area, but in no event shall 29474
contributions be in excess of requirements set by applicable state 29475
or federal laws; 29476

(ii) Constructing any siltation structures pursuant to 29477
division (A)(10)(b)(i) of this section prior to commencement of 29478
coal mining operations. The structures shall be certified by 29479
persons approved by the chief to be constructed as designed and as 29480
approved in the reclamation plan. 29481

(c) Cleaning out and removing temporary or large settling 29482
ponds or other siltation structures from drainways after disturbed 29483
areas are revegetated and stabilized, and depositing the silt and 29484
debris at a site and in a manner approved by the chief; 29485

(d) Restoring recharge capacity of the mined area to 29486
approximate premining conditions; 29487

(e) Avoiding channel deepening or enlargement in operations 29488
requiring the discharge of water from mines; 29489

(f) Such other actions as the chief may prescribe. 29490

(11) With respect to surface disposal of mine wastes, 29491
tailings, coal processing wastes, and other wastes in areas other 29492
than the mine working areas or excavations, stabilize all waste 29493
piles in designated areas through construction in compacted 29494
layers, including the use of noncombustible and impervious 29495
materials if necessary, and ensure that the final contour of the 29496
waste pile will be compatible with natural surroundings and that 29497
the site can and will be stabilized and revegetated according to 29498
this chapter; 29499

(12) Refrain from coal mining within five hundred feet of 29500
active and abandoned underground mines in order to prevent 29501
breakthroughs and to protect the health or safety of miners. The 29502
chief shall permit an operator to mine near, through, or partially 29503
through an abandoned underground mine or closer than five hundred 29504
feet to an active underground mine if both of the following 29505
conditions are met: 29506

(a) The nature, timing, and sequencing of the approximate 29507
coincidence of specific strip mine activities with specific 29508
underground mine activities are approved by the chief. 29509

(b) The operations will result in improved resource recovery, 29510
abatement of water pollution, or elimination of hazards to the 29511
health and safety of the public. 29512

(13) Design, locate, construct, operate, maintain, enlarge, 29513
modify, and remove or abandon, in accordance with the standards 29514
and criteria developed pursuant to rules adopted by the chief, all 29515
existing and new coal mine waste piles consisting of mine wastes, 29516
tailings, coal processing wastes, or other liquid and solid 29517
wastes, and used either temporarily or permanently as dams or 29518
embankments; 29519

(14) Ensure that all debris, acid-forming materials, toxic 29520
materials, or materials constituting a fire hazard are treated or 29521
buried and compacted or otherwise disposed of in a manner designed 29522
to prevent contamination of ground or surface waters and that 29523
contingency plans are developed to prevent sustained combustion; 29524

(15) Ensure that all reclamation efforts proceed in an 29525
environmentally sound manner and as contemporaneously as 29526
practicable with the coal mining operations, except that where the 29527
applicant proposes to combine strip mining operations with 29528
underground mining operations to ensure maximum practical recovery 29529
of the mineral resources, the chief may grant a variance for 29530

specific areas within the reclamation plan from the requirement 29531
that reclamation efforts proceed as contemporaneously as 29532
practicable to permit underground mining operations prior to 29533
reclamation if: 29534

(a) The chief finds in writing that: 29535

(i) The applicant has presented, as part of the permit 29536
application, specific, feasible plans for the proposed underground 29537
mining operations. 29538

(ii) The proposed underground mining operations are necessary 29539
or desirable to ensure maximum practical recovery of the mineral 29540
resource and will avoid multiple disturbance of the surface. 29541

(iii) The applicant has satisfactorily demonstrated that the 29542
plan for the underground mining operations conforms to 29543
requirements for underground mining in this state and that permits 29544
necessary for the underground mining operations have been issued 29545
by the appropriate authority. 29546

(iv) The areas proposed for the variance have been shown by 29547
the applicant to be necessary for the implementing of the proposed 29548
underground mining operations. 29549

(v) No substantial adverse environmental damage, either 29550
on-site or off-site, will result from the delay in completion of 29551
reclamation as required by this chapter. 29552

(vi) Provisions for the off-site storage of spoil will comply 29553
with division (A)(21) of this section. 29554

(b) The chief has adopted specific rules to govern the 29555
granting of such variances in accordance with this division and 29556
has imposed such additional requirements as the chief considers 29557
necessary. 29558

(c) Variances granted under this division shall be reviewed 29559
by the chief not more than three years from the date of issuance 29560

of the permit. 29561

(d) Liability under the performance security filed by the 29562
applicant with the chief pursuant to section 1513.08 of the 29563
Revised Code shall be for the duration of the underground mining 29564
operations and until the requirements of this section and section 29565
1513.08 of the Revised Code have been fully complied with. 29566

(16) Ensure that the construction, maintenance, and 29567
postmining conditions of access roads into and across the site of 29568
operations will control or prevent erosion and siltation, 29569
pollution of water, and damage to fish or wildlife or their 29570
habitat, or to public or private property; 29571

(17) Refrain from the construction of roads or other access 29572
ways up a stream bed or drainage channel or in such proximity to 29573
the channel as to seriously alter the normal flow of water; 29574

(18) Establish, on the regraded areas and all other lands 29575
affected, a diverse, effective, and permanent vegetative cover of 29576
the same seasonal variety native to the area of land to be 29577
affected and capable of self-regeneration and plant succession at 29578
least equal in extent of cover to the natural vegetation of the 29579
area, except that introduced species may be used in the 29580
revegetation process where desirable and necessary to achieve the 29581
approved postmining land use plan; 29582

(19)(a) Assume the responsibility for successful 29583
revegetation, as required by division (A)(18) of this section, for 29584
a period of five full years after the last year of augmented 29585
seeding, fertilizing, irrigation, or other work in order to ensure 29586
compliance with that division, except that when the chief approves 29587
a long-term intensive agricultural postmining land use, the 29588
applicable five-year period of responsibility for revegetation 29589
shall commence at the date of initial planting for that long-term 29590
intensive agricultural postmining land use, and except that when 29591

the chief issues a written finding approving a long-term intensive
agricultural postmining land use as part of the mining and
reclamation plan, the chief may grant an exception to division
(A)(18) of this section;

(b) On lands eligible for remining, assume the responsibility
for successful revegetation, as required by division (A)(18) of
this section, for a period of two full years after the last year
of augmented seeding, fertilizing, irrigation, or other work in
order to ensure compliance with that division.

(20) Protect off-site areas from slides or damage occurring
during the coal mining and reclamation operations and not deposit
spoil material or locate any part of the operations or waste
accumulations outside the permit area;

(21) Place all excess spoil material resulting from coal
mining and reclamation operations in such a manner that all of the
following apply:

(a) Spoil is transported and placed in a controlled manner in
position for concurrent compaction and in such a way as to ensure
mass stability and to prevent mass movement.

(b) The areas of disposal are within the permit areas for
which performance security has been provided. All organic matter
shall be removed immediately prior to spoil placement except in
the zoned concept method.

(c) Appropriate surface and internal drainage systems and
diversion ditches are used so as to prevent spoil erosion and mass
movement.

(d) The disposal area does not contain springs, natural
watercourses, or wet weather seeps unless lateral drains are
constructed from the wet areas to the main underdrains in such a
manner that filtration of the water into the spoil pile will be
prevented unless the zoned concept method is used.

(e) If placed on a slope, the spoil is placed upon the most 29623
moderate slope among those slopes upon which, in the judgment of 29624
the chief, the spoil could be placed in compliance with all the 29625
requirements of this chapter and is placed, where possible, upon, 29626
or above, a natural terrace, bench, or berm if that placement 29627
provides additional stability and prevents mass movement. 29628

(f) Where the toe of the spoil rests on a downslope, a rock 29629
toe buttress of sufficient size to prevent mass movement is 29630
constructed. 29631

(g) The final configuration is compatible with the natural 29632
drainage pattern and surroundings and suitable for intended uses. 29633

(h) Design of the spoil disposal area is certified by a 29634
qualified registered professional engineer in conformance with 29635
professional standards. 29636

(i) All other provisions of this chapter are met. 29637

(22) Meet such other criteria as are necessary to achieve 29638
reclamation in accordance with the purpose of this chapter, taking 29639
into consideration the physical, climatological, and other 29640
characteristics of the site; 29641

(23) To the extent possible, using the best technology 29642
currently available, minimize disturbances and adverse impacts of 29643
the operation on fish, wildlife, and related environmental values, 29644
and achieve enhancement of such resources where practicable; 29645

(24) Provide for an undisturbed natural barrier beginning at 29646
the elevation of the lowest coal seam to be mined and extending 29647
from the outslope for such distance as the chief shall determine 29648
to be retained in place as a barrier to slides and erosion; 29649

(25) Restore on the permit area streams and wetlands affected 29650
by mining operations unless the chief approves restoration off the 29651
permit area without a permit required by section 1513.07 or 29652

1513.074 of the Revised Code, instead of restoration on the permit 29653
area, of a stream or wetland or a portion of a stream or wetland, 29654
provided that the chief first makes all of the following written 29655
determinations: 29656

(a) A hydrologic and engineering assessment of the affected 29657
lands, submitted by the operator, demonstrates that restoration on 29658
the permit area is not possible. 29659

(b) The proposed mitigation plan under which mitigation 29660
activities described in division (A)(25)(c) of this section will 29661
be conducted is limited to a stream or wetland, or a portion of a 29662
stream or wetland, for which restoration on the permit area is not 29663
possible. 29664

(c) Mitigation activities off the permit area, including 29665
mitigation banking and payment of in-lieu mitigation fees, will be 29666
performed pursuant to a permit issued under sections 401 and 404 29667
of the "Federal Water Pollution Control Act" as defined in section 29668
6111.01 of the Revised Code or an isolated wetland permit issued 29669
under Chapter 6111. of the Revised Code or pursuant to a no-cost 29670
reclamation contract for the restoration of water resources 29671
affected by past mining activities pursuant to section 1513.37 of 29672
the Revised Code. 29673

(d) The proposed mitigation plan and mitigation activities 29674
comply with the standards established in this section. 29675

If the chief approves restoration off the permit area in 29676
accordance with this division, the operator shall complete all 29677
mitigation construction or other activities required by the 29678
mitigation plan. 29679

Performance security for reclamation activities on the permit 29680
area shall be released pursuant to division (F) of this section, 29681
except that the release of the remaining portion of performance 29682
security under division (F)(3)(c) of this section shall not be 29683

approved prior to the construction of required mitigation 29684
activities off the permit area. 29685

(B)(1) The chief may permit mining operations for the 29686
purposes set forth in division (B)(3) of this section. 29687

(2) When an applicant meets the requirements of divisions 29688
(B)(3) and (4) of this section, a permit without regard to the 29689
requirement to restore to approximate original contour known as 29690
mountain top removal set forth in divisions (A)(3) or (C)(2) and 29691
(3) of this section may be granted for the mining of coal where 29692
the mining operation will remove an entire coal seam or seams 29693
running through the upper fraction of a mountain, ridge, or hill, 29694
except as provided in division (B)(4)(a) of this section, by 29695
removing all of the overburden and creating a level plateau or a 29696
gently rolling contour with no highwalls remaining, and capable of 29697
supporting postmining uses in accordance with this division. 29698

(3) In cases where an industrial, commercial, agricultural, 29699
residential, or public facility use, including recreational 29700
facilities, is proposed for the postmining use of the affected 29701
land, the chief may grant a permit for a mining operation of the 29702
nature described in division (B)(2) of this section when all of 29703
the following apply: 29704

(a) After consultation with the appropriate land use planning 29705
agencies, if any, the proposed postmining land use is considered 29706
to constitute an equal or better economic or public use of the 29707
affected land, as compared with premining use. 29708

(b) The applicant presents specific plans for the proposed 29709
postmining land use and appropriate assurances that the use will 29710
be all of the following: 29711

(i) Compatible with adjacent land uses; 29712

(ii) Obtainable according to data regarding expected need and 29713
market; 29714

(iii) Assured of investment in necessary public facilities;	29715
(iv) Supported by commitments from public agencies where appropriate;	29716 29717
(v) Practicable with respect to private financial capability for completion of the proposed use;	29718 29719
(vi) Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use;	29720 29721 29722
(vii) Designed by a registered engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site.	29723 29724 29725 29726
(c) The proposed use is consistent with adjacent land uses and existing state and local land use plans and programs.	29727 29728
(d) The chief provides the governing body of the unit of general-purpose local government in which the land is located, and any state or federal agency that the chief, in the chief's discretion, determines to have an interest in the proposed use, an opportunity of not more than sixty days to review and comment on the proposed use.	29729 29730 29731 29732 29733 29734
(e) All other requirements of this chapter will be met.	29735
(4) In granting a permit pursuant to this division, the chief shall require that each of the following is met:	29736 29737
(a) The toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion.	29738 29739 29740
(b) The reclaimed area is stable.	29741
(c) The resulting plateau or rolling contour drains inward from the out slopes except at specified points.	29742 29743

(d) No damage will be done to natural watercourses. 29744

(e) Spoil will be placed on the mountaintop bench as is 29745
necessary to achieve the planned postmining land use, except that 29746
all excess spoil material not retained on the mountaintop bench 29747
shall be placed in accordance with division (A)(21) of this 29748
section. 29749

(f) Stability of the spoil retained on the mountaintop bench 29750
is ensured and the other requirements of this chapter are met. 29751

(5) The chief shall adopt specific rules to govern the 29752
granting of permits in accordance with divisions (B)(1) to (4) of 29753
this section and may impose such additional requirements as the 29754
chief considers necessary. 29755

(6) All permits granted under divisions (B)(1) to (4) of this 29756
section shall be reviewed not more than three years from the date 29757
of issuance of the permit unless the applicant affirmatively 29758
demonstrates that the proposed development is proceeding in 29759
accordance with the terms of the approved schedule and reclamation 29760
plan. 29761

(C) All of the following performance standards apply to 29762
steep-slope coal mining and are in addition to those general 29763
performance standards required by this section, except that this 29764
division does not apply to those situations in which an operator 29765
is mining on flat or gently rolling terrain on which an occasional 29766
steep slope is encountered through which the mining operation is 29767
to proceed, leaving a plain or predominantly flat area, or where 29768
an operator is in compliance with division (B) of this section: 29769

(1) The operator shall ensure that when performing coal 29770
mining on steep slopes, no debris, abandoned or disabled 29771
equipment, spoil material, or waste mineral matter is placed on 29772
the downslope below the bench or mining cut. Spoil material in 29773
excess of that required for the reconstruction of the approximate 29774

original contour under division (A)(3) or (C)(2) of this section 29775
shall be permanently stored pursuant to division (A)(21) of this 29776
section. 29777

(2) The operator shall complete backfilling with spoil 29778
material to cover completely the highwall and return the site to 29779
the approximate original contour, which material will maintain 29780
stability following mining and reclamation. 29781

(3) The operator shall not disturb land above the top of the 29782
highwall unless the chief finds that the disturbance will 29783
facilitate compliance with the environmental protection standards 29784
of this section, except that any such disturbance involving land 29785
above the highwall shall be limited to that amount of land 29786
necessary to facilitate compliance. 29787

(D)(1) The chief may permit variances for the purposes set 29788
forth in division (D)(3) of this section, provided that the 29789
watershed control of the area is improved and that complete 29790
backfilling with spoil material shall be required to cover 29791
completely the highwall, which material will maintain stability 29792
following mining and reclamation. 29793

(2) Where an applicant meets the requirements of divisions 29794
(D)(3) and (4) of this section, a variance from the requirement to 29795
restore to approximate original contour set forth in division 29796
(C)(2) of this section may be granted for the mining of coal when 29797
the owner of the surface knowingly requests in writing, as a part 29798
of the permit application, that such a variance be granted so as 29799
to render the land, after reclamation, suitable for an industrial, 29800
commercial, residential, or public use, including recreational 29801
facilities, in accordance with divisions (D)(3) and (4) of this 29802
section. 29803

(3) A variance pursuant to division (D)(2) of this section 29804
may be granted if: 29805

(a) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is considered to constitute an equal or better economic or public use.

(b) The postmining land condition is designed and certified by a registered professional engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site.

(c) After approval of the appropriate state environmental agencies, the watershed of the affected land is considered to be improved.

(4) In granting a variance pursuant to division (D) of this section, the chief shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned postmining land use, ensure stability of the spoil retained on the bench, and meet all other requirements of this chapter. All spoil placement off the mine bench shall comply with division (A)(21) of this section.

(5) The chief shall adopt specific rules to govern the granting of variances under division (D) of this section and may impose such additional requirements as the chief considers necessary.

(6) All variances granted under division (D) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan.

(E) The chief shall establish standards and criteria regulating the design, location, construction, operation, maintenance, enlargement, modification, removal, and abandonment

of new and existing coal mine waste piles referred to in division 29837
(A)(13) of this section and division (A)(5) of section 1513.35 of 29838
the Revised Code. The standards and criteria shall conform to the 29839
standards and criteria used by the chief of the United States army 29840
corps of engineers to ensure that flood control structures are 29841
safe and effectively perform their intended function. In addition 29842
to engineering and other technical specifications, the standards 29843
and criteria developed pursuant to this division shall include 29844
provisions for review and approval of plans and specifications 29845
prior to construction, enlargement, modification, removal, or 29846
abandonment; performance of periodic inspections during 29847
construction; issuance of certificates of approval upon completion 29848
of construction; performance of periodic safety inspections; and 29849
issuance of notices for required remedial or maintenance work. 29850

(F)(1) The permittee may file a request with the chief for 29851
release of a part of a performance security under division (F)(3) 29852
of this section. Within thirty days after any request for 29853
performance security release under this section has been filed 29854
with the chief, the operator shall submit a copy of an 29855
advertisement placed at least once a week for four successive 29856
weeks in a newspaper of general circulation in the locality of the 29857
coal mining operation. The advertisement shall be considered part 29858
of any performance security release application and shall contain 29859
a notification of the precise location of the land affected, the 29860
number of acres, the permit number and the date approved, the 29861
amount of the performance security filed and the portion sought to 29862
be released, the type and appropriate dates of reclamation work 29863
performed, and a description of the results achieved as they 29864
relate to the operator's approved reclamation plan and, if 29865
applicable, the operator's pollution abatement plan. In addition, 29866
as part of any performance security release application, the 29867
applicant shall submit copies of the letters sent to adjoining 29868
property owners, local governmental bodies, planning agencies, and 29869

sewage and water treatment authorities or water companies in the 29870
locality in which the coal mining and reclamation activities took 29871
place, notifying them of the applicant's intention to seek release 29872
from the performance security. 29873

(2) Upon receipt of a copy of the advertisement and request 29874
for release of a performance security under division (F)(3)(c) of 29875
this section, the chief, within thirty days, shall conduct an 29876
inspection and evaluation of the reclamation work involved. The 29877
evaluation shall consider, among other things, the degree of 29878
difficulty to complete any remaining reclamation, whether 29879
pollution of surface and subsurface water is occurring, the 29880
probability of continuation or future occurrence of the pollution, 29881
and the estimated cost of abating the pollution. The chief shall 29882
notify the permittee in writing of the decision to release or not 29883
to release all or part of the performance security within sixty 29884
days after the filing of the request if no public hearing is held 29885
pursuant to division (F)(6) of this section or, if there has been 29886
a public hearing held pursuant to division (F)(6) of this section, 29887
within thirty days thereafter. 29888

(3) The chief may release the performance security if the 29889
reclamation covered by the performance security or portion thereof 29890
has been accomplished as required by this chapter and rules 29891
adopted under it according to the following schedule: 29892

(a) When the operator completes the backfilling, regrading, 29893
and drainage control of an area for which performance security has 29894
been provided in accordance with the approved reclamation plan, 29895
and, if the area covered by the performance security is one for 29896
which an authorization was made under division (E)(7) of section 29897
1513.07 of the Revised Code, the operator has complied with the 29898
approved pollution abatement plan and all additional requirements 29899
established by the chief in rules adopted under section 1513.02 of 29900
the Revised Code governing coal mining and reclamation operations 29901

on pollution abatement areas, the chief shall grant a release of 29902
fifty per cent of the performance security for the applicable 29903
permit area. 29904

(b) After resoiling and revegetation have been established on 29905
the regraded mined lands in accordance with the approved 29906
reclamation plan, the chief shall grant a release in an amount not 29907
exceeding thirty-five per cent of the original performance 29908
security for all or part of the affected area under the permit. 29909
When determining the amount of performance security to be released 29910
after successful revegetation has been established, the chief 29911
shall retain that amount of performance security for the 29912
revegetated area that would be sufficient for a third party to 29913
cover the cost of reestablishing revegetation for the period 29914
specified for operator responsibility in this section for 29915
reestablishing revegetation. No part of the performance security 29916
shall be released under this division so long as the lands to 29917
which the release would be applicable are contributing suspended 29918
solids to streamflow or runoff outside the permit area in excess 29919
of the requirements of this section or until soil productivity for 29920
prime farmlands has returned to equivalent levels of yield as 29921
nonmined land of the same soil type in the surrounding area under 29922
equivalent management practices as determined from the soil survey 29923
performed pursuant to section 1513.07 of the Revised Code. If the 29924
area covered by the performance security is one for which an 29925
authorization was made under division (E)(7) of section 1513.07 of 29926
the Revised Code, no part of the performance security shall be 29927
released under this division until the operator has complied with 29928
the approved pollution abatement plan and all additional 29929
requirements established by the chief in rules adopted under 29930
section 1513.02 of the Revised Code governing coal mining and 29931
reclamation operations on pollution abatement areas. Where a silt 29932
dam is to be retained as a permanent impoundment pursuant to 29933
division (A)(10) of this section, the portion of performance 29934

security may be released under this division so long as provisions 29935
for sound future maintenance by the operator or the landowner have 29936
been made with the chief. 29937

(c) When the operator has completed successfully all coal 29938
mining and reclamation activities, including, if applicable, all 29939
additional requirements established in the pollution abatement 29940
plan approved under division (E)(7) of section 1513.07 of the 29941
Revised Code and all additional requirements established by the 29942
chief in rules adopted under section 1513.02 of the Revised Code 29943
governing coal mining and reclamation operations on pollution 29944
abatement areas, the chief shall release all or any of the 29945
remaining portion of the performance security for all or part of 29946
the affected area under a permit, but not before the expiration of 29947
the period specified for operator responsibility in this section, 29948
except that the chief may adopt rules for a variance to the 29949
operator period of responsibility considering vegetation success 29950
and probability of continued growth and consent of the landowner, 29951
provided that no performance security shall be fully released 29952
until all reclamation requirements of this chapter are fully met. 29953

(4) If the chief disapproves the application for release of 29954
the performance security or portion thereof, the chief shall 29955
notify the permittee, in writing, stating the reasons for 29956
disapproval and recommending corrective actions necessary to 29957
secure the release, and allowing the opportunity for a public 29958
adjudicatory hearing. 29959

(5) When any application for total or partial performance 29960
security release is filed with the chief under this section, the 29961
chief shall notify the municipal corporation in which the coal 29962
mining operation is located by certified mail at least thirty days 29963
prior to the release of all or a portion of the performance 29964
security. 29965

(6) A person with a valid legal interest that might be 29966

adversely affected by release of a performance security under this 29967
section or the responsible officer or head of any federal, state, 29968
or local government agency that has jurisdiction by law or special 29969
expertise with respect to any environmental, social, or economic 29970
impact involved in the operation or is authorized to develop and 29971
enforce environmental standards with respect to such operations 29972
may file written objections to the proposed release from the 29973
performance security with the chief within thirty days after the 29974
last publication of the notice required by division (F)(1) of this 29975
section. If written objections are filed and an informal 29976
conference is requested, the chief shall inform all interested 29977
parties of the time and place of the conference. The date, time, 29978
and location of the informal conference shall be advertised by the 29979
chief in a newspaper of general circulation in the locality of the 29980
coal mining operation proposed for performance security release 29981
for at least once a week for two consecutive weeks. The informal 29982
conference shall be held in the locality of the coal mining 29983
operation proposed for performance security release or in Franklin 29984
county, at the option of the objector, within thirty days after 29985
the request for the conference. An electronic or stenographic 29986
record shall be made of the conference proceeding unless waived by 29987
all parties. The record shall be maintained and shall be 29988
accessible to the parties until final release of the performance 29989
security at issue. In the event all parties requesting the 29990
informal conference stipulate agreement prior to the requested 29991
informal conference and withdraw their request, the informal 29992
conference need not be held. 29993

(7) If an informal conference has been held pursuant to 29994
division (F)(6) of this section, the chief shall issue and furnish 29995
the applicant and persons who participated in the conference with 29996
the written decision regarding the release within sixty days after 29997
the conference. Within thirty days after notification of the final 29998
decision of the chief regarding the performance security release, 29999

the applicant or any person with an interest that is or may be 30000
adversely affected by the decision may appeal the decision to the 30001
reclamation commission pursuant to section 1513.13 of the Revised 30002
Code. 30003

(8)(a) If the chief determines that a permittee is 30004
responsible for mine drainage that requires water treatment after 30005
reclamation is completed under the terms of the permit or that a 30006
permittee must provide an alternative water supply after 30007
reclamation is completed under the terms of the permit, the 30008
permittee shall provide alternative financial security in an 30009
amount determined by the chief prior to the release of the 30010
remaining portion of performance security under division (F)(3)(c) 30011
of this section. The alternative financial security shall be in an 30012
amount that is equal to or greater than the present value of the 30013
estimated cost over time to develop and implement mine drainage 30014
plans and provide water treatment or in an amount that is 30015
necessary to provide and maintain an alternative water supply, as 30016
applicable. The alternative financial security shall include a 30017
contract, trust, or other agreement or mechanism that is 30018
enforceable under law to provide long-term water treatment or a 30019
long-term alternative water supply, or both. The contract, trust, 30020
or other agreement or mechanism included with the alternative 30021
financial security may provide for the funding of the alternative 30022
financial security incrementally over a period of time, not to 30023
exceed five years, with reliance on guarantees or other collateral 30024
provided by the permittee and approved by the chief for the 30025
balance of the alternative financial security required until the 30026
alternative financial security has been fully funded by the 30027
permittee. 30028

(b) The chief shall adopt rules in accordance with Chapter 30029
119. of the Revised Code that are necessary for the administration 30030
of division (F)(8)(a) of this section. 30031

(c) If the chief determines that a permittee must provide alternative financial security under division (F)(8)(a) of this section and the performance security for the permit was provided under division (C)(2) of section 1513.08 of the Revised Code, the permittee may fund the alternative financial security incrementally over a period of time, not to exceed five years, with reliance on the reclamation forfeiture fund created in section 1513.18 of the Revised Code for the balance of the alternative financial security required until the alternative financial security has been fully funded by the permittee. The permittee semiannually shall pay to the division of mineral resources management a fee that is equal to seven and one-half per cent of the average balance of the alternative financial security that is being provided by reliance on the reclamation forfeiture fund over the previous six months. All money received from the fee shall be credited to the reclamation forfeiture fund.

(9) Final release of the performance security in accordance with division (F)(3)(c) of this section terminates the jurisdiction of the chief under this chapter over the reclaimed site of a surface coal mining and reclamation operation or applicable portion of an operation. However, the chief shall reassert jurisdiction over such a site if the release was based on fraud, collusion, or misrepresentation of a material fact and the chief, in writing, demonstrates evidence of the fraud, collusion, or misrepresentation. Any person with an interest that is or may be adversely affected by the chief's determination may appeal the determination to the reclamation commission in accordance with section 1513.13 of the Revised Code.

(G) The chief shall adopt rules governing the criteria for forfeiture of performance security, the method of determining the forfeited amount, and the procedures to be followed in the event of forfeiture. Cash received as the result of such forfeiture is

the property of the state. 30064

Sec. 1514.06. (A) There is hereby created in the state 30065
treasury the surface mining fund consisting of all money that 30066
becomes the property of the state pursuant to sections 1514.05 and 30067
1514.051 of the Revised Code, money credited to the fund under 30068
divisions (C)(1) and (2) of section 1514.071, and other money 30069
specified in section 1514.11 of the Revised Code. All investment 30070
earnings of the fund shall be credited to the fund. Expenditures 30071
from the fund shall be made by the chief of the division of 30072
mineral resources management for the purpose of reclaiming areas 30073
of land affected by surface or in-stream mining under a permit 30074
issued under this chapter that the operator has failed to reclaim 30075
~~and. Provided that the chief maintains a balance in the fund that~~ 30076
is sufficient to achieve that purpose and, in doing so, considers 30077
the timeliness of reclamation activity, the chief may use the fund 30078
for other purposes specified in section 1514.11 of the Revised 30079
Code. 30080

(B) Expenditures of moneys from the fund, except as otherwise 30081
provided by this section, shall be made pursuant to contracts 30082
entered into by the chief with persons who agree to furnish all of 30083
the materials, equipment, work, and labor, as specified and 30084
provided in the contracts, for the prices stipulated therein. With 30085
the approval of the director of natural resources, the chief may 30086
reclaim the land in the same manner as the chief required of the 30087
operator who failed to reclaim the land. Each contract awarded by 30088
the chief shall be awarded to the lowest responsive and 30089
responsible bidder, in accordance with section 9.312 of the 30090
Revised Code, after sealed bids are received, opened, and 30091
published at the time and place fixed by the chief. The chief 30092
shall publish notice of the time and place at which bids will be 30093
received, opened, and published, at least once at least ten days 30094
before the date of the opening of the bids, in a newspaper of 30095

general circulation in the county in which the area of land to be 30096
reclaimed under the contract is located. If, after so advertising 30097
for bids, no bids are received by the chief at the time and place 30098
fixed for receiving them, the chief may advertise again for bids, 30099
or, if the chief considers the public interest will be best 30100
served, the chief may enter into a contract for the reclamation of 30101
the area of land without further advertisement for bids. The chief 30102
may reject any or all bids received and again publish notice of 30103
the time and place at which bids for contracts will be received, 30104
opened, and published. 30105

(C) With the approval of the director, the chief, without 30106
advertising for bids, may enter into a contract with the 30107
landowner, a surface or in-stream mine operator or coal mine 30108
operator mining under a current, valid permit issued under this 30109
chapter or Chapter 1513. of the Revised Code, or a contractor 30110
hired by a surety to complete reclamation, to carry out 30111
reclamation on land affected by surface or in-stream mining 30112
operations that an operator has failed to reclaim. 30113

(D) With the approval of the director, the chief may carry 30114
out all or part of the reclamation work on land affected by 30115
surface or in-stream mining operations that the operator has 30116
failed to reclaim using the employees and equipment of any 30117
division of the department of natural resources. 30118

(E) The chief shall require every contractor performing 30119
reclamation work under this section to pay workers at the greater 30120
of their regular rate of pay, as established by contract, 30121
agreement, or prior custom or practice, or the average wage rate 30122
paid in this state for the same or similar work, as determined by 30123
the chief under section 1513.02 of the Revised Code. 30124

(F) Each contract entered into by the chief under this 30125
section shall provide only for the reclamation of land affected by 30126
the surface or in-stream mining operation or operations of one 30127

operator and not reclaimed by the operator as required by this 30128
chapter. If there is money in the fund derived from the 30129
performance bond deposited with the chief by one operator to 30130
ensure the reclamation of two or more areas of land affected by 30131
the surface or in-stream mining operation or operations of one 30132
operator and not reclaimed by the operator as required by this 30133
chapter, the chief may award a single contract for the reclamation 30134
of all such areas of land. 30135

(G) The cost of the reclamation work done under this section 30136
on each area of land affected by surface or in-stream mining 30137
operations that an operator has failed to reclaim shall be paid 30138
out of the money in the fund derived from the performance bond 30139
that was deposited with the chief to ensure the reclamation of 30140
that area of land. If the amount of money is not sufficient to pay 30141
the cost of doing all of the reclamation work on the area of land 30142
that the operator should have done, but failed to do, the chief 30143
may expend from the reclamation forfeiture fund created in section 30144
1513.18 of the Revised Code or the surface mining fund created in 30145
this section the amount of money needed to complete reclamation to 30146
the standards required by this chapter. The operator is liable for 30147
that expense in addition to any other liabilities imposed by law. 30148
At the request of the chief, the attorney general shall bring an 30149
action against the operator for the amount of the expenditures 30150
from either fund. Moneys so recovered shall be deposited in the 30151
state treasury to the credit of the fund from which the 30152
expenditures were made. 30153

(H) If any part of the money in the surface mining fund 30154
remains in the fund after the chief has caused the area of land to 30155
be reclaimed and has paid all the reclamation costs and expenses, 30156
or if any money remains because the area of land has been 30157
repermitted under this chapter or reclaimed by a person other than 30158
the chief, the chief may expend the remaining money to complete 30159

other reclamation work performed under this section. The chief 30160
shall prepare an annual report that summarizes the money credited 30161
to the fund and expenditures made from the fund and post the 30162
report on the division of mineral resources management's web site. 30163

Sec. 1514.08. (A) The chief of the division of mineral 30164
resources management may adopt, amend, and rescind rules in 30165
accordance with Chapter 119. of the Revised Code in order to 30166
prescribe procedures for submitting applications for permits, 30167
amendments to permits, and amendments to plans of mining and 30168
reclamation; filing annual reports and final reports; requesting 30169
inspection and approval of reclamation; paying permit and filing 30170
fees; and filing and obtaining the release of performance bonds 30171
deposited with the state. For the purpose of preventing damage to 30172
adjoining property or achieving one or more of the performance 30173
standards established in division (A)(10) of section 1514.02 of 30174
the Revised Code, the chief may establish classes of mining 30175
industries, based upon industrial categories, combinations of 30176
minerals produced, and geological conditions in which surface or 30177
in-stream mining operations occur, and may prescribe different 30178
rules consistent with the performance standards for each class. 30179
For the purpose of apportioning the workload of the division of 30180
mineral resources management among the quarters of the year, the 30181
rules may require that applications for permits and annual reports 30182
be filed in different quarters of the year, depending upon the 30183
county in which the operation is located. 30184

(B) The chief shall adopt rules under this section that do 30185
all of the following: 30186

(1) With respect to in-stream mining, and in consultation 30187
with the chief of the division of ~~soil and~~ water resources, 30188
determine periods of low flow, which are the only time periods 30189
during which in-stream mining is allowed, and develop and 30190

implement any criteria, in addition to the criteria established in 30191
section 1514.02 of the Revised Code, that the chief determines are 30192
necessary for the permitting of in-stream mining; 30193

(2) Establish criteria and procedures for approving or 30194
disapproving the transfer of a surface or in-stream mining permit 30195
under division (F) of section 1514.02 of the Revised Code; 30196

(3) Define when any of the following may be considered to be 30197
"significant" for purposes of section 1514.022 of the Revised 30198
Code: 30199

(a) An amendment to a permit issued under section 1514.02 of 30200
the Revised Code for a surface or in-stream mining operation; 30201

(b) An amendment to the plan of mining and reclamation that 30202
must be filed with an application for either permit under section 30203
1514.02 of the Revised Code; 30204

(c) Changes to that plan of mining and reclamation that are 30205
proposed in a permit renewal application filed under section 30206
1514.021 of the Revised Code. 30207

In defining "significant," the chief shall focus on changes 30208
that increase the likelihood that the mining operation may have a 30209
negative impact on the public. 30210

(4) Establish a framework and procedures under which the 30211
amount of any bond required to be filed under this chapter to 30212
ensure the satisfactory performance of the reclamation measures 30213
required under this chapter may be reduced by subtracting a credit 30214
based on the operator's past compliance with this chapter and 30215
rules adopted and orders issued under it. The rules also shall 30216
apply to cash, an irrevocable letter of credit, or a certificate 30217
of deposit that is on deposit in lieu of a bond. In establishing 30218
the amount of credit that an operator or applicant may receive 30219
based on past compliance, the chief may consider past compliance 30220
with respect to any permit for a surface or in-stream mining 30221

operation that has been issued in this state to the operator or 30222
applicant. 30223

(5) Establish criteria and procedures for granting a variance 30224
from compliance with the prohibitions established in divisions 30225
(E)(3) and (F)(3) of section 1514.10 of the Revised Code. The 30226
criteria shall ensure that an operator may obtain a variance only 30227
if compliance with the applicable prohibition is not necessary to 30228
prevent damage to the watercourse or surrounding areas. 30229

Sec. 1514.13. (A) The chief of the division of mineral 30230
resources management shall use the compilation of data for ground 30231
water modeling submitted under section 1514.02 of the Revised Code 30232
to establish a projected cone of depression for any surface mining 30233
operation that may result in dewatering. The chief shall consult 30234
with the chief of the division of ~~soil and~~ water resources when 30235
projecting a cone of depression. An applicant for a surface mining 30236
permit for such an operation may submit ground water modeling that 30237
shows a projected cone of depression for that operation to the 30238
chief, provided that the modeling complies with rules adopted by 30239
the chief regarding ground water modeling. However, the chief 30240
shall establish the projected cone of depression for the purposes 30241
of this section. 30242

The chief shall adopt, and may amend and rescind, rules in 30243
accordance with Chapter 119. of the Revised Code establishing 30244
requirements and standards governing both of the following: 30245

(1) Ground water modeling for establishing a projected cone 30246
of depression. A ground water model shall be generally accepted in 30247
the scientific community. 30248

(2) Replacement of water supplies. 30249

(B)(1) If an owner of real property who obtains all or part 30250
of the owner's water supply for domestic, agricultural, 30251

industrial, or other legitimate use from ground water has a 30252
diminution, contamination, or interruption of that water supply 30253
and the owner's real property is located within the projected cone 30254
of depression of a surface mining operation established under this 30255
section, the owner may submit a written complaint to the operator 30256
of that operation or to the chief informing the operator or the 30257
chief that there is a diminution, contamination, or interruption 30258
of the owner's water supply. The complaint shall include the 30259
owner's name, address, and telephone number. 30260

If the chief receives a written complaint, the chief 30261
immediately shall send a copy of the complaint to the operator, 30262
and the operator immediately shall respond by sending the chief a 30263
statement that explains how the operator resolved or will resolve 30264
the complaint. If the operator receives a written complaint, the 30265
operator immediately shall send to the chief a copy of the 30266
complaint and include a statement that explains how the operator 30267
resolved or will resolve the complaint. Not later than seventy-two 30268
hours after receipt of the complaint, the operator shall provide 30269
the owner a supply of water that is comparable, in quantity and 30270
quality, to the owner's water supply prior to the diminution, 30271
contamination, or interruption of the owner's water supply. The 30272
operator shall maintain that water supply until the operator 30273
provides a permanent replacement water supply to the owner under 30274
division (B)(3) of this section or until the division of mineral 30275
resources management completes the evaluation under division 30276
(B)(2) of this section, whichever is applicable. 30277

(2) A rebuttable presumption exists that the operation caused 30278
the diminution, contamination, or interruption of the owner's 30279
water supply. However, not later than fourteen days after receipt 30280
of the complaint, the operator may submit to the division 30281
information showing that the operation is not the proximate cause 30282
of the diminution, contamination, or interruption of the owner's 30283

water supply. The division shall evaluate the information 30284
submitted by the operator to determine if the presumption is 30285
rebutted. If the operator fails to rebut the presumption, the 30286
division immediately shall notify the operator that the operator 30287
failed to rebut the presumption. Not later than fourteen days 30288
after receipt of that notice, the operator shall provide the owner 30289
a permanent replacement water supply that is comparable, in 30290
quantity and quality, to the owner's water supply prior to the 30291
diminution, contamination, or interruption of the owner's water 30292
supply. If the operator rebuts the presumption, the division 30293
immediately shall notify the operator that the operator rebutted 30294
the presumption, and, upon receipt of that notice, the operator 30295
may cease providing a supply of water to the owner under division 30296
(B)(1) of this section. 30297

(3) If, within fourteen days after receipt of the complaint, 30298
the operator does not submit to the division information showing 30299
that the operation is not the proximate cause of the diminution, 30300
contamination, or interruption of the owner's water supply, the 30301
operator shall provide the owner, not later than twenty-eight days 30302
after receipt of the complaint, a permanent replacement water 30303
supply that is comparable, in quantity and quality, to the owner's 30304
water supply prior to the diminution, contamination, or 30305
interruption of the owner's water supply. 30306

(4) The division may investigate a complaint under division 30307
(B) of this section. 30308

(C) If an owner of real property who obtains all or part of 30309
the owner's water supply for domestic, agricultural, industrial, 30310
or other legitimate use from ground water has a diminution, 30311
contamination, or interruption of that water supply and the 30312
owner's real property is not located within the projected cone of 30313
depression of a surface mining operation established under this 30314
section, the owner may submit a written complaint to the operator 30315

of that operation or to the chief informing the operator or the 30316
chief that there is a diminution, contamination, or interruption 30317
of the owner's water supply. The complaint shall include the 30318
owner's name, address, and telephone number. 30319

If the operator receives a written complaint, the operator 30320
immediately shall send the chief a copy of the complaint. If the 30321
chief receives a written complaint, the chief immediately shall 30322
send the operator a copy of the complaint. The chief shall 30323
investigate any complaint submitted under this division and, upon 30324
completion of the investigation, immediately shall send the 30325
results of the investigation to the operator and to the owner that 30326
filed the complaint. 30327

An owner that submits a written complaint under this division 30328
may resolve the diminution, contamination, or interruption of the 30329
owner's water supply with the operator of that operation or may 30330
commence a civil action for that purpose. 30331

(D) An operator may request the chief to amend the plan of 30332
mining and reclamation filed with the application under section 30333
1514.02 of the Revised Code when a ground water user may affect 30334
the projected cone of depression established for the operation 30335
under division (A) of this section. The operator shall submit 30336
additional data that reflect the ground water user's impact on the 30337
ground water. The chief shall perform ground water modeling using 30338
the additional data and may establish a revised projected cone of 30339
depression for that operation. 30340

(E) This section shall not be construed as creating, 30341
modifying, or affecting any right, liability, or remedy of surface 30342
riparian owners. 30343

Sec. 1514.40. In accordance with Chapter 119. of the Revised 30344
Code, the chief of the division of mineral resources management, 30345
in consultation with a statewide association that represents the 30346

surface mining industry, shall adopt rules that do all of the 30347
following: 30348

(A) For the purpose of establishing safety standards 30349
governing surface mining operations, incorporate by reference 30 30350
C.F.R. parts 46, 47, 50, 56, 58, and 62, as amended; 30351

(B) Establish criteria, standards, and procedures governing 30352
safety performance evaluations conducted under section 1514.45 of 30353
the Revised Code, including requirements for the notification of 30354
operators and the identification of authorized representatives of 30355
miners at surface mining operations for purposes of inspections 30356
conducted under sections 1514.41 to 1514.47 of the Revised Code; 30357

(C) Establish requirements governing the reporting and 30358
investigation of accidents at surface mining operations. In 30359
adopting the rules, the chief shall establish requirements that 30360
minimize duplication with any reporting and investigations of 30361
accidents that are conducted by the mine safety and health 30362
administration in the United States department of labor. 30363

(D) Establish the time, place, and frequency of mine safety 30364
training conducted under section 1514.06 of the Revised Code and a 30365
fee, if any, for the purpose of that section. The amount of the 30366
fee shall not exceed the costs of conducting the training that is 30367
required under that section. 30368

(E) Establish the minimum qualifications necessary to take 30369
the examination that is required for certification of certified 30370
mine forepersons under division (B) of section 1514.47 of the 30371
Revised Code and requirements, fees, and procedures governing the 30372
taking of the examination; 30373

(F) Establish requirements and fees governing the ~~renewal~~ 30374
reissuance of certificates under division (C) of that section; 30375

(G) Establish requirements and procedures for the approval of 30376
training plans submitted under division ~~(E)~~ (D) of that section 30377

for the use of qualified persons to conduct examinations of 30378
surface mining operations in lieu of certified mine forepersons 30379
and minimum qualifications of those persons. The rules shall 30380
include requirements governing training frequency and curriculum 30381
that must be provided for qualified persons under such plans and 30382
shall establish related reporting and record keeping requirements. 30383

As used in sections 1514.41 to 1514.47 of the Revised Code, 30384
"rule" means a rule adopted under this section unless the context 30385
indicates otherwise. 30386

Sec. 1514.42. The chief of the division of mineral resources 30387
management ~~shall~~ may conduct a one safety audit at a surface 30388
mining operation annually if the operator of the operation has 30389
requested the division of mineral resources management to conduct 30390
mine safety training for that year. The safety audit shall be 30391
scheduled at a time to which the chief and the operator mutually 30392
agree and shall not continue more than one day. The chief shall 30393
conduct additional safety audits at any surface mining operation 30394
if requested by the operator of the operation. If the chief 30395
conducts a safety audit, the operator shall ensure that the chief 30396
has a copy of the training plan that is required by 30 C.F.R. part 30397
46, as amended, at the time of the audit. 30398

After completion of an audit, the chief shall prepare a 30399
report that describes the general conditions of the surface mining 30400
operation, lists any hazardous conditions at the operation, lists 30401
any violations of the safety standards established in rules, and 30402
describes the nature and extent of any hazardous condition or 30403
violation found and the corresponding remedy for each hazardous 30404
condition or violation. The chief shall provide two copies of the 30405
report to the operator of the operation. The operator shall post 30406
one copy of the report at the operation for review by the 30407
employees of the operation. 30408

Sec. 1514.47. (A)~~(1)~~ The operator of a surface mining 30409
operation shall employ a certified mine foreperson ~~or a person who~~ 30410
~~is qualified in accordance with this section and rules to conduct~~ 30411
~~examinations of surface mining operations for purposes of 30~~ 30412
~~C.F.R. part 56, as amended to be in charge of the conditions and~~ 30413
~~practices at the mine and to be responsible for conducting~~ 30414
~~examinations of the surface mining operation under 30 C.F.R. part~~ 30415
~~56, as amended.~~ 30416

(2) Examinations of surface mining operations for the 30417
purposes of 30 C.F.R. part 56, as amended, shall be conducted by 30418
one of the following: 30419

(i) A certified mine foreperson; 30420

(ii) A person who is qualified to conduct such examinations 30421
as provided in division (D) of this section; 30422

(iii) A person designated by the certified mine foreperson as 30423
a competent person. 30424

(3) For purposes of this section, a competent person is a 30425
person who has been trained in accordance with 30 C.F.R. part 46 30426
and been determined by a certified mine foreperson to have 30427
demonstrated the ability, training, knowledge, or experience 30428
necessary to perform the duty to which the person is assigned. A 30429
person is not a competent person if the chief of the division of 30430
mineral resources management demonstrates, with good cause, that 30431
the person does not have the ability, training, knowledge, or 30432
experience necessary to perform that duty. 30433

(4) The operator of a surface mining operation shall maintain 30434
records demonstrating that a competent person designated by a 30435
certified mine foreperson has the ability, training, knowledge, or 30436
experience to perform the duty to which the person is assigned as 30437
well as records of the competent person's training in accordance 30438

with 30 C.F.R. part 46. The operator shall make the records 30439
available to the chief upon request. 30440

(B) ~~The chief of the division of mineral resources management~~ 30441
shall conduct examinations for the position of certified mine 30442
foreperson in accordance with rules. In order to be eligible for 30443
examination as a certified mine foreperson, an applicant shall 30444
file with the chief an affidavit establishing the applicant's 30445
qualifications to take the examination. The chief shall grade 30446
examinations and issue certificates. 30447

(C)(1) A certificate issued under this section shall not 30448
~~expire five years after the date of issuance. A certificate may be~~ 30449
~~renewed, provided that the applicant verifies that all required~~ 30450
~~training pursuant to 30 C.F.R. part 46, as amended, has been~~ 30451
~~completed and any other requirements for renewal have been~~ 30452
~~satisfied.~~ 30453

~~(D) If unless the certificate holder has not been employed in~~ 30454
~~a surface mining operation for five consecutive years. If the~~ 30455
~~certificate holder has not been employed in a surface mining~~ 30456
~~operation for five consecutive years, the certificate holder may~~ 30457
~~retake the mine foreperson examination or may petition the chief~~ 30458
~~to accept past employment history in lieu of fulfilling the~~ 30459
~~employment requirement established in this division. The chief~~ 30460
~~shall grant or deny the petition by issuance of an order. If the~~ 30461
~~chief grants the petition, the chief shall reissue the~~ 30462
~~certificate.~~ 30463

(2) If a certificate issued under this section is suspended, 30464
the certificate shall not be renewed until the suspension period 30465
expires and the person whose certificate is suspended successfully 30466
completes all actions required by the chief. If an applicant's 30467
license, certificate, or similar authority that is issued by 30468
another state to perform specified mining duties is suspended or 30469
revoked by that state, the applicant shall be ineligible for 30470

examination for or renewal of a certificate in this state during 30471
that period of suspension or revocation. A certificate that has 30472
been revoked shall not be renewed. 30473

(3) If a person who has been certified by the chief under 30474
this section purposely violates this chapter, the chief may 30475
suspend or revoke the certificate after an investigation and 30476
hearing conducted in accordance with Chapter 119. of the Revised 30477
Code are completed. 30478

~~(E)~~(4) If a person holds a certificate issued under this 30479
section that has not expired prior to the effective date of this 30480
amendment, the chief, upon request, shall reissue to that person a 30481
certificate that does not expire as provided in division (C)(1) of 30482
this section. 30483

(5) If a person holds a certificate issued under this section 30484
that expired on or after April 7, 2012, and has not been issued a 30485
new certificate prior to the effective date of this amendment, the 30486
chief, upon request, shall issue to that person a certificate that 30487
does not expire as provided in division (C)(1) of this section, 30488
provided that the person is in compliance with all other 30489
applicable requirements established in this chapter and rules 30490
adopted under it. 30491

(D) In lieu of employing a certified mine foreperson, the 30492
operator of a surface mining operation may submit to the chief a 30493
detailed training plan under which persons who qualify under the 30494
plan may conduct and document examinations at the surface mining 30495
operation for purposes of 30 C.F.R. part 56, as amended. The chief 30496
shall review the plan and determine if the plan complies with the 30497
requirements established in rules. The chief shall approve or deny 30498
the plan and notify in writing the operator who submitted the plan 30499
of the chief's decision. 30500

Sec. 1521.03. The chief of the division of soil and water 30501

resources shall do all of the following: 30502

(A) Assist in an advisory capacity any properly constituted 30503
watershed district, conservancy district, or soil and water 30504
conservation district or any county, municipal corporation, or 30505
other government agency of the state in the planning of works for 30506
ground water recharge, flood mitigation, floodplain management, 30507
flood control, flow capacity and stability of streams, rivers, and 30508
watercourses, or the establishment of water conservation 30509
practices, within the limits of the appropriations for those 30510
purposes; 30511

(B) Have authority to conduct basic inventories of the water 30512
and related natural resources in each drainage basin in the state; 30513
to develop a plan on a watershed basis that will recognize the 30514
variety of uses to which water may be put and the need for its 30515
management for those uses; with the approval of the director of 30516
natural resources and the controlling board, to transfer 30517
appropriated or other funds, authorized for those inventories and 30518
plan, to any division of the department of natural resources or 30519
other state agencies for the purpose of developing pertinent data 30520
relating to the plan of water management; and to accept and expend 30521
moneys contributed by any person for implementing the development 30522
of the plan; 30523

(C) Have authority to make detailed investigations of all 30524
factors relating to floods, floodplain management, and flood 30525
control in the state with particular attention to those factors 30526
bearing upon the hydraulic and hydrologic characteristics of 30527
rivers, streams, and watercourses, recognizing the variety of uses 30528
to which water and watercourses may be put; 30529

(D) Cooperate with the United States or any agency thereof 30530
and with any political subdivision of the state in planning and 30531
constructing flood control works; 30532

(E) Hold meetings or public hearings, whichever is considered 30533
appropriate by the chief, to assist in the resolution of conflicts 30534
between ground water users. Such meetings or hearings shall be 30535
called upon written request from boards of health of city or 30536
general health districts created by or under the authority of 30537
Chapter 3709. of the Revised Code or authorities having the duties 30538
of a board of health as authorized by section 3709.05 of the 30539
Revised Code, boards of county commissioners, boards of township 30540
trustees, legislative authorities of municipal corporations, or 30541
boards of directors of conservancy districts and may be called by 30542
the chief upon the request of any other person or at the chief's 30543
discretion. The chief shall collect and present at such meetings 30544
or hearings the available technical information relevant to the 30545
conflicts and to the ground water resource. The chief shall 30546
prepare a report, and may make recommendations, based upon the 30547
available technical data and the record of the meetings or 30548
hearings, about the use of the ground water resource. In making 30549
the report and any recommendations, the chief also may consider 30550
the factors listed in division (B) of section 1521.17 of the 30551
Revised Code. The technical information presented, the report 30552
prepared, and any recommendations made under this division shall 30553
be presumed to be prima-facie authentic and admissible as evidence 30554
in any court pursuant to Evidence Rule 902. 30555

(F) Perform stream or ground water gauging and may contract 30556
with the United States government or any other agency for the 30557
gauging of any streams or ground water within the state; 30558

(G) Primarily with regard to water quantity, have authority 30559
to collect, study, map, and interpret all available information, 30560
statistics, and data pertaining to the availability, supply, use, 30561
conservation, and replenishment of the ground and surface waters 30562
in the state in coordination with other agencies of this state; 30563

(H) Primarily with regard to water quantity and availability, 30564

be authorized to cooperate with and negotiate for the state with 30565
any agency of the United States government, of this state, or of 30566
any other state pertaining to the water resources of the state; 30567

(I) Provide engineering support for the coastal management 30568
program established under Chapter 1506. of the Revised Code. 30569

Sec. 1521.031. There is hereby created in the department of 30570
natural resources the Ohio water advisory council. The council 30571
shall consist of seven members appointed by the governor with the 30572
advice and consent of the senate. No more than four of the members 30573
shall be of the same political party. Members shall be persons who 30574
have a demonstrated interest in water management and whose 30575
expertise reflects the various responsibilities of the division of 30576
~~soil and~~ water resources under this chapter and Chapter 1523. of 30577
the Revised Code, including, but not limited to, dam safety, 30578
surface water, groundwater, and flood plain management. The chief 30579
of the division of ~~soil and~~ water resources may participate in the 30580
deliberations of the council, but shall not vote. 30581

Terms of office of members shall be for two years commencing 30582
on the second day of February and ending on the first day of 30583
February. Each member shall hold office from the date of 30584
appointment until the end of the term for which appointed. The 30585
governor may remove any member at any time for inefficiency, 30586
neglect of duty, or malfeasance in office. In the event of the 30587
death, removal, resignation, or incapacity of any member, the 30588
governor, with the advice and consent of the senate, shall appoint 30589
a successor to hold office for the remainder of the term for which 30590
the member's predecessor was appointed. Any member shall continue 30591
in office following the expiration date of the member's term until 30592
the member's successor takes office or until sixty days have 30593
elapsed, whichever occurs first. Membership on the council does 30594
not constitute holding a public office or position of employment 30595

under the Revised Code and is not grounds for removal of public 30596
officers or employees from their offices or positions of 30597
employment. 30598

The council annually shall select from its members a 30599
chairperson and a vice-chairperson. The council shall hold at 30600
least one meeting each calendar quarter and shall keep a record of 30601
its proceedings, which shall be open to the public for inspection. 30602
Special meetings may be called by the chairperson and shall be 30603
called upon the written request of two or more members. A majority 30604
of the members constitutes a quorum. The division shall furnish 30605
clerical, technical, legal, and other services required by the 30606
council in the performance of its duties. 30607

Members shall receive no compensation, but shall be 30608
reimbursed from the appropriations for the division for the actual 30609
and necessary expenses incurred by them in the performance of 30610
their official duties. 30611

The council shall: 30612

(A) Advise the chief of the division of ~~soil and~~ water 30613
resources in carrying out the duties of the division under this 30614
chapter and Chapter 1523. of the Revised Code; 30615

(B) Recommend such policy and legislation with respect to 30616
water management and conservation as will promote the economic, 30617
industrial, and social development of the state while minimizing 30618
threats to the state's natural environment; 30619

(C) Review and make recommendations on the development of 30620
plans and programs for long-term, comprehensive water management 30621
throughout the state; and 30622

(D) Recommend ways to enhance cooperation among governmental 30623
agencies having an interest in water to encourage wise use and 30624
protection of the state's ground and surface waters. To this end, 30625
the council shall request nonvoting representation from 30626

appropriate governmental agencies. 30627

Sec. 1521.04. The chief of the division of ~~soil and~~ water 30628
resources, with the approval of the director of natural resources, 30629
may make loans and grants from the water management fund created 30630
in section 1501.32 of the Revised Code to governmental agencies 30631
for water management, water supply improvements, and planning and 30632
may administer grants from the federal government and from other 30633
public or private sources for carrying out those functions and for 30634
the performance of any acts that may be required by the United 30635
States or by any agency or department thereof as a condition for 30636
the participation by any governmental agency in any federal 30637
financial or technical assistance program. Direct and indirect 30638
costs of administration may be paid from the fund. 30639

The chief may use the water management fund for the purposes 30640
of administering the water diversion and consumptive use permit 30641
programs established in sections 1501.30 to 1501.35 of the Revised 30642
Code and the withdrawal and consumptive use permit program 30643
established under sections 1522.10 to 1522.21 of the Revised Code; 30644
to perform watershed and water resources studies for the purposes 30645
of water management planning; and to acquire, construct, 30646
reconstruct, improve, equip, maintain, operate, and dispose of 30647
water management improvements. The chief may fix, alter, charge, 30648
and collect rates, fees, rentals, and other charges to be paid 30649
into the fund by governmental agencies and persons who are 30650
supplied with water by facilities constructed or operated by the 30651
department of natural resources in order to amortize and defray 30652
the cost of the construction, maintenance, and operation of those 30653
facilities. 30654

Sec. 1521.05. (A) As used in this section: 30655

(1) "Construct" or "construction" includes drilling, boring, 30656

digging, deepening, altering, and logging. 30657

(2) "Altering" means changing the configuration of a well, 30658
including, without limitation, deepening a well, extending or 30659
replacing any portion of the inside or outside casing or wall of a 30660
well that extends below ground level, plugging a portion of a well 30661
back to a certain depth, and reaming out a well to enlarge its 30662
original diameter. 30663

(3) "Logging" means describing the lithology, grain size, 30664
color, and texture of the formations encountered during the 30665
drilling, boring, digging, deepening, or altering of a well. 30666

(4) "Grouting" means neat cement; bentonite products in 30667
slurry, granular, or pelletized form, excluding drilling mud or 30668
fluids; or any combination of neat cement and bentonite products 30669
that is placed within a well to seal the annular space or to seal 30670
an abandoned well and that is impervious to and capable of 30671
preventing the movement of water. 30672

(5) "Abandoned well" means a well whose use has been 30673
permanently discontinued and that poses potential health and 30674
safety hazards or that has the potential to transmit surface 30675
contaminants into the aquifer in which the well has been 30676
constructed. 30677

(6) "Sealing" means the complete filling of an abandoned well 30678
with grouting or other approved materials in order to permanently 30679
prevent the vertical movement of water in the well and thus 30680
prevent the contamination of ground water or the intermixing of 30681
water between aquifers. 30682

(B) Any person that constructs a well shall keep a careful 30683
and accurate log of the construction of the well. The log shall 30684
show all of the following: 30685

(1) The character, including, without limitation, the 30686
lithology, color, texture, and grain size, the name, if known, and 30687

the depth of all formations passed through or encountered;	30688
(2) The depths at which water is encountered;	30689
(3) The static water level of the completed well;	30690
(4) A copy of the record of all pumping tests and analyses related to those tests, if any;	30691 30692
(5) Construction details, including lengths, diameters, and thicknesses of casing and screening and the volume, type of material, and method of introducing gravel packing and grouting into the well;	30693 30694 30695 30696
(6) The type of pumping equipment installed, if any;	30697
(7) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	30698 30699 30700
(8) The signature of the individual who constructed the well and filed the well log;	30701 30702
(9) Any other information required by the chief of the division of ~~soil and~~ water resources.	30703 30704
The log shall be filed with the division of ~~soil and~~ water resources within thirty days after the completion of construction of the well on forms prescribed and prepared by the division. The log shall be kept on file by the division.	30705 30706 30707 30708
(C) Any person that seals a well shall keep a careful and accurate report of the sealing of the well. The sealing report shall show all of the following:	30709 30710 30711
(1) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	30712 30713 30714
(2) The depth of the well, the size and length of its casing, and the static water level of the well;	30715 30716

(3) The sealing procedures, including the volume and type of sealing material or materials and the method and depth of placement of each material;

(4) The date on which the sealing was performed;

(5) The signature of the individual who sealed the well and filed the sealing report;

(6) Any other information required by the chief.

The sealing report shall be filed with the division within thirty days after the completion of the sealing of the well on forms prescribed and prepared by the division.

(D) In accordance with Chapter 119. of the Revised Code, the chief may adopt, amend, and rescind rules requiring other persons that are involved in the construction or subsequent development of a well to submit well logs under division (B) of this section containing any or all of the information specified in divisions (B)(1) to (9) of this section and specifying additional information to be included in sealing reports required under division (C) of this section. The chief shall adopt rules establishing procedures and requirements governing the payment and collection of water well log filing fees, including the amount of any filing fee to be imposed as an alternative to the twenty-dollar filing fee established in division (G) of this section and including procedures for the quarterly transfer of filing fees by boards of health and the director of environmental protection under that division.

(E)(1) No person shall fail to keep and file a well log or a sealing report as required by this section.

(2) No person shall make a false statement in any well log or sealing report required to be kept and filed under this section. Violation of division (E)(2) of this section is falsification under section 2921.13 of the Revised Code.

(F) For the purposes of prosecution of a violation of 30748
division (E)(1) of this section, a prima-facie case is established 30749
when the division obtains either of the following: 30750

(1) A certified copy of a permit for a private water system 30751
issued in accordance with rules adopted under section 3701.344 of 30752
the Revised Code, or a certified copy of the invoice or a canceled 30753
check from the owner of a well indicating the construction or 30754
sealing services performed; 30755

(2) A certified copy of any permit issued under Chapter 3734. 30756
or 6111. of the Revised Code or plan approval granted under 30757
Chapter 6109. of the Revised Code for any activity that includes 30758
the construction or sealing of a well as applicable. 30759

(G) In accordance with rules adopted under this section, a 30760
person or entity that constructs a well for the purpose of 30761
extracting potable water as part of a private water system that is 30762
subject to rules adopted under section 3701.344 of the Revised 30763
Code or a public water system that is required to be licensed 30764
under Chapter 6109. of the Revised Code shall pay a well log 30765
filing fee of twenty dollars per well log or, if the chief has 30766
adopted rules establishing an alternative fee amount, the fee 30767
amount established under rules. The fee shall be collected by a 30768
board of health under section 3701.344 of the Revised Code or the 30769
environmental protection agency under section 6109.22 of the 30770
Revised Code, as applicable. 30771

Each calendar quarter, a board of health or the environmental 30772
protection agency, as applicable, shall forward all well log 30773
filing fees collected during the previous calendar quarter to the 30774
division of ~~soil and~~ water resources. The fees shall be forwarded 30775
in accordance with procedures established in rules adopted under 30776
this section. 30777

Proceeds of well log filing fees shall be used by the 30778

division of ~~soil and~~ water resources for the purposes of 30779
acquiring, maintaining, and dispensing digital and paper records 30780
of well logs that are filed with the division. 30781

Sec. 1521.06. (A) No dam may be constructed for the purpose 30782
of storing, conserving, or retarding water, or for any other 30783
purpose, nor shall any levee be constructed for the purpose of 30784
diverting or retaining flood water, unless the person or 30785
governmental agency desiring the construction has a construction 30786
permit for the dam or levee issued by the chief of the division of 30787
~~soil and~~ water resources. 30788

A construction permit is not required under this section for: 30789

(1) A dam that is or will be less than ten feet in height and 30790
that has or will have a storage capacity of not more than fifty 30791
acre-feet at the elevation of the top of the dam, as determined by 30792
the chief. For the purposes of this section, the height of a dam 30793
shall be measured from the natural stream bed or lowest ground 30794
elevation at the downstream or outside limit of the dam to the 30795
elevation of the top of the dam. 30796

(2) A dam, regardless of height, that has or will have a 30797
storage capacity of not more than fifteen acre-feet at the 30798
elevation of the top of the dam, as determined by the chief; 30799

(3) A dam, regardless of storage capacity, that is or will be 30800
six feet or less in height, as determined by the chief; 30801

(4) A dam or levee that belongs to a class exempted by the 30802
chief; 30803

(5) The repair, maintenance, improvement, alteration, or 30804
removal of a dam or levee that is subject to section 1521.062 of 30805
the Revised Code, unless the construction constitutes an 30806
enlargement or reconstruction of the structure as determined by 30807
the chief; 30808

(6) A dam or impoundment constructed under Chapter 1513. of the Revised Code. 30809
30810

(B) Before a construction permit may be issued, three copies of the plans and specifications, including a detailed cost estimate, for the proposed construction, prepared by a registered professional engineer, together with the filing fee specified by this section and the bond or other security required by section 1521.061 of the Revised Code, shall be filed with the chief. The detailed estimate of the cost shall include all costs associated with the construction of the dam or levee, including supervision and inspection of the construction by a registered professional engineer. The filing fee shall be based on the detailed cost estimate for the proposed construction as filed with and approved by the chief, and shall be determined by the following schedule unless otherwise provided by rules adopted under this section: 30811
30812
30813
30814
30815
30816
30817
30818
30819
30820
30821
30822
30823

(1) For the first one hundred thousand dollars of estimated cost, a fee of four per cent; 30824
30825

(2) For the next four hundred thousand dollars of estimated cost, a fee of three per cent; 30826
30827

(3) For the next five hundred thousand dollars of estimated cost, a fee of two per cent; 30828
30829

(4) For all costs in excess of one million dollars, a fee of one-half of one per cent. 30830
30831

In no case shall the filing fee be less than one thousand dollars or more than one hundred thousand dollars. If the actual cost exceeds the estimated cost by more than fifteen per cent, an additional filing fee shall be required equal to the fee determined by the preceding schedule less the original filing fee. All fees collected pursuant to this section, and all fines collected pursuant to section 1521.99 of the Revised Code, shall be deposited in the state treasury to the credit of the dam safety 30832
30833
30834
30835
30836
30837
30838
30839

fund, which is hereby created. Expenditures from the fund shall be 30840
made by the chief for the purpose of administering this section 30841
and sections 1521.061 and 1521.062 of the Revised Code. 30842

(C) The chief shall, within thirty days from the date of the 30843
receipt of the application, fee, and bond or other security, issue 30844
or deny a construction permit for the construction or may issue a 30845
construction permit conditioned upon the making of such changes in 30846
the plans and specifications for the construction as the chief 30847
considers advisable if the chief determines that the construction 30848
of the proposed dam or levee, in accordance with the plans and 30849
specifications filed, would endanger life, health, or property. 30850

(D) The chief may deny a construction permit after finding 30851
that a dam or levee built in accordance with the plans and 30852
specifications would endanger life, health, or property, because 30853
of improper or inadequate design, or for such other reasons as the 30854
chief may determine. 30855

In the event the chief denies a permit for the construction 30856
of the dam or levee, or issues a permit conditioned upon a making 30857
of changes in the plans or specifications for the construction, 30858
the chief shall state the reasons therefor and so notify, in 30859
writing, the person or governmental agency making the application 30860
for a permit. If the permit is denied, the chief shall return the 30861
bond or other security to the person or governmental agency making 30862
application for the permit. 30863

The decision of the chief conditioning or denying a 30864
construction permit is subject to appeal as provided in Chapter 30865
119. of the Revised Code. A dam or levee built substantially at 30866
variance from the plans and specifications upon which a 30867
construction permit was issued is in violation of this section. 30868
The chief may at any time inspect any dam or levee, or site upon 30869
which any dam or levee is to be constructed, in order to determine 30870
whether it complies with this section. 30871

(E) A registered professional engineer shall inspect the construction for which the permit was issued during all phases of construction and shall furnish to the chief such regular reports of the engineer's inspections as the chief may require. When the chief finds that construction has been fully completed in accordance with the terms of the permit and the plans and specifications approved by the chief, the chief shall approve the construction. When one year has elapsed after approval of the completed construction, and the chief finds that within this period no fact has become apparent to indicate that the construction was not performed in accordance with the terms of the permit and the plans and specifications approved by the chief, or that the construction as performed would endanger life, health, or property, the chief shall release the bond or other security. No bond or other security shall be released until one year after final approval by the chief, unless the dam or levee has been modified so that it will not retain water and has been approved as nonhazardous after determination by the chief that the dam or levee as modified will not endanger life, health, or property.

(F) When inspections required by this section are not being performed, the chief shall notify the person or governmental agency to which the permit has been issued that inspections are not being performed by the registered professional engineer and that the chief will inspect the remainder of the construction. Thereafter, the chief shall inspect the construction and the cost of inspection shall be charged against the owner. Failure of the registered professional engineer to submit required inspection reports shall be deemed notice that the engineer's inspections are not being performed.

(G) The chief may order construction to cease on any dam or levee that is being built in violation of this section, and may prohibit the retention of water behind any dam or levee that has

been built in violation of this section. The attorney general, 30904
upon written request of the chief, may bring an action for an 30905
injunction against any person who violates this section or to 30906
enforce an order or prohibition of the chief made pursuant to this 30907
section. 30908

(H) The chief may adopt rules in accordance with Chapter 119. 30909
of the Revised Code, for the design and construction of dams and 30910
levees for which a construction permit is required by this section 30911
or for which periodic inspection is required by section 1521.062 30912
of the Revised Code, for establishing a filing fee schedule in 30913
lieu of the schedule established under division (B) of this 30914
section, for deposit and forfeiture of bonds and other securities 30915
required by section 1521.061 of the Revised Code, for the periodic 30916
inspection, operation, repair, improvement, alteration, or removal 30917
of all dams and levees, as specified in section 1521.062 of the 30918
Revised Code, and for establishing classes of dams or levees that 30919
are exempt from the requirements of this section and section 30920
1521.062 of the Revised Code as being of a size, purpose, or 30921
situation that does not present a substantial hazard to life, 30922
health, or property. The chief may, by rule, limit the period 30923
during which a construction permit issued under this section is 30924
valid. The rules may allow for the extension of the period during 30925
which a permit is valid upon written request, provided that the 30926
written request includes a revised construction cost estimate, and 30927
may require the payment of an additional filing fee for the 30928
requested extension. If a construction permit expires without an 30929
extension before construction is completed, the person or agency 30930
shall apply for a new permit, and shall not continue construction 30931
until the new permit is issued. 30932

Sec. 1521.061. Except as otherwise provided in this section, 30933
a construction permit shall not be issued under section 1521.06 of 30934
the Revised Code unless the person or governmental agency applying 30935

for the permit executes and files a surety bond conditioned on 30936
completion of the dam or levee in accordance with the terms of the 30937
permit and the plans and specifications approved by the chief of 30938
the division of ~~soil and~~ water resources, in an amount equal to 30939
fifty per cent of the estimated cost of the project. 30940

If a permittee requests an extension of the time period 30941
during which a construction permit is valid in accordance with 30942
rules adopted under section 1521.06 of the Revised Code, the chief 30943
shall determine whether the revised construction cost estimate 30944
provided with the request exceeds the original construction cost 30945
estimate that was filed with the chief by more than twenty-five 30946
per cent. If the revised construction cost estimate exceeds the 30947
original construction cost estimate by more than twenty-five per 30948
cent, the chief may require an additional surety bond to be filed 30949
so that the total amount of the surety bonds equals at least fifty 30950
per cent of the revised construction cost estimate. 30951

The chief shall not approve any bond until it is personally 30952
signed and acknowledged by both principal and surety, or as to 30953
either by the attorney in fact thereof, with a certified copy of 30954
the power of attorney attached. The chief shall not approve the 30955
bond unless there is attached a certificate of the superintendent 30956
of insurance that the company is authorized to transact a fidelity 30957
and surety business in this state. 30958

All bonds shall be given in a form prescribed by the chief 30959
and shall run to the state as obligee. 30960

The applicant may deposit, in lieu of a bond, cash in an 30961
amount equal to the amount of the bond or United States government 30962
securities or negotiable certificates of deposit issued by any 30963
bank organized or transacting business in this state having a par 30964
value equal to or greater than the amount of the bond. Such cash 30965
or securities shall be deposited upon the same terms as bonds. If 30966
one or more certificates of deposit are deposited in lieu of a 30967

bond, the chief shall require the bank that issued any such 30968
certificate to pledge securities of the aggregate market value 30969
equal to the amount of the certificate that is in excess of the 30970
amount insured by the federal deposit insurance corporation. The 30971
securities to be pledged shall be those designated as eligible 30972
under section 135.18 of the Revised Code. The securities shall be 30973
security for the repayment of the certificate of deposit. 30974

Immediately upon a deposit of cash, securities, or 30975
certificates of deposit, the chief shall deliver them to the 30976
treasurer of state, who shall hold them in trust for the purposes 30977
for which they have been deposited. The treasurer of state is 30978
responsible for the safekeeping of such deposits. An applicant 30979
making a deposit of cash, securities, or certificates of deposit 30980
may withdraw and receive from the treasurer of state, on the 30981
written order of the chief, all or any portion of the cash, 30982
securities, or certificates of deposit, upon depositing with the 30983
treasurer of state cash, other United States government 30984
securities, or negotiable certificates of deposit issued by any 30985
bank organized or transacting business in this state equal in par 30986
value to the par value of the cash, securities, or certificates of 30987
deposit withdrawn. An applicant may demand and receive from the 30988
treasurer of state all interest or other income from any such 30989
securities or certificates as it becomes due. If securities so 30990
deposited with and in the possession of the treasurer of state 30991
mature or are called for payment by the issuer thereof, the 30992
treasurer of state, at the request of the applicant who deposited 30993
them, shall convert the proceeds of the redemption or payment of 30994
the securities into such other United States government 30995
securities, negotiable certificates of deposit issued by any bank 30996
organized or transacting business in this state, or cash as the 30997
applicant designates. 30998

When the chief finds that a person or governmental agency has 30999

failed to comply with the conditions of the person's or agency's 31000
bond, the chief shall make a finding of that fact and declare the 31001
bond, cash, securities, or certificates of deposit forfeited in 31002
the amount set by rule of the chief. The chief shall thereupon 31003
certify the total forfeiture to the attorney general, who shall 31004
proceed to collect that amount. 31005

In lieu of total forfeiture, the surety, at its option, may 31006
cause the dam or levee to be completed as required by section 31007
1521.06 of the Revised Code and rules of the chief, or otherwise 31008
rendered nonhazardous, or pay to the treasurer of state the cost 31009
thereof. 31010

All moneys collected on account of forfeitures of bonds, 31011
cash, securities, and certificates of deposit under this section 31012
shall be credited to the dam safety fund created in section 31013
1521.06 of the Revised Code. The chief shall make expenditures 31014
from the fund to complete dams and levees for which bonds have 31015
been forfeited or to otherwise render them nonhazardous. 31016

Expenditures from the fund for those purposes shall be made 31017
pursuant to contracts entered into by the chief with persons who 31018
agree to furnish all of the materials, equipment, work, and labor 31019
as specified and provided in the contract. 31020

A surety bond shall not be required for a permit for a dam or 31021
levee that is to be designed and constructed by an agency of the 31022
United States government, if the agency files with the chief 31023
written assurance of the agency's financial responsibility for the 31024
structure during the one-year period following the chief's 31025
approval of the completed construction provided for under division 31026
(E) of section 1521.06 of the Revised Code. 31027

Sec. 1521.062. (A) All dams and levees constructed in this 31028
state and not exempted by this section or by the chief of the 31029
division of ~~soil and~~ water resources under section 1521.06 of the 31030

Revised Code shall be inspected periodically by the chief, except 31031
for classes of dams that, in accordance with rules adopted under 31032
this section, are required to be inspected by registered 31033
professional engineers who have been approved for that purpose by 31034
the chief. The inspection shall ensure that continued operation 31035
and use of the dam or levee does not constitute a hazard to life, 31036
health, or property. Periodic inspections shall not be required of 31037
the following structures: 31038

(1) A dam that is less than ten feet in height and has a 31039
storage capacity of not more than fifty acre-feet at the elevation 31040
of the top of the dam, as determined by the chief. For the 31041
purposes of this section, the height of a dam shall be measured 31042
from the natural stream bed or lowest ground elevation at the 31043
downstream or outside limit of the dam to the elevation of the top 31044
of the dam. 31045

(2) A dam, regardless of height, that has a storage capacity 31046
of not more than fifteen acre-feet at the elevation of the top of 31047
the dam, as determined by the chief; 31048

(3) A dam, regardless of storage capacity, that is six feet 31049
or less in height, as determined by the chief; 31050

(4) A dam or levee belonging to a class exempted by the 31051
chief; 31052

(5) A dam or levee that has been exempted in accordance with 31053
rules adopted under section 1521.064 of the Revised Code. 31054

(B) In accordance with rules adopted under this section, the 31055
owner of a dam that is in a class of dams that is designated in 31056
the rules for inspection by registered professional engineers 31057
shall obtain the services of a registered professional engineer 31058
who has been approved by the chief to conduct the periodic 31059
inspection of dams pursuant to schedules and other standards and 31060
procedures established in the rules. The registered professional 31061

engineer shall prepare a report of the inspection in accordance 31062
with the rules and provide the inspection report to the dam owner 31063
who shall submit it to the chief. A dam that is designated under 31064
the rules for inspection by a registered professional engineer, 31065
but that is not inspected within a five-year period may be 31066
inspected by the chief at the owner's expense. 31067

(C) Intervals between periodic inspections shall be 31068
determined by the chief, but shall not exceed five years. 31069

(D) In the case of a dam or levee that the chief inspects, 31070
the chief shall furnish a report of the inspection to the owner of 31071
the dam or levee. With regard to a dam or levee that has been 31072
inspected, either by the chief or by a registered professional 31073
engineer, and that is the subject of an inspection report prepared 31074
or received by the chief, the chief shall inform the owner of any 31075
required repairs, maintenance, investigations, and other remedial 31076
and operational measures. The chief shall order the owner to 31077
perform such repairs, maintenance, investigations, or other 31078
remedial or operational measures as the chief considers necessary 31079
to safeguard life, health, or property. The order shall permit the 31080
owner a reasonable time in which to perform the needed repairs, 31081
maintenance, investigations, or other remedial measures, and the 31082
cost thereof shall be borne by the owner. All orders of the chief 31083
are subject to appeal as provided in Chapter 119. of the Revised 31084
Code. The attorney general, upon written request of the chief, may 31085
bring an action for an injunction against any person who violates 31086
this section or to enforce an order of the chief made pursuant to 31087
this section. 31088

(E) The owner of a dam or levee shall monitor, maintain, and 31089
operate the structure and its appurtenances safely in accordance 31090
with state rules, terms and conditions of permits, orders, and 31091
other requirements issued pursuant to this section or section 31092
1521.06 of the Revised Code. The owner shall fully and promptly 31093

notify the division of ~~soil~~ and water resources and other 31094
responsible authorities of any condition that threatens the safety 31095
of the structure and shall take all necessary actions to safeguard 31096
life, health, and property. 31097

(F) Before commencing the repair, improvement, alteration, or 31098
removal of a dam or levee, the owner shall file an application 31099
including plans, specifications, and other required information 31100
with the division and shall secure written approval of the 31101
application by the chief. Emergency actions by the owner required 31102
to safeguard life, health, or property are exempt from this 31103
requirement. The chief may, by rule, define maintenance, repairs, 31104
or other remedial measures of a routine nature that are exempt 31105
from this requirement. 31106

(G) The chief may remove or correct, at the expense of the 31107
owner, any unsafe structures found to be constructed or maintained 31108
in violation of this section or section 1521.06 of the Revised 31109
Code. In the case of an owner other than a governmental agency, 31110
the cost of removal or correction of any unsafe structure, 31111
together with a description of the property on which the unsafe 31112
structure is located, shall be certified by the chief to the 31113
county auditor and placed by the county auditor upon the tax 31114
duplicate. This cost is a lien upon the lands from the date of 31115
entry and shall be collected as other taxes and returned to the 31116
division. In the case of an owner that is a governmental agency, 31117
the cost of removal or correction of any unsafe structure shall be 31118
recoverable from the owner by appropriate action in a court of 31119
competent jurisdiction. 31120

(H) If the condition of any dam or levee is found, in the 31121
judgment of the chief, to be so dangerous to the safety of life, 31122
health, or property as not to permit time for the issuance and 31123
enforcement of an order relative to repair, maintenance, or 31124
operation, the chief shall employ any of the following remedial 31125

means necessary to protect life, health, and property: 31126

(1) Lower the water level of the lake or reservoir by 31127
releasing water; 31128

(2) Completely drain the lake or reservoir; 31129

(3) Take such other measures or actions as the chief 31130
considers necessary to safeguard life, health, and property. 31131

The chief shall continue in full charge and control of the 31132
dam or levee until the structure is rendered safe. The cost of the 31133
remedy shall be recoverable from the owner of the structure by 31134
appropriate action in a court of competent jurisdiction. 31135

(I) The chief may accept and expend gifts, bequests, and 31136
grants from the United States government or from any other public 31137
or private source and may contract with the United States 31138
government or any other agency or entity for the purpose of 31139
carrying out the dam safety functions set forth in this section 31140
and section 1521.06 of the Revised Code. 31141

(J) In accordance with Chapter 119. of the Revised Code, the 31142
chief may adopt, and may amend or rescind, rules that do all of 31143
the following: 31144

(1) Designate classes of dams for which dam owners must 31145
obtain the services of a registered professional engineer to 31146
periodically inspect the dams and to prepare reports of the 31147
inspections for submittal to the chief; 31148

(2) Establish standards in accordance with which the chief 31149
must approve or disapprove registered professional engineers to 31150
inspect dams together with procedures governing the approval 31151
process; 31152

(3) Establish schedules, standards, and procedures governing 31153
periodic inspections and standards and procedures governing the 31154
preparation and submittal of inspection reports; 31155

(4) Establish provisions regarding the enforcement of this 31156
section and rules adopted under it. 31157

(K) The owner of a dam or levee shall notify the chief in 31158
writing of a change in ownership of the dam or levee prior to the 31159
exchange of the property. 31160

Sec. 1521.063. (A) Except for the federal government, the 31161
owner of a dam, that is classified as a class I, class II, or 31162
class III dam under rules adopted under section 1521.06 of the 31163
Revised Code and subject to section 1521.062 of the Revised Code 31164
shall pay an annual fee, based upon the height of the dam, the 31165
linear foot length of the dam, and the per-acre foot of volume of 31166
water impounded by the dam. The fee shall be paid to the division 31167
of ~~soil and~~ water resources on or before the thirtieth day of June 31168
of each year. The annual fee shall be as follows until otherwise 31169
provided by rules adopted under this section: 31170

(1) For any dam classified as a class I dam under rules 31171
adopted by the chief of the division of ~~soil and~~ water resources 31172
under section 1521.06 of the Revised Code, three hundred dollars 31173
plus ten dollars per foot of height of dam, five cents per foot of 31174
length of the dam and five cents per-acre foot of water impounded 31175
by the dam; 31176

(2) For any dam classified as a class II dam under those 31177
rules, ninety dollars plus six dollars per foot of height of dam, 31178
five cents per foot of length of the dam and five cents per-acre 31179
foot of water impounded by the dam; 31180

(3) For any dam classified as a class III dam under those 31181
rules, ninety dollars plus four dollars per foot of height of the 31182
dam, five cents per foot of length of the dam, and five cents 31183
per-acre foot of volume of water impounded by the dam. 31184

For purposes of this section, the height of a dam is the 31185

vertical height, to the nearest foot, as determined by the 31186
division under section 1521.062 of the Revised Code. 31187

All fees collected under this section shall be deposited in 31188
the dam safety fund created in section 1521.06 of the Revised 31189
Code. Any owner who fails to pay any annual fee required by this 31190
section within sixty days after the due date shall be assessed a 31191
penalty of ten per cent of the annual fee plus interest at the 31192
rate of one-half per cent per month from the due date until the 31193
date of payment. 31194

There is hereby created the compliant dam discount program to 31195
be administered by the chief. Under the program, the chief may 31196
reduce the amount of the annual fee that an owner of a dam is 31197
required to pay under division (A)(1), (2), or (3) of this section 31198
if the owner is in compliance with section 1521.062 of the Revised 31199
Code and has developed an emergency action plan pursuant to 31200
standards established in rules adopted under this section. The 31201
chief shall not discount an annual fee by more than twenty-five 31202
per cent of the total annual fee that is due. In addition, the 31203
chief shall not discount the annual fee that is due from the owner 31204
of a dam who has been assessed a penalty under this section. 31205

(B) The chief shall, in accordance with Chapter 119. of the 31206
Revised Code and subject to the prior approval of the director of 31207
natural resources, adopt, and may amend or rescind, rules for the 31208
collection of fees and the administration, implementation, and 31209
enforcement of this section and for the establishment of an annual 31210
fee schedule in lieu of the schedule established in division (A) 31211
of this section. 31212

(C)(1) No person, political subdivision, or state 31213
governmental agency shall violate or fail to comply with this 31214
section or any rule or order adopted or issued under it. 31215

(2) The attorney general, upon written request of the chief, 31216

may commence an action against any such violator. Any action under 31217
division (C)(2) of this section is a civil action. 31218

(D) As used in this section, "political subdivision" includes 31219
townships, municipal corporations, counties, school districts, 31220
municipal universities, park districts, sanitary districts, and 31221
conservancy districts and subdivisions thereof. 31222

Sec. 1521.064. The chief of the division of ~~soil and~~ water 31223
resources, in accordance with Chapter 119. of the Revised Code, 31224
shall adopt, and may amend and rescind, rules establishing a 31225
program under which dams and levees may be exempted from 31226
inspections under section 1521.062 of the Revised Code if the 31227
continued operation and use of, and any rupturing of or other 31228
structural damage to, the dams and levees will not constitute a 31229
hazard to life, health, or property. The rules shall establish, 31230
without limitation, all of the following: 31231

(A) A procedure by which the owner of such a dam or levee may 31232
apply for an exemption under this section; 31233

(B) The standards that a dam or levee shall meet in order to 31234
be exempted under this section; 31235

(C) A procedure by which the chief shall periodically review 31236
the status of a dam or levee that has been exempted under this 31237
section to determine if the exemption should be rescinded; 31238

(D) A requirement that the owner of any dam or levee exempted 31239
under this section shall agree, in writing, to accept liability 31240
for any injury, death, or loss to persons or property caused by 31241
the rupturing of or other structural damage to the dam or levee. 31242

Sec. 1521.07. The chief of the division of ~~soil and~~ water 31243
resources or any employee in the service of the division may enter 31244
upon lands to make surveys and inspections in accordance with this 31245
chapter, when necessary in the discharge of the duties enumerated 31246

in this chapter. 31247

Sec. 1521.10. In order to be entitled to the compensation 31248
provided for in section 1521.09 of the Revised Code, the landowner 31249
shall have prepared and submit to the division of ~~soil and~~ water 31250
resources complete plans for the dam provided for in such section. 31251
The plans shall have the approval of the chief of the division of 31252
~~soil and~~ water resources and the dam shall be constructed in 31253
accordance with such plans before compensation can be claimed. 31254

Sec. 1521.11. Upon the completion of the dam referred to in 31255
section 1521.09 of the Revised Code to the satisfaction of the 31256
division of ~~soil and~~ water resources, it shall certify the 31257
completion and the capacity thereof to the county auditor who 31258
shall thereupon make such reduction in the assessed valuation of 31259
the contiguous landowner as the contiguous landowner is entitled 31260
to receive under sections 1521.09 to 1521.12 of the Revised Code. 31261

Sec. 1521.12. In the event that any dam is constructed before 31262
plans are submitted to and approved by the division of ~~soil and~~ 31263
water resources as required by section 1521.10 of the Revised 31264
Code, the landowner may submit plans of the dam the landowner has 31265
built, showing the area of the drainage basin above the dam, a 31266
cross section of the dam site, a cross section, plan, and 31267
elevation of the dam, a map of the spillway, a topographic map of 31268
the reservoir basin, and such other data and information as the 31269
division requires. If the plans receive the approval of the 31270
division, and upon examination the dam is found to be 31271
satisfactorily completed in accordance with such plans, the 31272
division shall certify the completion and capacity thereof to the 31273
county auditor. If the plans fail to meet the requirements of the 31274
division, the owner may submit revised plans, and when such 31275
revised plans have been approved and the dam rebuilt to conform to 31276

such plans, the completion of the dam and its capacity shall then 31277
be certified to the auditor who shall thereupon make such 31278
reduction in the assessed valuation of the contiguous land as such 31279
owner is entitled to receive under sections 1521.09 to 1521.12 of 31280
the Revised Code. 31281

Sec. 1521.13. (A) Development in one-hundred-year floodplain 31282
areas shall be protected to at least the one-hundred-year flood 31283
level, and flood water conveyance shall be maintained, at a 31284
minimum, in accordance with standards established under the 31285
national flood insurance program. This division does not preclude 31286
a state agency or political subdivision from establishing flood 31287
protection standards that are more restrictive than this division. 31288

(B) Prior to the expenditure of money for or the construction 31289
of buildings, structures, roads, bridges, or other facilities in 31290
locations that may be subject to flooding or flood damage, all 31291
state agencies and political subdivisions shall notify and consult 31292
with the division of ~~soil and~~ water resources and shall furnish 31293
information that the division reasonably requires in order to 31294
avoid the uneconomic, hazardous, or unnecessary use of floodplains 31295
in connection with such facilities. 31296

(C) The chief of the division of ~~soil and~~ water resources 31297
shall do all of the following: 31298

(1) Coordinate the floodplain management activities of state 31299
agencies and political subdivisions with the floodplain management 31300
activities of the United States, including the national flood 31301
insurance program; 31302

(2) Collect, prepare, and maintain technical data and 31303
information on floods and floodplain management and make the data 31304
and information available to the public, state agencies, political 31305
subdivisions, and agencies of the United States; 31306

- (3) Cooperate and enter into agreements with persons for the preparation of studies and reports on floods and floodplain management; 31307
31308
31309
- (4) Assist any county, municipal corporation, or state agency in developing comprehensive floodplain management programs; 31310
31311
- (5) Provide technical assistance to any county, municipal corporation, or state agency through engineering assistance, data collection, preparation of model laws, training, and other activities relating to floodplain management; 31312
31313
31314
31315
- (6) For the purpose of reducing damages and the threat to life, health, and property in the event of a flood, cooperate with state agencies, political subdivisions, and the United States in the development of flood warning systems, evacuation plans, and flood emergency preparedness plans; 31316
31317
31318
31319
31320
- (7) Upon request, assist the emergency management agency established by section 5502.22 of the Revised Code in the preparation of flood hazard mitigation reports required as a condition for receiving federal disaster aid under the "Disaster Relief Act of 1974," 88 Stat. 143, 42 U.S.C.A. 5121, as amended, and regulations adopted under it; 31321
31322
31323
31324
31325
31326
- (8) Adopt, and may amend or rescind, rules in accordance with Chapter 119. of the Revised Code for the administration, implementation, and enforcement of this section and sections 1521.14 and 1521.18 of the Revised Code; 31327
31328
31329
31330
- (9) Establish, by rule, technical standards for the delineation and mapping of floodplains and for the conduct of engineering studies to determine the vertical and horizontal limits of floodplains and for the assessment of development impacts on flood heights and flood conveyance. The standards established in rules adopted under this division shall be consistent with and no more stringent than the analogous standards 31331
31332
31333
31334
31335
31336
31337

established under the national flood insurance program. 31338

(10) On behalf of the director of natural resources, 31339
administer section 1506.04 of the Revised Code. 31340

In addition to the duties imposed in divisions (C)(1) to (10) 31341
of this section, and with respect to existing publicly owned 31342
facilities that have suffered flood damage or that may be subject 31343
to flood damage, the chief may conspicuously mark past and 31344
probable flood heights in order to assist in creating public 31345
awareness of and knowledge about flood hazards. 31346

(D)(1) Development that is funded, financed, undertaken, or 31347
preempted by state agencies shall comply with division (A) of this 31348
section and with rules adopted under division (C)(9) of this 31349
section. 31350

(2) State agencies shall apply floodproofing measures in 31351
order to reduce potential additional flood damage of existing 31352
publicly owned facilities that have suffered flood damage. 31353

(3) Before awarding funding or financing or granting a 31354
license, permit, or other authorization for a development that is 31355
or is to be located within a one-hundred-year floodplain, a state 31356
agency shall require the applicant to demonstrate to the 31357
satisfaction of the agency that the development will comply with 31358
division (A) of this section, rules adopted under division (C)(9) 31359
of this section, and any applicable local floodplain management 31360
resolution or ordinance. 31361

(4) Prior to the disbursement of any state disaster 31362
assistance money in connection with any incident of flooding to or 31363
within a county or municipal corporation that is not listed by the 31364
chief as being in compliance under division (D)(1) of section 31365
1521.18 of the Revised Code, a state agency that has authority to 31366
disburse such money shall require the county or municipal 31367
corporation to establish or reestablish compliance as provided in 31368

that division. 31369

(E)(1) Subject to section 1521.18 of the Revised Code, a 31370
county or a municipal corporation may do all of the following: 31371

(a) Adopt floodplain maps that reflect the best available 31372
data and that indicate the areas to be regulated under a 31373
floodplain management resolution or ordinance, as applicable; 31374

(b) Develop and adopt a floodplain management resolution or 31375
ordinance, as applicable; 31376

(c) Adopt floodplain management standards that exceed the 31377
standards that are established under the national flood insurance 31378
program. 31379

(2) A county or municipal corporation shall examine and 31380
apply, where economically feasible, floodproofing measures in 31381
order to reduce potential additional flood damage of existing 31382
publicly owned facilities that have suffered flood damage. 31383

(3) A county that adopts a floodplain management resolution 31384
shall do so in accordance with the procedures established in 31385
section 307.37 of the Revised Code. The county may enforce the 31386
resolution by issuing stop work orders, seeking injunctive relief, 31387
or pursuing other civil actions that the county considers 31388
necessary to ensure compliance with the resolution. In addition, 31389
failure to comply with the floodplain management resolution 31390
constitutes a violation of division (D) of section 307.37 of the 31391
Revised Code. 31392

(4) No action challenging the validity of a floodplain 31393
management resolution adopted by a county or a floodplain 31394
management ordinance adopted by a municipal corporation, or an 31395
amendment to such a resolution or ordinance, because of a 31396
procedural error in the adoption of the resolution, ordinance, or 31397
amendment shall be brought more than two years after the adoption 31398
of the resolution, ordinance, or amendment. 31399

Sec. 1521.14. Upon the written request of the director of 31400
natural resources, the attorney general shall bring an action for 31401
appropriate relief in a court of competent jurisdiction against 31402
any development that is not in compliance with the standards of 31403
the national flood insurance program and that is one of the 31404
following: 31405

(A) Located in a county or municipal corporation that is not 31406
listed by the chief of the division of ~~soil~~ and water resources as 31407
being in compliance under division (D)(1) of section 1521.18 of 31408
the Revised Code; 31409

(B) Funded, financed, undertaken, or preempted by a state 31410
agency. 31411

Sec. 1521.15. (A) The chief of the division of ~~soil~~ and water 31412
resources shall develop and maintain, in cooperation with local, 31413
state, federal, and private agencies and entities, a water 31414
resources inventory for the collection, interpretation, storage, 31415
retrieval, exchange, and dissemination of information concerning 31416
the water resources of this state, including, but not limited to, 31417
information on the location, type, quantity, and use of those 31418
resources and the location, type, and quantity of consumptive use 31419
and diversion of the water resources. The water resources 31420
inventory also shall include, without limitation, information to 31421
assist in determining the reasonableness of water use and sharing 31422
under common law, promoting reasonable use and development of 31423
water resources, and resolving water use conflicts. 31424

All agencies of the state shall cooperate with the chief in 31425
the development and maintenance of the inventory. 31426

(B) The chief shall cooperate with the other great lakes 31427
states and provinces to develop a common base of data regarding 31428
the management of the water resources of the Lake Erie drainage 31429

basin and to establish systematic arrangements for the exchange of 31430
those data. 31431

Sec. 1521.16. (A) Any person who owns a facility that has the 31432
capacity to withdraw waters of the state in an amount greater than 31433
one hundred thousand gallons per day from all sources and whose 31434
construction is completed before January 1, 1990, shall register 31435
the facility by January 1, 1991, with the chief of the division of 31436
~~soil and~~ water resources, and any person who owns a facility that 31437
has the capacity to withdraw waters of the state in such an amount 31438
and whose construction is completed on or after January 1, 1990, 31439
shall register the facility with the chief within three months 31440
after the facility is completed. The person shall register the 31441
facility using a form prescribed by the chief that shall include, 31442
without limitation, the name and address of the registrant and 31443
date of registration; the locations and sources of the facility's 31444
water supply; the facility's withdrawal capacity per day and the 31445
amount withdrawn from each source; the uses made of the water, 31446
places of use, and places of discharge; and such other information 31447
as the chief may require by rule. 31448

The registration date of any facility whose construction was 31449
completed prior to January 1, 1990, and that is registered under 31450
this division prior to January 1, 1991, shall be January 1, 1990. 31451
The registration date of any facility whose construction was 31452
completed prior to January 1, 1990, and that is required to 31453
register under this division prior to January 1, 1991, but that is 31454
not registered prior to that date, and the registration date of 31455
any facility whose construction was completed after January 1, 31456
1990, and that is required to register under this division shall 31457
be the date on which the registration is received by the chief. 31458

(B) In accordance with division (D) of this section, the 31459
chief shall adopt rules establishing standards and criteria for 31460

determining when an area of ground water is a ground water stress area, the geographic limits of such an area, and a threshold withdrawal capacity for the area below which registration under this division shall not be required. At any time following the adoption of those rules, the chief may by order designate an area of ground water as a ground water stress area and shall establish in any such order a threshold withdrawal capacity for the area below which registration under this division shall not be required.

Following the designation of a ground water stress area, the chief immediately shall give notice by publication in a newspaper of general circulation in the designated area that shall include a map delineating the designated ground water stress area and a statement of the threshold withdrawal capacity established for the area below which registration under this division shall not be required. The notice shall not appear in the legal notices section of the newspaper. Any person who owns a facility in the designated ground water stress area that is not registered under division (A) of this section and that has the capacity to withdraw waters of the state in an amount greater than the threshold withdrawal capacity for the area from all sources shall register the facility with the chief not later than thirty days after publication of the notice. A person registering a facility under this division shall do so using a form prescribed by the chief. The form shall include the information specified in division (A) of this section.

(C) Any person who owns a facility registered under division (A) or (B) of this section shall file a report annually with the chief listing the amount of water withdrawn per day by the facility, the return flow per day, and any other information the chief may require by rule. Any person who, under Chapter 6109. of the Revised Code, provides such information to the Ohio environmental protection agency is exempt from reporting under

this division. The director of environmental protection shall 31493
provide the chief any such reported information upon request. 31494

(D) The chief shall adopt, and may amend or rescind, rules in 31495
accordance with Chapter 119. of the Revised Code to carry out this 31496
section. 31497

(E)(1) No person knowingly shall fail to register a facility 31498
or file a report as required under this section. 31499

(2) No person shall file a false report under this section. 31500
Violation of division (E)(2) of this section is falsification 31501
under section 2921.13 of the Revised Code. 31502

(F) At the request of the director of natural resources, the 31503
attorney general may commence a civil action to compel compliance 31504
with this section, in a court of common pleas, against any person 31505
who has violated or is violating division (E)(1) of this section. 31506
The court of common pleas in which a civil action is commenced 31507
under this division has jurisdiction to and shall compel 31508
compliance with this section upon a showing that the person 31509
against whom the action is brought has violated or is violating 31510
that division. 31511

Any action under this division is a civil action, governed by 31512
the rules of civil procedure and other rules of practice and 31513
procedure applicable to civil actions. 31514

Sec. 1521.18. (A) For the purposes of this section, a 31515
one-hundred-year floodplain is limited to an area identified as a 31516
one-hundred-year floodplain in accordance with the "National Flood 31517
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 31518
amended. 31519

(B) Each municipal corporation or county that has within its 31520
boundaries a one-hundred-year floodplain and that adopts a 31521
floodplain management ordinance or resolution or any amendments to 31522

such an ordinance or resolution on or after April 11, 1991, after 31523
adopting the ordinance, resolution, or amendments and before 31524
submitting the ordinance, resolution, or amendments to the federal 31525
emergency management agency for final approval for compliance with 31526
applicable standards adopted under the "National Flood Insurance 31527
Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, shall 31528
submit the ordinance, resolution, or amendments to the chief of 31529
the division of ~~soil and~~ water resources for the chief's review 31530
for compliance with those standards. Within forty-five days after 31531
receiving any such ordinance, resolution, or amendments, the chief 31532
shall complete the review and notify the municipal corporation or 31533
county as to whether the ordinance, resolution, or amendments 31534
comply with those standards. If the chief finds that the 31535
ordinance, resolution, or amendments comply with those standards, 31536
the chief shall forward it or them to the federal emergency 31537
management agency for final approval. 31538

(C)(1) If the chief determines that a county or municipal 31539
corporation that has adopted a floodplain management resolution or 31540
ordinance fails to administer or enforce the resolution or 31541
ordinance, the chief shall send a written notice by certified mail 31542
to the board of county commissioners of the county or the chief 31543
executive officer of the municipal corporation stating the nature 31544
of the noncompliance. 31545

(2) In order to maintain its compliance status in accordance 31546
with division (D) of this section, a county or municipal 31547
corporation that has received a notice of noncompliance under 31548
division (C)(1) of this section may submit information to the 31549
chief not later than thirty days after receiving the notice that 31550
demonstrates compliance or indicates the actions that the county 31551
or municipal corporation is taking to administer or enforce the 31552
resolution or ordinance. The chief shall review the information 31553
and shall issue a final determination by certified mail to the 31554

county or municipal corporation of the compliance or noncompliance 31555
status of the county or municipal corporation. If the chief issues 31556
a final determination of noncompliance, the chief shall send a 31557
copy of that determination to the federal emergency management 31558
agency concurrently with mailing the notice to the municipal 31559
corporation or county. 31560

(D)(1) A county or municipal corporation is considered to be 31561
in compliance for the purposes of this section if either of the 31562
following applies: 31563

(a) The county or municipal corporation has adopted a 31564
floodplain management resolution or ordinance that the chief has 31565
determined complies with applicable standards adopted under the 31566
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 31567
4001, as amended, and is adequately administering and enforcing it 31568
as determined under division (C) of this section. 31569

(b) The county or municipal corporation is participating in 31570
the national flood insurance program and has not received a notice 31571
of noncompliance under division (B) or (C) of this section. 31572

(2) The chief shall maintain a list of all counties and 31573
municipal corporations that have one-hundred-year floodplains 31574
within their boundaries. The list shall indicate whether each such 31575
county or municipal corporation is in compliance or noncompliance 31576
as provided in division (D)(1) of this section and whether each 31577
such county or municipal corporation is participating in the 31578
national flood insurance program. The chief shall provide a copy 31579
of the list to the general assembly and all state agencies 31580
annually and shall notify the general assembly and the agencies of 31581
any changes at least quarterly. 31582

(E) Any county or municipal corporation that is adversely 31583
affected by any determination of the chief under this section may 31584
appeal it in accordance with Chapter 119. of the Revised Code not 31585

later than thirty days after the final determination. 31586

Sec. 1521.19. (A) There is hereby created the Ohio water 31587
resources council consisting of the directors of agriculture, 31588
development services, environmental protection, health, natural 31589
resources, transportation, and the Ohio public works commission, 31590
the chairperson of the public utilities commission of Ohio, the 31591
executive director of the Ohio water development authority, and an 31592
executive assistant in the office of the governor appointed by the 31593
governor. The governor shall appoint one of the members of the 31594
council to serve as its chairperson. The council may adopt bylaws 31595
that are necessary for the implementation of this section. The 31596
council shall provide a forum for policy development, 31597
collaboration and coordination among state agencies, and strategic 31598
direction with respect to state water resource programs. The 31599
council shall be assisted in its functions by a state agency 31600
coordinating group and an advisory group as provided in this 31601
section. 31602

(B) The state agency coordinating group shall consist of the 31603
executive director of the Ohio Lake Erie commission and a member 31604
or members from each state agency, commission, and authority 31605
represented on the council, to be appointed by the applicable 31606
director, chairperson, or executive director. However, the 31607
environmental protection agency shall be represented on the group 31608
by the chiefs of the divisions within that agency having 31609
responsibility for surface water programs and drinking and ground 31610
water programs, and the department of natural resources shall be 31611
represented on the group by the chief of the division of ~~soil and~~ 31612
water resources. The chairperson of the council shall appoint a 31613
leader of the state agency coordinating group. The group shall 31614
provide assistance to and perform duties on behalf of the council 31615
as directed by the council. 31616

(C) The advisory group shall consist of not more than 31617
twenty-four members, each representing an organization or entity 31618
with an interest in water resource issues. The council shall 31619
appoint the members of the advisory group. Of the initial 31620
appointments, not more than ten members shall be appointed for 31621
one-year terms, and not more than ten members shall be appointed 31622
for two-year terms. Of the four initial appointments made after 31623
April 6, 2007, two of the members shall be appointed for one-year 31624
terms, and two of the members shall be appointed for two-year 31625
terms. Thereafter, all advisory group members shall serve two-year 31626
terms. Members may be reappointed. Each member shall hold office 31627
from the date of the member's appointment until the end of the 31628
member's term. A member shall continue in office subsequent to the 31629
expiration date of the member's term until the member's successor 31630
takes office or until a period of sixty days has elapsed, 31631
whichever occurs first. The council may remove a member for 31632
misfeasance, nonfeasance, or malfeasance in office. The council 31633
shall appoint members to fill any vacancies on the group. A member 31634
appointed to fill a vacancy shall hold office for the remainder of 31635
the term for which that member was appointed. 31636

The chairperson of the council shall appoint a chairperson of 31637
the advisory group. The advisory group shall advise the council on 31638
water resources issues addressed by the council. 31639

(D) There is hereby created in the state treasury the Ohio 31640
water resources council fund. The department of natural resources 31641
shall serve as the fiscal agent for the fund. The departments of 31642
agriculture, ~~development, environmental protection,~~ health, 31643
natural resources, and transportation, the environmental 31644
protection agency, and the development services agency shall 31645
transfer moneys to the fund in equal amounts via intrastate 31646
transfer voucher. The public utilities commission of Ohio, Ohio 31647
public works commission, and Ohio water development authority may 31648

transfer moneys to the fund. If a voluntary transfer of moneys is 31649
made to the fund, the portion that is required to be transferred 31650
by the departments of agriculture, ~~development, environmental~~ 31651
~~protection~~, health, natural resources, and transportation, the 31652
environmental protection agency, and the development services 31653
agency may be equally reduced. Moneys in the fund shall be used to 31654
pay the operating expenses of the Ohio water resources council, 31655
including those specified in division (E) of this section. 31656

(E) The Ohio water resources council may hire staff to 31657
support its activities. The council may enter into contracts and 31658
agreements with federal agencies, state agencies, political 31659
subdivisions, and private entities to assist in accomplishing its 31660
objectives. Advisory group members shall be reimbursed for 31661
expenses necessarily incurred in the performance of their duties 31662
pursuant to section 126.31 of the Revised Code and any applicable 31663
rules pertaining to travel reimbursement adopted by the office of 31664
budget and management. 31665

Sec. 1521.20. (A) The director of natural resources shall do 31666
all of the following: 31667

(1) Determine the amount of dredging that is needed in each 31668
inland lake in this state to improve access, water quality, 31669
safety, and other applicable standards; 31670

(2) Develop a plan to meet the needs identified under 31671
division (A)(1) of this section. In doing so, the director shall 31672
make every effort to optimize the utilization of dredging 31673
resources to maximize the amount of sediment removal from any 31674
inland lake that serves a watershed in distress and that is 31675
subject to a lake facility authority created under Chapter 353. of 31676
the Revised Code. 31677

(3) Increase the amount of time and resources expended on the 31678
dredging of inland lakes in order to meet the needs identified 31679

under division (A)(1) of this section and administer the plan 31680
developed under division (A)(2) of this section. 31681

(B) The director may enter into contracts or agreements with 31682
other entities for the purposes of this section if doing so will 31683
assist in maximizing any of the dredging operations. 31684

Sec. 1522.03. The chief of the division of ~~soil and~~ water 31685
resources shall do all of the following: 31686

(A) Adopt rules in accordance with Chapter 119. of the 31687
Revised Code for the implementation, administration, and 31688
enforcement of the great lakes-st. Lawrence river basin water 31689
resources compact; 31690

(B) Enforce the great lakes-st. Lawrence river basin water 31691
resources compact and take appropriate actions to effectuate its 31692
purposes and intent; 31693

(C) Adopt rules in accordance with Chapter 119. of the 31694
Revised Code for the development, implementation, administration, 31695
and enforcement of any permit program established under this 31696
chapter. 31697

Rules adopted under this section shall be no more stringent 31698
than the great lakes-st. Lawrence river basin water resources 31699
compact. The chief shall convene a working group consisting of 31700
parties with interests in Lake Erie, the Lake Erie watershed, and 31701
the great lakes-st. Lawrence river basin water resources compact. 31702
The working group shall consult with the chief regarding the 31703
adoption of rules under this section. 31704

Sec. 1522.05. Pursuant to Section 9.2 of the great lakes-st. 31705
Lawrence river basin water resources compact, the governor may 31706
take such actions as are necessary for the initial organization 31707
and operation of the great lakes-st. Lawrence river basin water 31708
resources council created in Section 2.1 of the compact. Agencies 31709

of the state are hereby authorized to cooperate with the council. 31710

The chief of the division of ~~soil and~~ water resources shall 31711
adopt voluntary watershedwide goals, objectives, and standards for 31712
water conservation and efficiency consistent with Section 4.2 of 31713
the great lakes-st. Lawrence river basin water resources compact. 31714

Sec. 1522.11. (A) No person shall install or operate a 31715
facility or equipment that results in a new or increased diversion 31716
of any water out of the Lake Erie watershed to another watershed 31717
without first obtaining a permit to do so issued by the chief of 31718
the division of ~~soil and~~ water resources. An application for such 31719
a permit shall be submitted to the chief on a form that the chief 31720
prescribes. An application shall be accompanied by a nonrefundable 31721
fee of one thousand dollars, which shall be credited to the water 31722
management fund created in section 1501.32 of the Revised Code. 31723

(B) The chief shall approve a permit application submitted 31724
under this section only if the chief determines that it meets the 31725
criteria required to qualify as an exception to the prohibition 31726
against diversions established in Section 4.9 of the compact. The 31727
chief shall issue or deny a permit through issuance of an order. 31728

Sec. 1522.12. (A) For purposes of the compact, not later than 31729
one hundred eighty days after ~~the effective date of this section~~ 31730
September 4, 2012, the chief of the division of ~~soil and~~ water 31731
resources shall establish a program for the issuance of permits 31732
for the withdrawal and consumptive use of water from the Lake Erie 31733
watershed. Upon establishment of the program, the owner or 31734
operator of a facility within the Lake Erie watershed that is not 31735
otherwise exempt under section 1522.14 of the Revised Code shall 31736
obtain a withdrawal and consumptive use permit from the chief if 31737
the facility meets any of the following threshold criteria: 31738
31739

(1) The facility has a new or increased capacity for 31740
withdrawals or consumptive uses from Lake Erie or a recognized 31741
navigation channel of at least two and one-half million gallons 31742
per day. 31743

(2) Except as provided in division (A)(3) of this section, 31744
the facility has a new or increased capacity for withdrawals or 31745
consumptive uses from any river or stream or from ground water in 31746
the Lake Erie watershed of at least one million gallons per day. 31747

(3)(a) Except as provided in division (A)(3)(b) of this 31748
section, the facility has a new or increased capacity for 31749
withdrawals or consumptive uses from any river or stream in the 31750
Lake Erie watershed that is a high quality water of at least one 31751
hundred thousand gallons per day. Division (A)(3) of this section 31752
does not apply to withdrawals and consumptive uses from 31753
outstanding state waters that are designated as such by the 31754
environmental protection agency due to their exceptional 31755
recreational values. 31756

(b) If a river or stream or segment thereof is designated as 31757
a high quality water as of ~~the effective date of this section~~ 31758
September 4, 2012, the threshold established in division (A)(3)(a) 31759
of this section applies to the river or stream or segment thereof 31760
and the entire watershed upstream of that river, stream, or 31761
segment. If a river or stream or segment thereof is designated as 31762
a high quality water after ~~the effective date of this section~~ 31763
September 4, 2012, the threshold established in division (A)(3)(a) 31764
of this section applies to the river or stream or segment thereof 31765
and the entire watershed upstream of that river, stream, or 31766
segment, provided that the director of environmental protection 31767
and the director of natural resources, or their designees, jointly 31768
determine that the proposed withdrawal or consumptive use would 31769
cause the high quality water to lose its designation as a high 31770
quality water. If the directors determine that the proposed 31771

withdrawal or consumptive use would not cause the high quality 31772
water to lose that designation, the threshold established in 31773
division (A)(2) of this section applies to the withdrawal or 31774
consumptive use at a point beginning one thousand feet upstream of 31775
the upstream end of the designated high quality water segment or 31776
at a point beginning two times the length of the river, stream, or 31777
segment that has been designated as a high quality water, 31778
whichever is greater. 31779

Upon establishment of the withdrawal and consumptive use 31780
permit program under this division, the owner or operator of a 31781
facility that is not otherwise exempt under section 1522.14 of the 31782
Revised Code and that is subject to a threshold specified in 31783
division (A)(1) or (2) of this section, after submitting an 31784
application for a permit under this section and a determination by 31785
the chief that the application is complete, may commence 31786
installation of the facility or equipment that will result in a 31787
new or increased withdrawal or consumptive use of water in the 31788
Lake Erie watershed prior to issuance of the withdrawal and 31789
consumptive use permit. 31790

Upon establishment of the withdrawal and consumptive use 31791
permit program under this division, the owner or operator of a 31792
facility that is not otherwise exempt under section 1522.14 of the 31793
Revised Code and that is subject to a threshold specified in 31794
division (A)(3) of this section shall not install or operate the 31795
facility or equipment that will result in a new or increased 31796
withdrawal or consumptive use of water in the Lake Erie watershed 31797
without first obtaining a withdrawal and consumptive use permit. 31798

(B) Permits issued under this section shall be issued only 31799
for the amount of withdrawal or consumptive use capacity of a 31800
facility that meets or exceeds threshold amounts established in 31801
division (A) of this section. A permit shall not be required for 31802
the portion of the withdrawal and consumptive use capacity of the 31803

facility below that threshold amount. 31804

(C) An applicant for a permit shall submit an application to 31805
the chief on a form that the chief prescribes. The applicant shall 31806
include with the application all of the following: 31807

(1) The name, address, and telephone number of the applicant 31808
and of a contact person for the applicant; 31809

(2) The names, addresses, and other necessary contact 31810
information of any other owners and operators of the facility; 31811

(3) A description of all of the following: 31812

(a) The facility's current withdrawal capacity per day if the 31813
withdrawal is to occur at a facility already in operation; 31814

(b) The total new or increased daily withdrawal capacity 31815
proposed for the facility; 31816

(c) The locations and sources of water proposed to be 31817
withdrawn; 31818

(d) The locations of proposed discharges or return flows; 31819

(e) The locations and nature of proposed consumptive uses and 31820
the applicable consumptive use coefficient for the facility; 31821

(f) The estimated average annual and monthly volumes and 31822
rates of withdrawal; 31823

(g) The estimated average annual and monthly volumes and 31824
rates of consumptive use; 31825

(h) The environmentally sound and economically feasible water 31826
conservation measures to be undertaken by the applicant; 31827

(i) Other ways the applicant's need for water may be 31828
satisfied if the application is denied or modified; 31829

(j) Any other information the chief may require to adequately 31830
consider the application. 31831

(4) A nonrefundable application fee of one thousand dollars, 31832
the proceeds of which shall be credited to the water management 31833
fund created in section 1501.32 of the Revised Code. 31834

(D) Provided that a facility meets all applicable permit 31835
conditions, a permit for the facility is valid until the facility 31836
is the subject of facility abandonment. Once every five years, the 31837
owner or operator of a facility shall certify to the chief that 31838
the facility is in compliance with the permit that has been issued 31839
for the facility. 31840

(E) No person that is required to do so shall fail to apply 31841
for and receive a withdrawal and consumptive use permit. 31842

(F) A permit issued under this section shall include terms 31843
and conditions restricting the withdrawal and consumptive use by a 31844
facility to amounts not exceeding the capacity of the facility. 31845

(G) The chief shall issue or deny a permit not later than 31846
ninety days after receipt of a complete application. If 31847
applicable, the chief shall comply with the requirements regarding 31848
prior notice established in Section 4.6 of the compact. The chief 31849
shall issue or deny a permit through issuance of an order. The 31850
chief shall issue a permit if all applicable criteria for 31851
receiving the permit are met as provided in sections 1522.10 to 31852
1522.21 of the Revised Code. 31853

Sec. 1522.13. (A) The chief of the division of ~~soil and~~ water 31854
resources shall issue a withdrawal and consumptive use permit for 31855
a facility if the chief determines that the facility meets all of 31856
the criteria established in Section 4.11 of the compact. 31857
31858

(B) In applying the provision of the decision-making standard 31859
established in Section 4.11.2 of the compact, the chief shall 31860
require that a withdrawal or consumptive use will be implemented 31861

so as to ensure that the withdrawal or consumptive use will result 31862
in no significant individual or cumulative adverse impacts on the 31863
quantity or quality of the waters and water dependent natural 31864
resources of the great lakes basin considered as a whole or of the 31865
Lake Erie source watershed considered as a whole. As part of the 31866
evaluation of a permit application under Section 4.11.2 of the 31867
compact, the chief shall do all of the following: 31868

(1) Rely on the best generally accepted scientific methods 31869
appropriate for this state derived from professionally accepted 31870
resources and practices; 31871

(2) Consider the long-term mean annual inflow and outflow of 31872
the Lake Erie source watershed; 31873

(3) Consider the withdrawal and the portion of the withdrawal 31874
that is not returned to the Lake Erie source watershed. 31875

(C) Impacts of a withdrawal or consumptive use on the 31876
quantity or quality of waters and water dependent natural 31877
resources of more localized areas that affect less than the great 31878
lakes basin considered as a whole or the Lake Erie source 31879
watershed considered as a whole shall be considered as a part of 31880
the evaluation of whether a proposed withdrawal or consumptive use 31881
is reasonable as provided in Section 4.11.5 of the compact. 31882

(D) The chief shall not submit an application for a 31883
withdrawal and consumptive use permit for regional review under 31884
Section 4.5.2(c)(ii) of the compact to the regional body as 31885
defined in Section 1.2 of the compact unless regional review is 31886
agreed to by the applicant. 31887

(E) Nothing in sections 1522.10 to 1522.21 of the Revised 31888
Code shall be construed to affect, limit, diminish, or impair any 31889
rights validly established and existing under the laws of this 31890
state as of December 8, 2008, including, but not limited to, 31891
sections 1506.10 and 1521.17 of the Revised Code, or to limit a 31892

person's right to the reasonable use of ground water, water in a 31893
lake, or any other watercourse in contravention of Section 19b of 31894
Article I, Ohio Constitution. 31895

Sec. 1522.131. (A) To encourage the development of innovative 31896
water use practices and technologies that ensure sustainable water 31897
use for industrial, commercial, residential, agricultural, or 31898
public purposes, including recreational and cultural resources, as 31899
a means to facilitate sustainable economic growth and job 31900
creation, the chief of the division of ~~soil~~ and water resources, 31901
with the approval of the director of natural resources, may issue 31902
experimental use permits. An experimental use permit may be issued 31903
in lieu of a withdrawal and consumptive use permit as determined 31904
appropriate by the chief. 31905

(B) An experimental use permit may be issued if all of the 31906
following apply: 31907

(1) The experimental use is reasonable based on a 31908
consideration of the factors specified in Section 4.11.5 of the 31909
compact. 31910

(2) The experimental use will use no more water than is 31911
necessary to determine the effectiveness and economic feasibility 31912
of the experimental use. 31913

(3) The experimental use does not reduce the protection 31914
afforded the waters and water dependent natural resources of the 31915
source watershed as defined in the compact below what is provided 31916
in this chapter and rules adopted under it. 31917

(C) The chief may refuse to issue an experimental use permit 31918
if the chief determines that the proposed use will result in 31919
significant individual or cumulative adverse impacts on the 31920
quantity or quality of the waters and water dependent natural 31921
resources of the great lakes basin considered as a whole or the 31922

Lake Erie source watershed considered as a whole. 31923

(D) The chief shall issue or deny a permit under this section 31924
through issuance of an order. 31925

(E) The chief shall establish the terms and conditions of an 31926
experimental use permit and may suspend such a permit, at any 31927
time, if the chief finds that its terms or conditions are being 31928
violated or that its terms and conditions are inadequate to avoid 31929
significant individual or cumulative adverse impacts on the 31930
quantity or quality of the waters and water dependent natural 31931
resources of the great lakes basin considered as a whole or the 31932
Lake Erie source watershed considered as a whole. 31933

(F) An experimental use permit issued under this section 31934
shall expire not later than twenty-four months after the date of 31935
issuance of the permit. 31936

Sec. 1522.15. (A)(1) Transfer of a withdrawal and consumptive 31937
use permit upon the sale or transfer of a facility may occur so 31938
long as the location of the facility, the source of water, and the 31939
withdrawal and consumptive use capacities do not change. Transfer 31940
of the baseline withdrawal and consumptive use capacity of a 31941
baseline facility upon the sale or transfer of the baseline 31942
facility may occur so long as the location of the facility, the 31943
source of water, and the withdrawal and consumptive use capacities 31944
do not change. Transferred capacity of a baseline facility does 31945
not require a withdrawal and consumptive use permit. 31946

Notice of a transfer shall be provided to the chief of the 31947
division of ~~soil and~~ water resources in a manner prescribed by the 31948
chief. 31949

(2) If the owner of a facility for which a withdrawal and 31950
consumptive use permit has been issued sells or transfers a 31951
portion of the facility, transfer of the applicable portion of the 31952

withdrawal and consumptive use capacity authorized by the 31953
withdrawal and consumptive use permit may occur so long as the 31954
location of the facility, the source of water, and the total 31955
withdrawal and consumptive use capacities do not change. The 31956
permittee shall provide notice of such a transfer to the chief in 31957
a manner prescribed by the chief. Upon receipt of the notice and 31958
if a permit is required for the transferred portion based on the 31959
threshold amounts established in divisions (A)(1) to (3) of 31960
section 1522.12 of the Revised Code, the chief shall issue a new 31961
permit for the transferred portion of the facility to the 31962
transferee and a modified permit for the remaining portion of the 31963
facility to the original permittee upon a showing that the 31964
transferee will meet the conditions of the original permit and all 31965
applicable requirements of this chapter and rules adopted under 31966
it. Any new permit shall reflect the portion of the withdrawal and 31967
consumptive use capacity that has been transferred. 31968

(3) If the owner of a baseline facility sells or transfers a 31969
portion of the baseline facility, transfer of the applicable 31970
portion of the withdrawal and consumptive use capacity listed in 31971
the baseline report for that facility may occur so long as the 31972
location of the facility, the source of water, and the total 31973
withdrawal and consumptive use capacities do not change. The owner 31974
shall provide notice of such a transfer to the chief in a manner 31975
prescribed by the chief. The chief shall not require the owner of 31976
the baseline facility or the transferee to obtain a withdrawal and 31977
consumptive use permit, but shall update the baseline report to 31978
reflect the transfer. 31979

(4) The chief may deny a transfer under this section by 31980
issuing an order denying the transfer and sending written notice 31981
to the permittee and the transferee not later than thirty days 31982
after notice of the intended transfer. The chief shall deny the 31983
transfer if the chief determines that the transfer will result in 31984

noncompliance with this chapter, rules adopted under it, or the 31985
terms and conditions of a withdrawal and consumptive use permit. 31986

(5) The chief shall remove a facility from the baseline 31987
report when the facility is subject to baseline facility 31988
abandonment. However, a baseline facility shall not be removed 31989
from the baseline report due to the transfer of the facility's 31990
baseline capacity. 31991

(B) No person shall sell or transfer a withdrawal and 31992
consumptive use permit for purposes of evading the requirements 31993
established in sections 1522.10 to 1522.21 of the Revised Code. 31994

Sec. 1522.16. (A)(1) The owner or operator of a facility may 31995
petition the chief of the division of ~~soil and~~ water resources for 31996
either of the following: 31997

(a) Inclusion in the baseline report if the owner or operator 31998
believes that the facility was erroneously excluded from the 31999
report; 32000

(b) The amendment of the amount of a withdrawal and 32001
consumptive use or other information included in the baseline 32002
report regarding the facility if the owner or operator believes 32003
that the information is incorrect. 32004

(2) The chief shall issue an order either approving or 32005
disapproving a petition submitted under this section. The chief 32006
shall issue the order based on a thorough examination of the 32007
circumstances concerning the petition. 32008

(3) The chief shall adopt rules in accordance with Chapter 32009
119. of the Revised Code that establish procedures for the 32010
submission of petitions under this division. 32011

(B) With regard to the nonuse of a baseline facility's or a 32012
facility's withdrawal and consumptive use capacity, not later than 32013
sixty days after the time period specified in division (B)(1) or 32014

(2) or (I)(1) or (2) of section 1522.10 of the Revised Code, the 32015
owner or operator of the facility may request an extension from 32016
the chief to retain the facility's active status. The request 32017
shall be made in a manner prescribed by the chief. The chief shall 32018
determine the appropriate terms and conditions of the extension, 32019
if approved, based on information submitted by the owner or 32020
operator. The chief shall issue an order approving or disapproving 32021
the request and shall do so in a manner prescribed by the chief. 32022

Sec. 1522.17. (A) The owner or operator of a facility who is 32023
applying for a withdrawal and consumptive use permit shall submit 32024
to the chief of the division of ~~soil and~~ water resources a 32025
facility water conservation plan that incorporates environmentally 32026
sound and economically feasible water conservation measures in 32027
accordance with Section 4.11.3 of the compact. If the plan 32028
reasonably incorporates environmentally sound and economically 32029
feasible water conservation measures applicable to the facility, 32030
it shall be deemed to be in compliance with Section 4.11.3 of the 32031
compact. 32032

(B) The chief shall keep confidential any portions of a 32033
facility water conservation plan that constitute a trade secret as 32034
defined in section 1333.61 of the Revised Code as follows: 32035

(1) During the period of time after confidentiality is 32036
requested under division (C) of this section and until the chief 32037
makes a determination to approve or disapprove the request; 32038

(2) On and after the date on which the chief approves a 32039
request for confidentiality under division (C) of this section. 32040

Any portions of a facility water conservation plan that are 32041
kept confidential as provided in this division are not subject to 32042
section 149.43 of the Revised Code. 32043

(C)(1) The owner or operator of a facility may request that 32044

any portions of a facility water conservation plan be kept 32045
confidential. The request for confidentiality shall be submitted 32046
at the same time that an owner or operator submits a facility 32047
water conservation plan under division (A) of this section. The 32048
owner or operator shall clearly indicate the information that the 32049
owner or operator considers a trade secret and shall label it as 32050
"trade secret." Failure to make such a request shall constitute a 32051
waiver of the right to prevent public disclosure of the 32052
information. A request for confidentiality shall be accompanied by 32053
documents that support the request. The documents shall describe 32054
the measures that the requestor has taken to safeguard the 32055
confidentiality of the information and indicate whether or not 32056
others are bound by a confidentiality agreement related to the 32057
information. 32058

(2) The chief, by order, shall issue a decision regarding the 32059
confidentiality request not later than forty-five days after the 32060
receipt of the request. Until the decision is issued, the 32061
information that is the subject of the request shall be 32062
confidential and maintained by the chief in a separate file 32063
labeled "confidential." The applicant shall be notified by mail of 32064
the decision. 32065

Sec. 1522.18. The chief of the division of ~~soil and~~ water 32066
resources, on the chief's own initiative or upon written complaint 32067
by any person, may investigate or make inquiries into any alleged 32068
failure to comply with this chapter, any rule adopted under it, 32069
any order issued under it, or the terms and conditions of a permit 32070
issued under it. The chief or the chief's duly authorized 32071
representative may enter at reasonable times on any private or 32072
public property to inspect and investigate conditions relating to 32073
any such alleged act of noncompliance and, if necessary, may apply 32074
to the court of common pleas having jurisdiction for a warrant 32075
permitting the entrance and inspection. 32076

Sec. 1522.20. (A)(1) The chief of the division of ~~soil and~~ 32077
water resources may issue an order to a person that the chief 32078
determines has violated, is violating, or is threatening to 32079
violate any provisions of this chapter, rules adopted under it, or 32080
permits or orders issued under it. The order shall be effective 32081
upon issuance and shall identify the facility where the violation 32082
has occurred, is occurring, or is threatened to occur, the 32083
specific violation, and actions that the owner or operator of the 32084
facility must take to comply with the order. The order shall 32085
establish a reasonable date by which the owner or operator must 32086
comply with the order. 32087

(2) An order issued under division (A)(1) of this section 32088
shall be in writing and shall contain a finding of the facts on 32089
which the order is based. Notice of the order shall be given by 32090
certified mail to the applicable owner or operator of a facility. 32091
Notice also shall be provided to a person who initiated a 32092
complaint that resulted in the order and shall be posted on the 32093
web site of the department of natural resources in a manner 32094
prescribed by the chief. 32095

(B)(1) The chief, by order, may propose to suspend or revoke 32096
a permit issued under this chapter if the chief determines that 32097
any term or condition of the permit is being violated. The chief's 32098
order shall identify the facility where the violation allegedly 32099
occurred, describe the nature of the violation, and prescribe what 32100
action the permittee may take to bring the facility into 32101
compliance with the permit. The chief shall fix and specify in the 32102
order a reasonable date or time by which the permittee must 32103
comply. The order shall state that the chief may suspend or revoke 32104
the permit if the permittee fails to comply with the order by that 32105
date or time. If on that date or time the chief finds that the 32106
permittee has not complied with the order, the chief may issue a 32107
new order suspending or revoking the permit. 32108

(2) The chief or the chief's designee may enter on private or public lands and take action to mitigate, minimize, remove, or abate the conditions caused by a violation that is the subject of an order issued under division (B)(1) of this section.

(C) The attorney general, upon written request of the chief, shall bring an action for an injunction or other appropriate legal or equitable action against any person who has violated, is violating, or is threatening to violate any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it. The attorney general shall bring the action in the court of common pleas of Franklin county or the county where the applicable facility is located. In an action for injunction, any factual findings of the chief presented at a hearing conducted under division (A) of section 1522.21 of the Revised Code is prima-facie evidence of the facts regarding the order that is the subject of the hearing.

(D) A person who violates any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it is liable to the chief for any costs incurred by the division of ~~soil and~~ water resources in investigating, mitigating, minimizing, removing, or abating the violation and conditions caused by it. Upon the request of the chief, the attorney general shall bring a civil action against the responsible person to recover those costs in the court of common pleas of Franklin county. Moneys recovered under this division shall be deposited in the state treasury to the credit of the water management fund created in section 1501.32 of the Revised Code.

Sec. 1522.21. (A) As used in this section, "person who is or will be aggrieved or adversely affected" means a person with a direct economic or property interest that is or will be adversely

affected by an order or rule issued or adopted by the chief of the 32140
division of ~~soil and~~ water resources under this chapter. 32141

(B)(1) Before issuance of a final order denying the issuance 32142
of a permit under section 1522.11, 1522.12, or 1522.131 of the 32143
Revised Code, denying a transfer under section 1522.15 of the 32144
Revised Code, denying a petition to the chief under section 32145
1522.16 of the Revised Code, or denying a request for 32146
confidentiality under section 1522.17 of the Revised Code, or 32147
before the issuance of a final order under section 1522.20 of the 32148
Revised Code, the chief shall issue a proposed order indicating 32149
the chief's intent to issue a final order. If the chief receives a 32150
written objection from a person who is or will be aggrieved or 32151
adversely affected by the issuance of the final order, the chief 32152
shall conduct an adjudication hearing with respect to the proposed 32153
order in accordance with Chapter 119. of the Revised Code. A 32154
person who is or will be aggrieved or adversely affected by the 32155
issuance of the final order and who submitted a written objection 32156
under this division may be a party to the adjudication. 32157

(2) Any person who is issued a proposed order or a final 32158
order by the chief shall be a party in any administrative or legal 32159
proceeding in which the proposed order or final order is at issue. 32160
This division is in addition to any other rights that a person may 32161
have as a person aggrieved or adversely affected. 32162

(C)(1) After the issuance of a final order, a person who is 32163
or will be aggrieved or adversely affected by the issuance of the 32164
order may appeal the order to the court of common pleas of 32165
Franklin county or the court of common pleas of the county in 32166
which the facility that is the subject of the order is located. 32167
Subject to the exceptions specified in section 2506.03 of the 32168
Revised Code, the court is confined to the record as certified to 32169
it by the chief if an adjudication hearing was conducted by the 32170

chief under division (B) of this section. However, the court also 32171
may grant a request for the admission of additional evidence when 32172
satisfied that the additional evidence is newly discovered and 32173
could not with reasonable diligence have been ascertained prior to 32174
the hearing before the chief. If no adjudication hearing was 32175
conducted under division (B) of this section, the court shall 32176
conduct a hearing de novo. 32177

(2) The filing of an appeal under division (C)(1) of this 32178
section does not automatically suspend the order that is the 32179
subject of the appeal. Upon application by the appellant, the 32180
court may suspend or stay the order, pending an immediate hearing 32181
on the appeal. 32182

(3) If the court finds that the order was lawful and 32183
reasonable, it shall issue a written order affirming the order. If 32184
the court finds that the order was unreasonable or unlawful, it 32185
shall issue a written order vacating or modifying the order. The 32186
judgment of the court is final unless reversed, vacated, or 32187
modified on appeal. 32188

(4) Attorney's fees shall not be awarded to any party to an 32189
administrative or legal proceeding under this section. 32190

Sec. 1523.01. In addition to all other powers granted to and 32191
duties devolving upon the chief of the division of ~~soil and~~ water 32192
resources, when in the chief's judgment it is for the public 32193
welfare and the best interests of the citizens of the state that 32194
the surplus, flood, and other waters of any of the watersheds, 32195
rivers, streams, watercourses, or public waters should be 32196
conserved, impounded, and stored in order to insure and promote 32197
the public health, welfare, and safety and to encourage and 32198
promote agriculture, commerce, manufacturing, and other public 32199
purposes, such chief shall proceed in furtherance of the purposes 32200
of sections 1523.01 to 1523.13 of the Revised Code, and for the 32201

preservation of the use of such waters for navigation, in case 32202
such waters are required for navigation, to construct such 32203
reservoirs, dams, storage basins, dikes, canals, raceways, and 32204
other improvements as are necessary for such purposes, or the 32205
chief may make additions to, enlarge, and make alterations in and 32206
upon such reservoirs, dams, storage basins, dikes, canals, 32207
raceways, and other improvements already in existence and 32208
constituting a part of the public works, as are necessary for such 32209
purposes. Any rights or privileges granted by sections 1523.01 to 32210
1523.13 of the Revised Code, shall not interfere with the control 32211
and maintenance of the state reservoirs or public parks which have 32212
been dedicated to the public for purposes of recreation and 32213
pleasure. 32214

The chief, subject to the written approval of the director of 32215
natural resources and the governor, may acquire by gift, purchase, 32216
or by appropriation proceedings, in the name of and on behalf of 32217
the state, such real and personal property, rights, privileges, 32218
and appurtenances as are necessary in the chief's judgment for the 32219
construction of such reservoirs, dams, storage basins, dikes, 32220
canals, raceways, and other improvements, or for the alteration, 32221
enlargement, or maintenance of existing reservoirs, dams, and 32222
other improvements, together with such rights of way, drives, and 32223
roadways as are necessary for convenient access thereto. The 32224
appropriation proceedings referred to in this section shall be 32225
restricted to private property only. 32226

Before proceeding to purchase or appropriate any such 32227
property or rights, the cost of which, together with the land or 32228
real estate necessary upon which to locate and construct such 32229
improvements, including damages to remaining property, is in 32230
excess of one thousand dollars, the chief shall prepare plans, 32231
specifications, and estimates of such cost, including all material 32232
and labor therefor, together with the cost of such land or real 32233

estate and damages, and shall thereupon submit such plans, 32234
specifications, and estimates to the director, who in turn shall 32235
submit them to the governor for approval. 32236

The governor shall thereupon publish written notice once a 32237
week for two consecutive weeks in a newspaper published in and of 32238
general circulation in the counties where any such improvements 32239
are proposed to be constructed, setting forth the location and 32240
character of the proposed improvements, that the plans, 32241
specifications, and estimates therefor are on file in the 32242
governor's office, and that objections thereto will be heard by 32243
the governor on a day to be named in the notice, which day shall 32244
be not less than ten nor more than twenty days after the first 32245
publication thereof. Within thirty days after the date fixed for 32246
the hearing, the governor shall return such plans, specifications, 32247
and estimates to the director, with the governor's written 32248
approval or rejection thereof indorsed thereon. The director shall 32249
immediately return such plans, specifications, and estimates, 32250
together with the governor's indorsement thereon, to the chief. 32251

Any instrument by which real property is acquired pursuant to 32252
this section shall identify the agency of the state that has the 32253
use and benefit of the real property as specified in section 32254
5301.012 of the Revised Code. 32255

Sec. 1523.02. If the governor approves the plans, 32256
specifications, and estimates authorized by section 1523.01 of the 32257
Revised Code, the chief of the division of ~~soil and~~ water 32258
resources shall thereupon proceed, as provided in sections 1523.02 32259
to 1523.13 of the Revised Code, to construct the improvements or 32260
to make alterations in or to enlarge those already existing, in 32261
such manner and form as is shown by such plans and specifications. 32262
In order to provide the funds for such construction, alteration, 32263
or enlargement, the chief shall issue and sell bonds of the state, 32264

not in excess of the estimated cost of such improvements. The 32265
bonds shall be issued in denominations of not less than one 32266
hundred dollars payable as a whole or in series on or before fifty 32267
years from the date thereof, with interest not to exceed the rate 32268
provided in section 9.95 of the Revised Code, payable either 32269
annually or semiannually. 32270

The bonds shall show on their face the purpose for which 32271
issued and shall create no liability upon or be considered an 32272
indebtedness of the state, but both the principal and interest 32273
shall be paid solely out of the proceeds arising from the 32274
improvements constructed, altered, or enlarged by the chief, or 32275
from the proceeds of the sale or foreclosure of the lien securing 32276
the bonds on such improvement or such part thereof as is 32277
constructed from the money realized from the sale of the bonds. 32278

The form of the bonds shall be approved by the attorney 32279
general, and they shall be signed by the governor and attested by 32280
the director of natural resources and the chief. The bonds may be 32281
issued as coupon bonds, payable to bearer only, or upon demand of 32282
the owner or holder thereof as registered bonds. 32283

Such bonds shall be sold by the chief to the highest bidder 32284
therefor, but for not less than the par value thereof, with 32285
accrued interest thereon, after thirty days' notice in at least 32286
two newspapers of general circulation in the county where such 32287
improvements are to be constructed, altered, or enlarged, setting 32288
forth the nature, amount, rate of interest, and length of time the 32289
bonds have to run, with the time and place of sale. 32290

The treasurer of state shall be the treasurer of the fund 32291
realized from the sale of such bonds, and the auditor of state 32292
shall be the auditor of such fund. The proceeds of such sale shall 32293
be turned over to the treasurer of state and shall be deposited by 32294
the treasurer of state in a solvent bank, located either in 32295
Columbus or in the county in which such improvements are located. 32296

Such proceeds shall be kept by such bank in a fund to be known as 32297
the water conservation improvement fund. Such fund shall be used 32298
to acquire the necessary real estate and to construct such new 32299
improvements and for no other purpose, except that the treasurer 32300
of state may pay the interest on the bonds during the period of 32301
condemnation and the construction, alteration, or enlargement of 32302
such improvements out of the proceeds arising from the sale of the 32303
bonds for a term not exceeding three years from the date on which 32304
the bonds are issued. The bank shall give bond to the state in 32305
such amount as the treasurer of state considers advisable, and 32306
with surety to the satisfaction of the treasurer of state, for the 32307
benefit of the holders of the bonds, and for the benefit of any 32308
contractors performing labor or furnishing material for such 32309
improvements, as provided by law, conditioned that it will safely 32310
keep the money and will make no payments or disbursements 32311
therefrom except as provided in sections 1523.01 to 1523.13 of the 32312
Revised Code. 32313

The treasurer of state shall hold such fund as trustee for 32314
the holders of the bonds and for all persons performing labor or 32315
furnishing material for the construction, alteration, or 32316
enlargement of any improvement made under such sections. Such 32317
funds shall not be turned into the state treasury, but shall be 32318
deposited and disbursed by the treasurer of state as provided in 32319
such sections. The interest coupons attached to such bonds shall 32320
bear the signature of the treasurer of state, executed by the 32321
treasurer of state or printed or lithographed thereon. 32322

Both the interest and principal of such bonds shall be made 32323
payable at the office of the treasurer of state in Columbus, and 32324
shall be paid by the treasurer of state, without warrant or 32325
authority of the director of budget and management, to the owner 32326
or holder of such bonds upon presentation by the owner or holder 32327
of matured interest coupons or bonds. 32328

Sec. 1523.03. Immediately after the sale of the bonds 32329
authorized by section 1523.02 of the Revised Code and the payment 32330
of the proceeds thereof to the treasurer of state as provided in 32331
such section, the chief of the division of ~~soil and~~ water 32332
resources shall make a written contract for the construction of 32333
the improvements or for the making of additions to or alterations 32334
in existing improvements with the lowest responsive and 32335
responsible bidder, in accordance with section 9.312 of the 32336
Revised Code, after advertisements once a week for four 32337
consecutive weeks in one newspaper in each of the cities of 32338
Columbus, Cleveland, and Cincinnati having a general circulation 32339
therein, one trade paper having a circulation among contractors 32340
engaged in the construction of public improvement work of like 32341
character, and two newspapers having a general circulation within 32342
the county in which the dam, reservoir, storage basin, or other 32343
improvement is located or is to be located. 32344

All bids shall be filed with the chief, within the time fixed 32345
for the filing of such bids in the advertisement. The bids shall 32346
be opened and publicly read by the chief at twelve noon on the 32347
last day for filing them. Each bid shall contain the full names of 32348
every person or company interested in it, shall separately state 32349
the price of both the labor and material to be furnished under it, 32350
and shall meet the requirements of section 153.54 of the Revised 32351
Code. 32352

The chief may reject any bids. If the chief rejects all bids, 32353
the chief shall within sixty days thereafter readvertise for bids 32354
for the construction of such improvements, as provided in this 32355
section, and may continue to readvertise for bids every sixty days 32356
until bids are received which are made to the chief's satisfaction 32357
and in conformity to sections 1523.01 to 1523.13 of the Revised 32358
Code. 32359

The chief may award separate contracts to bidders for each 32360
part of the labor to be done or material to be furnished for the 32361
construction of such improvements, provided that the amount of the 32362
contract, if awarded as a whole, or the aggregate of the several 32363
contracts, if awarded separately, shall not, together with the 32364
cost of the land necessary for such improvements and the estimated 32365
damages to remaining property, be in excess of the estimated cost 32366
of the construction thereof, including such land and damages. Such 32367
contracts shall provide that all payments thereunder shall be made 32368
only from the proceeds of the sale of the bonds issued for the 32369
construction of such improvements. No contractor shall receive 32370
payment for any work or labor performed or material furnished for 32371
such improvements unless the contract therefor was, at the time of 32372
its execution, approved by the governor by the governor's written 32373
indorsement on such contract. 32374

Sec. 1523.04. When estimates or statements for either 32375
material theretofore furnished or labor theretofore performed 32376
under a contract entered into as provided in section 1523.03 of 32377
the Revised Code are presented to the chief of the division of 32378
~~soil and~~ water resources by the contractor, certified as to the 32379
correctness thereof under oath by the contractor or the 32380
contractor's authorized agent and approved in writing by the 32381
chief, the chief shall pay the amount of such estimates or 32382
statements from the water conservation improvement fund. 32383

Sec. 1523.05. The chief of the division of ~~soil and~~ water 32384
resources shall by contract in writing sell or lease for 32385
agricultural, commercial, manufacturing, or other lawful purposes, 32386
for any term not exceeding fifty years, the water, or any part 32387
thereof, conserved and stored by the improvements then existing, 32388
or that will be conserved and stored by any improvements 32389
thereafter to be constructed by the chief. The chief may lease the 32390

land surrounding the water for a term not exceeding fifty years, 32391
as shown by the plans and specifications prepared by the chief and 32392
approved by the governor as provided in section 1523.01 of the 32393
Revised Code. Such agreements shall be for a certain price or 32394
rental for the water or lands furnished to or used by the 32395
grantees, lessees, or their assigns, to be paid quarterly, 32396
semiannually, or annually as the chief deems advisable. 32397

The chief may, for a term not exceeding fifty years, sell or 32398
lease power generated by any head of water raised or maintained by 32399
any such improvement, or the chief may sell or lease the right to 32400
use such head of water for generating power or other hydraulic 32401
purposes. 32402

All such contracts of sale or lease, whether for water or 32403
power, shall contain such reservations or restrictions as the 32404
chief deems necessary and proper in furtherance of the purposes of 32405
sections 1523.01 to 1523.13 of the Revised Code, and the 32406
preservation of the use of such waters for navigation in case they 32407
are required therefor. 32408

Such contracts or leases shall be approved by the attorney 32409
general as to their general form and legality and, before becoming 32410
binding obligations on the state, they shall be approved by the 32411
governor by the governor's written indorsement thereon. 32412

Sec. 1523.06. (A) The chief of the division of ~~soil and~~ water 32413
resources before selling bonds as provided in section 1523.02 of 32414
the Revised Code or before receiving bids for the construction of 32415
improvements as authorized by section 1523.03 of the Revised Code 32416
may enter into tentative agreements for the sale or lease of water 32417
or power to: 32418

(1) Ascertain whether the public interest and welfare 32419
reasonably require the proposed improvements in the proposed 32420
locality; 32421

(2) Determine whether the revenues which the state may derive 32422
from the lease of lands and the lease and sale of the waters which 32423
are estimated will be conserved, impounded, and stored, or from 32424
the sale or lease of the power generated by such improvements, 32425
will be sufficient: 32426

(a) To pay the interest on bonds issued under section 1523.02 32427
of the Revised Code; 32428

(b) To create a sinking fund to retire the bonds at their 32429
maturity; 32430

(c) To maintain and keep the improvements in repair. 32431

(B) The performance and carrying out of such tentative 32432
agreements shall be conditioned upon the ability of such chief to: 32433

(1) Sell the proposed bonds at not less than par and accrued 32434
interest; 32435

(2) Secure bids for the furnishing of all the labor and 32436
material necessary in the construction of such improvements, 32437
including all real estate required and damages incurred, at such a 32438
price that the rentals or compensation to be paid will provide 32439
during the terms of such contracts or leases a sum sufficient to 32440
pay the interest, retire the bonds, and maintain and keep the 32441
improvements in repair. 32442

Sec. 1523.07. The treasurer of state shall be treasurer and 32443
the auditor of state shall be auditor of all moneys derived from 32444
the use of the improvements authorized by sections 1523.01 to 32445
1523.13 of the Revised Code. The treasurer of state shall hold the 32446
moneys as trustee for the maintenance of any improvements 32447
constructed under such sections, and for the holders of any bonds 32448
issued in accordance with section 1523.02 of the Revised Code. The 32449
moneys shall not be turned into the state treasury, but shall be 32450
deposited and disbursed by the treasurer of state in the manner 32451

provided in this section. All such moneys shall be collected by 32452
the treasurer of state on statements to be furnished by the chief 32453
of the division of ~~soil and~~ water resources and when so collected 32454
shall be deposited in solvent banks in the state upon the same 32455
terms as state funds are now loaned. The funds shall be kept by 32456
such banks in a fund known as the "water conservation fund" and 32457
shall be used, first, to maintain and keep in repair the dams, 32458
reservoirs, storage basins, and other improvements, and, second, 32459
to pay the interest upon and principal of the bonds issued and 32460
sold pursuant to section 1523.02 of the Revised Code, as such 32461
interest falls due or the bonds mature. 32462

The banks in which the treasurer of state deposits any of the 32463
moneys belonging either to the water conservation improvement fund 32464
provided for in section 1523.02 of the Revised Code or the water 32465
conservation fund provided for in this section shall be state 32466
depository banks as provided for in sections 135.01 to 135.21 of 32467
the Revised Code. An amount not to exceed fifty thousand dollars 32468
of the money on deposit at any one time in the water conservation 32469
improvement fund, and an amount not to exceed ten thousand dollars 32470
in the water conservation fund shall be held by any of the banks 32471
as an active deposit, and the banks shall pay the treasurer of 32472
state on such deposits, both active and inactive, the same rate of 32473
interest then being paid by them upon the funds of the state then 32474
deposited with them by the treasurer of state. All such payments 32475
of interest shall be credited to the respective funds upon which 32476
such interest is paid. 32477

Sec. 1523.08. When the cost of any repairs to the 32478
improvements authorized by section 1523.01 of the Revised Code 32479
does not exceed one thousand dollars, the chief of the division of 32480
~~soil and~~ water resources either may make such repairs or may let a 32481
contract therefor without advertising for bids. If the cost of any 32482
such repairs is in excess of one thousand dollars, the chief shall 32483

advertise for bids for the making of such repairs and let a 32484
contract therefor as provided in section 1523.03 of the Revised 32485
Code. 32486

When itemized statements are presented to the chief showing 32487
the amount of labor performed and material furnished in the making 32488
of such repairs, verified by the person making them and approved 32489
in writing by the chief, the chief shall pay the amount of such 32490
statement from the water conservation fund. 32491

Sec. 1523.09. If a reservoir, dam, storage basin, or other 32492
improvement constructed or enlarged by the chief of the division 32493
of ~~soil and~~ water resources as provided in sections 1523.01 to 32494
1523.13 of the Revised Code constitutes a part of the canal system 32495
of the state or is located upon any river, stream, or body of 32496
water formerly used as a feeder for the canal system, no water 32497
shall be sold or leased from the improvement except in accordance 32498
with section 1520.03 of the Revised Code. 32499

Sec. 1523.10. The funds derived from the sale, use, or lease 32500
of the water impounded and conserved or the power generated by the 32501
improvements constructed pursuant to sections 1523.01 to 1523.13 32502
of the Revised Code, or from the lease of the lands and 32503
improvements adjacent thereto are hereby expressly pledged for the 32504
purpose of maintaining and keeping the improvements in repair and 32505
for the payment of the interest on and principal of the bonds 32506
issued under section 1523.02 of the Revised Code, as the same fall 32507
due and mature. The owners of such bonds are hereby given a lien 32508
for the payment of the principal and interest of such bonds upon 32509
any dam, reservoir, storage basin, or other improvements, or any 32510
part thereof, with the appurtenances belonging thereto, 32511
constructed by the chief of the division of ~~soil and~~ water 32512
resources with the funds derived from the sale of such bonds. 32513

If default is made in the payment of the interest on any of 32514
the bonds for three or more successive years, or if bonds, 32515
aggregating in par value not less than ten per cent of the total 32516
amount of such bonds then outstanding are not paid at maturity, 32517
then all of the bonds, both principal and interest, shall become 32518
due and payable, and the owners of any of the bonds, aggregating 32519
in par value not less than ten per cent of the total amount of 32520
such bonds then outstanding, may institute proceedings to 32521
foreclose such lien against the state in the court of common pleas 32522
of the county in which is located any of the improvements, 32523
constructed, altered, or enlarged out of the proceeds of the sale 32524
of such bonds. 32525

The court shall have jurisdiction of such action with full 32526
power to foreclose such lien and to make an order to the sheriff 32527
of the county, acting as a master commissioner, directing the 32528
sheriff to make a sale of such improvements or part thereof at not 32529
less than two-thirds of the appraised value thereof, and upon such 32530
terms and in manner and form as provided for in the order, and to 32531
pay the proceeds of such sale to the clerk of the court of common 32532
pleas. Upon motion of the purchaser of such improvements at such 32533
sale, the court, if such sale is found to be regular in all 32534
respects and according to law, shall confirm the sale and order 32535
the sheriff to execute a deed to such purchaser and the 32536
purchaser's assigns, conveying to the purchaser and the 32537
purchaser's assigns all the right, title, and interest of the 32538
holders of the bonds in and to the improvements, and all the 32539
right, title, and interest of the state, for a period of not more 32540
than fifty years from the date of such conveyance, in the same, 32541
with full right and franchise, for the period of not to exceed 32542
fifty years, to operate the improvements and dispose of the water 32543
conserved or the power generated thereby, with the further right, 32544
for the period of fifty years, to flow, transport, and convey the 32545
water from the improvements, or to conduct and transmit power 32546

generated thereby through, over, and upon any of the lands of the 32547
state or channels or beds of any of its reservoirs, lakes, canals, 32548
races, aqueducts, or watercourses. In the exercise of such rights, 32549
such purchaser or the purchaser's assigns shall at all times 32550
during the term of the grant maintain the improvements so conveyed 32551
to them in a good state of repair and shall not interfere with the 32552
navigation of the canals of the state or with the control and 32553
maintenance thereof or with the sale of water by the state from 32554
its dams, reservoirs, and improvements other than those so 32555
constructed. The state does not incur any liability by reason of 32556
such sale and the rights granted thereunder to continue to 32557
maintain such canals, races, channels, or watercourses, or to 32558
continue the use thereof. Such conveyance or grant by the sheriff 32559
as such master commissioner shall contain a clause giving the 32560
chief such control of waste gates and wickets as to regulate the 32561
flow of water in the state reservoirs or canals, in such manner as 32562
to maintain the proper level therein and to prevent the flowing 32563
into such reservoirs and canals of such quantities of water as 32564
might impair any of the property of the state or its lessees, 32565
except as otherwise provided in section 1520.03 of the Revised 32566
Code. 32567

Upon the foreclosure of the lien and the sale of the 32568
improvements, all contracts or leases for the sale, use, or lease 32569
of water, the lands and improvements adjacent thereto, or power 32570
rights then outstanding shall become void, and the rights of the 32571
state and the several lessees thereunder, shall cease. 32572

Upon the making of an order by the court for the sale of such 32573
improvements, and before they are offered for sale by the sheriff, 32574
the court shall appoint three disinterested appraisers, one of 32575
whom shall be a water-works or hydraulic engineer with at least 32576
five years' experience in the practice of the engineer's 32577
profession, and two of whom shall be freeholders residing in the 32578

county in which any of such improvements are located. The 32579
appraisers shall appraise the improvements and shall, within the 32580
time fixed by the court, file such appraisal in writing with the 32581
clerk. If the lien given by this section as security for the 32582
payment of the bonds covers a part only of the improvements, the 32583
appraisers shall appraise the improvements as an entirety, and 32584
shall also appraise separately the part constructed from the 32585
proceeds of the sale of the bonds, the lien of which is being 32586
foreclosed in such proceeding. 32587

In making such appraisal and fixing the value of the 32588
improvements or of such part thereof, the appraisers shall have 32589
access to all papers and documents on file in the office of the 32590
chief relating to such improvements, including the plans and 32591
specifications therefor, and the bids made and contracts entered 32592
into for the construction thereof, and all leases and contracts 32593
for the sale of water impounded therein and power generated 32594
thereby. The order of the court shall direct the sale only of such 32595
part of the improvements as have been constructed from the 32596
proceeds of the sale of the bonds. The purchaser at such sale, in 32597
the operation of such improvements during the term of the 32598
franchise granted to the purchaser by this section, shall draw 32599
from the dam or reservoir impounding such water only such portion 32600
thereof as the appraised value of that part of such improvements, 32601
constructed from the proceeds of the sale of such bonds and sold 32602
to the purchaser under the order of the court, bears to the entire 32603
appraised value of such improvements. 32604

If at any time during the term of the franchise granted to 32605
the purchaser of such improvements at such foreclosure sale any 32606
controversy arises between the purchaser or the purchaser's 32607
assigns and the chief as to the operation of such improvements, or 32608
as to the amount of water which the purchaser is drawing or is 32609
entitled to draw therefrom, either the purchaser or the chief may 32610

file a petition in the court, setting forth the facts connected 32611
with such controversy. 32612

Notice in writing of the filing of such petition shall be 32613
given to the opposite party to the controversy within thirty days 32614
from the date of the filing thereof, either by service of such 32615
notice personally upon such opposite party by the sheriff of such 32616
county or by service by mail by the clerk. Such notice shall be 32617
mailed to the name and address which the purchaser filed with the 32618
clerk at the time of the delivery to the purchaser by the sheriff 32619
of the deed. Within thirty days from the serving or mailing of 32620
such notice, the opposite party to the controversy shall file an 32621
answer in the court, and thereupon the court shall hear and 32622
determine the controversy and make such order in regard to it as 32623
is just and proper, which order shall be binding upon all the 32624
parties to the controversy. 32625

At the termination of the period of not to exceed fifty 32626
years, all of the rights and privileges conveyed to the purchaser 32627
by the deed and grant of such sheriff as master commissioner shall 32628
cease and the improvements, with all the appurtenances belonging 32629
thereto, shall revert to and become the property of the state, 32630
free and clear of any claims whatever against them. 32631

The clerk shall distribute and pay the money received by the 32632
clerk from the sheriff as such master commissioner from the sale 32633
of such improvements to the holders of the bonds pro rata, and 32634
upon such payment to any of the bondholders, they shall surrender 32635
to the ~~the~~ clerk their bonds, with all unpaid interest coupons 32636
thereon. The clerk shall thereupon cancel the same and deliver 32637
them, so canceled, to the treasurer of the water conservation 32638
improvement fund. 32639

Sec. 1523.11. All appropriations of property made by the 32640
chief of the division of ~~soil and~~ water resources in carrying out 32641

sections 1523.01 to 1523.13 of the Revised Code, shall be made in 32642
accordance with sections 163.01 to 163.22 of the Revised Code, 32643
provided that possession of any property so appropriated shall not 32644
be taken by the state or the chief before the compensation and 32645
damages awarded therefor in the appropriation proceedings have 32646
been paid into court. 32647

Sec. 1523.12. Sections 1523.01 to 1523.13 of the Revised Code 32648
do not authorize any reduction in the quantity or any impairment 32649
in the quality of the water in any watershed, stream, or basin, 32650
developed or undeveloped, from which any political subdivision is, 32651
at the time the chief of the division of ~~soil and~~ water resources 32652
proposes and is proceeding to construct in such watershed, stream, 32653
or basin any of the improvements authorized by such sections, 32654
taking water for the use of itself or its inhabitants, or has 32655
plans under way, or has made or begun appropriation of any 32656
property or rights in such watershed, stream, or basin for the 32657
purpose of acquiring a water supply for itself or its inhabitants 32658
for either domestic, industrial, or other uses. Such sections do 32659
not authorize the chief to sell or lease the right to use water at 32660
any time for any purpose or to such an extent as to prejudice, 32661
abrogate, or supersede any of the water rights granted by the 32662
state to the city of Akron as provided in volume 102, Ohio Laws, 32663
page 175, sections 1 to 3. 32664

Sec. 1523.13. If by reason of severe drought or other causes 32665
the water supply of any political subdivision is, in the judgment 32666
of the chief of the division of ~~soil and~~ water resources, at any 32667
time so reduced or impaired as to endanger the property of such 32668
political subdivision, or the health, safety, or property of the 32669
inhabitants thereof, then the chief, under such regulations as the 32670
chief prescribes, may grant to such political subdivision the 32671
right, during the continuance of such emergency, to draw or take 32672

such quantity of water as is necessary to protect the property of 32673
such political subdivision and the health, safety, or property of 32674
its inhabitants from any improvement constructed under sections 32675
1523.01 to 1523.13 of the Revised Code, before any of the lessees 32676
or grantees of the state using the water for industrial purposes 32677
take water therefrom. Such political subdivision shall pay such 32678
price per thousand gallons for the water so taken by it as is 32679
fixed by the chief and the governor. The price so fixed shall not 32680
exceed the maximum price then being paid for water to the state by 32681
any of its lessees or grantees. Such grant by the chief to such 32682
political subdivision shall not modify the terms or impair the 32683
validity of any leases then existing between the state and other 32684
persons, firms, or corporations, except as expressly provided in 32685
this section. 32686

Sec. 1523.14. The director of transportation in constructing 32687
highways, bridges, and culverts as provided by law; the board of 32688
county commissioners in constructing highways, bridges, and 32689
culverts as provided by law; the board of township trustees of any 32690
township in constructing highways, bridges, and culverts as 32691
provided by law; and any municipal corporation constructing or 32692
improving viaducts, bridges, and culverts under section 717.01 of 32693
the Revised Code, either severally or jointly, upon request of the 32694
chief of the division of ~~soil and~~ water resources and with the 32695
approval of the director of transportation, may construct and 32696
maintain slack-water dams in connection with the highway, highway 32697
bridge, or culvert so as to create reservoirs, ponds, water parks, 32698
basins, lakes, or other incidental works to conserve the water 32699
supply of the state. 32700

Sec. 1523.15. The chief of the division of ~~soil and~~ water 32701
resources may request the public authority having charge of the 32702
construction of state, county, or township highways, highway 32703

bridges, and culverts, or municipal streets, for the construction 32704
of slack-water dams in connection with the construction of any 32705
such highway, street, highway bridge, or culvert whenever, in the 32706
chief's opinion, the construction of such dam is desirable and 32707
feasible for the economical creation and construction of 32708
reservoirs, ponds, water parks, basins, lakes, or other incidental 32709
works for the conservation of the water supply of the state. 32710

The public authority having charge of such construction may 32711
approve such request when, in its opinion, the construction of 32712
such dams will not unnecessarily delay or hinder the construction 32713
of the highway, street, highway bridge, or culvert, or will not 32714
interfere with its value or use for highway purposes. 32715

If such request is approved, the chief, in cooperation with 32716
the department of transportation and the public authority 32717
participating in the project, shall make a survey and prepare 32718
plans, specifications, and estimates for the construction of such 32719
dams and the reservoir, pond, water park, basin, lake, or other 32720
incidental works in connection therewith. 32721

Upon approval of the plans and specifications and 32722
determination to proceed with the project, the chief shall enter 32723
into an agreement with the public authority on the distribution of 32724
the cost and expense of the construction of such dams and 32725
incidental works in connection therewith. The portion of the cost 32726
to be paid by the division of ~~soil and~~ water resources shall be 32727
paid from any funds appropriated for or paid into the division and 32728
available for such purpose. 32729

Such dams shall be constructed under and subject to any laws 32730
governing the construction of state, county, or township highways, 32731
bridges, or culverts. Any public authority undertaking 32732
construction under sections 1523.14 to 1523.20 of the Revised Code 32733
shall proceed in the same manner as provided for the construction 32734
of highway or street improvements. 32735

Sec. 1523.16. Any department or division of the state 32736
government, or any county, township, municipal corporation, park 32737
board, or district, or any organization, club, corporation, or 32738
private person may petition the chief of the division of ~~soil and~~ 32739
water resources for the construction of dams and reservoir 32740
projects in connection with the construction of any highway, 32741
highway bridge, or culvert. 32742

Upon receipt of such a petition and its approval by the 32743
chief, the chief shall proceed as authorized by section 1523.15 of 32744
the Revised Code. If the public authority having charge of the 32745
construction of such highway, street, highway bridge, or culvert 32746
approves the request, then the chief shall enter into an agreement 32747
with the public authority, organization, or person petitioning for 32748
the construction of such dam or reservoir on the apportionment of 32749
the cost and expense of construction. The cost and expense of such 32750
dam project shall include the cost of clearing and grubbing and 32751
the cost of property and damages incidental thereto. Such 32752
agreement shall also contain provisions for the proper maintenance 32753
and repair of such projects after completion, and also apportion 32754
the revenue derived therefrom between the division of ~~soil and~~ 32755
water resources and the petitioner. 32756

Sec. 1523.17. In all cases in which a public authority, 32757
private organization, or person petitions for the construction of 32758
a dam and reservoir project as authorized by sections 1523.14 to 32759
1523.20 of the Revised Code, the chief of the division of ~~soil and~~ 32760
water resources, as a condition precedent to the construction of 32761
such project, shall require the petitioning authority, 32762
organization, or person to pay the petitioning authority's, 32763
organization's, or person's share of the cost and expense of such 32764
project. 32765

Any deficiency shall be made up by the parties bearing the 32766

cost before any further work is done. If the deficiency is not 32767
made up within sixty days after it is known, the amount paid in, 32768
less the expense incurred by the chief and the cooperating public 32769
authorities, shall be refunded to the donor. After completion of 32770
the work, any amount remaining to the credit of the project shall 32771
likewise be refunded. 32772

Sec. 1523.18. In the construction of dams, reservoirs, and 32773
other incidental works under sections 1523.14 to 1523.20 of the 32774
Revised Code, the chief of the division of ~~soil and~~ water 32775
resources shall proceed as provided by law, and shall enter into 32776
contracts therefor as provided in sections 153.01 to 153.29 of the 32777
Revised Code. The director of transportation, the chief of the 32778
division of wildlife with the approval of the director of natural 32779
resources, and any county, township, municipal corporation, and 32780
public park board or district may proceed with the letting of 32781
contracts for the construction of such dams or reservoir projects, 32782
approved by the chief of the division of ~~soil and~~ water resources, 32783
under any laws regulating the letting of contracts applicable to 32784
their respective departments, divisions, districts, or political 32785
subdivisions, and the authority of sections 1523.14 to 1523.20 of 32786
the Revised Code. 32787

Sec. 1523.19. The chief of the division of ~~soil and~~ water 32788
resources shall have the supervision, care, and control of all 32789
dams, reservoirs, ponds, water parks, basins, lakes, or other 32790
incidental works constructed under sections 1523.14 to 1523.20 of 32791
the Revised Code, and shall maintain and keep them in repair. The 32792
cost of such maintenance and repair shall be paid from any funds 32793
appropriated to the division of ~~soil and~~ water resources for that 32794
purpose or paid into the state treasury as agreed upon with the 32795
public or contracting authorities co-operating in the construction 32796
of such projects. 32797

Such projects may also be maintained by any department or 32798
division of state government or other public authorities leasing 32799
or operating the projects, through agreements made with the chief. 32800
All rentals derived from the lessees of such projects shall be 32801
used by the chief in the maintenance or repair of all such 32802
projects constructed under such sections. The costs and expenses 32803
of the reconstruction of any such projects shall be distributed, 32804
unless otherwise agreed, on the same basis and pro-rata share of 32805
the costs and expenses as was paid by the contracting authorities 32806
contributing to the cost of the original project. 32807

Sec. 1523.20. When the chief of the division of ~~soil and~~ 32808
water resources and the owners of the lands, waters, or riparian 32809
rights are unable to agree upon the terms, purchase price, and 32810
sale thereof, the chief may acquire the lands by appropriation 32811
proceedings in the manner provided by sections 163.01 to 163.22 of 32812
the Revised Code. 32813

The title or lease to any such lands, waters, or riparian 32814
rights shall be taken by the chief, subject to the approval of the 32815
governor and the attorney general, in the name of the state. The 32816
lease rentals or purchase price of any such lands, waters, or 32817
riparian rights, as well as all costs and expenses of constructing 32818
any such reservoirs, ponds, water parks, basins, lakes, or other 32819
incidental works on those lands, may be paid for from any funds 32820
appropriated for the use of or paid into the division of ~~soil and~~ 32821
water resources and available for that purpose. The chief may 32822
accept contributions to those funds from individuals, 32823
associations, clubs, organizations, and corporations. 32824

Sec. 1531.35. The wildlife boater angler fund is hereby 32825
created in the state treasury. The fund shall consist of money 32826
credited to the fund pursuant to section 5735.051 of the Revised 32827
Code and other money contributed to the division of wildlife for 32828

the purposes of the fund. The fund shall be used for boating 32829
access construction, improvements, ~~and~~ maintenance and repair of 32830
dams and impoundments, and acquisitions, including lands and 32831
facilities for boating access, and to pay for equipment and 32832
personnel costs involved with those activities, on ~~lakes~~ waters on 32833
which the operation of gasoline-powered watercraft is permissible. 32834
However, not more than ~~two~~ five hundred thousand dollars of the 32835
annual expenditures from the fund may be used to pay for the 32836
equipment and personnel costs. 32837

Sec. 1548.11. (A) In the event of the transfer of ownership 32838
of a watercraft or outboard motor by operation of law, as upon 32839
inheritance, devise, bequest, order in bankruptcy, insolvency, 32840
replevin, or execution of sale, or whenever the engine of a 32841
watercraft is replaced by another engine, a watercraft or outboard 32842
motor is sold to satisfy storage or repair charges, or 32843
repossession is had upon default in performance of the terms of a 32844
security agreement as provided in Chapter 1309. of the Revised 32845
Code, a clerk of a court of common pleas, upon the surrender of 32846
the prior certificate of title or the manufacturer's or importer's 32847
certificate, or, when that is not possible, upon presentation of 32848
satisfactory proof to the clerk of ownership and rights of 32849
possession to the watercraft or outboard motor, and upon payment 32850
of the fee prescribed in section 1548.10 of the Revised Code and 32851
presentation of an application for certificate of title, may issue 32852
to the applicant a certificate of title to the watercraft or 32853
outboard motor. Only an affidavit by the person or agent of the 32854
person to whom possession of the watercraft or outboard motor has 32855
passed, setting forth the facts entitling the person to possession 32856
and ownership, together with a copy of the journal entry, court 32857
order, or instrument upon which the claim of possession and 32858
ownership is founded, is satisfactory proof of ownership and right 32859
of possession. If the applicant cannot produce such proof of 32860

ownership, the applicant may apply directly to the chief of the 32861
division of watercraft and submit such evidence as the applicant 32862
has, and the chief, if the chief finds the evidence sufficient, 32863
may authorize the clerk to issue a certificate of title. If the 32864
chief finds the evidence insufficient, the applicant may petition 32865
the court of common pleas for a court order ordering the clerk to 32866
issue a certificate of title. The court shall grant or deny the 32867
petition based on the sufficiency of the evidence presented to the 32868
court. If, from the records in the office of the clerk, there 32869
appears to be any lien on the watercraft or outboard motor, the 32870
certificate of title shall contain a statement of the lien unless 32871
the application is accompanied by proper evidence of its 32872
extinction. 32873

(B) Upon the death of one of the persons who have established 32874
joint ownership with right of survivorship under section 2131.12 32875
of the Revised Code in a watercraft or outboard motor and the 32876
presentation to the clerk of the title and the certificate of 32877
death of the deceased person, the clerk shall enter into the 32878
records the transfer of the watercraft or outboard motor to the 32879
surviving person, and the title to the watercraft or outboard 32880
motor immediately passes to the surviving person. The transfer 32881
does not affect any liens on the watercraft or outboard motor. 32882

(C) The clerk shall transfer a decedent's interest in one 32883
watercraft, one watercraft trailer, one outboard motor, or one of 32884
each to the decedent's surviving spouse as provided in section 32885
2106.19 of the Revised Code. 32886

(D) Upon the death of an owner of a watercraft or outboard 32887
motor designated in beneficiary form under section 2131.13 of the 32888
Revised Code, upon application of the transfer-on-death 32889
beneficiary or beneficiaries designated pursuant to that section, 32890
and upon presentation to the clerk of the certificate of title and 32891
the certificate of death of the deceased owner, the clerk shall 32892

transfer the watercraft or outboard motor and issue a certificate 32893
of title to the transfer-on-death beneficiary or beneficiaries. 32894
The transfer does not affect any liens upon any watercraft or 32895
outboard motor so transferred. 32896

Sec. 1561.04. ~~The chief of the division of mineral resources~~ 32897
~~management~~ director of natural resources or the director's 32898
designee shall annually make a report to the governor, which shall 32899
include: 32900

(A) A summary of the activities and of the reports of the 32901
deputy mine inspectors; 32902

(B) A statement of the condition and the operation of the 32903
mines of the state; 32904

(C) A statement of the number of accidents in and about the 32905
mines, the manner in which they occurred, and any other data and 32906
facts bearing upon the prevention of accidents and the 32907
preservation of life, health, and property, and any suggestions 32908
relative to the better preservation of the life, health, and 32909
property of those engaged in the mining industry. 32910

The records of the bureau of workers' compensation shall be 32911
available to the ~~chief~~ director or the director's designee for 32912
information concerning such a report. The ~~chief~~ director or the 32913
director's designee shall send by mail to each coal operator in 32914
the state, to a duly designated representative of the miners at 32915
each mine, and to such other persons as the ~~chief~~ director or the 32916
director's designee deems proper, a copy of such report. The ~~chief~~ 32917
director or the director's designee may have as many copies of 32918
such report printed as are needed to make the distribution thereof 32919
as provided in this section. 32920

The ~~chief~~ director or the director's designee shall also 32921
prepare and publish for public distribution quarterly reports, 32922

including therein information relative to the items enumerated in 32923
this section that is pertinent or available at such times. 32924

Sec. 1707.01. As used in this chapter: 32925

(A) Whenever the context requires it, "division" or "division 32926
of securities" may be read as "director of commerce" or as 32927
"commissioner of securities." 32928

(B) "Security" means any certificate or instrument, or any 32929
oral, written, or electronic agreement, understanding, or 32930
opportunity, that represents title to or interest in, or is 32931
secured by any lien or charge upon, the capital, assets, profits, 32932
property, or credit of any person or of any public or governmental 32933
body, subdivision, or agency. It includes shares of stock, 32934
certificates for shares of stock, an uncertificated security, 32935
membership interests in limited liability companies, voting-trust 32936
certificates, warrants and options to purchase securities, 32937
subscription rights, interim receipts, interim certificates, 32938
promissory notes, all forms of commercial paper, evidences of 32939
indebtedness, bonds, debentures, land trust certificates, fee 32940
certificates, leasehold certificates, syndicate certificates, 32941
endowment certificates, interests in or under profit-sharing or 32942
participation agreements, interests in or under oil, gas, or 32943
mining leases, preorganization or reorganization subscriptions, 32944
preorganization certificates, reorganization certificates, 32945
interests in any trust or pretended trust, any investment 32946
contract, any life settlement interest, any instrument evidencing 32947
a promise or an agreement to pay money, warehouse receipts for 32948
intoxicating liquor, and the currency of any government other than 32949
those of the United States and Canada, but sections 1707.01 to 32950
1707.45 of the Revised Code do not apply to the sale of real 32951
estate. 32952

(C)(1) "Sale" has the full meaning of "sale" as applied by or 32953

accepted in courts of law or equity, and includes every 32954
disposition, or attempt to dispose, of a security or of an 32955
interest in a security. "Sale" also includes a contract to sell, 32956
an exchange, an attempt to sell, an option of sale, a solicitation 32957
of a sale, a solicitation of an offer to buy, a subscription, or 32958
an offer to sell, directly or indirectly, by agent, circular, 32959
pamphlet, advertisement, or otherwise. 32960

(2) "Sell" means any act by which a sale is made. 32961

(3) The use of advertisements, circulars, or pamphlets in 32962
connection with the sale of securities in this state exclusively 32963
to the purchasers specified in division (D) of section 1707.03 of 32964
the Revised Code is not a sale when the advertisements, circulars, 32965
and pamphlets describing and offering those securities bear a 32966
readily legible legend in substance as follows: "This offer is 32967
made on behalf of dealers licensed under sections 1707.01 to 32968
1707.45 of the Revised Code, and is confined in this state 32969
exclusively to institutional investors and licensed dealers." 32970

(4) The offering of securities by any person in conjunction 32971
with a licensed dealer by use of advertisement, circular, or 32972
pamphlet is not a sale if that person does not otherwise attempt 32973
to sell securities in this state. 32974

(5) Any security given with, or as a bonus on account of, any 32975
purchase of securities is conclusively presumed to constitute a 32976
part of the subject of that purchase and has been "sold." 32977

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person 32978
acting in a representative capacity, includes sale on behalf of 32979
such party by an agent, including a licensed dealer or 32980
salesperson. 32981

(D) "Person," except as otherwise provided in this chapter, 32982
means a natural person, firm, partnership, limited partnership, 32983
partnership association, syndicate, joint-stock company, 32984

unincorporated association, trust or trustee except where the 32985
trust was created or the trustee designated by law or judicial 32986
authority or by a will, and a corporation or limited liability 32987
company organized under the laws of any state, any foreign 32988
government, or any political subdivision of a state or foreign 32989
government. 32990

(E)(1) "Dealer," except as otherwise provided in this 32991
chapter, means every person, other than a salesperson, who engages 32992
or professes to engage, in this state, for either all or part of 32993
the person's time, directly or indirectly, either in the business 32994
of the sale of securities for the person's own account, or in the 32995
business of the purchase or sale of securities for the account of 32996
others in the reasonable expectation of receiving a commission, 32997
fee, or other remuneration as a result of engaging in the purchase 32998
and sale of securities. "Dealer" does not mean any of the 32999
following: 33000

(a) Any issuer, including any officer, director, employee, or 33001
trustee of, or member or manager of, or partner in, or any general 33002
partner of, any issuer, that sells, offers for sale, or does any 33003
act in furtherance of the sale of a security that represents an 33004
economic interest in that issuer, provided no commission, fee, or 33005
other similar remuneration is paid to or received by the issuer 33006
for the sale; 33007

(b) Any licensed attorney, public accountant, or firm of such 33008
attorneys or accountants, whose activities are incidental to the 33009
practice of the attorney's, accountant's, or firm's profession; 33010

(c) Any person that, for the account of others, engages in 33011
the purchase or sale of securities that are issued and outstanding 33012
before such purchase and sale, if a majority or more of the equity 33013
interest of an issuer is sold in that transaction, and if, in the 33014
case of a corporation, the securities sold in that transaction 33015
represent a majority or more of the voting power of the 33016

corporation in the election of directors; 33017

(d) Any person that brings an issuer together with a 33018
potential investor and whose compensation is not directly or 33019
indirectly based on the sale of any securities by the issuer to 33020
the investor; 33021

(e) Any bank; 33022

(f) Any person that the division of securities by rule 33023
exempts from the definition of "dealer" under division (E)(1) of 33024
this section. 33025

(2) "Licensed dealer" means a dealer licensed under this 33026
chapter. 33027

(F)(1) "Salesman" or "salesperson" means every natural 33028
person, other than a dealer, who is employed, authorized, or 33029
appointed by a dealer to sell securities within this state. 33030

(2) The general partners of a partnership, and the executive 33031
officers of a corporation or unincorporated association, licensed 33032
as a dealer are not salespersons within the meaning of this 33033
definition, nor are clerical or other employees of an issuer or 33034
dealer that are employed for work to which the sale of securities 33035
is secondary and incidental; but the division of securities may 33036
require a license from any such partner, executive officer, or 33037
employee if it determines that protection of the public 33038
necessitates the licensing. 33039

(3) "Licensed salesperson" means a salesperson licensed under 33040
this chapter. 33041

(G) "Issuer" means every person who has issued, proposes to 33042
issue, or issues any security. 33043

(H) "Director" means each director or trustee of a 33044
corporation, each trustee of a trust, each general partner of a 33045
partnership, except a partnership association, each manager of a 33046

partnership association, and any person vested with managerial or 33047
directory power over an issuer not having a board of directors or 33048
trustees. 33049

(I) "Incorporator" means any incorporator of a corporation 33050
and any organizer of, or any person participating, other than in a 33051
representative or professional capacity, in the organization of an 33052
unincorporated issuer. 33053

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent 33054
practices," or "fraudulent transactions" means anything recognized 33055
on or after July 22, 1929, as such in courts of law or equity; any 33056
device, scheme, or artifice to defraud or to obtain money or 33057
property by means of any false pretense, representation, or 33058
promise; any fictitious or pretended purchase or sale of 33059
securities; and any act, practice, transaction, or course of 33060
business relating to the purchase or sale of securities that is 33061
fraudulent or that has operated or would operate as a fraud upon 33062
the seller or purchaser. 33063

(K) Except as otherwise specifically provided, whenever any 33064
classification or computation is based upon "par value," as 33065
applied to securities without par value, the average of the 33066
aggregate consideration received or to be received by the issuer 33067
for each class of those securities shall be used as the basis for 33068
that classification or computation. 33069

(L)(1) "Intangible property" means patents, copyrights, 33070
secret processes, formulas, services, good will, promotion and 33071
organization fees and expenses, trademarks, trade brands, trade 33072
names, licenses, franchises, any other assets treated as 33073
intangible according to generally accepted accounting principles, 33074
and securities, accounts receivable, or contract rights having no 33075
readily determinable value. 33076

(2) "Tangible property" means all property other than 33077

intangible property and includes securities, accounts receivable, 33078
and contract rights, when the securities, accounts receivable, or 33079
contract rights have a readily determinable value. 33080

(M) "Public utilities" means those utilities defined in 33081
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 33082
Code; in the case of a foreign corporation, it means those 33083
utilities defined as public utilities by the laws of its domicile; 33084
and in the case of any other foreign issuer, it means those 33085
utilities defined as public utilities by the laws of the situs of 33086
its principal place of business. The term always includes 33087
railroads whether or not they are so defined as public utilities. 33088

(N) "State" means any state of the United States, any 33089
territory or possession of the United States, the District of 33090
Columbia, and any province of Canada. 33091

(O) "Bank" means any bank, trust company, savings and loan 33092
association, savings bank, or credit union that is incorporated or 33093
organized under the laws of the United States, any state of the 33094
United States, Canada, or any province of Canada and that is 33095
subject to regulation or supervision by that country, state, or 33096
province. 33097

(P) "Include," when used in a definition, does not exclude 33098
other things or persons otherwise within the meaning of the term 33099
defined. 33100

(Q)(1) "Registration by description" means that the 33101
requirements of section 1707.08 of the Revised Code have been 33102
complied with. 33103

(2) "Registration by qualification" means that the 33104
requirements of sections 1707.09 and 1707.11 of the Revised Code 33105
have been complied with. 33106

(3) "Registration by coordination" means that there has been 33107
compliance with section 1707.091 of the Revised Code. Reference in 33108

this chapter to registration by qualification also includes 33109
registration by coordination unless the context otherwise 33110
indicates. 33111

(R) "Intoxicating liquor" includes all liquids and compounds 33112
that contain more than three and two-tenths per cent of alcohol by 33113
weight and are fit for use for beverage purposes. 33114

(S) "Institutional investor" means ~~any corporation, bank,~~ 33115
~~insurance company, pension fund or pension fund trust, employees'~~ 33116
~~profit-sharing fund or employees' profit-sharing trust, any~~ 33117
~~association engaged, as a substantial part of its business or~~ 33118
~~operations, in purchasing or holding securities, or any trust in~~ 33119
~~respect of which a bank is trustee or cotrustee. "Institutional~~ 33120
~~investor" does not include any business entity formed for the~~ 33121
~~primary purpose of evading sections 1707.01 to 1707.45 of the~~ 33122
~~Revised Code any of the following, whether acting for itself or~~ 33123
for others in a fiduciary capacity: 33124

(1) A bank or international banking institution; 33125

(2) An insurance company; 33126

(3) A separate account of an insurance company; 33127

(4) An investment company as defined in the "Investment 33128
Company Act of 1940," 15 U.S.C. 80a-3; 33129

(5) A broker-dealer registered under the "Securities Exchange 33130
Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the 33131
division of securities as a dealer; 33132

(6) An employee pension, profit-sharing, or benefit plan if 33133
the plan has total assets in excess of ten million dollars or its 33134
investment decisions are made by a named fiduciary, as defined in 33135
the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 33136
1001, that is one of the following: 33137

(a) A broker-dealer registered under the "Securities Exchange 33138

<u>Act of 1934," 15 U.S.C. 78o, as amended;</u>	33139
<u>(b) An investment adviser registered or exempt from</u>	33140
<u>registration under the "Investment Advisers Act of 1940," 15</u>	33141
<u>U.S.C. 80b-3;</u>	33142
<u>(c) An investment adviser registered under this chapter, a</u>	33143
<u>bank, or an insurance company.</u>	33144
<u>(7) A plan established and maintained by a state, a political</u>	33145
<u>subdivision of a state, or an agency or instrumentality of a state</u>	33146
<u>or a political subdivision of a state for the benefit of its</u>	33147
<u>employees, if the plan has total assets in excess of ten million</u>	33148
<u>dollars or its investment decisions are made by a duly designated</u>	33149
<u>public official or by a named fiduciary, as defined in the</u>	33150
<u>"Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001,</u>	33151
<u>that is one of the following:</u>	33152
<u>(a) A broker-dealer registered under the "Securities Exchange</u>	33153
<u>Act of 1934," 15 U.S.C. 78o, as amended;</u>	33154
<u>(b) An investment adviser registered or exempt from</u>	33155
<u>registration under the "Investment Advisers Act of 1940," 15</u>	33156
<u>U.S.C. 80b-3;</u>	33157
<u>(c) An investment adviser registered under this chapter, a</u>	33158
<u>bank, or an insurance company.</u>	33159
<u>(8) A trust, if it has total assets in excess of ten million</u>	33160
<u>dollars, its trustee is a bank, and its participants are</u>	33161
<u>exclusively plans of the types identified in division (S)(6) or</u>	33162
<u>(7) of this section, regardless of the size of their assets,</u>	33163
<u>except a trust that includes as participants self-directed</u>	33164
<u>individual retirement accounts or similar self-directed plans;</u>	33165
<u>(9) An organization described in section 501(c)(3) of the</u>	33166
<u>"Internal Revenue Code of 1986," 26 U.S.C. 1, as amended,</u>	33167
<u>corporation, Massachusetts trust or similar business trust,</u>	33168

limited liability company, or partnership, not formed for the 33169
specific purpose of acquiring the securities offered, with total 33170
assets in excess of ten million dollars; 33171

(10) A small business investment company licensed by the 33172
small business administration under section 301(c) of the "Small 33173
Business Investment Act of 1958," 15 U.S.C. 681(c), with total 33174
assets in excess of ten million dollars; 33175

(11) A private business development company as defined in 33176
section 202(a)(22) of the "Investment Advisers Act of 1940," 15 33177
U.S.C. 80b-2(a)(22), with total assets in excess of ten million 33178
dollars; 33179

(12) A federal covered investment adviser acting for its own 33180
account; 33181

(13) A "qualified institutional buyer" as defined in 17 33182
C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H); 33183

(14) A "major U.S. institutional investor" as defined in 17 33184
C.F.R. 240.15a-6(b)(4)(i); 33185

(15) Any other person, other than an individual, of 33186
institutional character with total assets in excess of ten million 33187
dollars not organized for the specific purpose of evading this 33188
chapter; 33189

(16) Any other person specified by rule adopted or order 33190
issued under this chapter. 33191

(T) A reference to a statute of the United States or to a 33192
rule, regulation, or form promulgated by the securities and 33193
exchange commission or by another federal agency means the 33194
statute, rule, regulation, or form as it exists at the time of the 33195
act, omission, event, or transaction to which it is applied under 33196
this chapter. 33197

(U) "Securities and exchange commission" means the securities 33198

and exchange commission established by the Securities Exchange Act of 1934. 33199 33200

(V)(1) "Control bid" means the purchase of or offer to 33201
purchase any equity security of a subject company from a resident 33202
of this state if either of the following applies: 33203

(a) After the purchase of that security, the offeror would be 33204
directly or indirectly the beneficial owner of more than ten per 33205
cent of any class of the issued and outstanding equity securities 33206
of the issuer. 33207

(b) The offeror is the subject company, there is a pending 33208
control bid by a person other than the issuer, and the number of 33209
the issued and outstanding shares of the subject company would be 33210
reduced by more than ten per cent. 33211

(2) For purposes of division (V)(1) of this section, "control 33212
bid" does not include any of the following: 33213

(a) A bid made by a dealer for the dealer's own account in 33214
the ordinary course of business of buying and selling securities; 33215

(b) An offer to acquire any equity security solely in 33216
exchange for any other security, or the acquisition of any equity 33217
security pursuant to an offer, for the sole account of the 33218
offeror, in good faith and not for the purpose of avoiding the 33219
provisions of this chapter, and not involving any public offering 33220
of the other security within the meaning of Section 4 of Title I 33221
of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), 33222
as amended; 33223

(c) Any other offer to acquire any equity security, or the 33224
acquisition of any equity security pursuant to an offer, for the 33225
sole account of the offeror, from not more than fifty persons, in 33226
good faith and not for the purpose of avoiding the provisions of 33227
this chapter. 33228

(W) "Offeror" means a person who makes, or in any way 33229
participates or aids in making, a control bid and includes persons 33230
acting jointly or in concert, or who intend to exercise jointly or 33231
in concert any voting rights attached to the securities for which 33232
the control bid is made and also includes any subject company 33233
making a control bid for its own securities. 33234

(X)(1) "Investment adviser" means any person who, for 33235
compensation, engages in the business of advising others, either 33236
directly or through publications or writings, as to the value of 33237
securities or as to the advisability of investing in, purchasing, 33238
or selling securities, or who, for compensation and as a part of 33239
regular business, issues or promulgates analyses or reports 33240
concerning securities. 33241

(2) "Investment adviser" does not mean any of the following: 33242

(a) Any attorney, accountant, engineer, or teacher, whose 33243
performance of investment advisory services described in division 33244
(X)(1) of this section is solely incidental to the practice of the 33245
attorney's, accountant's, engineer's, or teacher's profession; 33246

(b) A publisher of any bona fide newspaper, news magazine, or 33247
business or financial publication of general and regular 33248
circulation; 33249

(c) A person who acts solely as an investment adviser 33250
representative; 33251

(d) A bank holding company, as defined in the "Bank Holding 33252
Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an 33253
investment company; 33254

(e) A bank, or any receiver, conservator, or other 33255
liquidating agent of a bank; 33256

(f) Any licensed dealer or licensed salesperson whose 33257
performance of investment advisory services described in division 33258

(X)(1) of this section is solely incidental to the conduct of the 33259
dealer's or salesperson's business as a licensed dealer or 33260
licensed salesperson and who receives no special compensation for 33261
the services; 33262

(g) Any person, the advice, analyses, or reports of which do 33263
not relate to securities other than securities that are direct 33264
obligations of, or obligations guaranteed as to principal or 33265
interest by, the United States, or securities issued or guaranteed 33266
by corporations in which the United States has a direct or 33267
indirect interest, and that have been designated by the secretary 33268
of the treasury as exempt securities as defined in the "Securities 33269
Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c; 33270

(h) Any person that is excluded from the definition of 33271
investment adviser pursuant to section 202(a)(11)(A) to (E) of the 33272
"Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that 33273
has received an order from the securities and exchange commission 33274
under section 202(a)(11)(F) of the "Investment Advisers Act of 33275
1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not 33276
within the intent of section 202(a)(11) of the Investment Advisers 33277
Act of 1940. 33278

(i) A person who acts solely as a state retirement system 33279
investment officer or as a bureau of workers' compensation chief 33280
investment officer; 33281

(j) Any other person that the division designates by rule, if 33282
the division finds that the designation is necessary or 33283
appropriate in the public interest or for the protection of 33284
investors or clients and consistent with the purposes fairly 33285
intended by the policy and provisions of this chapter. 33286

(Y)(1) "Subject company" means an issuer that satisfies both 33287
of the following: 33288

(a) Its principal place of business or its principal 33289

executive office is located in this state, or it owns or controls 33290
assets located within this state that have a fair market value of 33291
at least one million dollars. 33292

(b) More than ten per cent of its beneficial or record equity 33293
security holders are resident in this state, more than ten per 33294
cent of its equity securities are owned beneficially or of record 33295
by residents in this state, or more than one thousand of its 33296
beneficial or record equity security holders are resident in this 33297
state. 33298

(2) The division of securities may adopt rules to establish 33299
more specific application of the provisions set forth in division 33300
(Y)(1) of this section. Notwithstanding the provisions set forth 33301
in division (Y)(1) of this section and any rules adopted under 33302
this division, the division, by rule or in an adjudicatory 33303
proceeding, may make a determination that an issuer does not 33304
constitute a "subject company" under division (Y)(1) of this 33305
section if appropriate review of control bids involving the issuer 33306
is to be made by any regulatory authority of another jurisdiction. 33307

(Z) "Beneficial owner" includes any person who directly or 33308
indirectly through any contract, arrangement, understanding, or 33309
relationship has or shares, or otherwise has or shares, the power 33310
to vote or direct the voting of a security or the power to dispose 33311
of, or direct the disposition of, the security. "Beneficial 33312
ownership" includes the right, exercisable within sixty days, to 33313
acquire any security through the exercise of any option, warrant, 33314
or right, the conversion of any convertible security, or 33315
otherwise. Any security subject to any such option, warrant, 33316
right, or conversion privilege held by any person shall be deemed 33317
to be outstanding for the purpose of computing the percentage of 33318
outstanding securities of the class owned by that person, but 33319
shall not be deemed to be outstanding for the purpose of computing 33320
the percentage of the class owned by any other person. A person 33321

shall be deemed the beneficial owner of any security beneficially 33322
owned by any relative or spouse or relative of the spouse residing 33323
in the home of that person, any trust or estate in which that 33324
person owns ten per cent or more of the total beneficial interest 33325
or serves as trustee or executor, any corporation or entity in 33326
which that person owns ten per cent or more of the equity, and any 33327
affiliate or associate of that person. 33328

(AA) "Offeree" means the beneficial or record owner of any 33329
security that an offeror acquires or offers to acquire in 33330
connection with a control bid. 33331

(BB) "Equity security" means any share or similar security, 33332
or any security convertible into any such security, or carrying 33333
any warrant or right to subscribe to or purchase any such 33334
security, or any such warrant or right, or any other security 33335
that, for the protection of security holders, is treated as an 33336
equity security pursuant to rules of the division of securities. 33337

(CC)(1) "Investment adviser representative" means a 33338
supervised person of an investment adviser, provided that the 33339
supervised person has more than five clients who are natural 33340
persons other than excepted persons defined in division (EE) of 33341
this section, and that more than ten per cent of the supervised 33342
person's clients are natural persons other than excepted persons 33343
defined in division (EE) of this section. "Investment adviser 33344
representative" does not mean any of the following: 33345

(a) A supervised person that does not on a regular basis 33346
solicit, meet with, or otherwise communicate with clients of the 33347
investment adviser; 33348

(b) A supervised person that provides only investment 33349
advisory services described in division (X)(1) of this section by 33350
means of written materials or oral statements that do not purport 33351
to meet the objectives or needs of specific individuals or 33352

accounts; 33353

(c) Any other person that the division designates by rule, if 33354
the division finds that the designation is necessary or 33355
appropriate in the public interest or for the protection of 33356
investors or clients and is consistent with the provisions fairly 33357
intended by the policy and provisions of this chapter. 33358

(2) For the purpose of the calculation of clients in division 33359
(CC)(1) of this section, a natural person and the following 33360
persons are deemed a single client: Any minor child of the natural 33361
person; any relative, spouse, or relative of the spouse of the 33362
natural person who has the same principal residence as the natural 33363
person; all accounts of which the natural person or the persons 33364
referred to in division (CC)(2) of this section are the only 33365
primary beneficiaries; and all trusts of which the natural person 33366
or persons referred to in division (CC)(2) of this section are the 33367
only primary beneficiaries. Persons who are not residents of the 33368
United States need not be included in the calculation of clients 33369
under division (CC)(1) of this section. 33370

(3) If subsequent to March 18, 1999, amendments are enacted 33371
or adopted defining "investment adviser representative" for 33372
purposes of the Investment Advisers Act of 1940 or additional 33373
rules or regulations are promulgated by the securities and 33374
exchange commission regarding the definition of "investment 33375
adviser representative" for purposes of the Investment Advisers 33376
Act of 1940, the division of securities shall, by rule, adopt the 33377
substance of the amendments, rules, or regulations, unless the 33378
division finds that the amendments, rules, or regulations are not 33379
necessary for the protection of investors or in the public 33380
interest. 33381

(DD) "Supervised person" means a natural person who is any of 33382
the following: 33383

(1) A partner, officer, or director of an investment adviser, 33384
or other person occupying a similar status or performing similar 33385
functions with respect to an investment adviser; 33386

(2) An employee of an investment adviser; 33387

(3) A person who provides investment advisory services 33388
described in division (X)(1) of this section on behalf of the 33389
investment adviser and is subject to the supervision and control 33390
of the investment adviser. 33391

(EE) "Excepted person" means a natural person to whom any of 33392
the following applies: 33393

(1) Immediately after entering into the investment advisory 33394
contract with the investment adviser, the person has at least 33395
seven hundred fifty thousand dollars under the management of the 33396
investment adviser. 33397

(2) The investment adviser reasonably believes either of the 33398
following at the time the investment advisory contract is entered 33399
into with the person: 33400

(a) The person has a net worth, together with assets held 33401
jointly with a spouse, of more than one million five hundred 33402
thousand dollars. 33403

(b) The person is a qualified purchaser as defined in 33404
division (FF) of this section. 33405

(3) Immediately prior to entering into an investment advisory 33406
contract with the investment adviser, the person is either of the 33407
following: 33408

(a) An executive officer, director, trustee, general partner, 33409
or person serving in a similar capacity, of the investment 33410
adviser; 33411

(b) An employee of the investment adviser, other than an 33412
employee performing solely clerical, secretarial, or 33413

administrative functions or duties for the investment adviser, 33414
which employee, in connection with the employee's regular 33415
functions or duties, participates in the investment activities of 33416
the investment adviser, provided that, for at least twelve months, 33417
the employee has been performing such nonclerical, nonsecretarial, 33418
or nonadministrative functions or duties for or on behalf of the 33419
investment adviser or performing substantially similar functions 33420
or duties for or on behalf of another company. 33421

If subsequent to March 18, 1999, amendments are enacted or 33422
adopted defining "excepted person" for purposes of the Investment 33423
Advisers Act of 1940 or additional rules or regulations are 33424
promulgated by the securities and exchange commission regarding 33425
the definition of "excepted person" for purposes of the Investment 33426
Advisers Act of 1940, the division of securities shall, by rule, 33427
adopt the substance of the amendments, rules, or regulations, 33428
unless the division finds that the amendments, rules, or 33429
regulations are not necessary for the protection of investors or 33430
in the public interest. 33431

(FF)(1) "Qualified purchaser" means either of the following: 33432

(a) A natural person who owns not less than five million 33433
dollars in investments as defined by rule by the division of 33434
securities; 33435

(b) A natural person, acting for the person's own account or 33436
accounts of other qualified purchasers, who in the aggregate owns 33437
and invests on a discretionary basis, not less than twenty-five 33438
million dollars in investments as defined by rule by the division 33439
of securities. 33440

(2) If subsequent to March 18, 1999, amendments are enacted 33441
or adopted defining "qualified purchaser" for purposes of the 33442
Investment Advisers Act of 1940 or additional rules or regulations 33443
are promulgated by the securities and exchange commission 33444

regarding the definition of "qualified purchaser" for purposes of 33445
the Investment Advisers Act of 1940, the division of securities 33446
shall, by rule, adopt the amendments, rules, or regulations, 33447
unless the division finds that the amendments, rules, or 33448
regulations are not necessary for the protection of investors or 33449
in the public interest. 33450

(GG)(1) "Purchase" has the full meaning of "purchase" as 33451
applied by or accepted in courts of law or equity and includes 33452
every acquisition of, or attempt to acquire, a security or an 33453
interest in a security. "Purchase" also includes a contract to 33454
purchase, an exchange, an attempt to purchase, an option to 33455
purchase, a solicitation of a purchase, a solicitation of an offer 33456
to sell, a subscription, or an offer to purchase, directly or 33457
indirectly, by agent, circular, pamphlet, advertisement, or 33458
otherwise. 33459

(2) "Purchase" means any act by which a purchase is made. 33460

(3) Any security given with, or as a bonus on account of, any 33461
purchase of securities is conclusively presumed to constitute a 33462
part of the subject of that purchase. 33463

(HH) "Life settlement interest" means the entire interest or 33464
any fractional interest in an insurance policy or certificate of 33465
insurance, or in an insurance benefit under such a policy or 33466
certificate, that is the subject of a life settlement contract. 33467

For purposes of this division, "life settlement contract" 33468
means an agreement for the purchase, sale, assignment, transfer, 33469
devise, or bequest of any portion of the death benefit or 33470
ownership of any life insurance policy or contract, in return for 33471
consideration or any other thing of value that is less than the 33472
expected death benefit of the life insurance policy or contract. 33473
"Life settlement contract" includes a viatical settlement contract 33474
as defined in section 3916.01 of the Revised Code, but does not 33475

include any of the following:	33476
(1) A loan by an insurer under the terms of a life insurance policy, including, but not limited to, a loan secured by the cash value of the policy;	33477 33478 33479
(2) An agreement with a bank that takes an assignment of a life insurance policy as collateral for a loan;	33480 33481
(3) The provision of accelerated benefits as defined in section 3915.21 of the Revised Code;	33482 33483
(4) Any agreement between an insurer and a reinsurer;	33484
(5) An agreement by an individual to purchase an existing life insurance policy or contract from the original owner of the policy or contract, if the individual does not enter into more than one life settlement contract per calendar year;	33485 33486 33487 33488
(6) The initial purchase of an insurance policy or certificate of insurance from its owner by a viatical settlement provider, as defined in section 3916.01 of the Revised Code, that is licensed under Chapter 3916. of the Revised Code.	33489 33490 33491 33492
(II) "State retirement system" means the public employees retirement system, Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, and state highway patrol retirement system.	33493 33494 33495 33496
(JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets.	33497 33498 33499 33500 33501 33502
(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a	33503 33504 33505

position that is substantially equivalent to a chief investment officer. 33506
33507

Sec. 1707.14. (A)~~(1)~~ No person shall act as a dealer, unless 33508
the person is licensed as a dealer by the division of securities, 33509
except ~~in~~ when at least one of the following cases applies: 33510

~~(a)~~(1) When the person is transacting business through or 33511
with a licensed dealer; 33512

~~(b)~~(2) When the securities are the subject matter of one or 33513
more transactions enumerated in divisions (B) to (L), (O) to (R), 33514
and (U) to (Y) of section 1707.03, or in section 1707.06 of the 33515
Revised Code, except when a commission, discount, or other 33516
remuneration is paid or given in consideration with transactions 33517
enumerated in divisions (O), (Q), (W), (X), and (Y) of section 33518
1707.03, or in section 1707.06 of the Revised Code; 33519

~~(c)~~(3) When the person is an issuer selling securities issued 33520
by it or by its subsidiary, if such securities are specified under 33521
division (G) or (I) of section 1707.02, or under section 1707.04 33522
of the Revised Code; 33523

~~(d)~~(4) When the person is participating in transactions 33524
exempt, under section 1707.34 of the Revised Code, from this 33525
chapter; 33526

(5) When the person has no place of business in this state, 33527
is registered with the securities and exchange commission, and the 33528
only transactions effected in this state are with institutional 33529
investors. 33530

~~(2) Notwithstanding the exceptions to licensure set forth in~~ 33531
~~divisions (A)(1)(a) to (d) of this section, no person other than~~ 33532
~~an issuer selling its own securities shall engage in the business~~ 33533
~~of selling securities to an institutional investor unless the~~ 33534
~~person is licensed as a dealer or the division, by rule, finds~~ 33535

~~that such licensure is not necessary for the protection of~~ 33536
~~investors or in the public interest.~~ 33537

(B) Each dealer that in any twelve-month or shorter period, 33538
alone or with any other dealer with which it is affiliated, has 33539
total revenues of one hundred fifty thousand dollars or more 33540
derived from the business of buying, selling, or otherwise dealing 33541
in securities, and that at any time during such period has one 33542
hundred or more retail securities customers, shall be registered 33543
as a broker or dealer with the securities and exchange commission 33544
under the Securities Exchange Act of 1934, except the following 33545
entities: 33546

(1) A bank; 33547

(2) A dealer that enters into and is in compliance with an 33548
undertaking accepted by the division, in which the dealer agrees 33549
that it will not engage in any transaction involving the buying, 33550
selling, or otherwise dealing in securities with any natural 33551
person in this state, except for transactions involving either of 33552
the following: 33553

(a) Securities of corporations or associations that have 33554
qualified for treatment as nonprofit organizations pursuant to 33555
section 501(c)(3) of the "Internal Revenue Code of 1986," 100 33556
Stat. 2085, 26 U.S.C.A. 501, as amended; 33557

(b) Securities or transactions that are described in 33558
divisions (A)(1)~~(a)~~ to ~~(d)~~(4) of this section. 33559

(C) Every dealer that must be registered as a broker or 33560
dealer with the securities and exchange commission pursuant to 33561
division (B) of this section shall become so registered no later 33562
than ninety days after the date on which the dealer meets the 33563
requirements for such registration. 33564

(D) The division by rule may exempt any dealer from complying 33565
with the licensing or registration requirements of this section, 33566

if the division finds that such licensing or registration is not 33567
necessary for the protection of investors or in the public 33568
interest. 33569

(E) As used in division (B) of this section, "retail 33570
securities customer" means a person that purchases from or through 33571
or sells securities to or through a dealer, and that is not an 33572
officer, a director, a principal, a general partner, or an 33573
employee of, the dealer. Each of the following is deemed to be a 33574
single retail securities customer: 33575

(1) A husband and wife; 33576

(2) A minor child and the minor child's parent or legal 33577
guardian; 33578

(3) A corporation, a partnership, an association or other 33579
unincorporated entity, a joint stock company, or a trust. 33580

Sec. 1711.15. In any county in which there is a duly 33581
organized county agricultural society, the board of county 33582
commissioners or the county agricultural society itself may 33583
purchase or lease, for a term of not less than twenty years, real 33584
estate on which to hold fairs under the management and control of 33585
the county agricultural society, and may erect suitable buildings 33586
on the real estate and otherwise improve it. 33587

In counties in which there is a county agricultural society 33588
that has purchased, or leased, for a term of not less than twenty 33589
years, real estate as a site on which to hold fairs, ~~or in which~~ 33590
if the title to the site is vested in fee in the county, the board 33591
of county commissioners may erect or repair buildings or otherwise 33592
improve the site and pay the rental of it, or contribute to or pay 33593
any other form of indebtedness of the society, if the director of 33594
agriculture has certified to the board that the county 33595
agricultural society is complying with all laws and rules 33596

governing the operation of county agricultural societies. The 33597
board may appropriate from the county's general fund or permanent 33598
improvement fund, and may appropriate revenue from a tax levied 33599
under division (L) of section 5739.09 of the Revised Code, any 33600
amount that it considers necessary for any of those purposes, 33601
provided that an appropriation of revenue from that tax may be 33602
expended only for the purposes provided in the resolution levying 33603
that tax. 33604

Sec. 1711.16. When the control and management of a fairground 33605
is in a county agricultural society, and the board of county 33606
commissioners has appropriated an amount for the aid of the 33607
society as provided in section 1711.15 of the Revised Code, the 33608
society, with the consent of the board, may contract for the 33609
erection or repair of buildings or otherwise improve the 33610
fairground, to the extent that the payment for the improvement is 33611
provided by the board. 33612

When the appropriation is made by the board, the county 33613
auditor shall place the proceeds in a special fund, designated the 33614
"county agricultural society fund," indicating the purpose for 33615
which it is available, provided that an appropriation of revenue 33616
from a tax levied by the board under division (L) of section 33617
5739.09 of the Revised Code may be expended only for the purposes 33618
provided in the resolution levying that tax. On application of the 33619
treasurer of the society, the auditor shall issue an order for the 33620
amount of the appropriation to the treasurer of the society, if 33621
the society has secured the certificate required under section 33622
1711.05 of the Revised Code, on the treasurer's filing with the 33623
auditor a bond in double the amount collected, with good and 33624
sufficient sureties approved by the auditor, conditioned for the 33625
satisfactory paying over and accounting of the funds for the 33626
purposes for which they were provided. The funds shall remain in 33627
the special fund in which they are placed by the auditor until 33628

they are applied ~~or~~ for by the treasurer of the society and the 33629
bond is given, or until they are expended by the board for the 33630
purposes for which the fund was created. If the society ceases to 33631
exist or releases the fund as not required for the purposes for 33632
which the fund was created, the board may by resolution transfer 33633
the fund to the general fund of the county. 33634

Sec. 1713.02. (A) Any institution described in division (A) 33635
of section 1713.01 of the Revised Code may become incorporated 33636
under sections 1702.01 to 1702.58 of the Revised Code. 33637

(B) Except as provided in division (E) of this section, no 33638
nonprofit institution or corporation of the type described in 33639
division (A) of section 1713.01 of the Revised Code that is 33640
established after October 13, 1967, may confer degrees, diplomas, 33641
or other written evidences of proficiency or achievement, until it 33642
has received a certificate of authorization issued by the ~~Ohio~~ 33643
~~board of regents~~ chancellor of higher education, nor shall any 33644
such institution or corporation identify itself as a "college" or 33645
"university" unless it has received a certificate of authorization 33646
from the ~~board~~ chancellor. 33647

(C) Except as provided in division (E) of this section, no 33648
institution of the type described in division (A)(3) or (B) of 33649
section 1713.01 of the Revised Code that intends to offer or 33650
offers a course or courses within this state, but that did not 33651
offer a course or courses within this state on or before October 33652
13, 1967, may confer degrees, diplomas, or other written evidences 33653
of proficiency or achievement or offer any course or courses 33654
within this state until it has received a certificate of 33655
authorization from the ~~Ohio board of regents~~ chancellor, nor shall 33656
the institution identify itself as a "college" or "university" 33657
unless it has received such a certificate from the ~~board~~ 33658
chancellor. 33659

(D) Each certificate of authorization shall specify the 33660
diplomas or degrees authorized to be given, courses authorized to 33661
be offered, and the sites at which courses are to be conducted. A 33662
copy of such certificate shall be filed with the secretary of 33663
state if the institution is incorporated. Any institution or 33664
corporation established or that offered a course or courses of 33665
instruction in this state prior to October 13, 1967, may apply to 33666
the ~~board~~ chancellor for a certificate of authorization, and the 33667
~~board~~ chancellor shall issue a certificate if it finds that such 33668
institution or corporation meets the requirements established 33669
pursuant to sections 1713.01, 1713.02, 1713.03, 1713.04, 1713.06, 33670
1713.09, and 1713.25 of the Revised Code. 33671

(E) An institution that clearly identifies itself in its name 33672
with the phrase "bible college" or "bible institute" and has not 33673
received a certificate of authorization may confer diplomas and 33674
other written evidences of proficiency or achievement other than 33675
associate, baccalaureate, master's, and doctoral degrees or any 33676
other type of degree and may identify itself as a "bible college" 33677
if such institution: 33678

(1) Prominently discloses on any transcripts, diplomas, or 33679
other written evidences of proficiency or achievement, and 33680
includes with any promotional material or other literature 33681
intended for the public, the statement: "this institution is not 33682
certified by the ~~board of regents~~ department of higher education 33683
or the state of Ohio." 33684

(2) Limits its course of instruction to religion, theology, 33685
or preparation for a religious vocation, or is operated by a 33686
church or religious organization and limits its instruction to 33687
preparation for service to churches or other religious 33688
organizations. 33689

(3) Confers only diplomas and other written evidences of 33690
proficiency or achievement that bear titles clearly signifying the 33691

religious nature of the instruction offered by the institution. 33692

(F) Except as otherwise provided in section 3333.046 of the 33693
Revised Code, no school of the type described in division (E) of 33694
section 3332.01 of the Revised Code that intends to offer or 33695
offers a degree program within this state or solicits students 33696
within this state may confer a baccalaureate, master's, or 33697
doctoral degree or solicit students for such degree programs until 33698
it has received both a certificate of authorization from the ~~board~~ 33699
~~of regents~~ chancellor of higher education under this chapter and 33700
program authorization from the state board of career colleges and 33701
schools for such degree program under section 3332.05 of the 33702
Revised Code. 33703

Sec. 1713.03. The ~~Ohio board of regents~~ chancellor of higher 33704
education shall establish standards for certificates of 33705
authorization to be issued to institutions as defined in section 33706
1713.01 of the Revised Code, to private institutions exempt from 33707
regulation under Chapter 3332. of the Revised Code as prescribed 33708
in section 3333.046 of the Revised Code, and to schools holding 33709
certificates of registration issued by the state board of career 33710
colleges and schools pursuant to division (C) of section 3332.05 33711
of the Revised Code. A certificate of authorization may permit an 33712
institution or school to award one or more types of degrees. 33713

The standards for a certificate of authorization may include, 33714
for various types of institutions, schools, or degrees, minimum 33715
qualifications for faculty, library, laboratories, and other 33716
facilities as adopted and published by the ~~Ohio board of regents~~ 33717
chancellor. The standards shall be adopted by the ~~board~~ chancellor 33718
pursuant to Chapter 119. of the Revised Code. 33719

An institution or school shall apply to the ~~board~~ chancellor 33720
for a certificate of authorization on forms containing such 33721
information as is prescribed by the ~~board~~ chancellor. Each 33722

institution or school with a certificate of authorization shall 33723
file an annual report with the ~~board~~ chancellor in such form and 33724
containing such information as the ~~board~~ chancellor prescribes. 33725

The ~~board~~ chancellor shall adopt a rule under Chapter 119. of 33726
the Revised Code establishing fees to pay the cost of reviewing an 33727
application for a certificate of authorization, which the 33728
institution or school shall pay when it applies for a certificate 33729
of authorization, and establishing fees, which an institution or 33730
school shall pay, for any further reviews the ~~board~~ chancellor 33731
determines necessary upon examining an institution's or school's 33732
annual report. 33733

Sec. 1713.031. The ~~Ohio board of regents~~ chancellor of higher 33734
education shall review an application for a certificate of 33735
authorization from a school described in division (E) of section 33736
3332.01 of the Revised Code within twenty-two weeks. 33737

Sec. 1713.04. A certificate of authorization provided for in 33738
section 1713.02 of the Revised Code is subject to revocation by 33739
the ~~Ohio board of regents~~ chancellor of higher education for cause 33740
pursuant to Chapter 119. of the Revised Code. 33741

Sec. 1713.05. (A) As used in this section: 33742

(1) "College or university" means a nonprofit educational 33743
institution qualifying under division (A)(2) of section 1713.01 33744
and holding a certificate of authorization issued under section 33745
1713.02 of the Revised Code. 33746

(2) "Controlled entity" means a wholly owned subsidiary of a 33747
college or a university or a partnership in which a college or a 33748
university, or its wholly owned subsidiary, is the sole general 33749
partner. 33750

(3) "Student" means a person attending a college or 33751

university who borrows money or obtains credit from such college 33752
or university, or from a controlled entity of such college or 33753
university, to finance the costs of attending such college or 33754
university, and includes the parents, guardians, and spouse of the 33755
student. 33756

(B) Notwithstanding section 1343.01 of the Revised Code, a 33757
college or university, or a controlled entity of such college or 33758
university, may charge interest or finance charges on loans made 33759
or credit granted to a student for the student's costs of 33760
attending such college or university at any rate or rates agreed 33761
upon or consented to by the student in any open accounts 33762
receivable, loan agreement, or promissory note, but not to exceed 33763
the maximum interest rate applicable to the federal Stafford loan 33764
program under 34 C.F.R. 682.202(a)(1). The ~~Ohio board of regents~~ 33765
chancellor of higher education shall adopt rules specifying a 33766
schedule for the certification of such maximum interest rate. 33767

(C) A college or university, or a controlled entity of such 33768
college or university, may charge students for the late payment of 33769
any costs of attending such college or university, including any 33770
payment under an agreement or note pursuant to division (B) of 33771
this section, at a rate not exceeding five per cent of any unpaid 33772
amount due and not paid per month for two months and not exceeding 33773
two per cent of such amount for subsequent months. A charge for a 33774
full month may be made for payments more than ten days late. 33775

Sec. 1713.06. If any institution, school, or person confers 33776
degrees, diplomas, or other written evidences of proficiency or 33777
achievement or offers or intends to offer a course or courses in 33778
this state applicable to requirements for a diploma or degree 33779
without the certificate of authorization required by section 33780
1713.02 of the Revised Code, the ~~Ohio board of regents~~ chancellor 33781
of higher education may, through the office of the attorney 33782

general, apply to the court of common pleas in the county in which 33783
such institution, school, or person is operating to restrain such 33784
institution, school, or person from the exercise of its franchise, 33785
if the institution, school, or person is a corporation, from the 33786
awarding of the degrees or diplomas the institution, school, or 33787
person is not authorized to award, and from offering any course or 33788
courses or enrolling any student in any course or courses it is 33789
not authorized to conduct. 33790

The ~~board~~ chancellor may, through the office of the attorney 33791
general, petition the court of common pleas in the county in which 33792
the institution, school, or person is operating for an order 33793
enjoining the awarding of diplomas or degrees, the offering of 33794
courses, and the enrolling of students. The court may grant such 33795
injunctive relief upon a showing that the institution, school, or 33796
person named in the petition is awarding degrees or diplomas, 33797
offering courses applicable to requirements for such degrees or 33798
diplomas, or enrolling students in such courses to be offered in 33799
the state without receiving the appropriate certificate of 33800
authorization issued by the ~~board of regents~~ chancellor. 33801

Sec. 1713.09. A college, university, or other institution of 33802
learning, existing by virtue of an act of incorporation, or that 33803
becomes incorporated for any of the purposes specified in sections 33804
1713.01 to 1713.39, inclusive, of the Revised Code, if 33805
three-fourths of the trustees or directors thereof deem it proper, 33806
or if the institution is owned in shares, or by stock subscribed 33807
or taken, by a vote of the holders of three-fourths of the stock 33808
or shares, may change the location of such institution, convey its 33809
real estate, and transfer the effects thereof, and invest them at 33810
the place to which such institution is removed. Any institution 33811
which has a certificate of authorization from the ~~Ohio board of~~ 33812
~~regents~~ chancellor of higher education shall give written notice 33813
to the ~~board~~ chancellor before such institution changes its 33814

location. No such removal shall be ordered, and no vote taken 33815
thereon, until after publication in the manner provided by law in 33816
case of a sale and distribution of the property of such an 33817
institution. Such publication shall fully set forth the place to 33818
which it is proposed to remove the institution. In case of 33819
removal, a copy of the proceedings of such meeting shall be filed 33820
with the secretary of state. 33821

Sec. 1713.25. The board of trustees of an institution of 33822
learning incorporated under the authority of this state for the 33823
sole purpose of promoting education, religion and morality, or the 33824
fine arts, at a regular or special meeting of such board called 33825
for that purpose, after thirty days' actual notice to each 33826
trustee, may change the name and enlarge the purposes and objects 33827
of such institution of learning, by amendment to its charter, 33828
approved by a majority of the board. 33829

No institution as defined in section 1713.01 of the Revised 33830
Code or school that holds a certificate of registration issued by 33831
the state board of career colleges and schools pursuant to 33832
division (C) of section 3332.05 of the Revised Code, that has been 33833
issued a certificate of authorization by the ~~Ohio board of regents~~ 33834
chancellor of higher education shall change the purposes of the 33835
institution without giving written notice to the ~~Ohio board of~~ 33836
~~regents, which~~ chancellor, who shall issue an amended certificate 33837
of authorization to the institution or school upon receipt of such 33838
notice. 33839

Sec. 1724.04. A county ~~having a population of more than sixty~~ 33840
~~thousand as of the most recent decennial census~~ that elects under 33841
section 5722.02 of the Revised Code to adopt and implement the 33842
procedures set forth in sections 5722.02 to 5722.15 of the Revised 33843
Code may organize a county land reutilization corporation under 33844
this chapter and Chapter 1702. of the Revised Code for the purpose 33845

of exercising the powers granted to a county under Chapter 5722. 33846
of the Revised Code. The county treasurer of the county for the 33847
benefit of which the corporation is being organized shall be the 33848
incorporator of the county land reutilization corporation. The 33849
form of the articles of incorporation of the corporation shall be 33850
approved by resolution of the board of county commissioners of the 33851
county. 33852

When the articles of incorporation of any community 33853
improvement corporation, or any amendment, amended articles, 33854
merger, or consolidation which provides for the creation of such a 33855
corporation, are deposited for filing and recording in the office 33856
of the secretary of state, the secretary of state shall submit 33857
them to the attorney general for examination. If such articles, 33858
amendment, amended articles, merger, or consolidation, are found 33859
by the attorney general to be in accordance with Chapter 1724. of 33860
the Revised Code, and not inconsistent with the constitution and 33861
laws of the United States and of this state, the attorney general 33862
shall endorse thereon the attorney general's approval and deliver 33863
them to the secretary of state, who shall file and record them 33864
pursuant to section 1702.07 of the Revised Code. 33865

Sec. 1739.02. (A) ~~A trade association, industry association,~~ 33866
~~or professional association~~ The following groups that ~~has~~ have 33867
been organized and maintained in good faith for a continuous 33868
period of ~~one year~~ five years or more for purposes other than 33869
obtaining insurance may establish, maintain, or operate a group 33870
self-insurance program under a multiple employer welfare 33871
arrangement that is chartered and created in this state under 33872
sections 1739.01 to 1739.22 of the Revised Code; 33873

(1) A chamber of commerce; 33874

(2) A trade association; 33875

(3) An industry association; 33876

<u>(4) A professional association;</u>	33877
<u>(5) A voluntary employee beneficiary association that is</u>	33878
<u>exempt from taxation by the internal revenue service under section</u>	33879
<u>501(c)(9) of the Internal Revenue Code of 1986, as amended;</u>	33880
<u>(6) A business league that is exempt from taxation by the</u>	33881
<u>internal revenue service under section 501(c)(6) of the Internal</u>	33882
<u>Revenue Code of 1986, as amended;</u>	33883
<u>(7) Any other association that the superintendent of</u>	33884
<u>insurance may define by rule.</u>	33885
(B) Except as provided in section 9.833 and sections 1739.01	33886
to 1739.22 of the Revised Code, no multiple employer welfare	33887
arrangement or other entity by which two or more employers jointly	33888
participate in a common employee welfare benefit plan shall	33889
operate a group self-insurance program in this state after four	33890
months after ~~the effective date of this section~~ <u>April 9, 1993.</u>	33891
(C) Sections 1739.01 to 1739.22 of the Revised Code do not	33892
apply to any entity that establishes, maintains, or operates a	33893
~~fully-insured~~ <u>fully insured</u> program.	33894
(D) No person shall establish, operate, or maintain a	33895
multiple employer welfare arrangement providing benefits through a	33896
group self-insurance program in this state unless the multiple	33897
employer welfare arrangement has a valid certificate of authority	33898
from the superintendent of insurance.	33899
Sec. 1739.03. (A) No employer shall enter into an agreement	33900
to participate in a group self-insurance program unless the	33901
multiple employer welfare arrangement has been issued a	33902
certificate of authority by the superintendent of insurance.	33903
Employers or other organizers that propose to create an	33904
arrangement or arrangements and provide benefits through a group	33905
self-insurance program or group self-insurance programs shall	33906

apply to the superintendent for a certificate of authority. 33907

If a ~~trade association, industry association, or professional~~ 33908
~~association group listed under division (A) of section 1739.02 of~~ 33909
the Revised Code establishes, maintains, or operates more than one 33910
multiple employer welfare arrangement subject to sections 1739.01 33911
to 1739.22 of the Revised Code, the ~~trade association, industry~~ 33912
~~association, or professional association group~~ shall apply to the 33913
superintendent for only one certificate of authority which shall 33914
cover all such arrangements. 33915

(B) When applying for a certificate of authority, a proposed 33916
multiple employer welfare arrangement or arrangements shall file 33917
with the superintendent a nonrefundable filing fee of one thousand 33918
dollars and an application setting forth all of the following: 33919

(1) The name of each arrangement; 33920

(2) The address of each arrangement's principal place of 33921
business; 33922

(3) The name and address of a resident of this state 33923
designated and appointed as the registered agent of each proposed 33924
arrangement for service of process in this state in accordance 33925
with division ~~(B)~~(C) of section 1739.15 of the Revised Code. The 33926
person so designated and appointed shall be an officer of the 33927
arrangement. 33928

(4) The names and addresses of the officers, directors, and 33929
trustees of each proposed arrangement and a statement of whether 33930
any of such officers, directors, and trustees have been convicted 33931
of any felony or misdemeanor within ten years prior to the date of 33932
the application; 33933

(5) The powers of the officers, directors, and trustees; 33934

(6) The term of office of each officer, director, and 33935
trustee; 33936

(7) A brief outline of the method by which the administrative obligations of each arrangement will be met;	33937 33938
(8) A business plan describing the arrangement's anticipated method of operations for two years from its commencement of activities.	33939 33940 33941
(9) A copy of the articles and bylaws of each arrangement;	33942
(10) A copy of the agreement;	33943
(11) The name and address of all third-party administrators;	33944
(12) A copy of each agreement between each arrangement and all third-party administrators;	33945 33946
(13) A statement certified by an independent certified public accountant regarding the financial condition of each arrangement listing, on a form as may be prescribed by the superintendent, all of its assets and liabilities for the last month ending forty-five days prior to the application date;	33947 33948 33949 33950 33951
(14) A copy of each contract, certificate, endorsement, and application form each proposed arrangement intends to issue or use;	33952 33953 33954
(15) The names of any co-sponsors, promoters, trustees, or other facilitators involved with the establishment of each arrangement;	33955 33956 33957
(16) Other information, documents, or statements as the superintendent requires.	33958 33959
(C) All fees collected under division (B) of this section shall be paid into the state treasury to the credit of the department of insurance operating fund created under section 3901.021 of the Revised Code.	33960 33961 33962 33963
Sec. 1739.05. (A) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the	33964 33965

Revised Code and that operates a group self-insurance program may 33966
be established only if any of the following applies: 33967

(1) The arrangement has and maintains a minimum enrollment of 33968
three hundred employees of two or more employers. 33969

(2) The arrangement has and maintains a minimum enrollment of 33970
three hundred self-employed individuals. 33971

(3) The arrangement has and maintains a minimum enrollment of 33972
three hundred employees or self-employed individuals in any 33973
combination of divisions (A)(1) and (2) of this section. 33974

(B) A multiple employer welfare arrangement that is created 33975
pursuant to sections 1739.01 to 1739.22 of the Revised Code and 33976
that operates a group self-insurance program shall comply with all 33977
laws applicable to self-funded programs in this state, including 33978
sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 33979
to 3901.3814, 3901.40, 3901.45, 3901.46, 3901.491, 3902.01 to 33980
3902.14, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 33981
3923.63, 3923.80, 3923.85, 3924.031, 3924.032, and 3924.27 of the 33982
Revised Code. 33983

(C) A multiple employer welfare arrangement created pursuant 33984
to sections 1739.01 to 1739.22 of the Revised Code shall solicit 33985
enrollments only through agents or solicitors licensed pursuant to 33986
Chapter 3905. of the Revised Code to sell or solicit sickness and 33987
accident insurance. 33988

(D) A multiple employer welfare arrangement created pursuant 33989
to sections 1739.01 to 1739.22 of the Revised Code shall provide 33990
benefits only to individuals who are members, employees of 33991
members, or the dependents of members or employees, or are 33992
eligible for continuation of coverage under section 1751.53 or 33993
3923.38 of the Revised Code or under Title X of the "Consolidated 33994
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 33995
U.S.C.A. 1161, as amended. 33996

(E) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code is subject to, and shall comply with, sections 3903.81 to 3903.93 of the Revised Code in the same manner as other life or health insurers, as defined in section 3903.81 of the Revised Code.

Sec. 1739.07. (A)(1) ~~Except as provided in division (B) of section 1739.15 of the Revised Code, unless~~ Unless otherwise stated in the agreement, a member may elect to terminate voluntarily its participation in a multiple employer welfare arrangement operating a group self-insurance program by giving no less than thirty days' written notice to the arrangement. Except as provided in division (A)(2) of this section, the voluntary termination shall be approved by the board of the arrangement upon a finding that the member is in good standing, that both the member and the arrangement have met all the requirements of sections 1739.01 to 1739.22 of the Revised Code and any rules adopted by the superintendent of insurance pursuant to such sections, and that the member has complied with all the requirements of the agreement as of the proposed effective date of termination.

(2) If a member voluntarily terminates its participation in a multiple employer welfare arrangement at a time when the total number of covered employees employed by the member represents less than five per cent of the total number of covered employees employed by all members of the arrangement, the member's voluntary termination of its participation, unless otherwise stated in the agreement, does not require approval by the board of the arrangement.

(B)(1) A multiple employer welfare arrangement operating a group self-insurance program may involuntarily terminate a member upon a finding by the board of the arrangement, after notice is

given in accordance with division (B)(2) of this section, that the member has done any of the following:

(a) Failed to comply with the requirements of sections 1739.01 to 1739.22 of the Revised Code;

(b) Failed to comply with the articles and bylaws of the arrangement or the applicable agreement;

(c) Failed to pay its proportionate share of any premiums or installments thereof due the arrangement;

(d) Otherwise failed to discharge its obligations to the arrangement when due.

(2) A multiple employer welfare arrangement operating a group self-insurance program shall give the member written notice stating the time when the termination is effective, which time shall not be less than fifteen days from the date of the notice or any longer period as may be specified by rule of the superintendent or the agreement. Notice may be delivered in person, or sent by ~~certified mail to the last address of record of the member~~ any manner permitted in the agreement. The notice may or may not be accompanied by a tender of the unearned premium paid by the member, calculated on a pro rata basis. If the tender is not made simultaneously with the notice, it shall be made within fifteen days after notice of termination unless an audit or rate investigation is required, in which case the tender shall be made as soon as practicable after completion of the audit or investigation.

(C) Any member that terminates its membership or is involuntarily terminated from membership in a multiple employer welfare arrangement pursuant to division (A) or (B) of this section shall remain liable for all obligations of the arrangement incurred during its membership in proportion to the ratio of the total number of covered employees employed by the member at the

time of termination to the total number of covered employees 34059
employed by all members of the arrangement at the time of 34060
termination. 34061

Sec. 1739.12. (A) The excess loss funding program of a 34062
multiple employer welfare arrangement operating a group 34063
self-insurance program shall be filed with the superintendent of 34064
insurance. 34065

(B) As a condition to the issuance and maintenance of a 34066
certificate of authority, a multiple employer welfare arrangement 34067
operating a group self-insurance program shall purchase individual 34068
stop-loss insurance from insurers authorized to transact business 34069
in this state with a deductible retention of no more than five per 34070
cent of the arrangement's annual aggregate premium up to one 34071
million dollars and no more than two and one-half per cent of the 34072
arrangement's annual aggregate premium above that amount. ~~If the~~ 34073
~~superintendent determines that aggregate stop-loss insurance is~~ 34074
~~available for arrangements, the~~ The arrangement also shall 34075
purchase, as a condition to the issuance and maintenance of a 34076
certificate of authority, aggregate stop-loss insurance from 34077
insurers authorized to transact business in this state with a 34078
deductible retention of no more than one hundred twenty-five per 34079
cent of its projected claims for the succeeding fiscal year. 34080

(C) Any excess or stop-loss insurance policy purchased by a 34081
multiple employer welfare arrangement shall provide that the 34082
superintendent must be notified by the arrangement of the 34083
cancellation of the policy for any reason, including the failure 34084
of the arrangement to pay any applicable premium. 34085

(D) No excess or stop-loss insurance policy purchased by a 34086
multiple employer welfare arrangement shall do any of the 34087
following on the basis of actual or expected claims for an 34088
individual or an individual's given diagnosis: 34089

<u>(1) Assign a different attachment point for that individual;</u>	34090
<u>(2) Assign a deductible to that individual that must be met</u>	34091
<u>before excess or stop-loss insurance applies;</u>	34092
<u>(3) Deny excess or stop-loss insurance coverage to that</u>	34093
<u>individual.</u>	34094
 Sec. 1739.13. (A) A multiple employer welfare arrangement	34095
operating a group self-insurance program shall maintain a minimum	34096
surplus of not less than ~~one~~ <u>five</u> hundred ~~fifty~~ thousand dollars	34097
or such higher amounts of surplus as the superintendent of	34098
insurance may establish by rule for the protection of the members	34099
and their employees.	34100
 (B) Except as otherwise provided for in sections 1739.01 to	34101
1739.21 of the Revised Code, the assets of a multiple employer	34102
welfare arrangement operating a group self-insurance program shall	34103
be invested only in securities or other investments permitted by	34104
the laws of this state for the investment of assets of domestic	34105
insurance companies other than life.	34106
 (C) A multiple employer welfare arrangement operating a group	34107
self-insurance program shall maintain assets in cash, receivables,	34108
or securities authorized by the laws of this state for the	34109
investment of assets of domestic insurance companies other than	34110
life in an amount that is equivalent to or higher than the	34111
unearned premiums and minimum surplus required under sections	34112
1739.01 to 1739.22 of the Revised Code, the reserves for losses	34113
outstanding and unpaid, and any other liabilities of the	34114
arrangement.	34115
 Sec. 1739.141. (A) <u>Each multiple employer welfare arrangement</u>	34116
<u>operating a group self-insurance program shall file annually with</u>	34117
<u>the superintendent of insurance an actuarial certification</u>	34118
<u>including a statement that the underwriting and rating methods of</u>	34119

<u>the carrier do all of the following:</u>	34120
<u>(1) Comply with accepted actuarial practices;</u>	34121
<u>(2) Are uniformly applied to arrangement members, employees</u>	34122
<u>of members, and the dependents of members or employees;</u>	34123
<u>(3) Comply with the provisions of section 1739.06 of the</u>	34124
<u>Revised Code.</u>	34125
<u>(B) The certification shall be filed with the superintendent</u>	34126
<u>not later than the thirty-first day of March.</u>	34127
 Sec. 1739.20. (A) No multiple employer welfare arrangement	34128
operating a group self-insurance program shall do any of the	34129
following:	34130
(1) Refuse, without just cause, to pay proper claims arising	34131
under coverage provided by the arrangement;	34132
(2) Compel, without just cause, employee claimants of members	34133
or other persons entitled to the proceeds of the coverage to	34134
accept less than the amount due them;	34135
(3) Compel, without just cause, employee claimants of members	34136
or other persons entitled to the proceeds of the coverage to bring	34137
an action against the arrangement to secure full payment or	34138
settlement thereof;	34139
<u>(4) Enroll a member into the group self-insurance program</u>	34140
<u>until the arrangement has provided to the member written</u>	34141
<u>notification stating that the member may be required to make</u>	34142
<u>additional payments in the event the program has insufficient</u>	34143
<u>funds to cover its liabilities. The arrangement shall maintain a</u>	34144
<u>copy of the notification in its program files to evidence</u>	34145
<u>compliance with this requirement.</u>	34146
(B) No officer, director, trustee, third-party administrator,	34147
member of any board or committee, or employee of a multiple	34148

employer welfare arrangement operating a group self-insurance 34149
program who is charged with the duty of investing or handling the 34150
arrangement's assets shall do any of the following: 34151

(1) Deposit or invest the assets except in the name of the 34152
arrangement; 34153

(2) Borrow the assets of the arrangement; 34154

(3) Have a pecuniary interest in any loan, pledge of deposit, 34155
security, investment, sale, purchase, exchange, reinsurance, or 34156
other similar transaction or property of the arrangement; 34157

(4) Take or receive for ~~his own~~ personal use any fee, 34158
brokerage, commission, gift, or other consideration for, or use 34159
any fee, brokerage, commission, gift, or other consideration for, 34160
or on account of any transaction made by or on behalf of the 34161
arrangement. Division (B)(4) of this section does not prevent 34162
either of the following: 34163

(a) The reimbursement of a third-party administrator for 34164
administrative services related to the adjustment and settlement 34165
of claims pursuant to a contract with an arrangement; 34166

(b) The payment of reasonable compensation to a corporation 34167
or firm, which is affiliated with ~~a trade association, industry~~ 34168
~~association, or professional association~~ any of the groups listed 34169
in division (A) of section 1739.02 of the Revised Code that 34170
establishes, maintains, or operates the arrangement, for necessary 34171
services performed or sales or purchases made to or for the 34172
arrangement in the ordinary course of the arrangement's business. 34173

(C) No multiple employer welfare arrangement operating a 34174
group self-insurance program shall guarantee any financial 34175
obligation of any of its officers, directors, trustees, board or 34176
committee members, or third-party administrators. 34177

(D) This section does not prohibit a trustee, officer, 34178

director, member of a board or committee, or employee of a 34179
multiple employer welfare arrangement operating a group 34180
self-insurance program from being covered by the arrangement as a 34181
member or an employee of a member. 34182

(E) The superintendent of insurance may allow, by rule, 34183
exceptions to division (B) of this section to allow the payment of 34184
reasonable compensation to a trustee or third-party administrator 34185
who is not an officer or employee of the multiple employer welfare 34186
arrangement operating a group self-insurance program or to a 34187
corporation or firm with which a trustee or third-party 34188
administrator is affiliated, for necessary services performed or 34189
sales or purchases made to or for the arrangement in the ordinary 34190
course of the arrangement's business and in the usual, private, 34191
professional or business capacity of the trustee, third-party 34192
administrator, corporation, or firm. 34193

Sec. 1739.21. (A) The superintendent of insurance, after 34194
notice and opportunity for hearing in accordance with Chapter 119. 34195
of the Revised Code, may impose a fine upon a multiple employer 34196
welfare arrangement operating a group self-insurance program, a 34197
third-party administrator, or other entity ~~if he finds~~ after 34198
finding either of the following: 34199

(1) The arrangement, third-party administrator, or other 34200
entity, through the acts of its officers, directors, board or 34201
committee members, employees, agents, or representatives, has 34202
engaged in an act in violation of any applicable provision of 34203
division (B) of section 1739.02, division (F) of section 1739.09, 34204
or division (A), (B), or (C) of section 1739.20 of the Revised 34205
Code or of any rule or order adopted or issued by the 34206
superintendent to enforce or carry out the purposes of such 34207
sections; 34208

(2) Division (C)(2), (3), or (4), ~~or (6)~~ of section 1739.04 34209

of the Revised Code, or any rule or order adopted or issued by the 34210
superintendent to enforce or carry out the purposes of such 34211
section, applies to the arrangement, third-party administrator, or 34212
other entity. 34213

(B) The fine imposed for any violation described in division 34214
(A) of this section shall not exceed one thousand dollars for each 34215
violation, except that a fine of not more than five thousand 34216
dollars may be imposed for each act of willful misconduct 34217
constituting a violation described in division (A) of this 34218
section. 34219

(C) In addition to any penalty provided under this section, 34220
the superintendent, in lieu of an order of suspension or 34221
revocation under section 1739.04 of the Revised Code, may place 34222
any multiple employer welfare arrangement on probation for a 34223
period not to exceed one year for each violation described in 34224
division (A) of this section, and may subject the arrangement to a 34225
fine of up to one thousand dollars for each such violation. If the 34226
arrangement or its third-party administrator knew or reasonably 34227
should have known that the arrangement was engaged in a violation 34228
described in division (A) of this section, the fine provided in 34229
this division may be increased to an amount up to five thousand 34230
dollars for each such violation. 34231

(D)(1) If the superintendent places an arrangement on 34232
probation under division (C) of this section, the superintendent 34233
may appoint a supervisor to supervise the arrangement and may 34234
prohibit the arrangement from doing any of the following, during 34235
the period of probation, without the prior approval of the 34236
~~superintendent~~ superintendent or the supervisor: 34237

(a) Dispose of, convey, or encumber any of its assets or its 34238
business in force; 34239

(b) Withdraw from any of its bank accounts; 34240

(c) Lend any of its funds;	34241
(d) Invest any of its funds;	34242
(e) Transfer any of its property;	34243
(f) Incur any debt, obligation, or liability;	34244
(g) Merge or consolidate with another company;	34245
(h) Enter into any new reinsurance contract or treaty.	34246
(2) All expenses incurred as a result of probation shall be borne by the arrangement.	34247 34248
(E) All fines collected under this section shall be paid into the state treasury to the credit of the department of insurance operating fund created under section 3901.021 of the Revised Code.	34249 34250 34251
Sec. 1751.18. (A)(1) No health insuring corporation shall cancel or fail to renew the coverage of a subscriber or enrollee because of any health status-related factor in relation to the subscriber or enrollee, the subscriber's or enrollee's requirements for health care services, or for any other reason designated under rules adopted by the superintendent of insurance.	34252 34253 34254 34255 34256 34257
(2) Unless otherwise required by state or federal law, no health insuring corporation, or health care facility or provider through which the health insuring corporation has made arrangements to provide health care services, shall discriminate against any individual with regard to enrollment, disenrollment, or the quality of health care services rendered, on the basis of the individual's race, color, sex, age, religion, military status as defined in section 4112.01 of the Revised Code, or status as a recipient of medicare or medicaid, or any health status-related factor in relation to the individual. However, a health insuring corporation shall not be required to accept a recipient of medicare or medical assistance, if an agreement has not been reached on appropriate payment mechanisms between the health	34258 34259 34260 34261 34262 34263 34264 34265 34266 34267 34268 34269 34270

insuring corporation and the governmental agency administering 34271
these programs. Further, except for open enrollment coverage under 34272
sections 3923.58 and 3923.581 of the Revised Code and except as 34273
provided in section 1751.65 of the Revised Code, a health insuring 34274
corporation may reject an applicant for nongroup enrollment on the 34275
basis of any health status-related factor in relation to the 34276
applicant. 34277

(B) A health insuring corporation may cancel or decide not to 34278
renew the coverage of an enrollee if the enrollee has performed an 34279
act or practice that constitutes fraud or intentional 34280
misrepresentation of material fact under the terms of the coverage 34281
and if the cancellation or nonrenewal is not based, either 34282
directly or indirectly, on any health status-related factor in 34283
relation to the enrollee. 34284

(C) An enrollee may appeal any action or decision of a health 34285
insuring corporation taken pursuant to section 2742(b) to (e) of 34286
the "Health Insurance Portability and Accountability Act of 1996," 34287
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as 34288
amended. To appeal, the enrollee may submit a written complaint to 34289
the health insuring corporation pursuant to section 1751.19 of the 34290
Revised Code. The enrollee may, within thirty days after receiving 34291
a written response from the health insuring corporation, appeal 34292
the health insuring corporation's action or decision to the 34293
superintendent. 34294

(D) As used in this section, "health status-related factor" 34295
means any of the following: 34296

(1) Health status; 34297

(2) Medical condition, including both physical and mental 34298
illnesses; 34299

(3) Claims experience; 34300

(4) Receipt of health care; 34301

(5) Medical history;	34302
(6) Genetic information;	34303
(7) Evidence of insurability, including conditions arising out of acts of domestic violence;	34304 34305
(8) Disability.	34306
 Sec. 1751.65. (A) As used in this section, "genetic screening or testing" means a laboratory test of a person's genes or chromosomes for abnormalities, defects, or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, or that indicate a susceptibility to illness, disease, or other disorders, whether physical or mental, which test is a direct test for abnormalities, defects, or deficiencies, and not an indirect manifestation of genetic disorders.	34307 34308 34309 34310 34311 34312 34313 34314 34315
(B) ~~Upon the repeal of section 1751.64 of the Revised Code,~~ ~~no~~ <u>No</u> health insuring corporation shall do either of the following:	34316 34317 34318
(1) Consider any information obtained from genetic screening or testing in processing an application for coverage for health care services under an individual or group policy, contract, or agreement or in determining insurability under such a policy, contract, or agreement;	34319 34320 34321 34322 34323
(2) Inquire, directly or indirectly, into the results of genetic screening or testing or use such information, in whole or in part, to cancel, refuse to issue or renew, ~~or~~ limit benefits under, <u>or set premiums for,</u> an individual or group policy, contract, or agreement.	34324 34325 34326 34327 34328
(C) Any health insuring corporation that has engaged in, is engaged in, or is about to engage in a violation of division (B) of this section is subject to the jurisdiction of the	34329 34330 34331

superintendent of insurance under section 3901.04 of the Revised Code. 34332
34333

Sec. 1776.82. (A) The name of a limited liability partnership 34334
shall contain "registered limited liability partnership," 34335
"registered partnership having limited liability," "limited 34336
liability partnership," "R.L.L.P.," "P.L.L.," "L.L.P.," "RLLP," 34337
"PLL," or "LLP." 34338

(B) The name of a domestic registered limited liability 34339
partnership or foreign limited liability partnership shall be 34340
distinguishable upon the records in the office of the secretary of 34341
state from all of the following: 34342

(1) The name of any other limited liability partnership 34343
registered in the office of the secretary of state pursuant to 34344
this chapter or Chapter 1775. of the Revised Code, whether 34345
domestic or foreign; 34346

(2) The name of any domestic corporation that is formed under 34347
Chapter 1701. or 1702. of the Revised Code or any foreign 34348
corporation that is registered pursuant to Chapter 1703. of the 34349
Revised Code; 34350

(3) The name of any limited liability company registered in 34351
the office of the secretary of state pursuant to Chapter 1705. of 34352
the Revised Code, whether domestic or foreign; 34353

(4) The name of any limited partnership registered in the 34354
office of the secretary of state pursuant to Chapter 1782. of the 34355
Revised Code, whether domestic or foreign; 34356

(5) Any trade name the exclusive right to which is at the 34357
time in question registered in the office of the secretary of 34358
state pursuant to Chapter 1329. of the Revised Code. 34359

Sec. 2106.19. (A) Upon the death of a married resident who 34360

owned at least one watercraft, one watercraft trailer, one 34361
outboard motor, or one of each at the time of death, the interest 34362
of the deceased spouse in one watercraft, one watercraft trailer, 34363
one outboard motor, or one of each that is not otherwise 34364
specifically disposed of by testamentary disposition and that is 34365
selected by the surviving spouse immediately shall pass to the 34366
surviving spouse upon receipt by the clerk of the court of common 34367
pleas, or in the case of an untitled but registered watercraft 34368
trailer, upon receipt by the bureau of motor vehicles, of both of 34369
the following: 34370

(1) The title executed by the surviving spouse, if titled; 34371

(2) An affidavit sworn by the surviving spouse stating the 34372
date of the decedent's death, a description of the watercraft, 34373
watercraft trailer, or outboard motor, ~~or both, its or their the~~ 34374
approximate value, and that the watercraft, watercraft trailer, or 34375
outboard motor, ~~or both are~~ is not disposed of by testamentary 34376
disposition. 34377

The watercraft, watercraft trailer, or outboard motor, ~~or~~ 34378
~~both~~ shall not be considered an estate asset and shall not be 34379
included and stated in the estate inventory. 34380

Transfer of a decedent's interest under this division does 34381
not affect the existence of any lien against a watercraft, 34382
watercraft trailer, or outboard motor so transferred. 34383

(B) Except for a watercraft, watercraft trailer, or outboard 34384
motor, ~~or both~~ transferred as provided in division (A) of this 34385
section, the executor or administrator may transfer title to a 34386
watercraft, watercraft trailer, or outboard motor in the manner 34387
provided for transfer of an automobile under divisions (B) and (C) 34388
of section 2106.18 of the Revised Code. 34389

(C) A watercraft trailer under this section only refers to 34390
one trailer used to transport the watercraft transferred under 34391

this section. 34392

Sec. 2109.301. (A) An administrator or executor shall render 34393
an account at any time other than a time otherwise mentioned in 34394
this section upon an order of the probate court issued for good 34395
cause shown either at its own instance or upon the motion of any 34396
person interested in the estate. Except as otherwise provided in 34397
division (B)(2) of this section, an administrator or executor 34398
shall render a final account within thirty days after completing 34399
the administration of the estate or within any other period of 34400
time that the court may order. 34401

Every account shall include an itemized statement of all 34402
receipts of the administrator or executor during the accounting 34403
period and of all disbursements and distributions made by the 34404
executor or administrator during the accounting period. In 34405
addition, the account shall include an itemized statement of all 34406
funds, assets, and investments of the estate known to or in the 34407
possession of the administrator or executor at the end of the 34408
accounting period and shall show any changes in investments since 34409
the last previous account. 34410

Every account shall be upon the signature of the 34411
administrator or executor. When two or more administrators or 34412
executors render an account, the court may allow the account upon 34413
the signature of one of them. The court may examine the 34414
administrator or executor under oath concerning the account. 34415

When an administrator or executor is authorized by law or by 34416
the instrument governing distribution to distribute the assets of 34417
the estate, in whole or in part, the administrator or executor may 34418
do so and include a report of the distribution in the 34419
administrator's or executor's succeeding account. 34420

In estates of decedents in which none of the legatees, 34421
devisees, or heirs is under a legal disability, each partial 34422

accounting of an executor or administrator may be waived by the 34423
written consent of all the legatees, devisees, or heirs filed in 34424
lieu of a partial accounting otherwise required. 34425

(B)(1) Every administrator and executor, within six months 34426
after appointment, shall render a final and distributive account 34427
of the administrator's or executor's administration of the estate 34428
unless one or more of the following circumstances apply: 34429

(a) An Ohio estate tax return must be filed for the estate. 34430

(b) A proceeding contesting the validity of the decedent's 34431
will pursuant to section 2107.71 of the Revised Code has been 34432
commenced. 34433

(c) The surviving spouse has filed an election to take 34434
against the will. 34435

(d) The administrator or executor is a party in a civil 34436
action. 34437

(e) The estate is insolvent. 34438

(f) For other reasons set forth by the administrator or 34439
executor, subject to court approval, it would be detrimental to 34440
the estate and its beneficiaries or heirs to file a final and 34441
distributive account. 34442

(2) In estates of decedents in which the sole legatee, 34443
devisee, or heir is also the administrator or executor of the 34444
estate, no partial accountings are required. The administrator or 34445
executor of an estate of that type shall file a final account or 34446
final and distributive account or, in lieu of filing a final 34447
account, the administrator or executor may file with the court 34448
within thirty days after completing the administration of the 34449
estate a certificate of termination of an estate that states all 34450
of the following: 34451

(a) All debts and claims presented to the estate have been 34452

paid in full or settled finally. 34453

(b) An estate tax return, if required under the provisions of 34454
the Internal Revenue Code or Chapter 5731. of the Revised Code, 34455
has been filed, and any estate tax has been paid. 34456

(c) All attorney's fees have been waived by or paid to 34457
counsel of record of the estate, and all executor or administrator 34458
fees have been waived or paid. 34459

(d) The amount of attorney's fees and the amount of 34460
administrator or executor fees that have been paid. 34461

(e) All assets remaining after completion of the activities 34462
described in divisions (B)(2)(a) to (d) of this section have been 34463
distributed to the sole legatee, devisee, or heir. 34464

(3) In an estate of the type described in division (B)(2) of 34465
this section, a sole legatee, devisee, or heir of a decedent may 34466
be liable to creditors for debts of and claims against the estate 34467
that are presented after the filing of the certificate of 34468
termination described in that division and within the time allowed 34469
by section 2117.06 of the Revised Code for presentation of the 34470
creditors' claims. 34471

(4) Not later than thirteen months after appointment, every 34472
administrator and executor shall render an account of the 34473
administrator's or executor's administration, unless a partial 34474
account is waived under division (A) of this section or a 34475
certificate of termination is filed under division (B)(2) of this 34476
section. ~~Except as provided in divisions (B)(1) and (2) of this~~ 34477
section, after After the initial account is rendered or a waiver 34478
of a partial account is filed, every administrator and executor 34479
shall ~~render further accounts,~~ at least once each year, render 34480
further accounts or file waivers of partial accounts until the 34481
estate is closed, unless a certificate of termination is filed 34482
under division (B)(2) of this section. 34483

Sec. 2113.35. (A) Executors and administrators shall be 34484
allowed fees upon the amount of all the personal property, 34485
including the income from the personal property, that is received 34486
and accounted for by them and upon the proceeds of real property 34487
that is sold, as follows: 34488

(1) For the first one hundred thousand dollars, at the rate 34489
of four per cent; 34490

(2) All above one hundred thousand dollars and not exceeding 34491
four hundred thousand dollars, at the rate of three per cent; 34492

(3) All above four hundred thousand dollars, at the rate of 34493
two per cent. 34494

(B) Executors and administrators shall be allowed a fee of 34495
one per cent on the value of real property that is not sold. 34496
Executors and administrators also shall be allowed a fee of one 34497
per cent on the value of all property that is not subject to 34498
administration and that is would have been includable for purposes 34499
of computing the Ohio estate tax, except joint and survivorship 34500
property, had the decedent died on December 31, 2012, so that 34501
section 5731.02 of the Revised Code applied to the estate. 34502

(C) The basis of valuation for the allowance of the fees on 34503
real property sold shall be the gross proceeds of sale, and for 34504
all other property the fair market value of the other property as 34505
of the date of death of the decedent. The fees allowed to 34506
executors and administrators in this section shall be received in 34507
full compensation for all their ordinary services. 34508

(D) If the probate court finds, after a hearing, that an 34509
executor or administrator, in any respect, has not faithfully 34510
discharged the duties as executor or administrator, the court may 34511
deny the executor or administrator any compensation whatsoever or 34512
may allow the executor or administrator the reduced compensation 34513

that the court thinks proper. 34514

Sec. 2151.011. (A) As used in the Revised Code: 34515

(1) "Juvenile court" means whichever of the following is 34516
applicable that has jurisdiction under this chapter and Chapter 34517
2152. of the Revised Code: 34518

(a) The division of the court of common pleas specified in 34519
section 2101.022 or 2301.03 of the Revised Code as having 34520
jurisdiction under this chapter and Chapter 2152. of the Revised 34521
Code or as being the juvenile division or the juvenile division 34522
combined with one or more other divisions; 34523

(b) The juvenile court of Cuyahoga county or Hamilton county 34524
that is separately and independently created by section 2151.08 or 34525
Chapter 2153. of the Revised Code and that has jurisdiction under 34526
this chapter and Chapter 2152. of the Revised Code; 34527

(c) If division (A)(1)(a) or (b) of this section does not 34528
apply, the probate division of the court of common pleas. 34529

(2) "Juvenile judge" means a judge of a court having 34530
jurisdiction under this chapter. 34531

(3) "Private child placing agency" means any association, as 34532
defined in section 5103.02 of the Revised Code, that is certified 34533
under section 5103.03 of the Revised Code to accept temporary, 34534
permanent, or legal custody of children and place the children for 34535
either foster care or adoption. 34536

(4) "Private noncustodial agency" means any person, 34537
organization, association, or society certified by the department 34538
of job and family services that does not accept temporary or 34539
permanent legal custody of children, that is privately operated in 34540
this state, and that does one or more of the following: 34541

(a) Receives and cares for children for two or more 34542
consecutive weeks; 34543

(b) Participates in the placement of children in certified foster homes;	34544 34545
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	34546 34547
(B) As used in this chapter:	34548
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	34549 34550 34551 34552 34553 34554
(2) "Adult" means an individual who is eighteen years of age or older.	34555 34556
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	34557 34558 34559 34560
(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.	34561 34562 34563 34564 34565 34566
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	34567 34568 34569
(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of	34570 34571 34572 34573

age, and, for purposes of that jurisdiction related to that 34574
adjudication, a person who is so adjudicated an unruly child shall 34575
be deemed a "child" until the person attains twenty-one years of 34576
age. 34577

(7) "Child day camp," "child care," "child day-care center," 34578
"part-time child day-care center," "type A family day-care home," 34579
"licensed type B family day-care home," "type B family day-care 34580
home," "administrator of a child day-care center," "administrator 34581
of a type A family day-care home," and "in-home aide" have the 34582
same meanings as in section 5104.01 of the Revised Code. 34583

(8) "Child care provider" means an individual who is a 34584
child-care staff member or administrator of a child day-care 34585
center, a type A family day-care home, or a type B family day-care 34586
home, or an in-home aide or an individual who is licensed, is 34587
regulated, is approved, operates under the direction of, or 34588
otherwise is certified by the department of job and family 34589
services, department of developmental disabilities, or the early 34590
childhood programs of the department of education. 34591

(9) "Chronic truant" has the same meaning as in section 34592
2152.02 of the Revised Code. 34593

(10) "Commit" means to vest custody as ordered by the court. 34594

(11) "Counseling" includes both of the following: 34595

(a) General counseling services performed by a public 34596
children services agency or shelter for victims of domestic 34597
violence to assist a child, a child's parents, and a child's 34598
siblings in alleviating identified problems that may cause or have 34599
caused the child to be an abused, neglected, or dependent child. 34600

(b) Psychiatric or psychological therapeutic counseling 34601
services provided to correct or alleviate any mental or emotional 34602
illness or disorder and performed by a licensed psychiatrist, 34603
licensed psychologist, or a person licensed under Chapter 4757. of 34604

the Revised Code to engage in social work or professional 34605
counseling. 34606

(12) "Custodian" means a person who has legal custody of a 34607
child or a public children services agency or private child 34608
placing agency that has permanent, temporary, or legal custody of 34609
a child. 34610

(13) "Delinquent child" has the same meaning as in section 34611
2152.02 of the Revised Code. 34612

(14) "Detention" means the temporary care of children pending 34613
court adjudication or disposition, or execution of a court order, 34614
in a public or private facility designed to physically restrict 34615
the movement and activities of children. 34616

(15) "Developmental disability" has the same meaning as in 34617
section 5123.01 of the Revised Code. 34618

(16) "Differential response approach" means an approach that 34619
a public children services agency may use to respond to accepted 34620
reports of child abuse or neglect with either an alternative 34621
response or a traditional response. 34622

(17) "Foster caregiver" has the same meaning as in section 34623
5103.02 of the Revised Code. 34624

(18) "Guardian" means a person, association, or corporation 34625
that is granted authority by a probate court pursuant to Chapter 34626
2111. of the Revised Code to exercise parental rights over a child 34627
to the extent provided in the court's order and subject to the 34628
residual parental rights of the child's parents. 34629

(19) "Habitual truant" means any child of compulsory school 34630
age who is absent without legitimate excuse for absence from the 34631
public school the child is supposed to attend for five or more 34632
consecutive school days, seven or more school days in one school 34633
month, or twelve or more school days in a school year. 34634

(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:

(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

(23) "Mental illness" and "mentally ill person subject to court order" have the same meanings as in section 5122.01 of the Revised Code.

(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the

child's care. 34666

(25) "Mentally retarded person" has the same meaning as in 34667
section 5123.01 of the Revised Code. 34668

(26) "Nonsecure care, supervision, or training" means care, 34669
supervision, or training of a child in a facility that does not 34670
confine or prevent movement of the child within the facility or 34671
from the facility. 34672

(27) "Of compulsory school age" has the same meaning as in 34673
section 3321.01 of the Revised Code. 34674

(28) "Organization" means any institution, public, 34675
semipublic, or private, and any private association, society, or 34676
agency located or operating in the state, incorporated or 34677
unincorporated, having among its functions the furnishing of 34678
protective services or care for children, or the placement of 34679
children in certified foster homes or elsewhere. 34680

(29) "Out-of-home care" means detention facilities, shelter 34681
facilities, certified children's crisis care facilities, certified 34682
foster homes, placement in a prospective adoptive home prior to 34683
the issuance of a final decree of adoption, organizations, 34684
certified organizations, child day-care centers, type A family 34685
day-care homes, type B family day-care homes, child care provided 34686
by in-home aides, group home providers, group homes, institutions, 34687
state institutions, residential facilities, residential care 34688
facilities, residential camps, day camps, private, nonprofit 34689
therapeutic wilderness camps, public schools, chartered nonpublic 34690
schools, educational service centers, hospitals, and medical 34691
clinics that are responsible for the care, physical custody, or 34692
control of children. 34693

(30) "Out-of-home care child abuse" means any of the 34694
following when committed by a person responsible for the care of a 34695
child in out-of-home care: 34696

(a) Engaging in sexual activity with a child in the person's care;	34697 34698
(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;	34699 34700 34701
(c) Use of restraint procedures on a child that cause injury or pain;	34702 34703
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	34704 34705 34706
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	34707 34708 34709 34710 34711
(31) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	34712 34713 34714
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	34715 34716 34717
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	34718 34719 34720 34721
(c) Failure to develop a process for all of the following:	34722
(i) Administration of prescription drugs or psychotropic drugs for the child;	34723 34724
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	34725 34726

(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	34727 34728 34729
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	34730 34731 34732
(e) Confinement of the child to a locked room without monitoring by staff;	34733 34734
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	34735 34736
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	34737 34738 34739
(32) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	34740 34741 34742 34743 34744 34745
(33) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	34746 34747 34748 34749 34750
(34) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.	34751 34752 34753
(35) "Person responsible for a child's care in out-of-home care" means any of the following:	34754 34755
(a) Any foster caregiver, in-home aide, or provider;	34756

(b) Any administrator, employee, or agent of any of the 34757
following: a public or private detention facility; shelter 34758
facility; certified children's crisis care facility; organization; 34759
certified organization; child day-care center; type A family 34760
day-care home; licensed type B family day-care home; group home; 34761
institution; state institution; residential facility; residential 34762
care facility; residential camp; day camp; school district; 34763
community school; chartered nonpublic school; educational service 34764
center; hospital; or medical clinic; 34765

(c) Any person who supervises or coaches children as part of 34766
an extracurricular activity sponsored by a school district, public 34767
school, or chartered nonpublic school; 34768

(d) Any other person who performs a similar function with 34769
respect to, or has a similar relationship to, children. 34770

(36) "Physically impaired" means having one or more of the 34771
following conditions that substantially limit one or more of an 34772
individual's major life activities, including self-care, receptive 34773
and expressive language, learning, mobility, and self-direction: 34774

(a) A substantial impairment of vision, speech, or hearing; 34775

(b) A congenital orthopedic impairment; 34776

(c) An orthopedic impairment caused by disease, rheumatic 34777
fever or any other similar chronic or acute health problem, or 34778
amputation or another similar cause. 34779

(37) "Placement for adoption" means the arrangement by a 34780
public children services agency or a private child placing agency 34781
with a person for the care and adoption by that person of a child 34782
of whom the agency has permanent custody. 34783

(38) "Placement in foster care" means the arrangement by a 34784
public children services agency or a private child placing agency 34785
for the out-of-home care of a child of whom the agency has 34786

temporary custody or permanent custody. 34787

(39) "Planned permanent living arrangement" means an order of 34788
a juvenile court pursuant to which both of the following apply: 34789

(a) The court gives legal custody of a child to a public 34790
children services agency or a private child placing agency without 34791
the termination of parental rights. 34792

(b) The order permits the agency to make an appropriate 34793
placement of the child and to enter into a written agreement with 34794
a foster care provider or with another person or agency with whom 34795
the child is placed. 34796

(40) "Practice of social work" and "practice of professional 34797
counseling" have the same meanings as in section 4757.01 of the 34798
Revised Code. 34799

(41) "Private, nonprofit therapeutic wilderness camp" has the 34800
same meaning as in section 5103.02 of the Revised Code. 34801

(42) "Sanction, service, or condition" means a sanction, 34802
service, or condition created by court order following an 34803
adjudication that a child is an unruly child that is described in 34804
division (A)(4) of section 2152.19 of the Revised Code. 34805

~~(42)~~(43) "Protective supervision" means an order of 34806
disposition pursuant to which the court permits an abused, 34807
neglected, dependent, or unruly child to remain in the custody of 34808
the child's parents, guardian, or custodian and stay in the 34809
child's home, subject to any conditions and limitations upon the 34810
child, the child's parents, guardian, or custodian, or any other 34811
person that the court prescribes, including supervision as 34812
directed by the court for the protection of the child. 34813

~~(43)~~(44) "Psychiatrist" has the same meaning as in section 34814
5122.01 of the Revised Code. 34815

~~(44)~~(45) "Psychologist" has the same meaning as in section 34816

4732.01 of the Revised Code. 34817

~~(45)~~(46) "Residential camp" means a program in which the 34818
care, physical custody, or control of children is accepted 34819
overnight for recreational or recreational and educational 34820
purposes. 34821

~~(46)~~(47) "Residential care facility" means an institution, 34822
residence, or facility that is licensed by the department of 34823
mental health and addiction services under section 5119.34 of the 34824
Revised Code and that provides care for a child. 34825

~~(47)~~(48) "Residential facility" means a home or facility that 34826
is licensed by the department of developmental disabilities under 34827
section 5123.19 of the Revised Code and in which a child with a 34828
developmental disability resides. 34829

~~(48)~~(49) "Residual parental rights, privileges, and 34830
responsibilities" means those rights, privileges, and 34831
responsibilities remaining with the natural parent after the 34832
transfer of legal custody of the child, including, but not 34833
necessarily limited to, the privilege of reasonable visitation, 34834
consent to adoption, the privilege to determine the child's 34835
religious affiliation, and the responsibility for support. 34836

~~(49)~~(50) "School day" means the school day established by the 34837
board of education of the applicable school district pursuant to 34838
section 3313.481 of the Revised Code. 34839

~~(50)~~(51) "School year" has the same meaning as in section 34840
3313.62 of the Revised Code. 34841

~~(51)~~(52) "Secure correctional facility" means a facility 34842
under the direction of the department of youth services that is 34843
designed to physically restrict the movement and activities of 34844
children and used for the placement of children after adjudication 34845
and disposition. 34846

~~(52)~~(53) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code. 34847
34848

~~(53)~~(54) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition. 34849
34850
34851

~~(54)~~(55) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code. 34852
34853

~~(55)~~(56) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement. 34854
34855
34856
34857
34858

~~(56)~~(57) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm. 34859
34860
34861
34862
34863
34864
34865

(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days. 34866
34867
34868
34869
34870

Sec. 2151.3514. (A) As used in this section: 34871

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code; 34872
34873

(2) "Chemical dependency" means either of the following: 34874

(a) The chronic and habitual use of alcoholic beverages to the extent that the user no longer can control the use of alcohol 34875
34876

or endangers the user's health, safety, or welfare or that of 34877
others; 34878

(b) The use of a drug of abuse to the extent that the user 34879
becomes physically or psychologically dependent on the drug or 34880
endangers the user's health, safety, or welfare or that of others. 34881

(3) "Drug of abuse" has the same meaning as in section 34882
3719.011 of the Revised Code. 34883

(B) If the juvenile court issues an order of temporary 34884
custody or protective supervision under division (A) of section 34885
2151.353 of the Revised Code with respect to a child adjudicated 34886
to be an abused, neglected, or dependent child and the alcohol or 34887
other drug addiction of a parent or other caregiver of the child 34888
was the basis for the adjudication of abuse, neglect, or 34889
dependency, the court shall issue an order requiring the parent or 34890
other caregiver to submit to an assessment and, if needed, 34891
treatment from a community addiction services provider ~~certified~~ 34892
~~by the department of mental health and addiction services.~~ The 34893
court may order the parent or other caregiver to submit to alcohol 34894
or other drug testing during, after, or both during and after, the 34895
treatment. The court shall send any order issued pursuant to this 34896
division to the public children services agency that serves the 34897
county in which the court is located for use as described in 34898
section 340.15 of the Revised Code. 34899

(C) Any order requiring alcohol or other drug testing that is 34900
issued pursuant to division (B) of this section shall require one 34901
alcohol or other drug test to be conducted each month during a 34902
period of twelve consecutive months beginning the month 34903
immediately following the month in which the order for alcohol or 34904
other drug testing is issued. Arrangements for administering the 34905
alcohol or other drug tests, as well as funding the costs of the 34906
tests, shall be locally determined in accordance with sections 34907
340.03 and 340.15 of the Revised Code. If a parent or other 34908

caregiver required to submit to alcohol or other drug tests under 34909
this section is not a recipient of medicaid, the agency that 34910
refers the parent or caregiver for the tests may require the 34911
parent or caregiver to reimburse the agency for the cost of 34912
conducting the tests. 34913

(D) The ~~certified~~ community addiction services provider that 34914
conducts any alcohol or other drug tests ordered in accordance 34915
with divisions (B) and (C) of this section shall send the results 34916
of the tests, along with the provider's recommendations as to the 34917
benefits of continued treatment, to the court and to the public 34918
children services agency providing services to the involved 34919
family, according to federal regulations set forth in 42 C.F.R. 34920
Part 2, and division (B) of section 340.15 of the Revised Code. 34921
The court shall consider the results and the recommendations sent 34922
to it under this division in any adjudication or review by the 34923
court, according to section 2151.353, 2151.414, or 2151.419 of the 34924
Revised Code. 34925

Sec. 2151.421. (A)(1)(a) No person described in division 34926
(A)(1)(b) of this section who is acting in an official or 34927
professional capacity and knows, or has reasonable cause to 34928
suspect based on facts that would cause a reasonable person in a 34929
similar position to suspect, that a child under eighteen years of 34930
age or a mentally retarded, developmentally disabled, or 34931
physically impaired child under twenty-one years of age has 34932
suffered or faces a threat of suffering any physical or mental 34933
wound, injury, disability, or condition of a nature that 34934
reasonably indicates abuse or neglect of the child shall fail to 34935
immediately report that knowledge or reasonable cause to suspect 34936
to the entity or persons specified in this division. Except as 34937
provided in section 5120.173 of the Revised Code, the person 34938
making the report shall make it to the public children services 34939
agency or a municipal or county peace officer in the county in 34940

which the child resides or in which the abuse or neglect is 34941
occurring or has occurred. In the circumstances described in 34942
section 5120.173 of the Revised Code, the person making the report 34943
shall make it to the entity specified in that section. 34944

(b) Division (A)(1)(a) of this section applies to any person 34945
who is an attorney; physician, including a hospital intern or 34946
resident; dentist; podiatrist; practitioner of a limited branch of 34947
medicine as specified in section 4731.15 of the Revised Code; 34948
registered nurse; licensed practical nurse; visiting nurse; other 34949
health care professional; licensed psychologist; licensed school 34950
psychologist; independent marriage and family therapist or 34951
marriage and family therapist; speech pathologist or audiologist; 34952
coroner; administrator or employee of a child day-care center; 34953
administrator or employee of a residential camp ~~or~~, child day 34954
camp, or private, nonprofit therapeutic wilderness camp; 34955
administrator or employee of a certified child care agency or 34956
other public or private children services agency; school teacher; 34957
school employee; school authority; person engaged in social work 34958
or the practice of professional counseling; agent of a county 34959
humane society; person, other than a cleric, rendering spiritual 34960
treatment through prayer in accordance with the tenets of a 34961
well-recognized religion; employee of a county department of job 34962
and family services who is a professional and who works with 34963
children and families; superintendent or regional administrator 34964
employed by the department of youth services; superintendent, 34965
board member, or employee of a county board of developmental 34966
disabilities; investigative agent contracted with by a county 34967
board of developmental disabilities; employee of the department of 34968
developmental disabilities; employee of a facility or home that 34969
provides respite care in accordance with section 5123.171 of the 34970
Revised Code; employee of a home health agency; employee of an 34971
entity that provides homemaker services; a person performing the 34972
duties of an assessor pursuant to Chapter 3107. or 5103. of the 34973

Revised Code; third party employed by a public children services 34974
agency to assist in providing child or family related services; 34975
court appointed special advocate; or guardian ad litem. 34976

(2) Except as provided in division (A)(3) of this section, an 34977
attorney or a physician is not required to make a report pursuant 34978
to division (A)(1) of this section concerning any communication 34979
the attorney or physician receives from a client or patient in an 34980
attorney-client or physician-patient relationship, if, in 34981
accordance with division (A) or (B) of section 2317.02 of the 34982
Revised Code, the attorney or physician could not testify with 34983
respect to that communication in a civil or criminal proceeding. 34984

(3) The client or patient in an attorney-client or 34985
physician-patient relationship described in division (A)(2) of 34986
this section is deemed to have waived any testimonial privilege 34987
under division (A) or (B) of section 2317.02 of the Revised Code 34988
with respect to any communication the attorney or physician 34989
receives from the client or patient in that attorney-client or 34990
physician-patient relationship, and the attorney or physician 34991
shall make a report pursuant to division (A)(1) of this section 34992
with respect to that communication, if all of the following apply: 34993

(a) The client or patient, at the time of the communication, 34994
is either a child under eighteen years of age or a mentally 34995
retarded, developmentally disabled, or physically impaired person 34996
under twenty-one years of age. 34997

(b) The attorney or physician knows, or has reasonable cause 34998
to suspect based on facts that would cause a reasonable person in 34999
similar position to suspect, as a result of the communication or 35000
any observations made during that communication, that the client 35001
or patient has suffered or faces a threat of suffering any 35002
physical or mental wound, injury, disability, or condition of a 35003
nature that reasonably indicates abuse or neglect of the client or 35004
patient. 35005

(c) The abuse or neglect does not arise out of the client's 35006
or patient's attempt to have an abortion without the notification 35007
of her parents, guardian, or custodian in accordance with section 35008
2151.85 of the Revised Code. 35009

(4)(a) No cleric and no person, other than a volunteer, 35010
designated by any church, religious society, or faith acting as a 35011
leader, official, or delegate on behalf of the church, religious 35012
society, or faith who is acting in an official or professional 35013
capacity, who knows, or has reasonable cause to believe based on 35014
facts that would cause a reasonable person in a similar position 35015
to believe, that a child under eighteen years of age or a mentally 35016
retarded, developmentally disabled, or physically impaired child 35017
under twenty-one years of age has suffered or faces a threat of 35018
suffering any physical or mental wound, injury, disability, or 35019
condition of a nature that reasonably indicates abuse or neglect 35020
of the child, and who knows, or has reasonable cause to believe 35021
based on facts that would cause a reasonable person in a similar 35022
position to believe, that another cleric or another person, other 35023
than a volunteer, designated by a church, religious society, or 35024
faith acting as a leader, official, or delegate on behalf of the 35025
church, religious society, or faith caused, or poses the threat of 35026
causing, the wound, injury, disability, or condition that 35027
reasonably indicates abuse or neglect shall fail to immediately 35028
report that knowledge or reasonable cause to believe to the entity 35029
or persons specified in this division. Except as provided in 35030
section 5120.173 of the Revised Code, the person making the report 35031
shall make it to the public children services agency or a 35032
municipal or county peace officer in the county in which the child 35033
resides or in which the abuse or neglect is occurring or has 35034
occurred. In the circumstances described in section 5120.173 of 35035
the Revised Code, the person making the report shall make it to 35036
the entity specified in that section. 35037

(b) Except as provided in division (A)(4)(c) of this section, 35038
a cleric is not required to make a report pursuant to division 35039
(A)(4)(a) of this section concerning any communication the cleric 35040
receives from a penitent in a cleric-penitent relationship, if, in 35041
accordance with division (C) of section 2317.02 of the Revised 35042
Code, the cleric could not testify with respect to that 35043
communication in a civil or criminal proceeding. 35044

(c) The penitent in a cleric-penitent relationship described 35045
in division (A)(4)(b) of this section is deemed to have waived any 35046
testimonial privilege under division (C) of section 2317.02 of the 35047
Revised Code with respect to any communication the cleric receives 35048
from the penitent in that cleric-penitent relationship, and the 35049
cleric shall make a report pursuant to division (A)(4)(a) of this 35050
section with respect to that communication, if all of the 35051
following apply: 35052

(i) The penitent, at the time of the communication, is either 35053
a child under eighteen years of age or a mentally retarded, 35054
developmentally disabled, or physically impaired person under 35055
twenty-one years of age. 35056

(ii) The cleric knows, or has reasonable cause to believe 35057
based on facts that would cause a reasonable person in a similar 35058
position to believe, as a result of the communication or any 35059
observations made during that communication, the penitent has 35060
suffered or faces a threat of suffering any physical or mental 35061
wound, injury, disability, or condition of a nature that 35062
reasonably indicates abuse or neglect of the penitent. 35063

(iii) The abuse or neglect does not arise out of the 35064
penitent's attempt to have an abortion performed upon a child 35065
under eighteen years of age or upon a mentally retarded, 35066
developmentally disabled, or physically impaired person under 35067
twenty-one years of age without the notification of her parents, 35068
guardian, or custodian in accordance with section 2151.85 of the 35069

Revised Code. 35070

(d) Divisions (A)(4)(a) and (c) of this section do not apply 35071
in a cleric-penitent relationship when the disclosure of any 35072
communication the cleric receives from the penitent is in 35073
violation of the sacred trust. 35074

(e) As used in divisions (A)(1) and (4) of this section, 35075
"cleric" and "sacred trust" have the same meanings as in section 35076
2317.02 of the Revised Code. 35077

(B) Anyone who knows, or has reasonable cause to suspect 35078
based on facts that would cause a reasonable person in similar 35079
circumstances to suspect, that a child under eighteen years of age 35080
or a mentally retarded, developmentally disabled, or physically 35081
impaired person under twenty-one years of age has suffered or 35082
faces a threat of suffering any physical or mental wound, injury, 35083
disability, or other condition of a nature that reasonably 35084
indicates abuse or neglect of the child may report or cause 35085
reports to be made of that knowledge or reasonable cause to 35086
suspect to the entity or persons specified in this division. 35087
Except as provided in section 5120.173 of the Revised Code, a 35088
person making a report or causing a report to be made under this 35089
division shall make it or cause it to be made to the public 35090
children services agency or to a municipal or county peace 35091
officer. In the circumstances described in section 5120.173 of the 35092
Revised Code, a person making a report or causing a report to be 35093
made under this division shall make it or cause it to be made to 35094
the entity specified in that section. 35095

(C) Any report made pursuant to division (A) or (B) of this 35096
section shall be made forthwith either by telephone or in person 35097
and shall be followed by a written report, if requested by the 35098
receiving agency or officer. The written report shall contain: 35099

(1) The names and addresses of the child and the child's 35100

parents or the person or persons having custody of the child, if 35101
known; 35102

(2) The child's age and the nature and extent of the child's 35103
injuries, abuse, or neglect that is known or reasonably suspected 35104
or believed, as applicable, to have occurred or of the threat of 35105
injury, abuse, or neglect that is known or reasonably suspected or 35106
believed, as applicable, to exist, including any evidence of 35107
previous injuries, abuse, or neglect; 35108

(3) Any other information that might be helpful in 35109
establishing the cause of the injury, abuse, or neglect that is 35110
known or reasonably suspected or believed, as applicable, to have 35111
occurred or of the threat of injury, abuse, or neglect that is 35112
known or reasonably suspected or believed, as applicable, to 35113
exist. 35114

Any person, who is required by division (A) of this section 35115
to report child abuse or child neglect that is known or reasonably 35116
suspected or believed to have occurred, may take or cause to be 35117
taken color photographs of areas of trauma visible on a child and, 35118
if medically indicated, cause to be performed radiological 35119
examinations of the child. 35120

(D) As used in this division, "children's advocacy center" 35121
and "sexual abuse of a child" have the same meanings as in section 35122
2151.425 of the Revised Code. 35123

(1) When a municipal or county peace officer receives a 35124
report concerning the possible abuse or neglect of a child or the 35125
possible threat of abuse or neglect of a child, upon receipt of 35126
the report, the municipal or county peace officer who receives the 35127
report shall refer the report to the appropriate public children 35128
services agency. 35129

(2) When a public children services agency receives a report 35130
pursuant to this division or division (A) or (B) of this section, 35131

upon receipt of the report, the public children services agency 35132
shall do both of the following: 35133

(a) Comply with section 2151.422 of the Revised Code; 35134

(b) If the county served by the agency is also served by a 35135
children's advocacy center and the report alleges sexual abuse of 35136
a child or another type of abuse of a child that is specified in 35137
the memorandum of understanding that creates the center as being 35138
within the center's jurisdiction, comply regarding the report with 35139
the protocol and procedures for referrals and investigations, with 35140
the coordinating activities, and with the authority or 35141
responsibility for performing or providing functions, activities, 35142
and services stipulated in the interagency agreement entered into 35143
under section 2151.428 of the Revised Code relative to that 35144
center. 35145

(E) No township, municipal, or county peace officer shall 35146
remove a child about whom a report is made pursuant to this 35147
section from the child's parents, stepparents, or guardian or any 35148
other persons having custody of the child without consultation 35149
with the public children services agency, unless, in the judgment 35150
of the officer, and, if the report was made by physician, the 35151
physician, immediate removal is considered essential to protect 35152
the child from further abuse or neglect. The agency that must be 35153
consulted shall be the agency conducting the investigation of the 35154
report as determined pursuant to section 2151.422 of the Revised 35155
Code. 35156

(F)(1) Except as provided in section 2151.422 of the Revised 35157
Code or in an interagency agreement entered into under section 35158
2151.428 of the Revised Code that applies to the particular 35159
report, the public children services agency shall investigate, 35160
within twenty-four hours, each report of child abuse or child 35161
neglect that is known or reasonably suspected or believed to have 35162
occurred and of a threat of child abuse or child neglect that is 35163

known or reasonably suspected or believed to exist that is 35164
referred to it under this section to determine the circumstances 35165
surrounding the injuries, abuse, or neglect or the threat of 35166
injury, abuse, or neglect, the cause of the injuries, abuse, 35167
neglect, or threat, and the person or persons responsible. The 35168
investigation shall be made in cooperation with the law 35169
enforcement agency and in accordance with the memorandum of 35170
understanding prepared under division (J) of this section. A 35171
representative of the public children services agency shall, at 35172
the time of initial contact with the person subject to the 35173
investigation, inform the person of the specific complaints or 35174
allegations made against the person. The information shall be 35175
given in a manner that is consistent with division (H)(1) of this 35176
section and protects the rights of the person making the report 35177
under this section. 35178

A failure to make the investigation in accordance with the 35179
memorandum is not grounds for, and shall not result in, the 35180
dismissal of any charges or complaint arising from the report or 35181
the suppression of any evidence obtained as a result of the report 35182
and does not give, and shall not be construed as giving, any 35183
rights or any grounds for appeal or post-conviction relief to any 35184
person. The public children services agency shall report each case 35185
to the uniform statewide automated child welfare information 35186
system that the department of job and family services shall 35187
maintain in accordance with section 5101.13 of the Revised Code. 35188
The public children services agency shall submit a report of its 35189
investigation, in writing, to the law enforcement agency. 35190

(2) The public children services agency shall make any 35191
recommendations to the county prosecuting attorney or city 35192
director of law that it considers necessary to protect any 35193
children that are brought to its attention. 35194

(G)(1)(a) Except as provided in division (H)(3) of this 35195

section, anyone or any hospital, institution, school, health 35196
department, or agency participating in the making of reports under 35197
division (A) of this section, anyone or any hospital, institution, 35198
school, health department, or agency participating in good faith 35199
in the making of reports under division (B) of this section, and 35200
anyone participating in good faith in a judicial proceeding 35201
resulting from the reports, shall be immune from any civil or 35202
criminal liability for injury, death, or loss to person or 35203
property that otherwise might be incurred or imposed as a result 35204
of the making of the reports or the participation in the judicial 35205
proceeding. 35206

(b) Notwithstanding section 4731.22 of the Revised Code, the 35207
physician-patient privilege shall not be a ground for excluding 35208
evidence regarding a child's injuries, abuse, or neglect, or the 35209
cause of the injuries, abuse, or neglect in any judicial 35210
proceeding resulting from a report submitted pursuant to this 35211
section. 35212

(2) In any civil or criminal action or proceeding in which it 35213
is alleged and proved that participation in the making of a report 35214
under this section was not in good faith or participation in a 35215
judicial proceeding resulting from a report made under this 35216
section was not in good faith, the court shall award the 35217
prevailing party reasonable attorney's fees and costs and, if a 35218
civil action or proceeding is voluntarily dismissed, may award 35219
reasonable attorney's fees and costs to the party against whom the 35220
civil action or proceeding is brought. 35221

(H)(1) Except as provided in divisions (H)(4) and (N) of this 35222
section, a report made under this section is confidential. The 35223
information provided in a report made pursuant to this section and 35224
the name of the person who made the report shall not be released 35225
for use, and shall not be used, as evidence in any civil action or 35226
proceeding brought against the person who made the report. Nothing 35227

in this division shall preclude the use of reports of other 35228
incidents of known or suspected abuse or neglect in a civil action 35229
or proceeding brought pursuant to division (M) of this section 35230
against a person who is alleged to have violated division (A)(1) 35231
of this section, provided that any information in a report that 35232
would identify the child who is the subject of the report or the 35233
maker of the report, if the maker of the report is not the 35234
defendant or an agent or employee of the defendant, has been 35235
redacted. In a criminal proceeding, the report is admissible in 35236
evidence in accordance with the Rules of Evidence and is subject 35237
to discovery in accordance with the Rules of Criminal Procedure. 35238

(2) No person shall permit or encourage the unauthorized 35239
dissemination of the contents of any report made under this 35240
section. 35241

(3) A person who knowingly makes or causes another person to 35242
make a false report under division (B) of this section that 35243
alleges that any person has committed an act or omission that 35244
resulted in a child being an abused child or a neglected child is 35245
guilty of a violation of section 2921.14 of the Revised Code. 35246

(4) If a report is made pursuant to division (A) or (B) of 35247
this section and the child who is the subject of the report dies 35248
for any reason at any time after the report is made, but before 35249
the child attains eighteen years of age, the public children 35250
services agency or municipal or county peace officer to which the 35251
report was made or referred, on the request of the child fatality 35252
review board or the director of health pursuant to guidelines 35253
established under section 3701.70 of the Revised Code, shall 35254
submit a summary sheet of information providing a summary of the 35255
report to the review board of the county in which the deceased 35256
child resided at the time of death or to the director. On the 35257
request of the review board or director, the agency or peace 35258
officer may, at its discretion, make the report available to the 35259

review board or director. If the county served by the public 35260
children services agency is also served by a children's advocacy 35261
center and the report of alleged sexual abuse of a child or 35262
another type of abuse of a child is specified in the memorandum of 35263
understanding that creates the center as being within the center's 35264
jurisdiction, the agency or center shall perform the duties and 35265
functions specified in this division in accordance with the 35266
interagency agreement entered into under section 2151.428 of the 35267
Revised Code relative to that advocacy center. 35268

(5) A public children services agency shall advise a person 35269
alleged to have inflicted abuse or neglect on a child who is the 35270
subject of a report made pursuant to this section, including a 35271
report alleging sexual abuse of a child or another type of abuse 35272
of a child referred to a children's advocacy center pursuant to an 35273
interagency agreement entered into under section 2151.428 of the 35274
Revised Code, in writing of the disposition of the investigation. 35275
The agency shall not provide to the person any information that 35276
identifies the person who made the report, statements of 35277
witnesses, or police or other investigative reports. 35278

(I) Any report that is required by this section, other than a 35279
report that is made to the state highway patrol as described in 35280
section 5120.173 of the Revised Code, shall result in protective 35281
services and emergency supportive services being made available by 35282
the public children services agency on behalf of the children 35283
about whom the report is made, in an effort to prevent further 35284
neglect or abuse, to enhance their welfare, and, whenever 35285
possible, to preserve the family unit intact. The agency required 35286
to provide the services shall be the agency conducting the 35287
investigation of the report pursuant to section 2151.422 of the 35288
Revised Code. 35289

(J)(1) Each public children services agency shall prepare a 35290
memorandum of understanding that is signed by all of the 35291

following: 35292

(a) If there is only one juvenile judge in the county, the 35293
juvenile judge of the county or the juvenile judge's 35294
representative; 35295

(b) If there is more than one juvenile judge in the county, a 35296
juvenile judge or the juvenile judges' representative selected by 35297
the juvenile judges or, if they are unable to do so for any 35298
reason, the juvenile judge who is senior in point of service or 35299
the senior juvenile judge's representative; 35300

(c) The county peace officer; 35301

(d) All chief municipal peace officers within the county; 35302

(e) Other law enforcement officers handling child abuse and 35303
neglect cases in the county; 35304

(f) The prosecuting attorney of the county; 35305

(g) If the public children services agency is not the county 35306
department of job and family services, the county department of 35307
job and family services; 35308

(h) The county humane society; 35309

(i) If the public children services agency participated in 35310
the execution of a memorandum of understanding under section 35311
2151.426 of the Revised Code establishing a children's advocacy 35312
center, each participating member of the children's advocacy 35313
center established by the memorandum. 35314

(2) A memorandum of understanding shall set forth the normal 35315
operating procedure to be employed by all concerned officials in 35316
the execution of their respective responsibilities under this 35317
section and division (C) of section 2919.21, division (B)(1) of 35318
section 2919.22, division (B) of section 2919.23, and section 35319
2919.24 of the Revised Code and shall have as two of its primary 35320
goals the elimination of all unnecessary interviews of children 35321

who are the subject of reports made pursuant to division (A) or 35322
(B) of this section and, when feasible, providing for only one 35323
interview of a child who is the subject of any report made 35324
pursuant to division (A) or (B) of this section. A failure to 35325
follow the procedure set forth in the memorandum by the concerned 35326
officials is not grounds for, and shall not result in, the 35327
dismissal of any charges or complaint arising from any reported 35328
case of abuse or neglect or the suppression of any evidence 35329
obtained as a result of any reported child abuse or child neglect 35330
and does not give, and shall not be construed as giving, any 35331
rights or any grounds for appeal or post-conviction relief to any 35332
person. 35333

(3) A memorandum of understanding shall include all of the 35334
following: 35335

(a) The roles and responsibilities for handling emergency and 35336
nonemergency cases of abuse and neglect; 35337

(b) Standards and procedures to be used in handling and 35338
coordinating investigations of reported cases of child abuse and 35339
reported cases of child neglect, methods to be used in 35340
interviewing the child who is the subject of the report and who 35341
allegedly was abused or neglected, and standards and procedures 35342
addressing the categories of persons who may interview the child 35343
who is the subject of the report and who allegedly was abused or 35344
neglected. 35345

(4) If a public children services agency participated in the 35346
execution of a memorandum of understanding under section 2151.426 35347
of the Revised Code establishing a children's advocacy center, the 35348
agency shall incorporate the contents of that memorandum in the 35349
memorandum prepared pursuant to this section. 35350

(5) The clerk of the court of common pleas in the county may 35351
sign the memorandum of understanding prepared under division 35352

(J)(1) of this section. If the clerk signs the memorandum of 35353
understanding, the clerk shall execute all relevant 35354
responsibilities as required of officials specified in the 35355
memorandum. 35356

(K)(1) Except as provided in division (K)(4) of this section, 35357
a person who is required to make a report pursuant to division (A) 35358
of this section may make a reasonable number of requests of the 35359
public children services agency that receives or is referred the 35360
report, or of the children's advocacy center that is referred the 35361
report if the report is referred to a children's advocacy center 35362
pursuant to an interagency agreement entered into under section 35363
2151.428 of the Revised Code, to be provided with the following 35364
information: 35365

(a) Whether the agency or center has initiated an 35366
investigation of the report; 35367

(b) Whether the agency or center is continuing to investigate 35368
the report; 35369

(c) Whether the agency or center is otherwise involved with 35370
the child who is the subject of the report; 35371

(d) The general status of the health and safety of the child 35372
who is the subject of the report; 35373

(e) Whether the report has resulted in the filing of a 35374
complaint in juvenile court or of criminal charges in another 35375
court. 35376

(2) A person may request the information specified in 35377
division (K)(1) of this section only if, at the time the report is 35378
made, the person's name, address, and telephone number are 35379
provided to the person who receives the report. 35380

When a municipal or county peace officer or employee of a 35381
public children services agency receives a report pursuant to 35382

division (A) or (B) of this section the recipient of the report 35383
shall inform the person of the right to request the information 35384
described in division (K)(1) of this section. The recipient of the 35385
report shall include in the initial child abuse or child neglect 35386
report that the person making the report was so informed and, if 35387
provided at the time of the making of the report, shall include 35388
the person's name, address, and telephone number in the report. 35389

Each request is subject to verification of the identity of 35390
the person making the report. If that person's identity is 35391
verified, the agency shall provide the person with the information 35392
described in division (K)(1) of this section a reasonable number 35393
of times, except that the agency shall not disclose any 35394
confidential information regarding the child who is the subject of 35395
the report other than the information described in those 35396
divisions. 35397

(3) A request made pursuant to division (K)(1) of this 35398
section is not a substitute for any report required to be made 35399
pursuant to division (A) of this section. 35400

(4) If an agency other than the agency that received or was 35401
referred the report is conducting the investigation of the report 35402
pursuant to section 2151.422 of the Revised Code, the agency 35403
conducting the investigation shall comply with the requirements of 35404
division (K) of this section. 35405

(L) The director of job and family services shall adopt rules 35406
in accordance with Chapter 119. of the Revised Code to implement 35407
this section. The department of job and family services may enter 35408
into a plan of cooperation with any other governmental entity to 35409
aid in ensuring that children are protected from abuse and 35410
neglect. The department shall make recommendations to the attorney 35411
general that the department determines are necessary to protect 35412
children from child abuse and child neglect. 35413

(M) Whoever violates division (A) of this section is liable 35414
for compensatory and exemplary damages to the child who would have 35415
been the subject of the report that was not made. A person who 35416
brings a civil action or proceeding pursuant to this division 35417
against a person who is alleged to have violated division (A)(1) 35418
of this section may use in the action or proceeding reports of 35419
other incidents of known or suspected abuse or neglect, provided 35420
that any information in a report that would identify the child who 35421
is the subject of the report or the maker of the report, if the 35422
maker is not the defendant or an agent or employee of the 35423
defendant, has been redacted. 35424

(N)(1) As used in this division: 35425

(a) "Out-of-home care" includes a nonchartered nonpublic 35426
school if the alleged child abuse or child neglect, or alleged 35427
threat of child abuse or child neglect, described in a report 35428
received by a public children services agency allegedly occurred 35429
in or involved the nonchartered nonpublic school and the alleged 35430
perpetrator named in the report holds a certificate, permit, or 35431
license issued by the state board of education under section 35432
3301.071 or Chapter 3319. of the Revised Code. 35433

(b) "Administrator, director, or other chief administrative 35434
officer" means the superintendent of the school district if the 35435
out-of-home care entity subject to a report made pursuant to this 35436
section is a school operated by the district. 35437

(2) No later than the end of the day following the day on 35438
which a public children services agency receives a report of 35439
alleged child abuse or child neglect, or a report of an alleged 35440
threat of child abuse or child neglect, that allegedly occurred in 35441
or involved an out-of-home care entity, the agency shall provide 35442
written notice of the allegations contained in and the person 35443
named as the alleged perpetrator in the report to the 35444
administrator, director, or other chief administrative officer of 35445

the out-of-home care entity that is the subject of the report 35446
unless the administrator, director, or other chief administrative 35447
officer is named as an alleged perpetrator in the report. If the 35448
administrator, director, or other chief administrative officer of 35449
an out-of-home care entity is named as an alleged perpetrator in a 35450
report of alleged child abuse or child neglect, or a report of an 35451
alleged threat of child abuse or child neglect, that allegedly 35452
occurred in or involved the out-of-home care entity, the agency 35453
shall provide the written notice to the owner or governing board 35454
of the out-of-home care entity that is the subject of the report. 35455
The agency shall not provide witness statements or police or other 35456
investigative reports. 35457

(3) No later than three days after the day on which a public 35458
children services agency that conducted the investigation as 35459
determined pursuant to section 2151.422 of the Revised Code makes 35460
a disposition of an investigation involving a report of alleged 35461
child abuse or child neglect, or a report of an alleged threat of 35462
child abuse or child neglect, that allegedly occurred in or 35463
involved an out-of-home care entity, the agency shall send written 35464
notice of the disposition of the investigation to the 35465
administrator, director, or other chief administrative officer and 35466
the owner or governing board of the out-of-home care entity. The 35467
agency shall not provide witness statements or police or other 35468
investigative reports. 35469

(0) As used in this section, "investigation" means the public 35470
children services agency's response to an accepted report of child 35471
abuse or neglect through either an alternative response or a 35472
traditional response. 35473

Sec. 2301.03. (A) In Franklin county, the judges of the court 35474
of common pleas whose terms begin on January 1, 1953, January 2, 35475
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 35476

successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Franklin county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them. In addition to the judge's regular duties, the judge who is senior in point of service shall serve on the children services board and the county advisory board and shall be the administrator of the domestic relations division and its subdivisions and departments.

35477
35478
35479
35480
35481
35482
35483
35484
35485
35486
35487
35488
35489
35490

(B) In Hamilton county:

(1) The judge of the court of common pleas, whose term begins on January 1, 1957, and successors, and the judge of the court of common pleas, whose term begins on February 14, 1967, and successors, shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdiction conferred by those chapters.

(2) The judges of the court of common pleas whose terms begin on January 5, 1957, January 16, 1981, and July 1, 1991, and successors, shall be elected and designated as judges of the court of common pleas, division of domestic relations, and shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. On or after the first day of July and before the first day of August of 1991 and each year thereafter, a majority of the judges of the division of domestic relations shall elect one of the judges of the division as administrative judge of that division. If a

35491
35492
35493
35494
35495
35496
35497
35498
35499
35500
35501
35502
35503
35504
35505
35506
35507
35508

majority of the judges of the division of domestic relations are 35509
unable for any reason to elect an administrative judge for the 35510
division before the first day of August, a majority of the judges 35511
of the Hamilton county court of common pleas, as soon as possible 35512
after that date, shall elect one of the judges of the division of 35513
domestic relations as administrative judge of that division. The 35514
term of the administrative judge shall begin on the earlier of the 35515
first day of August of the year in which the administrative judge 35516
is elected or the date on which the administrative judge is 35517
elected by a majority of the judges of the Hamilton county court 35518
of common pleas and shall terminate on the date on which the 35519
administrative judge's successor is elected in the following year. 35520

In addition to the judge's regular duties, the administrative 35521
judge of the division of domestic relations shall be the 35522
administrator of the domestic relations division and its 35523
subdivisions and departments and shall have charge of the 35524
employment, assignment, and supervision of the personnel of the 35525
division engaged in handling, servicing, or investigating divorce, 35526
dissolution of marriage, legal separation, and annulment cases, 35527
including any referees considered necessary by the judges in the 35528
discharge of their various duties. 35529

The administrative judge of the division of domestic 35530
relations also shall designate the title, compensation, expense 35531
allowances, hours, leaves of absence, and vacations of the 35532
personnel of the division, and shall fix the duties of its 35533
personnel. The duties of the personnel, in addition to those 35534
provided for in other sections of the Revised Code, shall include 35535
the handling, servicing, and investigation of divorce, dissolution 35536
of marriage, legal separation, and annulment cases and counseling 35537
and conciliation services that may be made available to persons 35538
requesting them, whether or not the persons are parties to an 35539
action pending in the division. 35540

The board of county commissioners shall appropriate the sum 35541
of money each year as will meet all the administrative expenses of 35542
the division of domestic relations, including reasonable expenses 35543
of the domestic relations judges and the division counselors and 35544
other employees designated to conduct the handling, servicing, and 35545
investigation of divorce, dissolution of marriage, legal 35546
separation, and annulment cases, conciliation and counseling, and 35547
all matters relating to those cases and counseling, and the 35548
expenses involved in the attendance of division personnel at 35549
domestic relations and welfare conferences designated by the 35550
division, and the further sum each year as will provide for the 35551
adequate operation of the division of domestic relations. 35552

The compensation and expenses of all employees and the salary 35553
and expenses of the judges shall be paid by the county treasurer 35554
from the money appropriated for the operation of the division, 35555
upon the warrant of the county auditor, certified to by the 35556
administrative judge of the division of domestic relations. 35557

The summonses, warrants, citations, subpoenas, and other 35558
writs of the division may issue to a bailiff, constable, or staff 35559
investigator of the division or to the sheriff of any county or 35560
any marshal, constable, or police officer, and the provisions of 35561
law relating to the subpoenaing of witnesses in other cases shall 35562
apply insofar as they are applicable. When a summons, warrant, 35563
citation, subpoena, or other writ is issued to an officer, other 35564
than a bailiff, constable, or staff investigator of the division, 35565
the expense of serving it shall be assessed as a part of the costs 35566
in the case involved. 35567

(3) The judge of the court of common pleas of Hamilton county 35568
whose term begins on January 3, 1997, and the successors to that 35569
judge shall each be elected and designated as the drug court judge 35570
of the court of common pleas of Hamilton county. The drug court 35571
judge may accept or reject any case referred to the drug court 35572

judge under division (B)(3) of this section. After the drug court 35573
judge accepts a referred case, the drug court judge has full 35574
authority over the case, including the authority to conduct 35575
arraignment, accept pleas, enter findings and dispositions, 35576
conduct trials, order treatment, and if treatment is not 35577
successfully completed pronounce and enter sentence. 35578

A judge of the general division of the court of common pleas 35579
of Hamilton county and a judge of the Hamilton county municipal 35580
court may refer to the drug court judge any case, and any 35581
companion cases, the judge determines meet the criteria described 35582
under divisions (B)(3)(a) and (b) of this section. If the drug 35583
court judge accepts referral of a referred case, the case, and any 35584
companion cases, shall be transferred to the drug court judge. A 35585
judge may refer a case meeting the criteria described in divisions 35586
(B)(3)(a) and (b) of this section that involves a violation of a 35587
condition of a community control sanction to the drug court judge, 35588
and, if the drug court judge accepts the referral, the referring 35589
judge and the drug court judge have concurrent jurisdiction over 35590
the case. 35591

A judge of the general division of the court of common pleas 35592
of Hamilton county and a judge of the Hamilton county municipal 35593
court may refer a case to the drug court judge under division 35594
(B)(3) of this section if the judge determines that both of the 35595
following apply: 35596

(a) One of the following applies: 35597

(i) The case involves a drug abuse offense, as defined in 35598
section 2925.01 of the Revised Code, that is a felony of the third 35599
or fourth degree if the offense is committed prior to July 1, 35600
1996, a felony of the third, fourth, or fifth degree if the 35601
offense is committed on or after July 1, 1996, or a misdemeanor. 35602

(ii) The case involves a theft offense, as defined in section 35603

2913.01 of the Revised Code, that is a felony of the third or 35604
fourth degree if the offense is committed prior to July 1, 1996, a 35605
felony of the third, fourth, or fifth degree if the offense is 35606
committed on or after July 1, 1996, or a misdemeanor, and the 35607
defendant is drug or alcohol dependent or in danger of becoming 35608
drug or alcohol dependent and would benefit from treatment. 35609

(b) All of the following apply: 35610

(i) The case involves an offense for which a community 35611
control sanction may be imposed or is a case in which a mandatory 35612
prison term or a mandatory jail term is not required to be 35613
imposed. 35614

(ii) The defendant has no history of violent behavior. 35615

(iii) The defendant has no history of mental illness. 35616

(iv) The defendant's current or past behavior, or both, is 35617
drug or alcohol driven. 35618

(v) The defendant demonstrates a sincere willingness to 35619
participate in a fifteen-month treatment process. 35620

(vi) The defendant has no acute health condition. 35621

(vii) If the defendant is incarcerated, the county prosecutor 35622
approves of the referral. 35623

(4) If the administrative judge of the court of common pleas 35624
of Hamilton county determines that the volume of cases pending 35625
before the drug court judge does not constitute a sufficient 35626
caseload for the drug court judge, the administrative judge, in 35627
accordance with the Rules of Superintendence for Courts of Common 35628
Pleas, shall assign individual cases to the drug court judge from 35629
the general docket of the court. If the assignments so occur, the 35630
administrative judge shall cease the assignments when the 35631
administrative judge determines that the volume of cases pending 35632
before the drug court judge constitutes a sufficient caseload for 35633

the drug court judge. 35634

(5) As used in division (B) of this section, "community 35635
control sanction," "mandatory prison term," and "mandatory jail 35636
term" have the same meanings as in section 2929.01 of the Revised 35637
Code. 35638

(C)(1) In Lorain county: 35639

(a) The judges of the court of common pleas whose terms begin 35640
on January 3, 1959, January 4, 1989, and January 2, 1999, and 35641
successors, and the judge of the court of common pleas whose term 35642
begins on February 9, 2009, shall have the same qualifications, 35643
exercise the same powers and jurisdiction, and receive the same 35644
compensation as the other judges of the court of common pleas of 35645
Lorain county and shall be elected and designated as the judges of 35646
the court of common pleas, division of domestic relations. The 35647
judges of the court of common pleas whose terms begin on January 35648
3, 1959, January 4, 1989, and January 2, 1999, and successors, 35649
shall have all of the powers relating to juvenile courts, and all 35650
cases under Chapters 2151. and 2152. of the Revised Code, all 35651
parentage proceedings over which the juvenile court has 35652
jurisdiction, and all divorce, dissolution of marriage, legal 35653
separation, and annulment cases shall be assigned to them, except 35654
cases that for some special reason are assigned to some other 35655
judge of the court of common pleas. From February 9, 2009, through 35656
September 28, 2009, the judge of the court of common pleas whose 35657
term begins on February 9, 2009, shall have all the powers 35658
relating to juvenile courts, and cases under Chapters 2151. and 35659
2152. of the Revised Code, parentage proceedings over which the 35660
juvenile court has jurisdiction, and divorce, dissolution of 35661
marriage, legal separation, and annulment cases shall be assigned 35662
to that judge, except cases that for some special reason are 35663
assigned to some other judge of the court of common pleas. 35664

(b) From January 1, 2006, through September 28, 2009, the 35665

judges of the court of common pleas, division of domestic 35666
relations, in addition to the powers and jurisdiction set forth in 35667
division (C)(1)(a) of this section, shall have jurisdiction over 35668
matters that are within the jurisdiction of the probate court 35669
under Chapter 2101. and other provisions of the Revised Code. 35670

(c) The judge of the court of common pleas, division of 35671
domestic relations, whose term begins on February 9, 2009, is the 35672
successor to the probate judge who was elected in 2002 for a term 35673
that began on February 9, 2003. After September 28, 2009, the 35674
judge of the court of common pleas, division of domestic 35675
relations, whose term begins on February 9, 2009, shall be the 35676
probate judge. 35677

(2)(a) From February 9, 2009, through September 28, 2009, 35678
with respect to Lorain county, all references in law to the 35679
probate court shall be construed as references to the court of 35680
common pleas, division of domestic relations, and all references 35681
to the probate judge shall be construed as references to the 35682
judges of the court of common pleas, division of domestic 35683
relations. 35684

(b) From February 9, 2009, through September 28, 2009, with 35685
respect to Lorain county, all references in law to the clerk of 35686
the probate court shall be construed as references to the judge 35687
who is serving pursuant to Rule 4 of the Rules of Superintendence 35688
for the Courts of Ohio as the administrative judge of the court of 35689
common pleas, division of domestic relations. 35690

(D) In Lucas county: 35691

(1) The judges of the court of common pleas whose terms begin 35692
on January 1, 1955, and January 3, 1965, and successors, shall 35693
have the same qualifications, exercise the same powers and 35694
jurisdiction, and receive the same compensation as other judges of 35695
the court of common pleas of Lucas county and shall be elected and 35696

designated as judges of the court of common pleas, division of 35697
domestic relations. All divorce, dissolution of marriage, legal 35698
separation, and annulment cases shall be assigned to them. 35699

The judge of the division of domestic relations, senior in 35700
point of service, shall be considered as the presiding judge of 35701
the court of common pleas, division of domestic relations, and 35702
shall be charged exclusively with the assignment and division of 35703
the work of the division and the employment and supervision of all 35704
other personnel of the domestic relations division. 35705

(2) The judges of the court of common pleas whose terms begin 35706
on January 5, 1977, and January 2, 1991, and successors shall have 35707
the same qualifications, exercise the same powers and 35708
jurisdiction, and receive the same compensation as other judges of 35709
the court of common pleas of Lucas county, shall be elected and 35710
designated as judges of the court of common pleas, juvenile 35711
division, and shall be the juvenile judges as provided in Chapters 35712
2151. and 2152. of the Revised Code with the powers and 35713
jurisdictions conferred by those chapters. In addition to the 35714
judge's regular duties, the judge of the court of common pleas, 35715
juvenile division, senior in point of service, shall be the 35716
administrator of the juvenile division and its subdivisions and 35717
departments and shall have charge of the employment, assignment, 35718
and supervision of the personnel of the division engaged in 35719
handling, servicing, or investigating juvenile cases, including 35720
any referees considered necessary by the judges of the division in 35721
the discharge of their various duties. 35722

The judge of the court of common pleas, juvenile division, 35723
senior in point of service, also shall designate the title, 35724
compensation, expense allowance, hours, leaves of absence, and 35725
vacation of the personnel of the division and shall fix the duties 35726
of the personnel of the division. The duties of the personnel, in 35727
addition to other statutory duties include the handling, 35728

servicing, and investigation of juvenile cases and counseling and 35729
conciliation services that may be made available to persons 35730
requesting them, whether or not the persons are parties to an 35731
action pending in the division. 35732

(3) If one of the judges of the court of common pleas, 35733
division of domestic relations, or one of the judges of the 35734
juvenile division is sick, absent, or unable to perform that 35735
judge's judicial duties or the volume of cases pending in that 35736
judge's division necessitates it, the duties shall be performed by 35737
the judges of the other of those divisions. 35738

(E) In Mahoning county: 35739

(1) The judge of the court of common pleas whose term began 35740
on January 1, 1955, and successors, shall have the same 35741
qualifications, exercise the same powers and jurisdiction, and 35742
receive the same compensation as other judges of the court of 35743
common pleas of Mahoning county, shall be elected and designated 35744
as judge of the court of common pleas, division of domestic 35745
relations, and shall be assigned all the divorce, dissolution of 35746
marriage, legal separation, and annulment cases coming before the 35747
court. In addition to the judge's regular duties, the judge of the 35748
court of common pleas, division of domestic relations, shall be 35749
the administrator of the domestic relations division and its 35750
subdivisions and departments and shall have charge of the 35751
employment, assignment, and supervision of the personnel of the 35752
division engaged in handling, servicing, or investigating divorce, 35753
dissolution of marriage, legal separation, and annulment cases, 35754
including any referees considered necessary in the discharge of 35755
the various duties of the judge's office. 35756

The judge also shall designate the title, compensation, 35757
expense allowances, hours, leaves of absence, and vacations of the 35758
personnel of the division and shall fix the duties of the 35759
personnel of the division. The duties of the personnel, in 35760

addition to other statutory duties, include the handling, 35761
servicing, and investigation of divorce, dissolution of marriage, 35762
legal separation, and annulment cases and counseling and 35763
conciliation services that may be made available to persons 35764
requesting them, whether or not the persons are parties to an 35765
action pending in the division. 35766

(2) The judge of the court of common pleas whose term began 35767
on January 2, 1969, and successors, shall have the same 35768
qualifications, exercise the same powers and jurisdiction, and 35769
receive the same compensation as other judges of the court of 35770
common pleas of Mahoning county, shall be elected and designated 35771
as judge of the court of common pleas, juvenile division, and 35772
shall be the juvenile judge as provided in Chapters 2151. and 35773
2152. of the Revised Code, with the powers and jurisdictions 35774
conferred by those chapters. In addition to the judge's regular 35775
duties, the judge of the court of common pleas, juvenile division, 35776
shall be the administrator of the juvenile division and its 35777
subdivisions and departments and shall have charge of the 35778
employment, assignment, and supervision of the personnel of the 35779
division engaged in handling, servicing, or investigating juvenile 35780
cases, including any referees considered necessary by the judge in 35781
the discharge of the judge's various duties. 35782

The judge also shall designate the title, compensation, 35783
expense allowances, hours, leaves of absence, and vacation of the 35784
personnel of the division and shall fix the duties of the 35785
personnel of the division. The duties of the personnel, in 35786
addition to other statutory duties, include the handling, 35787
servicing, and investigation of juvenile cases and counseling and 35788
conciliation services that may be made available to persons 35789
requesting them, whether or not the persons are parties to an 35790
action pending in the division. 35791

(3) If a judge of the court of common pleas, division of 35792

domestic relations or juvenile division, is sick, absent, or 35793
unable to perform that judge's judicial duties, or the volume of 35794
cases pending in that judge's division necessitates it, that 35795
judge's duties shall be performed by another judge of the court of 35796
common pleas. 35797

(F) In Montgomery county: 35798

(1) The judges of the court of common pleas whose terms begin 35799
on January 2, 1953, and January 4, 1977, and successors, shall 35800
have the same qualifications, exercise the same powers and 35801
jurisdiction, and receive the same compensation as other judges of 35802
the court of common pleas of Montgomery county and shall be 35803
elected and designated as judges of the court of common pleas, 35804
division of domestic relations. These judges shall have assigned 35805
to them all divorce, dissolution of marriage, legal separation, 35806
and annulment cases. 35807

The judge of the division of domestic relations, senior in 35808
point of service, shall be charged exclusively with the assignment 35809
and division of the work of the division and shall have charge of 35810
the employment and supervision of the personnel of the division 35811
engaged in handling, servicing, or investigating divorce, 35812
dissolution of marriage, legal separation, and annulment cases, 35813
including any necessary referees, except those employees who may 35814
be appointed by the judge, junior in point of service, under this 35815
section and sections 2301.12 and 2301.18 of the Revised Code. The 35816
judge of the division of domestic relations, senior in point of 35817
service, also shall designate the title, compensation, expense 35818
allowances, hours, leaves of absence, and vacation of the 35819
personnel of the division and shall fix their duties. 35820

(2) The judges of the court of common pleas whose terms begin 35821
on January 1, 1953, and January 1, 1993, and successors, shall 35822
have the same qualifications, exercise the same powers and 35823
jurisdiction, and receive the same compensation as other judges of 35824

the court of common pleas of Montgomery county, shall be elected 35825
and designated as judges of the court of common pleas, juvenile 35826
division, and shall be, and have the powers and jurisdiction of, 35827
the juvenile judge as provided in Chapters 2151. and 2152. of the 35828
Revised Code. 35829

In addition to the judge's regular duties, the judge of the 35830
court of common pleas, juvenile division, senior in point of 35831
service, shall be the administrator of the juvenile division and 35832
its subdivisions and departments and shall have charge of the 35833
employment, assignment, and supervision of the personnel of the 35834
juvenile division, including any necessary referees, who are 35835
engaged in handling, servicing, or investigating juvenile cases. 35836
The judge, senior in point of service, also shall designate the 35837
title, compensation, expense allowances, hours, leaves of absence, 35838
and vacation of the personnel of the division and shall fix their 35839
duties. The duties of the personnel, in addition to other 35840
statutory duties, shall include the handling, servicing, and 35841
investigation of juvenile cases and of any counseling and 35842
conciliation services that are available upon request to persons, 35843
whether or not they are parties to an action pending in the 35844
division. 35845

If one of the judges of the court of common pleas, division 35846
of domestic relations, or one of the judges of the court of common 35847
pleas, juvenile division, is sick, absent, or unable to perform 35848
that judge's duties or the volume of cases pending in that judge's 35849
division necessitates it, the duties of that judge may be 35850
performed by the judge or judges of the other of those divisions. 35851

(G) In Richland county: 35852

(1) The judge of the court of common pleas whose term begins 35853
on January 1, 1957, and successors, shall have the same 35854
qualifications, exercise the same powers and jurisdiction, and 35855
receive the same compensation as the other judges of the court of 35856

common pleas of Richland county and shall be elected and 35857
designated as judge of the court of common pleas, division of 35858
domestic relations. That judge shall be assigned and hear all 35859
divorce, dissolution of marriage, legal separation, and annulment 35860
cases, all domestic violence cases arising under section 3113.31 35861
of the Revised Code, and all post-decree proceedings arising from 35862
any case pertaining to any of those matters. The division of 35863
domestic relations has concurrent jurisdiction with the juvenile 35864
division of the court of common pleas of Richland county to 35865
determine the care, custody, or control of any child not a ward of 35866
another court of this state, and to hear and determine a request 35867
for an order for the support of any child if the request is not 35868
ancillary to an action for divorce, dissolution of marriage, 35869
annulment, or legal separation, a criminal or civil action 35870
involving an allegation of domestic violence, or an action for 35871
support brought under Chapter 3115. of the Revised Code. Except in 35872
cases that are subject to the exclusive original jurisdiction of 35873
the juvenile court, the judge of the division of domestic 35874
relations shall be assigned and hear all cases pertaining to 35875
paternity or parentage, the care, custody, or control of children, 35876
parenting time or visitation, child support, or the allocation of 35877
parental rights and responsibilities for the care of children, all 35878
proceedings arising under Chapter 3111. of the Revised Code, all 35879
proceedings arising under the uniform interstate family support 35880
act contained in Chapter 3115. of the Revised Code, and all 35881
post-decree proceedings arising from any case pertaining to any of 35882
those matters. 35883

In addition to the judge's regular duties, the judge of the 35884
court of common pleas, division of domestic relations, shall be 35885
the administrator of the domestic relations division and its 35886
subdivisions and departments. The judge shall have charge of the 35887
employment, assignment, and supervision of the personnel of the 35888
domestic relations division, including any magistrates the judge 35889

considers necessary for the discharge of the judge's duties. The 35890
judge shall also designate the title, compensation, expense 35891
allowances, hours, leaves of absence, vacation, and other 35892
employment-related matters of the personnel of the division and 35893
shall fix their duties. 35894

(2) The judge of the court of common pleas whose term begins 35895
on January 3, 2005, and successors, shall have the same 35896
qualifications, exercise the same powers and jurisdiction, and 35897
receive the same compensation as other judges of the court of 35898
common pleas of Richland county, shall be elected and designated 35899
as judge of the court of common pleas, juvenile division, and 35900
shall be, and have the powers and jurisdiction of, the juvenile 35901
judge as provided in Chapters 2151. and 2152. of the Revised Code. 35902
Except in cases that are subject to the exclusive original 35903
jurisdiction of the juvenile court, the judge of the juvenile 35904
division shall not have jurisdiction or the power to hear, and 35905
shall not be assigned, any case pertaining to paternity or 35906
parentage, the care, custody, or control of children, parenting 35907
time or visitation, child support, or the allocation of parental 35908
rights and responsibilities for the care of children or any 35909
post-decree proceeding arising from any case pertaining to any of 35910
those matters. The judge of the juvenile division shall not have 35911
jurisdiction or the power to hear, and shall not be assigned, any 35912
proceeding under the uniform interstate family support act 35913
contained in Chapter 3115. of the Revised Code. 35914

In addition to the judge's regular duties, the judge of the 35915
juvenile division shall be the administrator of the juvenile 35916
division and its subdivisions and departments. The judge shall 35917
have charge of the employment, assignment, and supervision of the 35918
personnel of the juvenile division who are engaged in handling, 35919
servicing, or investigating juvenile cases, including any 35920
magistrates whom the judge considers necessary for the discharge 35921

of the judge's various duties. 35922

The judge of the juvenile division also shall designate the 35923
title, compensation, expense allowances, hours, leaves of absence, 35924
and vacation of the personnel of the division and shall fix their 35925
duties. The duties of the personnel, in addition to other 35926
statutory duties, include the handling, servicing, and 35927
investigation of juvenile cases and providing any counseling, 35928
conciliation, and mediation services that the court makes 35929
available to persons, whether or not the persons are parties to an 35930
action pending in the court, who request the services. 35931

(H)(1) In Stark county, the judges of the court of common 35932
pleas whose terms begin on January 1, 1953, January 2, 1959, and 35933
January 1, 1993, and successors, shall have the same 35934
qualifications, exercise the same powers and jurisdiction, and 35935
receive the same compensation as other judges of the court of 35936
common pleas of Stark county and shall be elected and designated 35937
as judges of the court of common pleas, family court division of 35938
~~domestic relations~~. They shall have all the powers relating to 35939
juvenile courts, and all cases under Chapters 2151. and 2152. of 35940
the Revised Code, all parentage proceedings over which the 35941
juvenile court has jurisdiction, and all divorce, dissolution of 35942
marriage, legal separation, and annulment cases, except cases that 35943
are assigned to some other judge of the court of common pleas for 35944
some special reason, shall be assigned to the judges. 35945

(2) The judge of the family court division of ~~domestic~~ 35946
~~relations~~, second most senior in point of service, shall have 35947
charge of the employment and supervision of the personnel of the 35948
division engaged in handling, servicing, or investigating divorce, 35949
dissolution of marriage, legal separation, and annulment cases, 35950
and necessary referees required for the judge's respective court. 35951

(3) The judge of the family court division of ~~domestic~~ 35952
~~relations~~, senior in point of service, shall be charged 35953

exclusively with the administration of sections 2151.13, 2151.16, 35954
2151.17, and 2152.71 of the Revised Code and with the assignment 35955
and division of the work of the division and the employment and 35956
supervision of all other personnel of the division, including, but 35957
not limited to, that judge's necessary referees, but excepting 35958
those employees who may be appointed by the judge second most 35959
senior in point of service. The senior judge further shall serve 35960
in every other position in which the statutes permit or require a 35961
juvenile judge to serve. 35962

(4) On and after the effective date of this amendment, all 35963
references in law to "the division of domestic relations," "the 35964
domestic relations division," "the domestic relations court," "the 35965
judge of the division of domestic relations," or "the judge of the 35966
domestic relations division" shall be construed, with respect to 35967
Stark county, as being references to "the family court division" 35968
or "the judge of the family court division." 35969

(I) In Summit county: 35970

(1) The judges of the court of common pleas whose terms begin 35971
on January 4, 1967, and January 6, 1993, and successors, shall 35972
have the same qualifications, exercise the same powers and 35973
jurisdiction, and receive the same compensation as other judges of 35974
the court of common pleas of Summit county and shall be elected 35975
and designated as judges of the court of common pleas, division of 35976
domestic relations. The judges of the division of domestic 35977
relations shall have assigned to them and hear all divorce, 35978
dissolution of marriage, legal separation, and annulment cases 35979
that come before the court. Except in cases that are subject to 35980
the exclusive original jurisdiction of the juvenile court, the 35981
judges of the division of domestic relations shall have assigned 35982
to them and hear all cases pertaining to paternity, custody, 35983
visitation, child support, or the allocation of parental rights 35984
and responsibilities for the care of children and all post-decree 35985

proceedings arising from any case pertaining to any of those 35986
matters. The judges of the division of domestic relations shall 35987
have assigned to them and hear all proceedings under the uniform 35988
interstate family support act contained in Chapter 3115. of the 35989
Revised Code. 35990

The judge of the division of domestic relations, senior in 35991
point of service, shall be the administrator of the domestic 35992
relations division and its subdivisions and departments and shall 35993
have charge of the employment, assignment, and supervision of the 35994
personnel of the division, including any necessary referees, who 35995
are engaged in handling, servicing, or investigating divorce, 35996
dissolution of marriage, legal separation, and annulment cases. 35997
That judge also shall designate the title, compensation, expense 35998
allowances, hours, leaves of absence, and vacations of the 35999
personnel of the division and shall fix their duties. The duties 36000
of the personnel, in addition to other statutory duties, shall 36001
include the handling, servicing, and investigation of divorce, 36002
dissolution of marriage, legal separation, and annulment cases and 36003
of any counseling and conciliation services that are available 36004
upon request to all persons, whether or not they are parties to an 36005
action pending in the division. 36006

(2) The judge of the court of common pleas whose term begins 36007
on January 1, 1955, and successors, shall have the same 36008
qualifications, exercise the same powers and jurisdiction, and 36009
receive the same compensation as other judges of the court of 36010
common pleas of Summit county, shall be elected and designated as 36011
judge of the court of common pleas, juvenile division, and shall 36012
be, and have the powers and jurisdiction of, the juvenile judge as 36013
provided in Chapters 2151. and 2152. of the Revised Code. Except 36014
in cases that are subject to the exclusive original jurisdiction 36015
of the juvenile court, the judge of the juvenile division shall 36016
not have jurisdiction or the power to hear, and shall not be 36017

assigned, any case pertaining to paternity, custody, visitation, 36018
child support, or the allocation of parental rights and 36019
responsibilities for the care of children or any post-decree 36020
proceeding arising from any case pertaining to any of those 36021
matters. The judge of the juvenile division shall not have 36022
jurisdiction or the power to hear, and shall not be assigned, any 36023
proceeding under the uniform interstate family support act 36024
contained in Chapter 3115. of the Revised Code. 36025

The juvenile judge shall be the administrator of the juvenile 36026
division and its subdivisions and departments and shall have 36027
charge of the employment, assignment, and supervision of the 36028
personnel of the juvenile division, including any necessary 36029
referees, who are engaged in handling, servicing, or investigating 36030
juvenile cases. The judge also shall designate the title, 36031
compensation, expense allowances, hours, leaves of absence, and 36032
vacation of the personnel of the division and shall fix their 36033
duties. The duties of the personnel, in addition to other 36034
statutory duties, shall include the handling, servicing, and 36035
investigation of juvenile cases and of any counseling and 36036
conciliation services that are available upon request to persons, 36037
whether or not they are parties to an action pending in the 36038
division. 36039

(J) In Trumbull county, the judges of the court of common 36040
pleas whose terms begin on January 1, 1953, and January 2, 1977, 36041
and successors, shall have the same qualifications, exercise the 36042
same powers and jurisdiction, and receive the same compensation as 36043
other judges of the court of common pleas of Trumbull county and 36044
shall be elected and designated as judges of the court of common 36045
pleas, division of domestic relations. They shall have all the 36046
powers relating to juvenile courts, and all cases under Chapters 36047
2151. and 2152. of the Revised Code, all parentage proceedings 36048
over which the juvenile court has jurisdiction, and all divorce, 36049

dissolution of marriage, legal separation, and annulment cases 36050
shall be assigned to them, except cases that for some special 36051
reason are assigned to some other judge of the court of common 36052
pleas. 36053

(K) In Butler county: 36054

(1) The judges of the court of common pleas whose terms begin 36055
on January 1, 1957, and January 4, 1993, and successors, shall 36056
have the same qualifications, exercise the same powers and 36057
jurisdiction, and receive the same compensation as other judges of 36058
the court of common pleas of Butler county and shall be elected 36059
and designated as judges of the court of common pleas, division of 36060
domestic relations. The judges of the division of domestic 36061
relations shall have assigned to them all divorce, dissolution of 36062
marriage, legal separation, and annulment cases coming before the 36063
court, except in cases that for some special reason are assigned 36064
to some other judge of the court of common pleas. The judges of 36065
the division of domestic relations also have concurrent 36066
jurisdiction with judges of the juvenile division of the court of 36067
common pleas of Butler county with respect to and may hear cases 36068
to determine the custody, support, or custody and support of a 36069
child who is born of issue of a marriage and who is not the ward 36070
of another court of this state, cases commenced by a party of the 36071
marriage to obtain an order requiring support of any child when 36072
the request for that order is not ancillary to an action for 36073
divorce, dissolution of marriage, annulment, or legal separation, 36074
a criminal or civil action involving an allegation of domestic 36075
violence, an action for support under Chapter 3115. of the Revised 36076
Code, or an action that is within the exclusive original 36077
jurisdiction of the juvenile division of the court of common pleas 36078
of Butler county and that involves an allegation that the child is 36079
an abused, neglected, or dependent child, and post-decree 36080
proceedings and matters arising from those types of cases. The 36081

judge senior in point of service shall be charged with the 36082
assignment and division of the work of the division and with the 36083
employment and supervision of all other personnel of the domestic 36084
relations division. 36085

The judge senior in point of service also shall designate the 36086
title, compensation, expense allowances, hours, leaves of absence, 36087
and vacations of the personnel of the division and shall fix their 36088
duties. The duties of the personnel, in addition to other 36089
statutory duties, shall include the handling, servicing, and 36090
investigation of divorce, dissolution of marriage, legal 36091
separation, and annulment cases and providing any counseling and 36092
conciliation services that the division makes available to 36093
persons, whether or not the persons are parties to an action 36094
pending in the division, who request the services. 36095

(2) The judges of the court of common pleas whose terms begin 36096
on January 3, 1987, and January 2, 2003, and successors, shall 36097
have the same qualifications, exercise the same powers and 36098
jurisdiction, and receive the same compensation as other judges of 36099
the court of common pleas of Butler county, shall be elected and 36100
designated as judges of the court of common pleas, juvenile 36101
division, and shall be the juvenile judges as provided in Chapters 36102
2151. and 2152. of the Revised Code, with the powers and 36103
jurisdictions conferred by those chapters. Except in cases that 36104
are subject to the exclusive original jurisdiction of the juvenile 36105
court, the judges of the juvenile division shall not have 36106
jurisdiction or the power to hear and shall not be assigned, but 36107
shall have the limited ability and authority to certify, any case 36108
commenced by a party of a marriage to determine the custody, 36109
support, or custody and support of a child who is born of issue of 36110
the marriage and who is not the ward of another court of this 36111
state when the request for the order in the case is not ancillary 36112
to an action for divorce, dissolution of marriage, annulment, or 36113

legal separation. The judge of the court of common pleas, juvenile 36114
division, who is senior in point of service, shall be the 36115
administrator of the juvenile division and its subdivisions and 36116
departments. The judge, senior in point of service, shall have 36117
charge of the employment, assignment, and supervision of the 36118
personnel of the juvenile division who are engaged in handling, 36119
servicing, or investigating juvenile cases, including any referees 36120
whom the judge considers necessary for the discharge of the 36121
judge's various duties. 36122

The judge, senior in point of service, also shall designate 36123
the title, compensation, expense allowances, hours, leaves of 36124
absence, and vacation of the personnel of the division and shall 36125
fix their duties. The duties of the personnel, in addition to 36126
other statutory duties, include the handling, servicing, and 36127
investigation of juvenile cases and providing any counseling and 36128
conciliation services that the division makes available to 36129
persons, whether or not the persons are parties to an action 36130
pending in the division, who request the services. 36131

(3) If a judge of the court of common pleas, division of 36132
domestic relations or juvenile division, is sick, absent, or 36133
unable to perform that judge's judicial duties or the volume of 36134
cases pending in the judge's division necessitates it, the duties 36135
of that judge shall be performed by the other judges of the 36136
domestic relations and juvenile divisions. 36137

(L)(1) In Cuyahoga county, the judges of the court of common 36138
pleas whose terms begin on January 8, 1961, January 9, 1961, 36139
January 18, 1975, January 19, 1975, and January 13, 1987, and 36140
successors, shall have the same qualifications, exercise the same 36141
powers and jurisdiction, and receive the same compensation as 36142
other judges of the court of common pleas of Cuyahoga county and 36143
shall be elected and designated as judges of the court of common 36144
pleas, division of domestic relations. They shall have all the 36145

powers relating to all divorce, dissolution of marriage, legal 36146
separation, and annulment cases, except in cases that are assigned 36147
to some other judge of the court of common pleas for some special 36148
reason. 36149

(2) The administrative judge is administrator of the domestic 36150
relations division and its subdivisions and departments and has 36151
the following powers concerning division personnel: 36152

(a) Full charge of the employment, assignment, and 36153
supervision; 36154

(b) Sole determination of compensation, duties, expenses, 36155
allowances, hours, leaves, and vacations. 36156

(3) "Division personnel" include persons employed or referees 36157
engaged in hearing, servicing, investigating, counseling, or 36158
conciliating divorce, dissolution of marriage, legal separation 36159
and annulment matters. 36160

(M) In Lake county: 36161

(1) The judge of the court of common pleas whose term begins 36162
on January 2, 1961, and successors, shall have the same 36163
qualifications, exercise the same powers and jurisdiction, and 36164
receive the same compensation as the other judges of the court of 36165
common pleas of Lake county and shall be elected and designated as 36166
judge of the court of common pleas, division of domestic 36167
relations. The judge shall be assigned all the divorce, 36168
dissolution of marriage, legal separation, and annulment cases 36169
coming before the court, except in cases that for some special 36170
reason are assigned to some other judge of the court of common 36171
pleas. The judge shall be charged with the assignment and division 36172
of the work of the division and with the employment and 36173
supervision of all other personnel of the domestic relations 36174
division. 36175

The judge also shall designate the title, compensation, 36176

expense allowances, hours, leaves of absence, and vacations of the 36177
personnel of the division and shall fix their duties. The duties 36178
of the personnel, in addition to other statutory duties, shall 36179
include the handling, servicing, and investigation of divorce, 36180
dissolution of marriage, legal separation, and annulment cases and 36181
providing any counseling and conciliation services that the 36182
division makes available to persons, whether or not the persons 36183
are parties to an action pending in the division, who request the 36184
services. 36185

(2) The judge of the court of common pleas whose term begins 36186
on January 4, 1979, and successors, shall have the same 36187
qualifications, exercise the same powers and jurisdiction, and 36188
receive the same compensation as other judges of the court of 36189
common pleas of Lake county, shall be elected and designated as 36190
judge of the court of common pleas, juvenile division, and shall 36191
be the juvenile judge as provided in Chapters 2151. and 2152. of 36192
the Revised Code, with the powers and jurisdictions conferred by 36193
those chapters. The judge of the court of common pleas, juvenile 36194
division, shall be the administrator of the juvenile division and 36195
its subdivisions and departments. The judge shall have charge of 36196
the employment, assignment, and supervision of the personnel of 36197
the juvenile division who are engaged in handling, servicing, or 36198
investigating juvenile cases, including any referees whom the 36199
judge considers necessary for the discharge of the judge's various 36200
duties. 36201

The judge also shall designate the title, compensation, 36202
expense allowances, hours, leaves of absence, and vacation of the 36203
personnel of the division and shall fix their duties. The duties 36204
of the personnel, in addition to other statutory duties, include 36205
the handling, servicing, and investigation of juvenile cases and 36206
providing any counseling and conciliation services that the 36207
division makes available to persons, whether or not the persons 36208

are parties to an action pending in the division, who request the 36209
services. 36210

(3) If a judge of the court of common pleas, division of 36211
domestic relations or juvenile division, is sick, absent, or 36212
unable to perform that judge's judicial duties or the volume of 36213
cases pending in the judge's division necessitates it, the duties 36214
of that judge shall be performed by the other judges of the 36215
domestic relations and juvenile divisions. 36216

(N) In Erie county: 36217

(1) The judge of the court of common pleas whose term begins 36218
on January 2, 1971, and the successors to that judge whose terms 36219
begin before January 2, 2007, shall have the same qualifications, 36220
exercise the same powers and jurisdiction, and receive the same 36221
compensation as the other judge of the court of common pleas of 36222
Erie county and shall be elected and designated as judge of the 36223
court of common pleas, division of domestic relations. The judge 36224
shall have all the powers relating to juvenile courts, and shall 36225
be assigned all cases under Chapters 2151. and 2152. of the 36226
Revised Code, parentage proceedings over which the juvenile court 36227
has jurisdiction, and divorce, dissolution of marriage, legal 36228
separation, and annulment cases, except cases that for some 36229
special reason are assigned to some other judge. 36230

On or after January 2, 2007, the judge of the court of common 36231
pleas who is elected in 2006 shall be the successor to the judge 36232
of the domestic relations division whose term expires on January 36233
1, 2007, shall be designated as judge of the court of common 36234
pleas, juvenile division, and shall be the juvenile judge as 36235
provided in Chapters 2151. and 2152. of the Revised Code with the 36236
powers and jurisdictions conferred by those chapters. 36237

(2) The judge of the court of common pleas, general division, 36238
whose term begins on January 1, 2005, and successors, the judge of 36239

the court of common pleas, general division whose term begins on 36240
January 2, 2005, and successors, and the judge of the court of 36241
common pleas, general division, whose term begins February 9, 36242
2009, and successors, shall have assigned to them, in addition to 36243
all matters that are within the jurisdiction of the general 36244
division of the court of common pleas, all divorce, dissolution of 36245
marriage, legal separation, and annulment cases coming before the 36246
court, and all matters that are within the jurisdiction of the 36247
probate court under Chapter 2101., and other provisions, of the 36248
Revised Code. 36249

(0) In Greene county: 36250

(1) The judge of the court of common pleas whose term begins 36251
on January 1, 1961, and successors, shall have the same 36252
qualifications, exercise the same powers and jurisdiction, and 36253
receive the same compensation as the other judges of the court of 36254
common pleas of Greene county and shall be elected and designated 36255
as the judge of the court of common pleas, division of domestic 36256
relations. The judge shall be assigned all divorce, dissolution of 36257
marriage, legal separation, annulment, uniform reciprocal support 36258
enforcement, and domestic violence cases and all other cases 36259
related to domestic relations, except cases that for some special 36260
reason are assigned to some other judge of the court of common 36261
pleas. 36262

The judge shall be charged with the assignment and division 36263
of the work of the division and with the employment and 36264
supervision of all other personnel of the division. The judge also 36265
shall designate the title, compensation, hours, leaves of absence, 36266
and vacations of the personnel of the division and shall fix their 36267
duties. The duties of the personnel of the division, in addition 36268
to other statutory duties, shall include the handling, servicing, 36269
and investigation of divorce, dissolution of marriage, legal 36270
separation, and annulment cases and the provision of counseling 36271

and conciliation services that the division considers necessary 36272
and makes available to persons who request the services, whether 36273
or not the persons are parties in an action pending in the 36274
division. The compensation for the personnel shall be paid from 36275
the overall court budget and shall be included in the 36276
appropriations for the existing judges of the general division of 36277
the court of common pleas. 36278

(2) The judge of the court of common pleas whose term begins 36279
on January 1, 1995, and successors, shall have the same 36280
qualifications, exercise the same powers and jurisdiction, and 36281
receive the same compensation as the other judges of the court of 36282
common pleas of Greene county, shall be elected and designated as 36283
judge of the court of common pleas, juvenile division, and, on or 36284
after January 1, 1995, shall be the juvenile judge as provided in 36285
Chapters 2151. and 2152. of the Revised Code with the powers and 36286
jurisdiction conferred by those chapters. The judge of the court 36287
of common pleas, juvenile division, shall be the administrator of 36288
the juvenile division and its subdivisions and departments. The 36289
judge shall have charge of the employment, assignment, and 36290
supervision of the personnel of the juvenile division who are 36291
engaged in handling, servicing, or investigating juvenile cases, 36292
including any referees whom the judge considers necessary for the 36293
discharge of the judge's various duties. 36294

The judge also shall designate the title, compensation, 36295
expense allowances, hours, leaves of absence, and vacation of the 36296
personnel of the division and shall fix their duties. The duties 36297
of the personnel, in addition to other statutory duties, include 36298
the handling, servicing, and investigation of juvenile cases and 36299
providing any counseling and conciliation services that the court 36300
makes available to persons, whether or not the persons are parties 36301
to an action pending in the court, who request the services. 36302

(3) If one of the judges of the court of common pleas, 36303

general division, is sick, absent, or unable to perform that 36304
judge's judicial duties or the volume of cases pending in the 36305
general division necessitates it, the duties of that judge of the 36306
general division shall be performed by the judge of the division 36307
of domestic relations and the judge of the juvenile division. 36308

(P) In Portage county, the judge of the court of common 36309
pleas, whose term begins January 2, 1987, and successors, shall 36310
have the same qualifications, exercise the same powers and 36311
jurisdiction, and receive the same compensation as the other 36312
judges of the court of common pleas of Portage county and shall be 36313
elected and designated as judge of the court of common pleas, 36314
division of domestic relations. The judge shall be assigned all 36315
divorce, dissolution of marriage, legal separation, and annulment 36316
cases coming before the court, except in cases that for some 36317
special reason are assigned to some other judge of the court of 36318
common pleas. The judge shall be charged with the assignment and 36319
division of the work of the division and with the employment and 36320
supervision of all other personnel of the domestic relations 36321
division. 36322

The judge also shall designate the title, compensation, 36323
expense allowances, hours, leaves of absence, and vacations of the 36324
personnel of the division and shall fix their duties. The duties 36325
of the personnel, in addition to other statutory duties, shall 36326
include the handling, servicing, and investigation of divorce, 36327
dissolution of marriage, legal separation, and annulment cases and 36328
providing any counseling and conciliation services that the 36329
division makes available to persons, whether or not the persons 36330
are parties to an action pending in the division, who request the 36331
services. 36332

(Q) In Clermont county, the judge of the court of common 36333
pleas, whose term begins January 2, 1987, and successors, shall 36334
have the same qualifications, exercise the same powers and 36335

jurisdiction, and receive the same compensation as the other 36336
judges of the court of common pleas of Clermont county and shall 36337
be elected and designated as judge of the court of common pleas, 36338
division of domestic relations. The judge shall be assigned all 36339
divorce, dissolution of marriage, legal separation, and annulment 36340
cases coming before the court, except in cases that for some 36341
special reason are assigned to some other judge of the court of 36342
common pleas. The judge shall be charged with the assignment and 36343
division of the work of the division and with the employment and 36344
supervision of all other personnel of the domestic relations 36345
division. 36346

The judge also shall designate the title, compensation, 36347
expense allowances, hours, leaves of absence, and vacations of the 36348
personnel of the division and shall fix their duties. The duties 36349
of the personnel, in addition to other statutory duties, shall 36350
include the handling, servicing, and investigation of divorce, 36351
dissolution of marriage, legal separation, and annulment cases and 36352
providing any counseling and conciliation services that the 36353
division makes available to persons, whether or not the persons 36354
are parties to an action pending in the division, who request the 36355
services. 36356

(R) In Warren county, the judge of the court of common pleas, 36357
whose term begins January 1, 1987, and successors, shall have the 36358
same qualifications, exercise the same powers and jurisdiction, 36359
and receive the same compensation as the other judges of the court 36360
of common pleas of Warren county and shall be elected and 36361
designated as judge of the court of common pleas, division of 36362
domestic relations. The judge shall be assigned all divorce, 36363
dissolution of marriage, legal separation, and annulment cases 36364
coming before the court, except in cases that for some special 36365
reason are assigned to some other judge of the court of common 36366
pleas. The judge shall be charged with the assignment and division 36367

of the work of the division and with the employment and 36368
supervision of all other personnel of the domestic relations 36369
division. 36370

The judge also shall designate the title, compensation, 36371
expense allowances, hours, leaves of absence, and vacations of the 36372
personnel of the division and shall fix their duties. The duties 36373
of the personnel, in addition to other statutory duties, shall 36374
include the handling, servicing, and investigation of divorce, 36375
dissolution of marriage, legal separation, and annulment cases and 36376
providing any counseling and conciliation services that the 36377
division makes available to persons, whether or not the persons 36378
are parties to an action pending in the division, who request the 36379
services. 36380

(S) In Licking county, the judges of the court of common 36381
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 36382
and successors, shall have the same qualifications, exercise the 36383
same powers and jurisdiction, and receive the same compensation as 36384
the other judges of the court of common pleas of Licking county 36385
and shall be elected and designated as judges of the court of 36386
common pleas, division of domestic relations. The judges shall be 36387
assigned all divorce, dissolution of marriage, legal separation, 36388
and annulment cases, all cases arising under Chapter 3111. of the 36389
Revised Code, all proceedings involving child support, the 36390
allocation of parental rights and responsibilities for the care of 36391
children and the designation for the children of a place of 36392
residence and legal custodian, parenting time, and visitation, and 36393
all post-decree proceedings and matters arising from those cases 36394
and proceedings, except in cases that for some special reason are 36395
assigned to another judge of the court of common pleas. The 36396
administrative judge of the division of domestic relations shall 36397
be charged with the assignment and division of the work of the 36398
division and with the employment and supervision of the personnel 36399

of the division. 36400

The administrative judge of the division of domestic 36401
relations shall designate the title, compensation, expense 36402
allowances, hours, leaves of absence, and vacations of the 36403
personnel of the division and shall fix the duties of the 36404
personnel of the division. The duties of the personnel of the 36405
division, in addition to other statutory duties, shall include the 36406
handling, servicing, and investigation of divorce, dissolution of 36407
marriage, legal separation, and annulment cases, cases arising 36408
under Chapter 3111. of the Revised Code, and proceedings involving 36409
child support, the allocation of parental rights and 36410
responsibilities for the care of children and the designation for 36411
the children of a place of residence and legal custodian, 36412
parenting time, and visitation and providing any counseling and 36413
conciliation services that the division makes available to 36414
persons, whether or not the persons are parties to an action 36415
pending in the division, who request the services. 36416

(T) In Allen county, the judge of the court of common pleas, 36417
whose term begins January 1, 1993, and successors, shall have the 36418
same qualifications, exercise the same powers and jurisdiction, 36419
and receive the same compensation as the other judges of the court 36420
of common pleas of Allen county and shall be elected and 36421
designated as judge of the court of common pleas, division of 36422
domestic relations. The judge shall be assigned all divorce, 36423
dissolution of marriage, legal separation, and annulment cases, 36424
all cases arising under Chapter 3111. of the Revised Code, all 36425
proceedings involving child support, the allocation of parental 36426
rights and responsibilities for the care of children and the 36427
designation for the children of a place of residence and legal 36428
custodian, parenting time, and visitation, and all post-decree 36429
proceedings and matters arising from those cases and proceedings, 36430
except in cases that for some special reason are assigned to 36431

another judge of the court of common pleas. The judge shall be 36432
charged with the assignment and division of the work of the 36433
division and with the employment and supervision of the personnel 36434
of the division. 36435

The judge shall designate the title, compensation, expense 36436
allowances, hours, leaves of absence, and vacations of the 36437
personnel of the division and shall fix the duties of the 36438
personnel of the division. The duties of the personnel of the 36439
division, in addition to other statutory duties, shall include the 36440
handling, servicing, and investigation of divorce, dissolution of 36441
marriage, legal separation, and annulment cases, cases arising 36442
under Chapter 3111. of the Revised Code, and proceedings involving 36443
child support, the allocation of parental rights and 36444
responsibilities for the care of children and the designation for 36445
the children of a place of residence and legal custodian, 36446
parenting time, and visitation, and providing any counseling and 36447
conciliation services that the division makes available to 36448
persons, whether or not the persons are parties to an action 36449
pending in the division, who request the services. 36450

(U) In Medina county, the judge of the court of common pleas 36451
whose term begins January 1, 1995, and successors, shall have the 36452
same qualifications, exercise the same powers and jurisdiction, 36453
and receive the same compensation as other judges of the court of 36454
common pleas of Medina county and shall be elected and designated 36455
as judge of the court of common pleas, division of domestic 36456
relations. The judge shall be assigned all divorce, dissolution of 36457
marriage, legal separation, and annulment cases, all cases arising 36458
under Chapter 3111. of the Revised Code, all proceedings involving 36459
child support, the allocation of parental rights and 36460
responsibilities for the care of children and the designation for 36461
the children of a place of residence and legal custodian, 36462
parenting time, and visitation, and all post-decree proceedings 36463

and matters arising from those cases and proceedings, except in 36464
cases that for some special reason are assigned to another judge 36465
of the court of common pleas. The judge shall be charged with the 36466
assignment and division of the work of the division and with the 36467
employment and supervision of the personnel of the division. 36468

The judge shall designate the title, compensation, expense 36469
allowances, hours, leaves of absence, and vacations of the 36470
personnel of the division and shall fix the duties of the 36471
personnel of the division. The duties of the personnel, in 36472
addition to other statutory duties, include the handling, 36473
servicing, and investigation of divorce, dissolution of marriage, 36474
legal separation, and annulment cases, cases arising under Chapter 36475
3111. of the Revised Code, and proceedings involving child 36476
support, the allocation of parental rights and responsibilities 36477
for the care of children and the designation for the children of a 36478
place of residence and legal custodian, parenting time, and 36479
visitation, and providing counseling and conciliation services 36480
that the division makes available to persons, whether or not the 36481
persons are parties to an action pending in the division, who 36482
request the services. 36483

(V) In Fairfield county, the judge of the court of common 36484
pleas whose term begins January 2, 1995, and successors, shall 36485
have the same qualifications, exercise the same powers and 36486
jurisdiction, and receive the same compensation as the other 36487
judges of the court of common pleas of Fairfield county and shall 36488
be elected and designated as judge of the court of common pleas, 36489
division of domestic relations. The judge shall be assigned all 36490
divorce, dissolution of marriage, legal separation, and annulment 36491
cases, all cases arising under Chapter 3111. of the Revised Code, 36492
all proceedings involving child support, the allocation of 36493
parental rights and responsibilities for the care of children and 36494
the designation for the children of a place of residence and legal 36495

custodian, parenting time, and visitation, and all post-decree 36496
proceedings and matters arising from those cases and proceedings, 36497
except in cases that for some special reason are assigned to 36498
another judge of the court of common pleas. The judge also has 36499
concurrent jurisdiction with the probate-juvenile division of the 36500
court of common pleas of Fairfield county with respect to and may 36501
hear cases to determine the custody of a child, as defined in 36502
section 2151.011 of the Revised Code, who is not the ward of 36503
another court of this state, cases that are commenced by a parent, 36504
guardian, or custodian of a child, as defined in section 2151.011 36505
of the Revised Code, to obtain an order requiring a parent of the 36506
child to pay child support for that child when the request for 36507
that order is not ancillary to an action for divorce, dissolution 36508
of marriage, annulment, or legal separation, a criminal or civil 36509
action involving an allegation of domestic violence, an action for 36510
support under Chapter 3115. of the Revised Code, or an action that 36511
is within the exclusive original jurisdiction of the 36512
probate-juvenile division of the court of common pleas of 36513
Fairfield county and that involves an allegation that the child is 36514
an abused, neglected, or dependent child, and post-decree 36515
proceedings and matters arising from those types of cases. 36516

The judge of the domestic relations division shall be charged 36517
with the assignment and division of the work of the division and 36518
with the employment and supervision of the personnel of the 36519
division. 36520

The judge shall designate the title, compensation, expense 36521
allowances, hours, leaves of absence, and vacations of the 36522
personnel of the division and shall fix the duties of the 36523
personnel of the division. The duties of the personnel of the 36524
division, in addition to other statutory duties, shall include the 36525
handling, servicing, and investigation of divorce, dissolution of 36526
marriage, legal separation, and annulment cases, cases arising 36527

under Chapter 3111. of the Revised Code, and proceedings involving 36528
child support, the allocation of parental rights and 36529
responsibilities for the care of children and the designation for 36530
the children of a place of residence and legal custodian, 36531
parenting time, and visitation, and providing any counseling and 36532
conciliation services that the division makes available to 36533
persons, regardless of whether the persons are parties to an 36534
action pending in the division, who request the services. When the 36535
judge hears a case to determine the custody of a child, as defined 36536
in section 2151.011 of the Revised Code, who is not the ward of 36537
another court of this state or a case that is commenced by a 36538
parent, guardian, or custodian of a child, as defined in section 36539
2151.011 of the Revised Code, to obtain an order requiring a 36540
parent of the child to pay child support for that child when the 36541
request for that order is not ancillary to an action for divorce, 36542
dissolution of marriage, annulment, or legal separation, a 36543
criminal or civil action involving an allegation of domestic 36544
violence, an action for support under Chapter 3115. of the Revised 36545
Code, or an action that is within the exclusive original 36546
jurisdiction of the probate-juvenile division of the court of 36547
common pleas of Fairfield county and that involves an allegation 36548
that the child is an abused, neglected, or dependent child, the 36549
duties of the personnel of the domestic relations division also 36550
include the handling, servicing, and investigation of those types 36551
of cases. 36552

(W)(1) In Clark county, the judge of the court of common 36553
pleas whose term begins on January 2, 1995, and successors, shall 36554
have the same qualifications, exercise the same powers and 36555
jurisdiction, and receive the same compensation as other judges of 36556
the court of common pleas of Clark county and shall be elected and 36557
designated as judge of the court of common pleas, domestic 36558
relations division. The judge shall have all the powers relating 36559
to juvenile courts, and all cases under Chapters 2151. and 2152. 36560

of the Revised Code and all parentage proceedings under Chapter 36561
3111. of the Revised Code over which the juvenile court has 36562
jurisdiction shall be assigned to the judge of the division of 36563
domestic relations. All divorce, dissolution of marriage, legal 36564
separation, annulment, uniform reciprocal support enforcement, and 36565
other cases related to domestic relations shall be assigned to the 36566
domestic relations division, and the presiding judge of the court 36567
of common pleas shall assign the cases to the judge of the 36568
domestic relations division and the judges of the general 36569
division. 36570

(2) In addition to the judge's regular duties, the judge of 36571
the division of domestic relations shall serve on the children 36572
services board and the county advisory board. 36573

(3) If the judge of the court of common pleas of Clark 36574
county, division of domestic relations, is sick, absent, or unable 36575
to perform that judge's judicial duties or if the presiding judge 36576
of the court of common pleas of Clark county determines that the 36577
volume of cases pending in the division of domestic relations 36578
necessitates it, the duties of the judge of the division of 36579
domestic relations shall be performed by the judges of the general 36580
division or probate division of the court of common pleas of Clark 36581
county, as assigned for that purpose by the presiding judge of 36582
that court, and the judges so assigned shall act in conjunction 36583
with the judge of the division of domestic relations of that 36584
court. 36585

(X) In Scioto county, the judge of the court of common pleas 36586
whose term begins January 2, 1995, and successors, shall have the 36587
same qualifications, exercise the same powers and jurisdiction, 36588
and receive the same compensation as other judges of the court of 36589
common pleas of Scioto county and shall be elected and designated 36590
as judge of the court of common pleas, division of domestic 36591
relations. The judge shall be assigned all divorce, dissolution of 36592

marriage, legal separation, and annulment cases, all cases arising 36593
under Chapter 3111. of the Revised Code, all proceedings involving 36594
child support, the allocation of parental rights and 36595
responsibilities for the care of children and the designation for 36596
the children of a place of residence and legal custodian, 36597
parenting time, visitation, and all post-decree proceedings and 36598
matters arising from those cases and proceedings, except in cases 36599
that for some special reason are assigned to another judge of the 36600
court of common pleas. The judge shall be charged with the 36601
assignment and division of the work of the division and with the 36602
employment and supervision of the personnel of the division. 36603

The judge shall designate the title, compensation, expense 36604
allowances, hours, leaves of absence, and vacations of the 36605
personnel of the division and shall fix the duties of the 36606
personnel of the division. The duties of the personnel, in 36607
addition to other statutory duties, include the handling, 36608
servicing, and investigation of divorce, dissolution of marriage, 36609
legal separation, and annulment cases, cases arising under Chapter 36610
3111. of the Revised Code, and proceedings involving child 36611
support, the allocation of parental rights and responsibilities 36612
for the care of children and the designation for the children of a 36613
place of residence and legal custodian, parenting time, and 36614
visitation, and providing counseling and conciliation services 36615
that the division makes available to persons, whether or not the 36616
persons are parties to an action pending in the division, who 36617
request the services. 36618

(Y) In Auglaize county, the judge of the probate and juvenile 36619
divisions of the Auglaize county court of common pleas also shall 36620
be the administrative judge of the domestic relations division of 36621
the court and shall be assigned all divorce, dissolution of 36622
marriage, legal separation, and annulment cases coming before the 36623
court. The judge shall have all powers as administrator of the 36624

domestic relations division and shall have charge of the personnel 36625
engaged in handling, servicing, or investigating divorce, 36626
dissolution of marriage, legal separation, and annulment cases, 36627
including any referees considered necessary for the discharge of 36628
the judge's various duties. 36629

(Z)(1) In Marion county, the judge of the court of common 36630
pleas whose term begins on February 9, 1999, and the successors to 36631
that judge, shall have the same qualifications, exercise the same 36632
powers and jurisdiction, and receive the same compensation as the 36633
other judges of the court of common pleas of Marion county and 36634
shall be elected and designated as judge of the court of common 36635
pleas, domestic relations-juvenile-probate division. Except as 36636
otherwise specified in this division, that judge, and the 36637
successors to that judge, shall have all the powers relating to 36638
juvenile courts, and all cases under Chapters 2151. and 2152. of 36639
the Revised Code, all cases arising under Chapter 3111. of the 36640
Revised Code, all divorce, dissolution of marriage, legal 36641
separation, and annulment cases, all proceedings involving child 36642
support, the allocation of parental rights and responsibilities 36643
for the care of children and the designation for the children of a 36644
place of residence and legal custodian, parenting time, and 36645
visitation, and all post-decree proceedings and matters arising 36646
from those cases and proceedings shall be assigned to that judge 36647
and the successors to that judge. Except as provided in division 36648
(Z)(2) of this section and notwithstanding any other provision of 36649
any section of the Revised Code, on and after February 9, 2003, 36650
the judge of the court of common pleas of Marion county whose term 36651
begins on February 9, 1999, and the successors to that judge, 36652
shall have all the powers relating to the probate division of the 36653
court of common pleas of Marion county in addition to the powers 36654
previously specified in this division, and shall exercise 36655
concurrent jurisdiction with the judge of the probate division of 36656
that court over all matters that are within the jurisdiction of 36657

the probate division of that court under Chapter 2101., and other 36658
provisions, of the Revised Code in addition to the jurisdiction of 36659
the domestic relations-juvenile-probate division of that court 36660
otherwise specified in division (Z)(1) of this section. 36661

(2) The judge of the domestic relations-juvenile-probate 36662
division of the court of common pleas of Marion county or the 36663
judge of the probate division of the court of common pleas of 36664
Marion county, whichever of those judges is senior in total length 36665
of service on the court of common pleas of Marion county, 36666
regardless of the division or divisions of service, shall serve as 36667
the clerk of the probate division of the court of common pleas of 36668
Marion county. 36669

(3) On and after February 9, 2003, all references in law to 36670
"the probate court," "the probate judge," "the juvenile court," or 36671
"the judge of the juvenile court" shall be construed, with respect 36672
to Marion county, as being references to both "the probate 36673
division" and "the domestic relations-juvenile-probate division" 36674
and as being references to both "the judge of the probate 36675
division" and "the judge of the domestic relations- 36676
juvenile-probate division." On and after February 9, 2003, all 36677
references in law to "the clerk of the probate court" shall be 36678
construed, with respect to Marion county, as being references to 36679
the judge who is serving pursuant to division (Z)(2) of this 36680
section as the clerk of the probate division of the court of 36681
common pleas of Marion county. 36682

(AA) In Muskingum county, the judge of the court of common 36683
pleas whose term begins on January 2, 2003, and successors, shall 36684
have the same qualifications, exercise the same powers and 36685
jurisdiction, and receive the same compensation as the other 36686
judges of the court of common pleas of Muskingum county and shall 36687
be elected and designated as the judge of the court of common 36688
pleas, division of domestic relations. The judge shall be assigned 36689

all divorce, dissolution of marriage, legal separation, and 36690
annulment cases, all cases arising under Chapter 3111. of the 36691
Revised Code, all proceedings involving child support, the 36692
allocation of parental rights and responsibilities for the care of 36693
children and the designation for the children of a place of 36694
residence and legal custodian, parenting time, and visitation, and 36695
all post-decree proceedings and matters arising from those cases 36696
and proceedings, except in cases that for some special reason are 36697
assigned to another judge of the court of common pleas. The judge 36698
shall be charged with the assignment and division of the work of 36699
the division and with the employment and supervision of the 36700
personnel of the division. 36701

The judge shall designate the title, compensation, expense 36702
allowances, hours, leaves of absence, and vacations of the 36703
personnel of the division and shall fix the duties of the 36704
personnel of the division. The duties of the personnel of the 36705
division, in addition to other statutory duties, shall include the 36706
handling, servicing, and investigation of divorce, dissolution of 36707
marriage, legal separation, and annulment cases, cases arising 36708
under Chapter 3111. of the Revised Code, and proceedings involving 36709
child support, the allocation of parental rights and 36710
responsibilities for the care of children and the designation for 36711
the children of a place of residence and legal custodian, 36712
parenting time, and visitation and providing any counseling and 36713
conciliation services that the division makes available to 36714
persons, whether or not the persons are parties to an action 36715
pending in the division, who request the services. 36716

(BB) In Henry county, the judge of the court of common pleas 36717
whose term begins on January 1, 2005, and successors, shall have 36718
the same qualifications, exercise the same powers and 36719
jurisdiction, and receive the same compensation as the other judge 36720
of the court of common pleas of Henry county and shall be elected 36721

and designated as the judge of the court of common pleas, division 36722
of domestic relations. The judge shall have all of the powers 36723
relating to juvenile courts, and all cases under Chapter 2151. or 36724
2152. of the Revised Code, all parentage proceedings arising under 36725
Chapter 3111. of the Revised Code over which the juvenile court 36726
has jurisdiction, all divorce, dissolution of marriage, legal 36727
separation, and annulment cases, all proceedings involving child 36728
support, the allocation of parental rights and responsibilities 36729
for the care of children and the designation for the children of a 36730
place of residence and legal custodian, parenting time, and 36731
visitation, and all post-decree proceedings and matters arising 36732
from those cases and proceedings shall be assigned to that judge, 36733
except in cases that for some special reason are assigned to the 36734
other judge of the court of common pleas. 36735

(CC)(1) In Logan county, the judge of the court of common 36736
pleas whose term begins January 2, 2005, and the successors to 36737
that judge, shall have the same qualifications, exercise the same 36738
powers and jurisdiction, and receive the same compensation as the 36739
other judges of the court of common pleas of Logan county and 36740
shall be elected and designated as judge of the court of common 36741
pleas, domestic relations-juvenile-probate division. Except as 36742
otherwise specified in this division, that judge, and the 36743
successors to that judge, shall have all the powers relating to 36744
juvenile courts, and all cases under Chapters 2151. and 2152. of 36745
the Revised Code, all cases arising under Chapter 3111. of the 36746
Revised Code, all divorce, dissolution of marriage, legal 36747
separation, and annulment cases, all proceedings involving child 36748
support, the allocation of parental rights and responsibilities 36749
for the care of children and designation for the children of a 36750
place of residence and legal custodian, parenting time, and 36751
visitation, and all post-decree proceedings and matters arising 36752
from those cases and proceedings shall be assigned to that judge 36753
and the successors to that judge. Notwithstanding any other 36754

provision of any section of the Revised Code, on and after January 2, 2005, the judge of the court of common pleas of Logan county whose term begins on January 2, 2005, and the successors to that judge, shall have all the powers relating to the probate division of the court of common pleas of Logan county in addition to the powers previously specified in this division and shall exercise concurrent jurisdiction with the judge of the probate division of that court over all matters that are within the jurisdiction of the probate division of that court under Chapter 2101., and other provisions, of the Revised Code in addition to the jurisdiction of the domestic relations-juvenile-probate division of that court otherwise specified in division (CC)(1) of this section.

(2) The judge of the domestic relations-juvenile-probate division of the court of common pleas of Logan county or the probate judge of the court of common pleas of Logan county who is elected as the administrative judge of the probate division of the court of common pleas of Logan county pursuant to Rule 4 of the Rules of Superintendence shall be the clerk of the probate division and juvenile division of the court of common pleas of Logan county. The clerk of the court of common pleas who is elected pursuant to section 2303.01 of the Revised Code shall keep all of the journals, records, books, papers, and files pertaining to the domestic relations cases.

(3) On and after January 2, 2005, all references in law to "the probate court," "the probate judge," "the juvenile court," or "the judge of the juvenile court" shall be construed, with respect to Logan county, as being references to both "the probate division" and the "domestic relations-juvenile-probate division" and as being references to both "the judge of the probate division" and the "judge of the domestic relations-juvenile-probate division." On and after January 2, 2005, all references in law to "the clerk of the probate court"

shall be construed, with respect to Logan county, as being 36787
references to the judge who is serving pursuant to division 36788
(CC)(2) of this section as the clerk of the probate division of 36789
the court of common pleas of Logan county. 36790

(DD)(1) In Champaign county, the judge of the court of common 36791
pleas whose term begins February 9, 2003, and the judge of the 36792
court of common pleas whose term begins February 10, 2009, and the 36793
successors to those judges, shall have the same qualifications, 36794
exercise the same powers and jurisdiction, and receive the same 36795
compensation as the other judges of the court of common pleas of 36796
Champaign county and shall be elected and designated as judges of 36797
the court of common pleas, domestic relations-juvenile-probate 36798
division. Except as otherwise specified in this division, those 36799
judges, and the successors to those judges, shall have all the 36800
powers relating to juvenile courts, and all cases under Chapters 36801
2151. and 2152. of the Revised Code, all cases arising under 36802
Chapter 3111. of the Revised Code, all divorce, dissolution of 36803
marriage, legal separation, and annulment cases, all proceedings 36804
involving child support, the allocation of parental rights and 36805
responsibilities for the care of children and the designation for 36806
the children of a place of residence and legal custodian, 36807
parenting time, and visitation, and all post-decree proceedings 36808
and matters arising from those cases and proceedings shall be 36809
assigned to those judges and the successors to those judges. 36810
Notwithstanding any other provision of any section of the Revised 36811
Code, on and after February 9, 2009, the judges designated by this 36812
division as judges of the court of common pleas of Champaign 36813
county, domestic relations-juvenile-probate division, and the 36814
successors to those judges, shall have all the powers relating to 36815
probate courts in addition to the powers previously specified in 36816
this division and shall exercise jurisdiction over all matters 36817
that are within the jurisdiction of probate courts under Chapter 36818
2101., and other provisions, of the Revised Code in addition to 36819

the jurisdiction of the domestic relations-juvenile-probate 36820
division otherwise specified in division (DD)(1) of this section. 36821

(2) On and after February 9, 2009, all references in law to 36822
"the probate court," "the probate judge," "the juvenile court," or 36823
"the judge of the juvenile court" shall be construed with respect 36824
to Champaign county as being references to the "domestic 36825
relations-juvenile-probate division" and as being references to 36826
the "judge of the domestic relations-juvenile-probate division." 36827
On and after February 9, 2009, all references in law to "the clerk 36828
of the probate court" shall be construed with respect to Champaign 36829
county as being references to the judge who is serving pursuant to 36830
Rule 4 of the Rules of Superintendence for the Courts of Ohio as 36831
the administrative judge of the court of common pleas, domestic 36832
relations-juvenile-probate division. 36833

(EE) If a judge of the court of common pleas, division of 36834
domestic relations, or juvenile judge, of any of the counties 36835
mentioned in this section is sick, absent, or unable to perform 36836
that judge's judicial duties or the volume of cases pending in the 36837
judge's division necessitates it, the duties of that judge shall 36838
be performed by another judge of the court of common pleas of that 36839
county, assigned for that purpose by the presiding judge of the 36840
court of common pleas of that county to act in place of or in 36841
conjunction with that judge, as the case may require. 36842

Sec. 2305.231. (A) As used in this section: 36843

(1) "Dentist" means a person who is licensed under Chapter 36844
4715. of the Revised Code to practice dentistry. 36845

(2) "Physician" means a person who holds a certificate issued 36846
by the state medical board to practice medicine and surgery, 36847
osteopathic medicine and surgery, or podiatric medicine and 36848
surgery. 36849

(3) "Registered nurse" means a nurse who is licensed as a registered nurse under Chapter 4723. of the Revised Code.

(4) "Therapeutic recreation" means adoptive recreation services to persons with illnesses or disabling conditions in order to do any of the following:

(a) Restore, remediate, or rehabilitate;

(b) Improve functioning and independence;

(c) Reduce or eliminate the effects of illness or disability.

(B) No physician who volunteers the physician's services as a team physician or team podiatrist to a school's athletics program, no dentist who volunteers the dentist's services as a team dentist to a school's athletics program, and no registered nurse who volunteers the registered nurse's services as a team nurse to a school's athletics program is liable in damages in a civil action for administering emergency medical care, emergency dental care, other emergency professional care, or first aid treatment to a participant in an athletic event involving the school, at the scene of the event or while the participant is being transported to a hospital, physician's or dentist's office, or other medical or dental facility, or for acts performed in administering the care or treatment, unless the acts of the physician, dentist, or registered nurse constitute willful or wanton misconduct.

(C)(1) No physician who volunteers the physician's services as a camp physician at a camp that specializes in therapeutic recreation, and no registered nurse who volunteers the registered nurse's services at such a camp, is liable in damages in a civil action for either of the following:

(a) Administering medical care, or emergency professional care, or first aid treatment to a participant in the camp or while the participant is being transported to a hospital, physician's or dentist's office, or other medical or dental facility;

<u>(b) Acts performed in administering that care or treatment.</u>	36881
<u>(2) Division (C)(1) of this section does not apply if the</u>	36882
<u>acts of the physician or registered nurse constitute willful or</u>	36883
<u>wanton misconduct.</u>	36884
<u>(D) This section does not apply if the administration of</u>	36885
<u>emergency medical care, emergency dental care, other emergency</u>	36886
<u>professional care, or first aid treatment is rendered for</u>	36887
<u>remuneration, or with the expectation of remuneration, from the</u>	36888
<u>recipient of the care or treatment or from someone on the</u>	36889
<u>recipient's behalf.</u>	36890
<u>Sec. 2323.44. (A) As used in this section:</u>	36891
<u>(1) "Health care provider-sponsored organization" means an</u>	36892
<u>entity that is sponsored by hospitals, physician groups, other</u>	36893
<u>licensed health care providers, or any combination of hospitals,</u>	36894
<u>physician groups, or other licensed health care providers that are</u>	36895
<u>affiliated through common ownership or control and share financial</u>	36896
<u>risk for the purpose of delivering health care services.</u>	36897
<u>(2) "Injured party" means any person who claims any injury,</u>	36898
<u>death, or loss to person in a tort action or an estate that makes</u>	36899
<u>a survivorship claim due to injury, death, or loss to person, but</u>	36900
<u>not including a derivative claim, a claim made by a beneficiary in</u>	36901
<u>a wrongful death action pursuant to section 2125.02 of the Revised</u>	36902
<u>Code, or a claim for punitive damages arising from a person's</u>	36903
<u>claim of injury, death, or loss to person.</u>	36904
<u>(3) "Injured party's interest" means the injured party's past</u>	36905
<u>and future income loss, past and future medical expense, past and</u>	36906
<u>future life care expense, and past and future noneconomic damages.</u>	36907
<u>(4) "Recovery" means the amount obtained from a third party</u>	36908
<u>in a tort action or the amount obtained for a claim in connection</u>	36909
<u>with uninsured or underinsured motorist coverage.</u>	36910

(5) "Third party" means any individual, automobile insurance company, or public or private entity against which a person or estate has a tort action. 36911
36912
36913

(6) "Subrogee" means any of the following: 36914

(a) An insurance company doing business in this state; 36915

(b) A self-funded plan providing health, sickness, or disability benefits; 36916
36917

(c) A health care provider-sponsored organization; 36918

(d) Any person or entity that claims a right of subrogation by contract or common law. 36919
36920

(7) "Subrogee's interest" means medical expenses paid by a subrogee on behalf of an injured party that are directly and proximately related to the injury, death, or loss to person that is the basis of the tort action. 36921
36922
36923
36924

(8) "Tort action" means a civil action for injury, death, or loss to person. "Tort action" includes any claim for damages for injury, death, or loss to person, whether or not a lawsuit is pending, or a claim in connection with uninsured or underinsured motorist coverage, but does not include a civil action for breach of contract or another agreement between persons. 36925
36926
36927
36928
36929
36930

(B) Notwithstanding any contract or statutory provision to the contrary, the rights of a subrogee or any other person or entity that asserts a contractual, statutory, or common law subrogation claim against a third party or an injured party in a tort action shall be subject to all of the following: 36931
36932
36933
36934
36935

(1) If less than the full value of the tort action is recovered for any reason, including, but not limited to, comparative negligence, diminishment due to a party's liability under sections 2307.22 to 2307.28 of the Revised Code, or by reason of the collectability of the full value of the claim for 36936
36937
36938
36939
36940

injury, death, or loss to person resulting from limited liability 36941
insurance or any other cause, the subrogee's or other person's or 36942
entity's claim shall be diminished in the same proportion as the 36943
injured party's interest is diminished. 36944

(2) Regardless of the recovery in the tort action, any 36945
reasonable attorney's fees contracted by the injured party and the 36946
expenses of procuring a recovery in the tort action, including, 36947
but not limited to, deposition costs, court costs, expert and 36948
other witness fees, and costs for trial preparation and 36949
presentation, shall be shared by the injured party and the 36950
subrogee or other person or entity on a pro rata basis. 36951

(3) A tort action and any settlement of a tort action shall 36952
be controlled solely by the injured party. If a dispute regarding 36953
the distribution of the recovery in the tort action arises, either 36954
party may file an action under Chapter 2721. of the Revised Code 36955
to resolve the issue of the distribution of the recovery. 36956

Sec. 2919.21. (A) No person shall abandon, or fail to provide 36957
adequate support to: 36958

(1) The person's spouse, as required by law; 36959

(2) The person's child who is under age eighteen, or mentally 36960
or physically handicapped child who is under age twenty-one; 36961

(3) The person's aged or infirm parent or adoptive parent, 36962
who from lack of ability and means is unable to provide adequately 36963
for the parent's own support. 36964

(B) No person shall abandon, or fail to provide support as 36965
established by a court order to, another person whom, by court 36966
order or decree, the person is legally obligated to support. 36967

(C) No person shall aid, abet, induce, cause, encourage, or 36968
contribute to a child or a ward of the juvenile court becoming a 36969
dependent child, as defined in section 2151.04 of the Revised 36970

Code, or a neglected child, as defined in section 2151.03 of the Revised Code. 36971
36972

(D) It is an affirmative defense to a charge of failure to provide adequate support under division (A) of this section or a charge of failure to provide support established by a court order under division (B) of this section that the accused was unable to provide adequate support or the established support but did provide the support that was within the accused's ability and means. 36973
36974
36975
36976
36977
36978
36979

(E) It is an affirmative defense to a charge under division (A)(3) of this section that the parent abandoned the accused or failed to support the accused as required by law, while the accused was under age eighteen, or was mentally or physically handicapped and under age twenty-one. 36980
36981
36982
36983
36984

(F) It is not a defense to a charge under division (B) of this section that the person whom a court has ordered the accused to support is being adequately supported by someone other than the accused. 36985
36986
36987
36988

(G)(1) Except as otherwise provided in this division, whoever violates division (A) or (B) of this section is guilty of nonsupport of dependents, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A)(2) or (B) of this section or if the offender has failed to provide support under division (A)(2) or (B) of this section for a total accumulated period of twenty-six weeks out of one hundred four consecutive weeks, whether or not the twenty-six weeks were consecutive, then a violation of division (A)(2) or (B) of this section is a felony of the fifth degree. If the offender previously has been convicted of or pleaded guilty to a felony violation of this section, a violation of division (A)(2) or (B) of this section is a felony of the fourth degree. 36989
36990
36991
36992
36993
36994
36995
36996
36997
36998
36999
37000
37001
37002

If the violation of division (A) or (B) of this section is a felony, all of the following apply to the sentencing of the offender:

(a) Except as otherwise provided in division (G)(1)(b) of this section, the court in imposing sentence on the offender shall first consider placing the offender on one or more community control sanctions under section 2929.16, 2929.17, or 2929.18 of the Revised Code, with an emphasis under the sanctions on intervention for nonsupport, obtaining or maintaining employment, or another related condition.

(b) The preference for placement on community control sanctions described in division (G)(1)(a) of this section does not apply to any offender to whom one or more of the following applies:

(i) The court determines that the imposition of a prison term on the offender is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code.

(ii) The offender previously was convicted of or pleaded guilty to a violation of this section that was a felony, and the offender was sentenced to a prison term for that violation.

(iii) The offender previously was convicted of or pleaded guilty to a violation of this section that was a felony, the offender was sentenced to one or more community control sanctions of a type described in division (G)(1)(a) of this section for that violation, and the offender failed to comply with the conditions of any of those community control sanctions.

(2) If the offender is guilty of nonsupport of dependents by reason of failing to provide support to the offender's child as required by a child support order issued on or after April 15, 1985, pursuant to section 2151.23, 2151.231, 2151.232, 2151.33, 3105.21, 3109.05, 3111.13, 3113.04, 3113.31, 3115.401, or former

section 3115.31 of the Revised Code, the court, in addition to any 37034
other sentence imposed, shall assess all court costs arising out 37035
of the charge against the person and require the person to pay any 37036
reasonable attorney's fees of any adverse party other than the 37037
state, as determined by the court, that arose in relation to the 37038
charge. 37039

(3) Whoever violates division (C) of this section is guilty 37040
of contributing to the nonsupport of dependents, a misdemeanor of 37041
the first degree. Each day of violation of division (C) of this 37042
section is a separate offense. 37043

Sec. 2923.129. (A)(1) If a sheriff, the superintendent of the 37044
bureau of criminal identification and investigation, the employees 37045
of the bureau, the Ohio peace officer training commission, or the 37046
employees of the commission make a good faith effort in performing 37047
the duties imposed upon the sheriff, the superintendent, the 37048
bureau's employees, the commission, or the commission's employees 37049
by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the 37050
Revised Code, in addition to the personal immunity provided by 37051
section 9.86 of the Revised Code or division (A)(6) of section 37052
2744.03 of the Revised Code and the governmental immunity of 37053
sections 2744.02 and 2744.03 of the Revised Code and in addition 37054
to any other immunity possessed by the bureau, the commission, and 37055
their employees, the sheriff, the sheriff's office, the county in 37056
which the sheriff has jurisdiction, the bureau, the superintendent 37057
of the bureau, the bureau's employees, the commission, and the 37058
commission's employees are immune from liability in a civil action 37059
for injury, death, or loss to person or property that allegedly 37060
was caused by or related to any of the following: 37061

(a) The issuance, renewal, suspension, or revocation of a 37062
concealed handgun license; 37063

(b) The failure to issue, renew, suspend, or revoke a 37064

concealed handgun license; 37065

(c) Any action or misconduct with a handgun committed by a 37066
licensee. 37067

(2) Any action of a sheriff relating to the issuance, 37068
renewal, suspension, or revocation of a concealed handgun license 37069
shall be considered to be a governmental function for purposes of 37070
Chapter 2744. of the Revised Code. 37071

(3) An entity that or instructor who provides a competency 37072
certification of a type described in division (B)(3) of section 37073
2923.125 of the Revised Code is immune from civil liability that 37074
might otherwise be incurred or imposed for any death or any injury 37075
or loss to person or property that is caused by or related to a 37076
person to whom the entity or instructor has issued the competency 37077
certificate if all of the following apply: 37078

(a) The alleged liability of the entity or instructor relates 37079
to the training provided in the course, class, or program covered 37080
by the competency certificate. 37081

(b) The entity or instructor makes a good faith effort in 37082
determining whether the person has satisfactorily completed the 37083
course, class, or program and makes a good faith effort in 37084
assessing the person in the competency examination conducted 37085
pursuant to division (G)(2) of section 2923.125 of the Revised 37086
Code. 37087

(c) The entity or instructor did not issue the competency 37088
certificate with malicious purpose, in bad faith, or in a wanton 37089
or reckless manner. 37090

(4) An entity that or instructor who, prior to ~~the effective~~ 37091
~~date of this amendment~~ March 27, 2013, provides a renewed 37092
competency certification of a type described in division (G)(4) of 37093
section 2923.125 of the Revised Code as it existed prior to ~~the~~ 37094
~~effective date of this amendment~~ March 27, 2013, is immune from 37095

civil liability that might otherwise be incurred or imposed for 37096
any death or any injury or loss to person or property that is 37097
caused by or related to a person to whom the entity or instructor 37098
has issued the renewed competency certificate if all of the 37099
following apply: 37100

(a) The entity or instructor makes a good faith effort in 37101
assessing the person in the physical demonstrations or the 37102
competency examination conducted pursuant to division (G)(4) of 37103
section 2923.125 of the Revised Code as it existed prior to ~~the~~ 37104
~~effective date of this amendment~~ March 27, 2013. 37105

(b) The entity or instructor did not issue the renewed 37106
competency certificate with malicious purpose, in bad faith, or in 37107
a wanton or reckless manner. 37108

(5) A law enforcement agency that employs a peace officer is 37109
immune from liability in a civil action to recover damages for 37110
injury, death, or loss to person or property allegedly caused by 37111
any act of that peace officer if the act occurred while the peace 37112
officer carried a concealed handgun and was off duty and if the 37113
act allegedly involved the peace officer's use of the concealed 37114
handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised 37115
Code apply to any civil action involving a peace officer's use of 37116
a concealed handgun in the performance of the peace officer's 37117
official duties while the peace officer is off duty. 37118

(B)~~(1)~~ Notwithstanding section 149.43 of the Revised Code, 37119
~~except as provided in division (B)(2) of this section~~, the records 37120
that a sheriff keeps relative to the issuance, renewal, 37121
suspension, or revocation of a concealed handgun license, 37122
including, but not limited to, completed applications for the 37123
issuance or renewal of a license, completed affidavits submitted 37124
regarding an application for a license on a temporary emergency 37125
basis, reports of criminal records checks and incompetency records 37126
checks under section 311.41 of the Revised Code, and applicants' 37127

social security numbers and fingerprints that are obtained under 37128
division (A) of section 311.41 of the Revised Code, are 37129
confidential and are not public records. ~~Except as provided in~~ 37130
~~division (B)(2) of this section, no~~ No person shall release or 37131
otherwise disseminate records that are confidential under this 37132
division unless required to do so pursuant to a court order. 37133

~~(2)(a) A journalist, on or after April 8, 2004, may submit to~~ 37134
~~a sheriff a signed, written request to view the name, county of~~ 37135
~~residence, and date of birth of each person to whom the sheriff~~ 37136
~~has issued, renewed, or issued a replacement for a concealed~~ 37137
~~handgun license, or a signed, written request to view the name,~~ 37138
~~county of residence, and date of birth of each person for whom the~~ 37139
~~sheriff has suspended or revoked a concealed handgun license. The~~ 37140
~~request shall include the journalist's name and title, shall~~ 37141
~~include the name and address of the journalist's employer, and~~ 37142
~~shall state that disclosure of the information sought would be in~~ 37143
~~the public interest. If a journalist submits a signed, written~~ 37144
~~request to the sheriff to view the information described in this~~ 37145
~~division, the sheriff shall grant the journalist's request. The~~ 37146
~~journalist shall not copy the name, county of residence, or date~~ 37147
~~of birth of each person to or for whom the sheriff has issued,~~ 37148
~~suspended, or revoked a license described in this division.~~ 37149

~~(b) As used in division (B)(2) of this section, "journalist"~~ 37150
~~means a person engaged in, connected with, or employed by any news~~ 37151
~~medium, including a newspaper, magazine, press association, news~~ 37152
~~agency, or wire service, a radio or television station, or a~~ 37153
~~similar medium, for the purpose of gathering, processing,~~ 37154
~~transmitting, compiling, editing, or disseminating information for~~ 37155
~~the general public.~~ 37156

(C) Each sheriff shall report to the Ohio peace officer 37157
training commission the number of concealed handgun licenses that 37158
the sheriff issued, renewed, suspended, revoked, or denied under 37159

section 2923.125 of the Revised Code during the previous quarter 37160
of the calendar year, the number of applications for those 37161
licenses for which processing was suspended in accordance with 37162
division (D)(3) of section 2923.125 of the Revised Code during the 37163
previous quarter of the calendar year, and the number of concealed 37164
handgun licenses on a temporary emergency basis that the sheriff 37165
issued, suspended, revoked, or denied under section 2923.1213 of 37166
the Revised Code during the previous quarter of the calendar year. 37167
The sheriff shall not include in the report the name or any other 37168
identifying information of an applicant or licensee. The sheriff 37169
shall report that information in a manner that permits the 37170
commission to maintain the statistics described in division (C) of 37171
section 109.731 of the Revised Code and to timely prepare the 37172
statistical report described in that division. The information 37173
that is received by the commission under this division is a public 37174
record kept by the commission for the purposes of section 149.43 37175
of the Revised Code. 37176

(D) Law enforcement agencies may use the information a 37177
sheriff makes available through the use of the law enforcement 37178
automated data system pursuant to division (H) of section 2923.125 37179
or division (B)(2) or (D) of section 2923.1213 of the Revised Code 37180
for law enforcement purposes only. The information is confidential 37181
and is not a public record. A person who releases or otherwise 37182
disseminates this information obtained through the law enforcement 37183
automated data system in a manner not described in this division 37184
is guilty of a violation of section 2913.04 of the Revised Code. 37185

(E) Whoever violates division (B) of this section is guilty 37186
of illegal release of confidential concealed handgun license 37187
records, a felony of the fifth degree. In addition to any 37188
penalties imposed under Chapter 2929. of the Revised Code for a 37189
violation of division (B) of this section or a violation of 37190
section 2913.04 of the Revised Code described in division (D) of 37191

this section, if the offender is a sheriff, an employee of a 37192
sheriff, or any other public officer or employee, and if the 37193
violation was willful and deliberate, the offender shall be 37194
subject to a civil fine of one thousand dollars. Any person who is 37195
harmed by a violation of division (B) or (C) of this section or a 37196
violation of section 2913.04 of the Revised Code described in 37197
division (D) of this section has a private cause of action against 37198
the offender for any injury, death, or loss to person or property 37199
that is a proximate result of the violation and may recover court 37200
costs and attorney's fees related to the action. 37201

Sec. 2925.03. (A) No person shall knowingly do any of the 37202
following: 37203

(1) Sell or offer to sell a controlled substance or a 37204
controlled substance analog; 37205

(2) Prepare for shipment, ship, transport, deliver, prepare 37206
for distribution, or distribute a controlled substance or a 37207
controlled substance analog, when the offender knows or has 37208
reasonable cause to believe that the controlled substance or a 37209
controlled substance analog is intended for sale or resale by the 37210
offender or another person. 37211

(B) This section does not apply to any of the following: 37212

(1) Manufacturers, licensed health professionals authorized 37213
to prescribe drugs, pharmacists, owners of pharmacies, and other 37214
persons whose conduct is in accordance with Chapters 3719., 4715., 37215
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 37216

(2) If the offense involves an anabolic steroid, any person 37217
who is conducting or participating in a research project involving 37218
the use of an anabolic steroid if the project has been approved by 37219
the United States food and drug administration; 37220

(3) Any person who sells, offers for sale, prescribes, 37221

dispenses, or administers for livestock or other nonhuman species 37222
an anabolic steroid that is expressly intended for administration 37223
through implants to livestock or other nonhuman species and 37224
approved for that purpose under the "Federal Food, Drug, and 37225
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 37226
and is sold, offered for sale, prescribed, dispensed, or 37227
administered for that purpose in accordance with that act. 37228

(C) Whoever violates division (A) of this section is guilty 37229
of one of the following: 37230

(1) If the drug involved in the violation is any compound, 37231
mixture, preparation, or substance included in schedule I or 37232
schedule II, with the exception of marihuana, cocaine, L.S.D., 37233
heroin, hashish, and controlled substance analogs, whoever 37234
violates division (A) of this section is guilty of aggravated 37235
trafficking in drugs. The penalty for the offense shall be 37236
determined as follows: 37237

(a) Except as otherwise provided in division (C)(1)(b), (c), 37238
(d), (e), or (f) of this section, aggravated trafficking in drugs 37239
is a felony of the fourth degree, and division (C) of section 37240
2929.13 of the Revised Code applies in determining whether to 37241
impose a prison term on the offender. 37242

(b) Except as otherwise provided in division (C)(1)(c), (d), 37243
(e), or (f) of this section, if the offense was committed in the 37244
vicinity of a school or in the vicinity of a juvenile, aggravated 37245
trafficking in drugs is a felony of the third degree, and division 37246
(C) of section 2929.13 of the Revised Code applies in determining 37247
whether to impose a prison term on the offender. 37248

(c) Except as otherwise provided in this division, if the 37249
amount of the drug involved equals or exceeds the bulk amount but 37250
is less than five times the bulk amount, aggravated trafficking in 37251
drugs is a felony of the third degree, and, except as otherwise 37252

provided in this division, there is a presumption for a prison 37253
term for the offense. If aggravated trafficking in drugs is a 37254
felony of the third degree under this division and if the offender 37255
two or more times previously has been convicted of or pleaded 37256
guilty to a felony drug abuse offense, the court shall impose as a 37257
mandatory prison term one of the prison terms prescribed for a 37258
felony of the third degree. If the amount of the drug involved is 37259
within that range and if the offense was committed in the vicinity 37260
of a school or in the vicinity of a juvenile, aggravated 37261
trafficking in drugs is a felony of the second degree, and the 37262
court shall impose as a mandatory prison term one of the prison 37263
terms prescribed for a felony of the second degree. 37264

(d) Except as otherwise provided in this division, if the 37265
amount of the drug involved equals or exceeds five times the bulk 37266
amount but is less than fifty times the bulk amount, aggravated 37267
trafficking in drugs is a felony of the second degree, and the 37268
court shall impose as a mandatory prison term one of the prison 37269
terms prescribed for a felony of the second degree. If the amount 37270
of the drug involved is within that range and if the offense was 37271
committed in the vicinity of a school or in the vicinity of a 37272
juvenile, aggravated trafficking in drugs is a felony of the first 37273
degree, and the court shall impose as a mandatory prison term one 37274
of the prison terms prescribed for a felony of the first degree. 37275

(e) If the amount of the drug involved equals or exceeds 37276
fifty times the bulk amount but is less than one hundred times the 37277
bulk amount and regardless of whether the offense was committed in 37278
the vicinity of a school or in the vicinity of a juvenile, 37279
aggravated trafficking in drugs is a felony of the first degree, 37280
and the court shall impose as a mandatory prison term one of the 37281
prison terms prescribed for a felony of the first degree. 37282

(f) If the amount of the drug involved equals or exceeds one 37283
hundred times the bulk amount and regardless of whether the 37284

offense was committed in the vicinity of a school or in the 37285
vicinity of a juvenile, aggravated trafficking in drugs is a 37286
felony of the first degree, the offender is a major drug offender, 37287
and the court shall impose as a mandatory prison term the maximum 37288
prison term prescribed for a felony of the first degree. 37289

(2) If the drug involved in the violation is any compound, 37290
mixture, preparation, or substance included in schedule III, IV, 37291
or V, whoever violates division (A) of this section is guilty of 37292
trafficking in drugs. The penalty for the offense shall be 37293
determined as follows: 37294

(a) Except as otherwise provided in division (C)(2)(b), (c), 37295
(d), or (e) of this section, trafficking in drugs is a felony of 37296
the fifth degree, and division (B) of section 2929.13 of the 37297
Revised Code applies in determining whether to impose a prison 37298
term on the offender. 37299

(b) Except as otherwise provided in division (C)(2)(c), (d), 37300
or (e) of this section, if the offense was committed in the 37301
vicinity of a school or in the vicinity of a juvenile, trafficking 37302
in drugs is a felony of the fourth degree, and division (C) of 37303
section 2929.13 of the Revised Code applies in determining whether 37304
to impose a prison term on the offender. 37305

(c) Except as otherwise provided in this division, if the 37306
amount of the drug involved equals or exceeds the bulk amount but 37307
is less than five times the bulk amount, trafficking in drugs is a 37308
felony of the fourth degree, and division (B) of section 2929.13 37309
of the Revised Code applies in determining whether to impose a 37310
prison term for the offense. If the amount of the drug involved is 37311
within that range and if the offense was committed in the vicinity 37312
of a school or in the vicinity of a juvenile, trafficking in drugs 37313
is a felony of the third degree, and there is a presumption for a 37314
prison term for the offense. 37315

(d) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds five times the bulk
amount but is less than fifty times the bulk amount, trafficking
in drugs is a felony of the third degree, and there is a
presumption for a prison term for the offense. If the amount of
the drug involved is within that range and if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in drugs is a felony of the second degree,
and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds fifty times the bulk
amount, trafficking in drugs is a felony of the second degree, and
the court shall impose as a mandatory prison term one of the
prison terms prescribed for a felony of the second degree. If the
amount of the drug involved equals or exceeds fifty times the bulk
amount and if the offense was committed in the vicinity of a
school or in the vicinity of a juvenile, trafficking in drugs is a
felony of the first degree, and the court shall impose as a
mandatory prison term one of the prison terms prescribed for a
felony of the first degree.

(3) If the drug involved in the violation is marihuana or a
compound, mixture, preparation, or substance containing marihuana
other than hashish, whoever violates division (A) of this section
is guilty of trafficking in marihuana. The penalty for the offense
shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b), (c),
(d), (e), (f), (g), or (h) of this section, trafficking in
marihuana is a felony of the fifth degree, and division (B) of
section 2929.13 of the Revised Code applies in determining whether
to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(3)(c), (d),
(e), (f), (g), or (h) of this section, if the offense was

committed in the vicinity of a school or in the vicinity of a 37348
juvenile, trafficking in marihuana is a felony of the fourth 37349
degree, and division (B) of section 2929.13 of the Revised Code 37350
applies in determining whether to impose a prison term on the 37351
offender. 37352

(c) Except as otherwise provided in this division, if the 37353
amount of the drug involved equals or exceeds two hundred grams 37354
but is less than one thousand grams, trafficking in marihuana is a 37355
felony of the fourth degree, and division (B) of section 2929.13 37356
of the Revised Code applies in determining whether to impose a 37357
prison term on the offender. If the amount of the drug involved is 37358
within that range and if the offense was committed in the vicinity 37359
of a school or in the vicinity of a juvenile, trafficking in 37360
marihuana is a felony of the third degree, and division (C) of 37361
section 2929.13 of the Revised Code applies in determining whether 37362
to impose a prison term on the offender. 37363

(d) Except as otherwise provided in this division, if the 37364
amount of the drug involved equals or exceeds one thousand grams 37365
but is less than five thousand grams, trafficking in marihuana is 37366
a felony of the third degree, and division (C) of section 2929.13 37367
of the Revised Code applies in determining whether to impose a 37368
prison term on the offender. If the amount of the drug involved is 37369
within that range and if the offense was committed in the vicinity 37370
of a school or in the vicinity of a juvenile, trafficking in 37371
marihuana is a felony of the second degree, and there is a 37372
presumption that a prison term shall be imposed for the offense. 37373

(e) Except as otherwise provided in this division, if the 37374
amount of the drug involved equals or exceeds five thousand grams 37375
but is less than twenty thousand grams, trafficking in marihuana 37376
is a felony of the third degree, and there is a presumption that a 37377
prison term shall be imposed for the offense. If the amount of the 37378
drug involved is within that range and if the offense was 37379

committed in the vicinity of a school or in the vicinity of a 37380
juvenile, trafficking in marihuana is a felony of the second 37381
degree, and there is a presumption that a prison term shall be 37382
imposed for the offense. 37383

(f) Except as otherwise provided in this division, if the 37384
amount of the drug involved equals or exceeds twenty thousand 37385
grams but is less than forty thousand grams, trafficking in 37386
marihuana is a felony of the second degree, and the court shall 37387
impose a mandatory prison term of five, six, seven, or eight 37388
years. If the amount of the drug involved is within that range and 37389
if the offense was committed in the vicinity of a school or in the 37390
vicinity of a juvenile, trafficking in marihuana is a felony of 37391
the first degree, and the court shall impose as a mandatory prison 37392
term the maximum prison term prescribed for a felony of the first 37393
degree. 37394

(g) Except as otherwise provided in this division, if the 37395
amount of the drug involved equals or exceeds forty thousand 37396
grams, trafficking in marihuana is a felony of the second degree, 37397
and the court shall impose as a mandatory prison term the maximum 37398
prison term prescribed for a felony of the second degree. If the 37399
amount of the drug involved equals or exceeds forty thousand grams 37400
and if the offense was committed in the vicinity of a school or in 37401
the vicinity of a juvenile, trafficking in marihuana is a felony 37402
of the first degree, and the court shall impose as a mandatory 37403
prison term the maximum prison term prescribed for a felony of the 37404
first degree. 37405

(h) Except as otherwise provided in this division, if the 37406
offense involves a gift of twenty grams or less of marihuana, 37407
trafficking in marihuana is a minor misdemeanor upon a first 37408
offense and a misdemeanor of the third degree upon a subsequent 37409
offense. If the offense involves a gift of twenty grams or less of 37410
marihuana and if the offense was committed in the vicinity of a 37411

school or in the vicinity of a juvenile, trafficking in marihuana 37412
is a misdemeanor of the third degree. 37413

(4) If the drug involved in the violation is cocaine or a 37414
compound, mixture, preparation, or substance containing cocaine, 37415
whoever violates division (A) of this section is guilty of 37416
trafficking in cocaine. The penalty for the offense shall be 37417
determined as follows: 37418

(a) Except as otherwise provided in division (C)(4)(b), (c), 37419
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 37420
felony of the fifth degree, and division (B) of section 2929.13 of 37421
the Revised Code applies in determining whether to impose a prison 37422
term on the offender. 37423

(b) Except as otherwise provided in division (C)(4)(c), (d), 37424
(e), (f), or (g) of this section, if the offense was committed in 37425
the vicinity of a school or in the vicinity of a juvenile, 37426
trafficking in cocaine is a felony of the fourth degree, and 37427
division (C) of section 2929.13 of the Revised Code applies in 37428
determining whether to impose a prison term on the offender. 37429

(c) Except as otherwise provided in this division, if the 37430
amount of the drug involved equals or exceeds five grams but is 37431
less than ten grams of cocaine, trafficking in cocaine is a felony 37432
of the fourth degree, and division (B) of section 2929.13 of the 37433
Revised Code applies in determining whether to impose a prison 37434
term for the offense. If the amount of the drug involved is within 37435
that range and if the offense was committed in the vicinity of a 37436
school or in the vicinity of a juvenile, trafficking in cocaine is 37437
a felony of the third degree, and there is a presumption for a 37438
prison term for the offense. 37439

(d) Except as otherwise provided in this division, if the 37440
amount of the drug involved equals or exceeds ten grams but is 37441
less than twenty grams of cocaine, trafficking in cocaine is a 37442

felony of the third degree, and, except as otherwise provided in 37443
this division, there is a presumption for a prison term for the 37444
offense. If trafficking in cocaine is a felony of the third degree 37445
under this division and if the offender two or more times 37446
previously has been convicted of or pleaded guilty to a felony 37447
drug abuse offense, the court shall impose as a mandatory prison 37448
term one of the prison terms prescribed for a felony of the third 37449
degree. If the amount of the drug involved is within that range 37450
and if the offense was committed in the vicinity of a school or in 37451
the vicinity of a juvenile, trafficking in cocaine is a felony of 37452
the second degree, and the court shall impose as a mandatory 37453
prison term one of the prison terms prescribed for a felony of the 37454
second degree. 37455

(e) Except as otherwise provided in this division, if the 37456
amount of the drug involved equals or exceeds twenty grams but is 37457
less than twenty-seven grams of cocaine, trafficking in cocaine is 37458
a felony of the second degree, and the court shall impose as a 37459
mandatory prison term one of the prison terms prescribed for a 37460
felony of the second degree. If the amount of the drug involved is 37461
within that range and if the offense was committed in the vicinity 37462
of a school or in the vicinity of a juvenile, trafficking in 37463
cocaine is a felony of the first degree, and the court shall 37464
impose as a mandatory prison term one of the prison terms 37465
prescribed for a felony of the first degree. 37466

(f) If the amount of the drug involved equals or exceeds 37467
twenty-seven grams but is less than one hundred grams of cocaine 37468
and regardless of whether the offense was committed in the 37469
vicinity of a school or in the vicinity of a juvenile, trafficking 37470
in cocaine is a felony of the first degree, and the court shall 37471
impose as a mandatory prison term one of the prison terms 37472
prescribed for a felony of the first degree. 37473

(g) If the amount of the drug involved equals or exceeds one 37474

hundred grams of cocaine and regardless of whether the offense was 37475
committed in the vicinity of a school or in the vicinity of a 37476
juvenile, trafficking in cocaine is a felony of the first degree, 37477
the offender is a major drug offender, and the court shall impose 37478
as a mandatory prison term the maximum prison term prescribed for 37479
a felony of the first degree. 37480

(5) If the drug involved in the violation is L.S.D. or a 37481
compound, mixture, preparation, or substance containing L.S.D., 37482
whoever violates division (A) of this section is guilty of 37483
trafficking in L.S.D. The penalty for the offense shall be 37484
determined as follows: 37485

(a) Except as otherwise provided in division (C)(5)(b), (c), 37486
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 37487
felony of the fifth degree, and division (B) of section 2929.13 of 37488
the Revised Code applies in determining whether to impose a prison 37489
term on the offender. 37490

(b) Except as otherwise provided in division (C)(5)(c), (d), 37491
(e), (f), or (g) of this section, if the offense was committed in 37492
the vicinity of a school or in the vicinity of a juvenile, 37493
trafficking in L.S.D. is a felony of the fourth degree, and 37494
division (C) of section 2929.13 of the Revised Code applies in 37495
determining whether to impose a prison term on the offender. 37496

(c) Except as otherwise provided in this division, if the 37497
amount of the drug involved equals or exceeds ten unit doses but 37498
is less than fifty unit doses of L.S.D. in a solid form or equals 37499
or exceeds one gram but is less than five grams of L.S.D. in a 37500
liquid concentrate, liquid extract, or liquid distillate form, 37501
trafficking in L.S.D. is a felony of the fourth degree, and 37502
division (B) of section 2929.13 of the Revised Code applies in 37503
determining whether to impose a prison term for the offense. If 37504
the amount of the drug involved is within that range and if the 37505
offense was committed in the vicinity of a school or in the 37506

vicinity of a juvenile, trafficking in L.S.D. is a felony of the 37507
third degree, and there is a presumption for a prison term for the 37508
offense. 37509

(d) Except as otherwise provided in this division, if the 37510
amount of the drug involved equals or exceeds fifty unit doses but 37511
is less than two hundred fifty unit doses of L.S.D. in a solid 37512
form or equals or exceeds five grams but is less than twenty-five 37513
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 37514
distillate form, trafficking in L.S.D. is a felony of the third 37515
degree, and, except as otherwise provided in this division, there 37516
is a presumption for a prison term for the offense. If trafficking 37517
in L.S.D. is a felony of the third degree under this division and 37518
if the offender two or more times previously has been convicted of 37519
or pleaded guilty to a felony drug abuse offense, the court shall 37520
impose as a mandatory prison term one of the prison terms 37521
prescribed for a felony of the third degree. If the amount of the 37522
drug involved is within that range and if the offense was 37523
committed in the vicinity of a school or in the vicinity of a 37524
juvenile, trafficking in L.S.D. is a felony of the second degree, 37525
and the court shall impose as a mandatory prison term one of the 37526
prison terms prescribed for a felony of the second degree. 37527

(e) Except as otherwise provided in this division, if the 37528
amount of the drug involved equals or exceeds two hundred fifty 37529
unit doses but is less than one thousand unit doses of L.S.D. in a 37530
solid form or equals or exceeds twenty-five grams but is less than 37531
one hundred grams of L.S.D. in a liquid concentrate, liquid 37532
extract, or liquid distillate form, trafficking in L.S.D. is a 37533
felony of the second degree, and the court shall impose as a 37534
mandatory prison term one of the prison terms prescribed for a 37535
felony of the second degree. If the amount of the drug involved is 37536
within that range and if the offense was committed in the vicinity 37537
of a school or in the vicinity of a juvenile, trafficking in 37538

L.S.D. is a felony of the first degree, and the court shall impose 37539
as a mandatory prison term one of the prison terms prescribed for 37540
a felony of the first degree. 37541

(f) If the amount of the drug involved equals or exceeds one 37542
thousand unit doses but is less than five thousand unit doses of 37543
L.S.D. in a solid form or equals or exceeds one hundred grams but 37544
is less than five hundred grams of L.S.D. in a liquid concentrate, 37545
liquid extract, or liquid distillate form and regardless of 37546
whether the offense was committed in the vicinity of a school or 37547
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 37548
of the first degree, and the court shall impose as a mandatory 37549
prison term one of the prison terms prescribed for a felony of the 37550
first degree. 37551

(g) If the amount of the drug involved equals or exceeds five 37552
thousand unit doses of L.S.D. in a solid form or equals or exceeds 37553
five hundred grams of L.S.D. in a liquid concentrate, liquid 37554
extract, or liquid distillate form and regardless of whether the 37555
offense was committed in the vicinity of a school or in the 37556
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 37557
first degree, the offender is a major drug offender, and the court 37558
shall impose as a mandatory prison term the maximum prison term 37559
prescribed for a felony of the first degree. 37560

(6) If the drug involved in the violation is heroin or a 37561
compound, mixture, preparation, or substance containing heroin, 37562
whoever violates division (A) of this section is guilty of 37563
trafficking in heroin. The penalty for the offense shall be 37564
determined as follows: 37565

(a) Except as otherwise provided in division (C)(6)(b), (c), 37566
(d), (e), (f), or (g) of this section, trafficking in heroin is a 37567
felony of the fifth degree, and division (B) of section 2929.13 of 37568
the Revised Code applies in determining whether to impose a prison 37569
term on the offender. 37570

(b) Except as otherwise provided in division (C)(6)(c), (d), 37571
(e), (f), or (g) of this section, if the offense was committed in 37572
the vicinity of a school or in the vicinity of a juvenile, 37573
trafficking in heroin is a felony of the fourth degree, and 37574
division (C) of section 2929.13 of the Revised Code applies in 37575
determining whether to impose a prison term on the offender. 37576

(c) Except as otherwise provided in this division, if the 37577
amount of the drug involved equals or exceeds ten unit doses but 37578
is less than fifty unit doses or equals or exceeds one gram but is 37579
less than five grams, trafficking in heroin is a felony of the 37580
fourth degree, and division (B) of section 2929.13 of the Revised 37581
Code applies in determining whether to impose a prison term for 37582
the offense. If the amount of the drug involved is within that 37583
range and if the offense was committed in the vicinity of a school 37584
or in the vicinity of a juvenile, trafficking in heroin is a 37585
felony of the third degree, and there is a presumption for a 37586
prison term for the offense. 37587

(d) Except as otherwise provided in this division, if the 37588
amount of the drug involved equals or exceeds fifty unit doses but 37589
is less than one hundred unit doses or equals or exceeds five 37590
grams but is less than ten grams, trafficking in heroin is a 37591
felony of the third degree, and there is a presumption for a 37592
prison term for the offense. If the amount of the drug involved is 37593
within that range and if the offense was committed in the vicinity 37594
of a school or in the vicinity of a juvenile, trafficking in 37595
heroin is a felony of the second degree, and there is a 37596
presumption for a prison term for the offense. 37597

(e) Except as otherwise provided in this division, if the 37598
amount of the drug involved equals or exceeds one hundred unit 37599
doses but is less than five hundred unit doses or equals or 37600
exceeds ten grams but is less than fifty grams, trafficking in 37601
heroin is a felony of the second degree, and the court shall 37602

impose as a mandatory prison term one of the prison terms 37603
prescribed for a felony of the second degree. If the amount of the 37604
drug involved is within that range and if the offense was 37605
committed in the vicinity of a school or in the vicinity of a 37606
juvenile, trafficking in heroin is a felony of the first degree, 37607
and the court shall impose as a mandatory prison term one of the 37608
prison terms prescribed for a felony of the first degree. 37609

(f) If the amount of the drug involved equals or exceeds five 37610
hundred unit doses but is less than two thousand five hundred unit 37611
doses or equals or exceeds fifty grams but is less than two 37612
hundred fifty grams and regardless of whether the offense was 37613
committed in the vicinity of a school or in the vicinity of a 37614
juvenile, trafficking in heroin is a felony of the first degree, 37615
and the court shall impose as a mandatory prison term one of the 37616
prison terms prescribed for a felony of the first degree. 37617

(g) If the amount of the drug involved equals or exceeds two 37618
thousand five hundred unit doses or equals or exceeds two hundred 37619
fifty grams and regardless of whether the offense was committed in 37620
the vicinity of a school or in the vicinity of a juvenile, 37621
trafficking in heroin is a felony of the first degree, the 37622
offender is a major drug offender, and the court shall impose as a 37623
mandatory prison term the maximum prison term prescribed for a 37624
felony of the first degree. 37625

(7) If the drug involved in the violation is hashish or a 37626
compound, mixture, preparation, or substance containing hashish, 37627
whoever violates division (A) of this section is guilty of 37628
trafficking in hashish. The penalty for the offense shall be 37629
determined as follows: 37630

(a) Except as otherwise provided in division (C)(7)(b), (c), 37631
(d), (e), (f), or (g) of this section, trafficking in hashish is a 37632
felony of the fifth degree, and division (B) of section 2929.13 of 37633
the Revised Code applies in determining whether to impose a prison 37634

term on the offender. 37635

(b) Except as otherwise provided in division (C)(7)(c), (d), 37636
(e), (f), or (g) of this section, if the offense was committed in 37637
the vicinity of a school or in the vicinity of a juvenile, 37638
trafficking in hashish is a felony of the fourth degree, and 37639
division (B) of section 2929.13 of the Revised Code applies in 37640
determining whether to impose a prison term on the offender. 37641

(c) Except as otherwise provided in this division, if the 37642
amount of the drug involved equals or exceeds ten grams but is 37643
less than fifty grams of hashish in a solid form or equals or 37644
exceeds two grams but is less than ten grams of hashish in a 37645
liquid concentrate, liquid extract, or liquid distillate form, 37646
trafficking in hashish is a felony of the fourth degree, and 37647
division (B) of section 2929.13 of the Revised Code applies in 37648
determining whether to impose a prison term on the offender. If 37649
the amount of the drug involved is within that range and if the 37650
offense was committed in the vicinity of a school or in the 37651
vicinity of a juvenile, trafficking in hashish is a felony of the 37652
third degree, and division (C) of section 2929.13 of the Revised 37653
Code applies in determining whether to impose a prison term on the 37654
offender. 37655

(d) Except as otherwise provided in this division, if the 37656
amount of the drug involved equals or exceeds fifty grams but is 37657
less than two hundred fifty grams of hashish in a solid form or 37658
equals or exceeds ten grams but is less than fifty grams of 37659
hashish in a liquid concentrate, liquid extract, or liquid 37660
distillate form, trafficking in hashish is a felony of the third 37661
degree, and division (C) of section 2929.13 of the Revised Code 37662
applies in determining whether to impose a prison term on the 37663
offender. If the amount of the drug involved is within that range 37664
and if the offense was committed in the vicinity of a school or in 37665
the vicinity of a juvenile, trafficking in hashish is a felony of 37666

the second degree, and there is a presumption that a prison term 37667
shall be imposed for the offense. 37668

(e) Except as otherwise provided in this division, if the 37669
amount of the drug involved equals or exceeds two hundred fifty 37670
grams but is less than one thousand grams of hashish in a solid 37671
form or equals or exceeds fifty grams but is less than two hundred 37672
grams of hashish in a liquid concentrate, liquid extract, or 37673
liquid distillate form, trafficking in hashish is a felony of the 37674
third degree, and there is a presumption that a prison term shall 37675
be imposed for the offense. If the amount of the drug involved is 37676
within that range and if the offense was committed in the vicinity 37677
of a school or in the vicinity of a juvenile, trafficking in 37678
hashish is a felony of the second degree, and there is a 37679
presumption that a prison term shall be imposed for the offense. 37680

(f) Except as otherwise provided in this division, if the 37681
amount of the drug involved equals or exceeds one thousand grams 37682
but is less than two thousand grams of hashish in a solid form or 37683
equals or exceeds two hundred grams but is less than four hundred 37684
grams of hashish in a liquid concentrate, liquid extract, or 37685
liquid distillate form, trafficking in hashish is a felony of the 37686
second degree, and the court shall impose a mandatory prison term 37687
of five, six, seven, or eight years. If the amount of the drug 37688
involved is within that range and if the offense was committed in 37689
the vicinity of a school or in the vicinity of a juvenile, 37690
trafficking in hashish is a felony of the first degree, and the 37691
court shall impose as a mandatory prison term the maximum prison 37692
term prescribed for a felony of the first degree. 37693

(g) Except as otherwise provided in this division, if the 37694
amount of the drug involved equals or exceeds two thousand grams 37695
of hashish in a solid form or equals or exceeds four hundred grams 37696
of hashish in a liquid concentrate, liquid extract, or liquid 37697
distillate form, trafficking in hashish is a felony of the second 37698

degree, and the court shall impose as a mandatory prison term the 37699
maximum prison term prescribed for a felony of the second degree. 37700
If the amount of the drug involved equals or exceeds two thousand 37701
grams of hashish in a solid form or equals or exceeds four hundred 37702
grams of hashish in a liquid concentrate, liquid extract, or 37703
liquid distillate form and if the offense was committed in the 37704
vicinity of a school or in the vicinity of a juvenile, trafficking 37705
in hashish is a felony of the first degree, and the court shall 37706
impose as a mandatory prison term the maximum prison term 37707
prescribed for a felony of the first degree. 37708

(8) If the drug involved in the violation is a controlled 37709
substance analog or compound, mixture, preparation, or substance 37710
that contains a controlled substance analog, whoever violates 37711
division (A) of this section is guilty of trafficking in a 37712
controlled substance analog. The penalty for the offense shall be 37713
determined as follows: 37714

(a) Except as otherwise provided in division (C)(8)(b), (c), 37715
(d), (e), (f), or (g) of this section, trafficking in a controlled 37716
substance analog is a felony of the fifth degree, and division (C) 37717
of section 2929.13 of the Revised Code applies in determining 37718
whether to impose a prison term on the offender. 37719

(b) Except as otherwise provided in division (C)(8)(c), (d), 37720
(e), (f), or (g) of this section, if the offense was committed in 37721
the vicinity of a school or in the vicinity of a juvenile, 37722
trafficking in a controlled substance analog is a felony of the 37723
fourth degree, and division (C) of section 2929.13 of the Revised 37724
Code applies in determining whether to impose a prison term on the 37725
offender. 37726

(c) Except as otherwise provided in this division, if the 37727
amount of the drug involved equals or exceeds ten grams but is 37728
less than twenty grams, trafficking in a controlled substance 37729
analog is a felony of the fourth degree, and division (B) of 37730

section 2929.13 of the Revised Code applies in determining whether 37731
to impose a prison term for the offense. If the amount of the drug 37732
involved is within that range and if the offense was committed in 37733
the vicinity of a school or in the vicinity of a juvenile, 37734
trafficking in a controlled substance analog is a felony of the 37735
third degree, and there is a presumption for a prison term for the 37736
offense. 37737

(d) Except as otherwise provided in this division, if the 37738
amount of the drug involved equals or exceeds twenty grams but is 37739
less than thirty grams, trafficking in a controlled substance 37740
analog is a felony of the third degree, and there is a presumption 37741
for a prison term for the offense. If the amount of the drug 37742
involved is within that range and if the offense was committed in 37743
the vicinity of a school or in the vicinity of a juvenile, 37744
trafficking in a controlled substance analog is a felony of the 37745
second degree, and there is a presumption for a prison term for 37746
the offense. 37747

(e) Except as otherwise provided in this division, if the 37748
amount of the drug involved equals or exceeds thirty grams but is 37749
less than forty grams, trafficking in a controlled substance 37750
analog is a felony of the second degree, and the court shall 37751
impose as a mandatory prison term one of the prison terms 37752
prescribed for a felony of the second degree. If the amount of the 37753
drug involved is within that range and if the offense was 37754
committed in the vicinity of a school or in the vicinity of a 37755
juvenile, trafficking in a controlled substance analog is a felony 37756
of the first degree, and the court shall impose as a mandatory 37757
prison term one of the prison terms prescribed for a felony of the 37758
first degree. 37759

(f) If the amount of the drug involved equals or exceeds 37760
forty grams but is less than fifty grams and regardless of whether 37761
the offense was committed in the vicinity of a school or in the 37762

vicinity of a juvenile, trafficking in a controlled substance 37763
analog is a felony of the first degree, and the court shall impose 37764
as a mandatory prison term one of the prison terms prescribed for 37765
a felony of the first degree. 37766

(g) If the amount of the drug involved equals or exceeds 37767
fifty grams and regardless of whether the offense was committed in 37768
the vicinity of a school or in the vicinity of a juvenile, 37769
trafficking in a controlled substance analog is a felony of the 37770
first degree, the offender is a major drug offender, and the court 37771
shall impose as a mandatory prison term the maximum prison term 37772
prescribed for a felony of the first degree. 37773

(D) In addition to any prison term authorized or required by 37774
division (C) of this section and sections 2929.13 and 2929.14 of 37775
the Revised Code, and in addition to any other sanction imposed 37776
for the offense under this section or sections 2929.11 to 2929.18 37777
of the Revised Code, the court that sentences an offender who is 37778
convicted of or pleads guilty to a violation of division (A) of 37779
this section shall do all of the following that are applicable 37780
regarding the offender: 37781

(1) If the violation of division (A) of this section is a 37782
felony of the first, second, or third degree, the court shall 37783
impose upon the offender the mandatory fine specified for the 37784
offense under division (B)(1) of section 2929.18 of the Revised 37785
Code unless, as specified in that division, the court determines 37786
that the offender is indigent. Except as otherwise provided in 37787
division (H)(1) of this section, a mandatory fine or any other 37788
fine imposed for a violation of this section is subject to 37789
division (F) of this section. If a person is charged with a 37790
violation of this section that is a felony of the first, second, 37791
or third degree, posts bail, and forfeits the bail, the clerk of 37792
the court shall pay the forfeited bail pursuant to divisions 37793
(D)(1) and (F) of this section, as if the forfeited bail was a 37794

fine imposed for a violation of this section. If any amount of the 37795
forfeited bail remains after that payment and if a fine is imposed 37796
under division (H)(1) of this section, the clerk of the court 37797
shall pay the remaining amount of the forfeited bail pursuant to 37798
divisions (H)(2) and (3) of this section, as if that remaining 37799
amount was a fine imposed under division (H)(1) of this section. 37800

(2) The court shall suspend the driver's or commercial 37801
driver's license or permit of the offender in accordance with 37802
division (G) of this section. 37803

(3) If the offender is a professionally licensed person, the 37804
court immediately shall comply with section 2925.38 of the Revised 37805
Code. 37806

(E) When a person is charged with the sale of or offer to 37807
sell a bulk amount or a multiple of a bulk amount of a controlled 37808
substance, the jury, or the court trying the accused, shall 37809
determine the amount of the controlled substance involved at the 37810
time of the offense and, if a guilty verdict is returned, shall 37811
return the findings as part of the verdict. In any such case, it 37812
is unnecessary to find and return the exact amount of the 37813
controlled substance involved, and it is sufficient if the finding 37814
and return is to the effect that the amount of the controlled 37815
substance involved is the requisite amount, or that the amount of 37816
the controlled substance involved is less than the requisite 37817
amount. 37818

(F)(1) Notwithstanding any contrary provision of section 37819
3719.21 of the Revised Code and except as provided in division (H) 37820
of this section, the clerk of the court shall pay any mandatory 37821
fine imposed pursuant to division (D)(1) of this section and any 37822
fine other than a mandatory fine that is imposed for a violation 37823
of this section pursuant to division (A) or (B)(5) of section 37824
2929.18 of the Revised Code to the county, township, municipal 37825
corporation, park district, as created pursuant to section 511.18 37826

or 1545.04 of the Revised Code, or state law enforcement agencies 37827
in this state that primarily were responsible for or involved in 37828
making the arrest of, and in prosecuting, the offender. However, 37829
the clerk shall not pay a mandatory fine so imposed to a law 37830
enforcement agency unless the agency has adopted a written 37831
internal control policy under division (F)(2) of this section that 37832
addresses the use of the fine moneys that it receives. Each agency 37833
shall use the mandatory fines so paid to subsidize the agency's 37834
law enforcement efforts that pertain to drug offenses, in 37835
accordance with the written internal control policy adopted by the 37836
recipient agency under division (F)(2) of this section. 37837

(2) Prior to receiving any fine moneys under division (F)(1) 37838
of this section or division (B) of section 2925.42 of the Revised 37839
Code, a law enforcement agency shall adopt a written internal 37840
control policy that addresses the agency's use and disposition of 37841
all fine moneys so received and that provides for the keeping of 37842
detailed financial records of the receipts of those fine moneys, 37843
the general types of expenditures made out of those fine moneys, 37844
and the specific amount of each general type of expenditure. The 37845
policy shall not provide for or permit the identification of any 37846
specific expenditure that is made in an ongoing investigation. All 37847
financial records of the receipts of those fine moneys, the 37848
general types of expenditures made out of those fine moneys, and 37849
the specific amount of each general type of expenditure by an 37850
agency are public records open for inspection under section 149.43 37851
of the Revised Code. Additionally, a written internal control 37852
policy adopted under this division is such a public record, and 37853
the agency that adopted it shall comply with it. 37854

(3) As used in division (F) of this section: 37855

(a) "Law enforcement agencies" includes, but is not limited 37856
to, the state board of pharmacy and the office of a prosecutor. 37857

(b) "Prosecutor" has the same meaning as in section 2935.01 37858

of the Revised Code. 37859

(G) When required under division (D)(2) of this section or 37860
any other provision of this chapter, the court shall suspend for 37861
not less than six months or more than five years the driver's or 37862
commercial driver's license or permit of any person who is 37863
convicted of or pleads guilty to any violation of this section or 37864
any other specified provision of this chapter. If an offender's 37865
driver's or commercial driver's license or permit is suspended 37866
pursuant to this division, the offender, at any time after the 37867
expiration of two years from the day on which the offender's 37868
sentence was imposed or from the day on which the offender finally 37869
was released from a prison term under the sentence, whichever is 37870
later, may file a motion with the sentencing court requesting 37871
termination of the suspension; upon the filing of such a motion 37872
and the court's finding of good cause for the termination, the 37873
court may terminate the suspension. 37874

(H)(1) In addition to any prison term authorized or required 37875
by division (C) of this section and sections 2929.13 and 2929.14 37876
of the Revised Code, in addition to any other penalty or sanction 37877
imposed for the offense under this section or sections 2929.11 to 37878
2929.18 of the Revised Code, and in addition to the forfeiture of 37879
property in connection with the offense as prescribed in Chapter 37880
2981. of the Revised Code, the court that sentences an offender 37881
who is convicted of or pleads guilty to a violation of division 37882
(A) of this section may impose upon the offender an additional 37883
fine specified for the offense in division (B)(4) of section 37884
2929.18 of the Revised Code. A fine imposed under division (H)(1) 37885
of this section is not subject to division (F) of this section and 37886
shall be used solely for the support of one or more eligible 37887
community addiction services ~~provider~~ providers in accordance with 37888
divisions (H)(2) and (3) of this section. 37889

(2) The court that imposes a fine under division (H)(1) of 37890

this section shall specify in the judgment that imposes the fine 37891
one or more eligible community addiction services ~~provider~~ 37892
providers for the support of which the fine money is to be used. 37893
No community addiction services provider shall receive or use 37894
money paid or collected in satisfaction of a fine imposed under 37895
division (H)(1) of this section unless the services provider is 37896
specified in the judgment that imposes the fine. No community 37897
addiction services provider shall be specified in the judgment 37898
unless the services provider is an eligible community addiction 37899
services provider and, except as otherwise provided in division 37900
(H)(2) of this section, unless the services provider is located in 37901
the county in which the court that imposes the fine is located or 37902
in a county that is immediately contiguous to the county in which 37903
that court is located. If no eligible community addiction services 37904
provider is located in any of those counties, the judgment may 37905
specify an eligible community addiction services provider that is 37906
located anywhere within this state. 37907

(3) Notwithstanding any contrary provision of section 3719.21 37908
of the Revised Code, the clerk of the court shall pay any fine 37909
imposed under division (H)(1) of this section to the eligible 37910
community addiction services provider specified pursuant to 37911
division (H)(2) of this section in the judgment. The eligible 37912
community addiction services provider that receives the fine 37913
moneys shall use the moneys only for the alcohol and drug 37914
addiction services identified in the application for certification 37915
of services under section 5119.36 of the Revised Code or in the 37916
application for a license under section 5119.391 of the Revised 37917
Code filed with the department of mental health and addiction 37918
services by the community addiction services provider specified in 37919
the judgment. 37920

(4) Each community addiction services provider that receives 37921
in a calendar year any fine moneys under division (H)(3) of this 37922

section shall file an annual report covering that calendar year 37923
with the court of common pleas and the board of county 37924
commissioners of the county in which the services provider is 37925
located, with the court of common pleas and the board of county 37926
commissioners of each county from which the services provider 37927
received the moneys if that county is different from the county in 37928
which the services provider is located, and with the attorney 37929
general. The community addiction services provider shall file the 37930
report no later than the first day of March in the calendar year 37931
following the calendar year in which the services provider 37932
received the fine moneys. The report shall include statistics on 37933
the number of persons served by the community addiction services 37934
provider, identify the types of alcohol and drug addiction 37935
services provided to those persons, and include a specific 37936
accounting of the purposes for which the fine moneys received were 37937
used. No information contained in the report shall identify, or 37938
enable a person to determine the identity of, any person served by 37939
the community addiction services provider. Each report received by 37940
a court of common pleas, a board of county commissioners, or the 37941
attorney general is a public record open for inspection under 37942
section 149.43 of the Revised Code. 37943

(5) As used in divisions (H)(1) to (5) of this section: 37944

(a) "Community addiction services provider" and "alcohol and 37945
drug addiction services" have the same meanings as in section 37946
5119.01 of the Revised Code. 37947

(b) "Eligible community addiction services provider" means a 37948
community addiction services provider ~~that is certified under~~ 37949
~~section 5119.36, as defined in section 5119.01~~ of the Revised 37950
Code, or a community addiction services provider that maintains a 37951
methadone treatment program licensed under section 5119.391 of the 37952
Revised Code ~~by the department of mental health and addiction~~ 37953
~~services.~~ 37954

(I) As used in this section, "drug" includes any substance 37955
that is represented to be a drug. 37956

(J) It is an affirmative defense to a charge of trafficking 37957
in a controlled substance analog under division (C)(8) of this 37958
section that the person charged with violating that offense sold 37959
or offered to sell, or prepared for shipment, shipped, 37960
transported, delivered, prepared for distribution, or distributed 37961
an item described in division (HH)(2)(a), (b), or (c) of section 37962
3719.01 of the Revised Code. 37963

Sec. 2929.13. (A) Except as provided in division (E), (F), or 37964
(G) of this section and unless a specific sanction is required to 37965
be imposed or is precluded from being imposed pursuant to law, a 37966
court that imposes a sentence upon an offender for a felony may 37967
impose any sanction or combination of sanctions on the offender 37968
that are provided in sections 2929.14 to 2929.18 of the Revised 37969
Code. 37970

If the offender is eligible to be sentenced to community 37971
control sanctions, the court shall consider the appropriateness of 37972
imposing a financial sanction pursuant to section 2929.18 of the 37973
Revised Code or a sanction of community service pursuant to 37974
section 2929.17 of the Revised Code as the sole sanction for the 37975
offense. Except as otherwise provided in this division, if the 37976
court is required to impose a mandatory prison term for the 37977
offense for which sentence is being imposed, the court also shall 37978
impose any financial sanction pursuant to section 2929.18 of the 37979
Revised Code that is required for the offense and may impose any 37980
other financial sanction pursuant to that section but may not 37981
impose any additional sanction or combination of sanctions under 37982
section 2929.16 or 2929.17 of the Revised Code. 37983

If the offender is being sentenced for a fourth degree felony 37984
OVI offense or for a third degree felony OVI offense, in addition 37985

to the mandatory term of local incarceration or the mandatory 37986
prison term required for the offense by division (G)(1) or (2) of 37987
this section, the court shall impose upon the offender a mandatory 37988
fine in accordance with division (B)(3) of section 2929.18 of the 37989
Revised Code and may impose whichever of the following is 37990
applicable: 37991

(1) For a fourth degree felony OVI offense for which sentence 37992
is imposed under division (G)(1) of this section, an additional 37993
community control sanction or combination of community control 37994
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 37995
the court imposes upon the offender a community control sanction 37996
and the offender violates any condition of the community control 37997
sanction, the court may take any action prescribed in division (B) 37998
of section 2929.15 of the Revised Code relative to the offender, 37999
including imposing a prison term on the offender pursuant to that 38000
division. 38001

(2) For a third or fourth degree felony OVI offense for which 38002
sentence is imposed under division (G)(2) of this section, an 38003
additional prison term as described in division (B)(4) of section 38004
2929.14 of the Revised Code or a community control sanction as 38005
described in division (G)(2) of this section. 38006

(B)(1)(a) Except as provided in division (B)(1)(b) of this 38007
section, if an offender is convicted of or pleads guilty to a 38008
felony of the fourth or fifth degree that is not an offense of 38009
violence or that is a qualifying assault offense, the court shall 38010
sentence the offender to a community control sanction of at least 38011
one year's duration if all of the following apply: 38012

(i) The offender previously has not been convicted of or 38013
pleaded guilty to a felony offense. 38014

(ii) The most serious charge against the offender at the time 38015
of sentencing is a felony of the fourth or fifth degree. 38016

(iii) If the court made a request of the department of 38017
rehabilitation and correction pursuant to division (B)(1)(c) of 38018
this section, the department, within the forty-five-day period 38019
specified in that division, provided the court with the names of, 38020
contact information for, and program details of one or more 38021
community control sanctions of at least one year's duration that 38022
are available for persons sentenced by the court. 38023

(iv) The offender previously has not been convicted of or 38024
pleaded guilty to a misdemeanor offense of violence that the 38025
offender committed within two years prior to the offense for which 38026
sentence is being imposed. 38027

(b) The court has discretion to impose a prison term upon an 38028
offender who is convicted of or pleads guilty to a felony of the 38029
fourth or fifth degree that is not an offense of violence or that 38030
is a qualifying assault offense if any of the following apply: 38031

(i) The offender committed the offense while having a firearm 38032
on or about the offender's person or under the offender's control. 38033

(ii) If the offense is a qualifying assault offense, the 38034
offender caused serious physical harm to another person while 38035
committing the offense, and, if the offense is not a qualifying 38036
assault offense, the offender caused physical harm to another 38037
person while committing the offense. 38038

(iii) The offender violated a term of the conditions of bond 38039
as set by the court. 38040

(iv) The court made a request of the department of 38041
rehabilitation and correction pursuant to division (B)(1)(c) of 38042
this section, and the department, within the forty-five-day period 38043
specified in that division, did not provide the court with the 38044
name of, contact information for, and program details of any 38045
community control sanction of at least one year's duration that is 38046
available for persons sentenced by the court. 38047

(v) The offense is a sex offense that is a fourth or fifth
degree felony violation of any provision of Chapter 2907. of the
Revised Code.

(vi) In committing the offense, the offender attempted to
cause or made an actual threat of physical harm to a person with a
deadly weapon.

(vii) In committing the offense, the offender attempted to
cause or made an actual threat of physical harm to a person, and
the offender previously was convicted of an offense that caused
physical harm to a person.

(viii) The offender held a public office or position of
trust, and the offense related to that office or position; the
offender's position obliged the offender to prevent the offense or
to bring those committing it to justice; or the offender's
professional reputation or position facilitated the offense or was
likely to influence the future conduct of others.

(ix) The offender committed the offense for hire or as part
of an organized criminal activity.

(x) The offender at the time of the offense was serving, or
the offender previously had served, a prison term.

(xi) The offender committed the offense while under a
community control sanction, while on probation, or while released
from custody on a bond or personal recognizance.

(c) If a court that is sentencing an offender who is
convicted of or pleads guilty to a felony of the fourth or fifth
degree that is not an offense of violence or that is a qualifying
assault offense believes that no community control sanctions are
available for its use that, if imposed on the offender, will
adequately fulfill the overriding principles and purposes of
sentencing, the court shall contact the department of
rehabilitation and correction and ask the department to provide

the court with the names of, contact information for, and program 38079
details of one or more community control sanctions of at least one 38080
year's duration that are available for persons sentenced by the 38081
court. Not later than forty-five days after receipt of a request 38082
from a court under this division, the department shall provide the 38083
court with the names of, contact information for, and program 38084
details of one or more community control sanctions of at least one 38085
year's duration that are available for persons sentenced by the 38086
court, if any. Upon making a request under this division that 38087
relates to a particular offender, a court shall defer sentencing 38088
of that offender until it receives from the department the names 38089
of, contact information for, and program details of one or more 38090
community control sanctions of at least one year's duration that 38091
are available for persons sentenced by the court or for forty-five 38092
days, whichever is the earlier. 38093

If the department provides the court with the names of, 38094
contact information for, and program details of one or more 38095
community control sanctions of at least one year's duration that 38096
are available for persons sentenced by the court within the 38097
forty-five-day period specified in this division, the court shall 38098
impose upon the offender a community control sanction under 38099
division (B)(1)(a) of this section, except that the court may 38100
impose a prison term under division (B)(1)(b) of this section if a 38101
factor described in division (B)(1)(b)(i) or (ii) of this section 38102
applies. If the department does not provide the court with the 38103
names of, contact information for, and program details of one or 38104
more community control sanctions of at least one year's duration 38105
that are available for persons sentenced by the court within the 38106
forty-five-day period specified in this division, the court may 38107
impose upon the offender a prison term under division 38108
(B)(1)(b)(iv) of this section. 38109

(d) A sentencing court may impose an additional penalty under 38110

division (B) of section 2929.15 of the Revised Code upon an 38111
offender sentenced to a community control sanction under division 38112
(B)(1)(a) of this section if the offender violates the conditions 38113
of the community control sanction, violates a law, or leaves the 38114
state without the permission of the court or the offender's 38115
probation officer. 38116

(2) If division (B)(1) of this section does not apply, except 38117
as provided in division (E), (F), or (G) of this section, in 38118
determining whether to impose a prison term as a sanction for a 38119
felony of the fourth or fifth degree, the sentencing court shall 38120
comply with the purposes and principles of sentencing under 38121
section 2929.11 of the Revised Code and with section 2929.12 of 38122
the Revised Code. 38123

(C) Except as provided in division (D), (E), (F), or (G) of 38124
this section, in determining whether to impose a prison term as a 38125
sanction for a felony of the third degree or a felony drug offense 38126
that is a violation of a provision of Chapter 2925. of the Revised 38127
Code and that is specified as being subject to this division for 38128
purposes of sentencing, the sentencing court shall comply with the 38129
purposes and principles of sentencing under section 2929.11 of the 38130
Revised Code and with section 2929.12 of the Revised Code. 38131

(D)(1) Except as provided in division (E) or (F) of this 38132
section, for a felony of the first or second degree, for a felony 38133
drug offense that is a violation of any provision of Chapter 38134
2925., 3719., or 4729. of the Revised Code for which a presumption 38135
in favor of a prison term is specified as being applicable, and 38136
for a violation of division (A)(4) or (B) of section 2907.05 of 38137
the Revised Code for which a presumption in favor of a prison term 38138
is specified as being applicable, it is presumed that a prison 38139
term is necessary in order to comply with the purposes and 38140
principles of sentencing under section 2929.11 of the Revised 38141
Code. Division (D)(2) of this section does not apply to a 38142

presumption established under this division for a violation of 38143
division (A)(4) of section 2907.05 of the Revised Code. 38144

(2) Notwithstanding the presumption established under 38145
division (D)(1) of this section for the offenses listed in that 38146
division other than a violation of division (A)(4) or (B) of 38147
section 2907.05 of the Revised Code, the sentencing court may 38148
impose a community control sanction or a combination of community 38149
control sanctions instead of a prison term on an offender for a 38150
felony of the first or second degree or for a felony drug offense 38151
that is a violation of any provision of Chapter 2925., 3719., or 38152
4729. of the Revised Code for which a presumption in favor of a 38153
prison term is specified as being applicable if it makes both of 38154
the following findings: 38155

(a) A community control sanction or a combination of 38156
community control sanctions would adequately punish the offender 38157
and protect the public from future crime, because the applicable 38158
factors under section 2929.12 of the Revised Code indicating a 38159
lesser likelihood of recidivism outweigh the applicable factors 38160
under that section indicating a greater likelihood of recidivism. 38161

(b) A community control sanction or a combination of 38162
community control sanctions would not demean the seriousness of 38163
the offense, because one or more factors under section 2929.12 of 38164
the Revised Code that indicate that the offender's conduct was 38165
less serious than conduct normally constituting the offense are 38166
applicable, and they outweigh the applicable factors under that 38167
section that indicate that the offender's conduct was more serious 38168
than conduct normally constituting the offense. 38169

(E)(1) Except as provided in division (F) of this section, 38170
for any drug offense that is a violation of any provision of 38171
Chapter 2925. of the Revised Code and that is a felony of the 38172
third, fourth, or fifth degree, the applicability of a presumption 38173
under division (D) of this section in favor of a prison term or of 38174

division (B) or (C) of this section in determining whether to 38175
impose a prison term for the offense shall be determined as 38176
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 38177
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 38178
Revised Code, whichever is applicable regarding the violation. 38179

(2) If an offender who was convicted of or pleaded guilty to 38180
a felony violates the conditions of a community control sanction 38181
imposed for the offense solely by reason of producing positive 38182
results on a drug test, the court, as punishment for the violation 38183
of the sanction, shall not order that the offender be imprisoned 38184
unless the court determines on the record either of the following: 38185

(a) The offender had been ordered as a sanction for the 38186
felony to participate in a drug treatment program, in a drug 38187
education program, or in narcotics anonymous or a similar program, 38188
and the offender continued to use illegal drugs after a reasonable 38189
period of participation in the program. 38190

(b) The imprisonment of the offender for the violation is 38191
consistent with the purposes and principles of sentencing set 38192
forth in section 2929.11 of the Revised Code. 38193

(3) A court that sentences an offender for a drug abuse 38194
offense that is a felony of the third, fourth, or fifth degree may 38195
require that the offender be assessed by a properly credentialed 38196
professional within a specified period of time. The court shall 38197
require the professional to file a written assessment of the 38198
offender with the court. If the offender is eligible for a 38199
community control sanction and after considering the written 38200
assessment, the court may impose a community control sanction that 38201
includes treatment and recovery support services authorized by 38202
division (A)(11) of section ~~3793.02~~ 340.03 of the Revised Code. If 38203
the court imposes treatment and recovery support services as a 38204
community control sanction, the court shall direct the level and 38205
type of treatment and recovery support services after considering 38206

the assessment and recommendation of ~~treatment and recovery~~ 38207
~~support services~~ community addiction services providers. 38208

(F) Notwithstanding divisions (A) to (E) of this section, the 38209
court shall impose a prison term or terms under sections 2929.02 38210
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 38211
of the Revised Code and except as specifically provided in section 38212
2929.20, divisions (C) to (I) of section 2967.19, or section 38213
2967.191 of the Revised Code or when parole is authorized for the 38214
offense under section 2967.13 of the Revised Code shall not reduce 38215
the term or terms pursuant to section 2929.20, section 2967.19, 38216
section 2967.193, or any other provision of Chapter 2967. or 38217
Chapter 5120. of the Revised Code for any of the following 38218
offenses: 38219

(1) Aggravated murder when death is not imposed or murder; 38220

(2) Any rape, regardless of whether force was involved and 38221
regardless of the age of the victim, or an attempt to commit rape 38222
if, had the offender completed the rape that was attempted, the 38223
offender would have been guilty of a violation of division 38224
(A)(1)(b) of section 2907.02 of the Revised Code and would be 38225
sentenced under section 2971.03 of the Revised Code; 38226

(3) Gross sexual imposition or sexual battery, if the victim 38227
is less than thirteen years of age and if any of the following 38228
applies: 38229

(a) Regarding gross sexual imposition, the offender 38230
previously was convicted of or pleaded guilty to rape, the former 38231
offense of felonious sexual penetration, gross sexual imposition, 38232
or sexual battery, and the victim of the previous offense was less 38233
than thirteen years of age; 38234

(b) Regarding gross sexual imposition, the offense was 38235
committed on or after August 3, 2006, and evidence other than the 38236
testimony of the victim was admitted in the case corroborating the 38237

violation. 38238

(c) Regarding sexual battery, either of the following 38239
applies: 38240

(i) The offense was committed prior to August 3, 2006, the 38241
offender previously was convicted of or pleaded guilty to rape, 38242
the former offense of felonious sexual penetration, or sexual 38243
battery, and the victim of the previous offense was less than 38244
thirteen years of age. 38245

(ii) The offense was committed on or after August 3, 2006. 38246

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 38247
2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code 38248
if the section requires the imposition of a prison term; 38249

(5) A first, second, or third degree felony drug offense for 38250
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 38251
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 38252
4729.99 of the Revised Code, whichever is applicable regarding the 38253
violation, requires the imposition of a mandatory prison term; 38254

(6) Any offense that is a first or second degree felony and 38255
that is not set forth in division (F)(1), (2), (3), or (4) of this 38256
section, if the offender previously was convicted of or pleaded 38257
guilty to aggravated murder, murder, any first or second degree 38258
felony, or an offense under an existing or former law of this 38259
state, another state, or the United States that is or was 38260
substantially equivalent to one of those offenses; 38261

(7) Any offense that is a third degree felony and either is a 38262
violation of section 2903.04 of the Revised Code or an attempt to 38263
commit a felony of the second degree that is an offense of 38264
violence and involved an attempt to cause serious physical harm to 38265
a person or that resulted in serious physical harm to a person if 38266
the offender previously was convicted of or pleaded guilty to any 38267
of the following offenses: 38268

(a) Aggravated murder, murder, involuntary manslaughter, 38269
rape, felonious sexual penetration as it existed under section 38270
2907.12 of the Revised Code prior to September 3, 1996, a felony 38271
of the first or second degree that resulted in the death of a 38272
person or in physical harm to a person, or complicity in or an 38273
attempt to commit any of those offenses; 38274

(b) An offense under an existing or former law of this state, 38275
another state, or the United States that is or was substantially 38276
equivalent to an offense listed in division (F)(7)(a) of this 38277
section that resulted in the death of a person or in physical harm 38278
to a person. 38279

(8) Any offense, other than a violation of section 2923.12 of 38280
the Revised Code, that is a felony, if the offender had a firearm 38281
on or about the offender's person or under the offender's control 38282
while committing the felony, with respect to a portion of the 38283
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 38284
of the Revised Code for having the firearm; 38285

(9) Any offense of violence that is a felony, if the offender 38286
wore or carried body armor while committing the felony offense of 38287
violence, with respect to the portion of the sentence imposed 38288
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 38289
Code for wearing or carrying the body armor; 38290

(10) Corrupt activity in violation of section 2923.32 of the 38291
Revised Code when the most serious offense in the pattern of 38292
corrupt activity that is the basis of the offense is a felony of 38293
the first degree; 38294

(11) Any violent sex offense or designated homicide, assault, 38295
or kidnapping offense if, in relation to that offense, the 38296
offender is adjudicated a sexually violent predator; 38297

(12) A violation of division (A)(1) or (2) of section 2921.36 38298
of the Revised Code, or a violation of division (C) of that 38299

section involving an item listed in division (A)(1) or (2) of that 38300
section, if the offender is an officer or employee of the 38301
department of rehabilitation and correction; 38302

(13) A violation of division (A)(1) or (2) of section 2903.06 38303
of the Revised Code if the victim of the offense is a peace 38304
officer, as defined in section 2935.01 of the Revised Code, or an 38305
investigator of the bureau of criminal identification and 38306
investigation, as defined in section 2903.11 of the Revised Code, 38307
with respect to the portion of the sentence imposed pursuant to 38308
division (B)(5) of section 2929.14 of the Revised Code; 38309

(14) A violation of division (A)(1) or (2) of section 2903.06 38310
of the Revised Code if the offender has been convicted of or 38311
pleaded guilty to three or more violations of division (A) or (B) 38312
of section 4511.19 of the Revised Code or an equivalent offense, 38313
as defined in section 2941.1415 of the Revised Code, or three or 38314
more violations of any combination of those divisions and 38315
offenses, with respect to the portion of the sentence imposed 38316
pursuant to division (B)(6) of section 2929.14 of the Revised 38317
Code; 38318

(15) Kidnapping, in the circumstances specified in section 38319
2971.03 of the Revised Code and when no other provision of 38320
division (F) of this section applies; 38321

(16) Kidnapping, abduction, compelling prostitution, 38322
promoting prostitution, engaging in a pattern of corrupt activity, 38323
illegal use of a minor in a nudity-oriented material or 38324
performance in violation of division (A)(1) or (2) of section 38325
2907.323 of the Revised Code, or endangering children in violation 38326
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 38327
the Revised Code, if the offender is convicted of or pleads guilty 38328
to a specification as described in section 2941.1422 of the 38329
Revised Code that was included in the indictment, count in the 38330
indictment, or information charging the offense; 38331

(17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division (D)(3), (4), or (5) of that section, and division (D)(6) of that section, require the imposition of a prison term;

(18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B)(8) of section 2929.14 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G)(1)(d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G)(1) of this section is not subject to any other Revised Code provision that pertains to a prison term except as provided in division (A)(1) of

this section. 38364

(2) If the offender is being sentenced for a third degree 38365
felony OVI offense, or if the offender is being sentenced for a 38366
fourth degree felony OVI offense and the court does not impose a 38367
mandatory term of local incarceration under division (G)(1) of 38368
this section, the court shall impose upon the offender a mandatory 38369
prison term of one, two, three, four, or five years if the 38370
offender also is convicted of or also pleads guilty to a 38371
specification of the type described in section 2941.1413 of the 38372
Revised Code or shall impose upon the offender a mandatory prison 38373
term of sixty days or one hundred twenty days as specified in 38374
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 38375
if the offender has not been convicted of and has not pleaded 38376
guilty to a specification of that type. Subject to divisions (C) 38377
to (I) of section 2967.19 of the Revised Code, the court shall not 38378
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 38379
any other provision of the Revised Code. The offender shall serve 38380
the one-, two-, three-, four-, or five-year mandatory prison term 38381
consecutively to and prior to the prison term imposed for the 38382
underlying offense and consecutively to any other mandatory prison 38383
term imposed in relation to the offense. In no case shall an 38384
offender who once has been sentenced to a mandatory term of local 38385
incarceration pursuant to division (G)(1) of this section for a 38386
fourth degree felony OVI offense be sentenced to another mandatory 38387
term of local incarceration under that division for any violation 38388
of division (A) of section 4511.19 of the Revised Code. In 38389
addition to the mandatory prison term described in division (G)(2) 38390
of this section, the court may sentence the offender to a 38391
community control sanction under section 2929.16 or 2929.17 of the 38392
Revised Code, but the offender shall serve the prison term prior 38393
to serving the community control sanction. The department of 38394
rehabilitation and correction may place an offender sentenced to a 38395
mandatory prison term under this division in an intensive program 38396

prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement. Upon the establishment of the initial intensive program prison pursuant to section 5120.033 of the Revised Code that is privately operated and managed by a contractor pursuant to a contract entered into under section 9.06 of the Revised Code, both of the following apply:

(a) The department of rehabilitation and correction shall make a reasonable effort to ensure that a sufficient number of offenders sentenced to a mandatory prison term under this division are placed in the privately operated and managed prison so that the privately operated and managed prison has full occupancy.

(b) Unless the privately operated and managed prison has full occupancy, the department of rehabilitation and correction shall not place any offender sentenced to a mandatory prison term under this division in any intensive program prison established pursuant to section 5120.033 of the Revised Code other than the privately operated and managed prison.

(H) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a felony committed on or after January 1, 1997, the judge shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code.

(I) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and the duration of the duties. The judge shall inform the offender, at the time of

sentencing, of those duties and of their duration. If required 38429
under division (A)(2) of section 2950.03 of the Revised Code, the 38430
judge shall perform the duties specified in that section, or, if 38431
required under division (A)(6) of section 2950.03 of the Revised 38432
Code, the judge shall perform the duties specified in that 38433
division. 38434

(J)(1) Except as provided in division (J)(2) of this section, 38435
when considering sentencing factors under this section in relation 38436
to an offender who is convicted of or pleads guilty to an attempt 38437
to commit an offense in violation of section 2923.02 of the 38438
Revised Code, the sentencing court shall consider the factors 38439
applicable to the felony category of the violation of section 38440
2923.02 of the Revised Code instead of the factors applicable to 38441
the felony category of the offense attempted. 38442

(2) When considering sentencing factors under this section in 38443
relation to an offender who is convicted of or pleads guilty to an 38444
attempt to commit a drug abuse offense for which the penalty is 38445
determined by the amount or number of unit doses of the controlled 38446
substance involved in the drug abuse offense, the sentencing court 38447
shall consider the factors applicable to the felony category that 38448
the drug abuse offense attempted would be if that drug abuse 38449
offense had been committed and had involved an amount or number of 38450
unit doses of the controlled substance that is within the next 38451
lower range of controlled substance amounts than was involved in 38452
the attempt. 38453

(K) As used in this section: 38454

(1) "Community addiction services provider" has the same 38455
meaning as in section 5119.01 of the Revised Code. 38456

(2) "Drug abuse offense" has the same meaning as in section 38457
2925.01 of the Revised Code. 38458

~~(2)(3)~~ "Qualifying assault offense" means a violation of 38459

section 2903.13 of the Revised Code for which the penalty 38460
provision in division (C)(8)(b) or (C)(9)(b) of that section 38461
applies. 38462

(L) At the time of sentencing an offender for any sexually 38463
oriented offense, if the offender is a tier III sex 38464
offender/child-victim offender relative to that offense and the 38465
offender does not serve a prison term or jail term, the court may 38466
require that the offender be monitored by means of a global 38467
positioning device. If the court requires such monitoring, the 38468
cost of monitoring shall be borne by the offender. If the offender 38469
is indigent, the cost of compliance shall be paid by the crime 38470
victims reparations fund. 38471

Sec. 2929.18. (A) Except as otherwise provided in this 38472
division and in addition to imposing court costs pursuant to 38473
section 2947.23 of the Revised Code, the court imposing a sentence 38474
upon an offender for a felony may sentence the offender to any 38475
financial sanction or combination of financial sanctions 38476
authorized under this section or, in the circumstances specified 38477
in section 2929.32 of the Revised Code, may impose upon the 38478
offender a fine in accordance with that section. Financial 38479
sanctions that may be imposed pursuant to this section include, 38480
but are not limited to, the following: 38481

(1) Restitution by the offender to the victim of the 38482
offender's crime or any survivor of the victim, in an amount based 38483
on the victim's economic loss. If the court imposes restitution, 38484
the court shall order that the restitution be made to the victim 38485
in open court, to the adult probation department that serves the 38486
county on behalf of the victim, to the clerk of courts, or to 38487
another agency designated by the court. If the court imposes 38488
restitution, at sentencing, the court shall determine the amount 38489
of restitution to be made by the offender. If the court imposes 38490

restitution, the court may base the amount of restitution it 38491
orders on an amount recommended by the victim, the offender, a 38492
presentence investigation report, estimates or receipts indicating 38493
the cost of repairing or replacing property, and other 38494
information, provided that the amount the court orders as 38495
restitution shall not exceed the amount of the economic loss 38496
suffered by the victim as a direct and proximate result of the 38497
commission of the offense. If the court decides to impose 38498
restitution, the court shall hold a hearing on restitution if the 38499
offender, victim, or survivor disputes the amount. All restitution 38500
payments shall be credited against any recovery of economic loss 38501
in a civil action brought by the victim or any survivor of the 38502
victim against the offender. 38503

If the court imposes restitution, the court may order that 38504
the offender pay a surcharge of not more than five per cent of the 38505
amount of the restitution otherwise ordered to the entity 38506
responsible for collecting and processing restitution payments. 38507

The victim or survivor may request that the prosecutor in the 38508
case file a motion, or the offender may file a motion, for 38509
modification of the payment terms of any restitution ordered. If 38510
the court grants the motion, it may modify the payment terms as it 38511
determines appropriate. 38512

(2) Except as provided in division (B)(1), (3), or (4) of 38513
this section, a fine payable by the offender to the state, to a 38514
political subdivision, or as described in division (B)(2) of this 38515
section to one or more law enforcement agencies, with the amount 38516
of the fine based on a standard percentage of the offender's daily 38517
income over a period of time determined by the court and based 38518
upon the seriousness of the offense. A fine ordered under this 38519
division shall not exceed the maximum conventional fine amount 38520
authorized for the level of the offense under division (A)(3) of 38521
this section. 38522

(3) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision when appropriate for a felony, or as described in division (B)(2) of this section to one or more law enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty thousand dollars;

(b) For a felony of the second degree, not more than fifteen thousand dollars;

(c) For a felony of the third degree, not more than ten thousand dollars;

(d) For a felony of the fourth degree, not more than five thousand dollars;

(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.

(4) A state fine or costs as defined in section 2949.111 of the Revised Code.

(5)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:

(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;

(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;

(iii) All or part of the cost of purchasing and using an

immobilizing or disabling device, including a certified ignition 38553
interlock device, or a remote alcohol monitoring device that a 38554
court orders an offender to use under section 4510.13 of the 38555
Revised Code. 38556

(b) If the offender is sentenced to a sanction of confinement 38557
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 38558
to be served in a facility operated by a board of county 38559
commissioners, a legislative authority of a municipal corporation, 38560
or another local governmental entity, if, pursuant to section 38561
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 38562
or 2947.19 of the Revised Code and section 2929.37 of the Revised 38563
Code, the board, legislative authority, or other local 38564
governmental entity requires prisoners to reimburse the county, 38565
municipal corporation, or other entity for its expenses incurred 38566
by reason of the prisoner's confinement, and if the court does not 38567
impose a financial sanction under division (A)(5)(a)(ii) of this 38568
section, confinement costs may be assessed pursuant to section 38569
2929.37 of the Revised Code. In addition, the offender may be 38570
required to pay the fees specified in section 2929.38 of the 38571
Revised Code in accordance with that section. 38572

(c) Reimbursement by the offender for costs pursuant to 38573
section 2929.71 of the Revised Code. 38574

(B)(1) For a first, second, or third degree felony violation 38575
of any provision of Chapter 2925., 3719., or 4729. of the Revised 38576
Code, the sentencing court shall impose upon the offender a 38577
mandatory fine of at least one-half of, but not more than, the 38578
maximum statutory fine amount authorized for the level of the 38579
offense pursuant to division (A)(3) of this section. If an 38580
offender alleges in an affidavit filed with the court prior to 38581
sentencing that the offender is indigent and unable to pay the 38582
mandatory fine and if the court determines the offender is an 38583
indigent person and is unable to pay the mandatory fine described 38584

in this division, the court shall not impose the mandatory fine 38585
upon the offender. 38586

(2) Any mandatory fine imposed upon an offender under 38587
division (B)(1) of this section and any fine imposed upon an 38588
offender under division (A)(2) or (3) of this section for any 38589
fourth or fifth degree felony violation of any provision of 38590
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 38591
to law enforcement agencies pursuant to division (F) of section 38592
2925.03 of the Revised Code. 38593

(3) For a fourth degree felony OVI offense and for a third 38594
degree felony OVI offense, the sentencing court shall impose upon 38595
the offender a mandatory fine in the amount specified in division 38596
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 38597
is applicable. The mandatory fine so imposed shall be disbursed as 38598
provided in the division pursuant to which it is imposed. 38599

(4) Notwithstanding any fine otherwise authorized or required 38600
to be imposed under division (A)(2) or (3) or (B)(1) of this 38601
section or section 2929.31 of the Revised Code for a violation of 38602
section 2925.03 of the Revised Code, in addition to any penalty or 38603
sanction imposed for that offense under section 2925.03 or 38604
sections 2929.11 to 2929.18 of the Revised Code and in addition to 38605
the forfeiture of property in connection with the offense as 38606
prescribed in Chapter 2981. of the Revised Code, the court that 38607
sentences an offender for a violation of section 2925.03 of the 38608
Revised Code may impose upon the offender a fine in addition to 38609
any fine imposed under division (A)(2) or (3) of this section and 38610
in addition to any mandatory fine imposed under division (B)(1) of 38611
this section. The fine imposed under division (B)(4) of this 38612
section shall be used as provided in division (H) of section 38613
2925.03 of the Revised Code. A fine imposed under division (B)(4) 38614
of this section shall not exceed whichever of the following is 38615
applicable: 38616

(a) The total value of any personal or real property in which the offender has an interest and that was used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of section 2925.03 of the Revised Code, including any property that constitutes proceeds derived from that offense;

(b) If the offender has no interest in any property of the type described in division (B)(4)(a) of this section or if it is not possible to ascertain whether the offender has an interest in any property of that type in which the offender may have an interest, the amount of the mandatory fine for the offense imposed under division (B)(1) of this section or, if no mandatory fine is imposed under division (B)(1) of this section, the amount of the fine authorized for the level of the offense imposed under division (A)(3) of this section.

(5) Prior to imposing a fine under division (B)(4) of this section, the court shall determine whether the offender has an interest in any property of the type described in division (B)(4)(a) of this section. Except as provided in division (B)(6) or (7) of this section, a fine that is authorized and imposed under division (B)(4) of this section does not limit or affect the imposition of the penalties and sanctions for a violation of section 2925.03 of the Revised Code prescribed under those sections or sections 2929.11 to 2929.18 of the Revised Code and does not limit or affect a forfeiture of property in connection with the offense as prescribed in Chapter 2981. of the Revised Code.

(6) If the sum total of a mandatory fine amount imposed for a first, second, or third degree felony violation of section 2925.03 of the Revised Code under division (B)(1) of this section plus the amount of any fine imposed under division (B)(4) of this section does not exceed the maximum statutory fine amount authorized for

the level of the offense under division (A)(3) of this section or 38649
section 2929.31 of the Revised Code, the court may impose a fine 38650
for the offense in addition to the mandatory fine and the fine 38651
imposed under division (B)(4) of this section. The sum total of 38652
the amounts of the mandatory fine, the fine imposed under division 38653
(B)(4) of this section, and the additional fine imposed under 38654
division (B)(6) of this section shall not exceed the maximum 38655
statutory fine amount authorized for the level of the offense 38656
under division (A)(3) of this section or section 2929.31 of the 38657
Revised Code. The clerk of the court shall pay any fine that is 38658
imposed under division (B)(6) of this section to the county, 38659
township, municipal corporation, park district as created pursuant 38660
to section 511.18 or 1545.04 of the Revised Code, or state law 38661
enforcement agencies in this state that primarily were responsible 38662
for or involved in making the arrest of, and in prosecuting, the 38663
offender pursuant to division (F) of section 2925.03 of the 38664
Revised Code. 38665

(7) If the sum total of the amount of a mandatory fine 38666
imposed for a first, second, or third degree felony violation of 38667
section 2925.03 of the Revised Code plus the amount of any fine 38668
imposed under division (B)(4) of this section exceeds the maximum 38669
statutory fine amount authorized for the level of the offense 38670
under division (A)(3) of this section or section 2929.31 of the 38671
Revised Code, the court shall not impose a fine under division 38672
(B)(6) of this section. 38673

(8)(a) If an offender who is convicted of or pleads guilty to 38674
a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 38675
2923.32, division (A)(1) or (2) of section 2907.323, or division 38676
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 38677
Code also is convicted of or pleads guilty to a specification of 38678
the type described in section 2941.1422 of the Revised Code that 38679
charges that the offender knowingly committed the offense in 38680

furtherance of human trafficking, the sentencing court shall 38681
sentence the offender to a financial sanction of restitution by 38682
the offender to the victim or any survivor of the victim, with the 38683
restitution including the costs of housing, counseling, and 38684
medical and legal assistance incurred by the victim as a direct 38685
result of the offense and the greater of the following: 38686

(i) The gross income or value to the offender of the victim's 38687
labor or services; 38688

(ii) The value of the victim's labor as guaranteed under the 38689
minimum wage and overtime provisions of the "Federal Fair Labor 38690
Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state 38691
labor laws. 38692

(b) If a court imposing sentence upon an offender for a 38693
felony is required to impose upon the offender a financial 38694
sanction of restitution under division (B)(8)(a) of this section, 38695
in addition to that financial sanction of restitution, the court 38696
may sentence the offender to any other financial sanction or 38697
combination of financial sanctions authorized under this section, 38698
including a restitution sanction under division (A)(1) of this 38699
section. 38700

(9) In addition to any other fine that is or may be imposed 38701
under this section, the court imposing sentence upon an offender 38702
for a felony that is a sexually oriented offense or a child-victim 38703
oriented offense, as those terms are defined in section 2950.01 of 38704
the Revised Code, may impose a fine of not less than fifty nor 38705
more than five hundred dollars. 38706

~~(C)(1) The offender shall pay reimbursements imposed upon the 38707
offender pursuant to division (A)(5)(a) of this section to pay the 38708
costs incurred by the department of rehabilitation and correction 38709
in operating a prison or other facility used to confine offenders 38710
pursuant to sanctions imposed under section 2929.14, 2929.142, or 38711~~

~~2929.16 of the Revised Code to the treasurer of state. The~~ 38712
~~treasurer of state shall deposit the reimbursements in the~~ 38713
~~confinement cost reimbursement fund that is hereby created in the~~ 38714
~~state treasury. The department of rehabilitation and correction~~ 38715
~~shall use the amounts deposited in the fund to fund the operation~~ 38716
~~of facilities used to confine offenders pursuant to sections~~ 38717
~~2929.14, 2929.142, and 2929.16 of the Revised Code.~~ 38718

{2} Except as provided in section 2951.021 of the Revised 38719
Code, the offender shall pay reimbursements imposed upon the 38720
offender pursuant to division (A)(5)(a) of this section to pay the 38721
costs incurred by a county pursuant to any sanction imposed under 38722
this section or section 2929.16 or 2929.17 of the Revised Code or 38723
in operating a facility used to confine offenders pursuant to a 38724
sanction imposed under section 2929.16 of the Revised Code to the 38725
county treasurer. The county treasurer shall deposit the 38726
reimbursements in the sanction cost reimbursement fund that each 38727
board of county commissioners shall create in its county treasury. 38728
The county shall use the amounts deposited in the fund to pay the 38729
costs incurred by the county pursuant to any sanction imposed 38730
under this section or section 2929.16 or 2929.17 of the Revised 38731
Code or in operating a facility used to confine offenders pursuant 38732
to a sanction imposed under section 2929.16 of the Revised Code. 38733

~~{3}~~{2} Except as provided in section 2951.021 of the Revised 38734
Code, the offender shall pay reimbursements imposed upon the 38735
offender pursuant to division (A)(5)(a) of this section to pay the 38736
costs incurred by a municipal corporation pursuant to any sanction 38737
imposed under this section or section 2929.16 or 2929.17 of the 38738
Revised Code or in operating a facility used to confine offenders 38739
pursuant to a sanction imposed under section 2929.16 of the 38740
Revised Code to the treasurer of the municipal corporation. The 38741
treasurer shall deposit the reimbursements in a special fund that 38742
shall be established in the treasury of each municipal 38743

corporation. The municipal corporation shall use the amounts 38744
deposited in the fund to pay the costs incurred by the municipal 38745
corporation pursuant to any sanction imposed under this section or 38746
section 2929.16 or 2929.17 of the Revised Code or in operating a 38747
facility used to confine offenders pursuant to a sanction imposed 38748
under section 2929.16 of the Revised Code. 38749

~~(4)~~(3) Except as provided in section 2951.021 of the Revised 38750
Code, the offender shall pay reimbursements imposed pursuant to 38751
division (A)(5)(a) of this section for the costs incurred by a 38752
private provider pursuant to a sanction imposed under this section 38753
or section 2929.16 or 2929.17 of the Revised Code to the provider. 38754

(D) Except as otherwise provided in this division, a 38755
financial sanction imposed pursuant to division (A) or (B) of this 38756
section is a judgment in favor of the state or a political 38757
subdivision in which the court that imposed the financial sanction 38758
is located, and the offender subject to the financial sanction is 38759
the judgment debtor. A financial sanction of reimbursement imposed 38760
pursuant to division (A)(5)(a)(ii) of this section upon an 38761
offender who is incarcerated in a state facility or a municipal 38762
jail is a judgment in favor of the state or the municipal 38763
corporation, and the offender subject to the financial sanction is 38764
the judgment debtor. A financial sanction of reimbursement imposed 38765
upon an offender pursuant to this section for costs incurred by a 38766
private provider of sanctions is a judgment in favor of the 38767
private provider, and the offender subject to the financial 38768
sanction is the judgment debtor. A financial sanction of 38769
restitution imposed pursuant to division (A)(1) or (B)(8) of this 38770
section is an order in favor of the victim of the offender's 38771
criminal act that can be collected through a certificate of 38772
judgment as described in division (D)(1) of this section, through 38773
execution as described in division (D)(2) of this section, or 38774
through an order as described in division (D)(3) of this section, 38775

and the offender shall be considered for purposes of the 38776
collection as the judgment debtor. Imposition of a financial 38777
sanction and execution on the judgment does not preclude any other 38778
power of the court to impose or enforce sanctions on the offender. 38779
Once the financial sanction is imposed as a judgment or order 38780
under this division, the victim, private provider, state, or 38781
political subdivision may do any of the following: 38782

(1) Obtain from the clerk of the court in which the judgment 38783
was entered a certificate of judgment that shall be in the same 38784
manner and form as a certificate of judgment issued in a civil 38785
action; 38786

(2) Obtain execution of the judgment or order through any 38787
available procedure, including: 38788

(a) An execution against the property of the judgment debtor 38789
under Chapter 2329. of the Revised Code; 38790

(b) An execution against the person of the judgment debtor 38791
under Chapter 2331. of the Revised Code; 38792

(c) A proceeding in aid of execution under Chapter 2333. of 38793
the Revised Code, including: 38794

(i) A proceeding for the examination of the judgment debtor 38795
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 38796
of the Revised Code; 38797

(ii) A proceeding for attachment of the person of the 38798
judgment debtor under section 2333.28 of the Revised Code; 38799

(iii) A creditor's suit under section 2333.01 of the Revised 38800
Code. 38801

(d) The attachment of the property of the judgment debtor 38802
under Chapter 2715. of the Revised Code; 38803

(e) The garnishment of the property of the judgment debtor 38804
under Chapter 2716. of the Revised Code. 38805

(3) Obtain an order for the assignment of wages of the 38806
judgment debtor under section 1321.33 of the Revised Code. 38807

(E) A court that imposes a financial sanction upon an 38808
offender may hold a hearing if necessary to determine whether the 38809
offender is able to pay the sanction or is likely in the future to 38810
be able to pay it. 38811

(F) Each court imposing a financial sanction upon an offender 38812
under this section or under section 2929.32 of the Revised Code 38813
may designate the clerk of the court or another person to collect 38814
the financial sanction. The clerk or other person authorized by 38815
law or the court to collect the financial sanction may enter into 38816
contracts with one or more public agencies or private vendors for 38817
the collection of, amounts due under the financial sanction 38818
imposed pursuant to this section or section 2929.32 of the Revised 38819
Code. Before entering into a contract for the collection of 38820
amounts due from an offender pursuant to any financial sanction 38821
imposed pursuant to this section or section 2929.32 of the Revised 38822
Code, a court shall comply with sections 307.86 to 307.92 of the 38823
Revised Code. 38824

(G) If a court that imposes a financial sanction under 38825
division (A) or (B) of this section finds that an offender 38826
satisfactorily has completed all other sanctions imposed upon the 38827
offender and that all restitution that has been ordered has been 38828
paid as ordered, the court may suspend any financial sanctions 38829
imposed pursuant to this section or section 2929.32 of the Revised 38830
Code that have not been paid. 38831

(H) No financial sanction imposed under this section or 38832
section 2929.32 of the Revised Code shall preclude a victim from 38833
bringing a civil action against the offender. 38834

Sec. 2929.20. (A) As used in this section: 38835

(1)(a) Except as provided in division (A)(1)(b) of this section, "eligible offender" means any person who, on or after April 7, 2009, is serving a stated prison term that includes one or more nonmandatory prison terms.

(b) "Eligible offender" does not include any person who, on or after April 7, 2009, is serving a stated prison term for any of the following criminal offenses that was a felony and was committed while the person held a public office in this state:

(i) A violation of section 2921.02, 2921.03, 2921.05, 2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised Code;

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 2921.12 of the Revised Code, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

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

(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(ii) of this section, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(i) or described in division (A)(1)(b)(iii) of this section;

(vi) A conspiracy to commit, attempt to commit, or complicity

in committing any offense listed in division (A)(1)(b)(ii) or 38867
described in division (A)(1)(b)(iv) of this section, if the 38868
conduct constituting the offense that was the subject of the 38869
conspiracy, that would have constituted the offense attempted, or 38870
constituting the offense in which the offender was complicit was 38871
or would have been related to the duties of the offender's public 38872
office or to the offender's actions as a public official holding 38873
that public office. 38874

(2) "Nonmandatory prison term" means a prison term that is 38875
not a mandatory prison term. 38876

(3) "Public office" means any elected federal, state, or 38877
local government office in this state. 38878

(4) "Victim's representative" has the same meaning as in 38879
section 2930.01 of the Revised Code. 38880

(5) "Imminent danger of death," "medically incapacitated," 38881
and "terminal illness" have the same meanings as in section 38882
2967.05 of the Revised Code. 38883

(B) On the motion of an eligible offender or upon its own 38884
motion, the sentencing court may reduce the eligible offender's 38885
aggregated nonmandatory prison term or terms through a judicial 38886
release under this section. 38887

(C) An eligible offender may file a motion for judicial 38888
release with the sentencing court within the following applicable 38889
periods: 38890

(1) If the aggregated nonmandatory prison term or terms is 38891
less than two years, the eligible offender may file the motion not 38892
earlier than thirty days after the offender is delivered to a 38893
state correctional institution or, if the prison term includes a 38894
mandatory prison term or terms, not earlier than thirty days after 38895
the expiration of all mandatory prison terms. 38896

(2) If the aggregated nonmandatory prison term or terms is at least two years but less than five years, the eligible offender may file the motion not earlier than one hundred eighty days after the offender is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, not earlier than one hundred eighty days after the expiration of all mandatory prison terms.

(3) If the aggregated nonmandatory prison term or terms is five years, the eligible offender may file the motion not earlier than four years after the eligible offender is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, not earlier than four years after the expiration of all mandatory prison terms.

(4) If the aggregated nonmandatory prison term or terms is more than five years but not more than ten years, the eligible offender may file the motion not earlier than five years after the eligible offender is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, not earlier than five years after the expiration of all mandatory prison terms.

(5) If the aggregated nonmandatory prison term or terms is more than ten years, the eligible offender may file the motion not earlier than the later of the date on which the offender has served one-half of the offender's stated prison term or the date specified in division (C)(4) of this section.

(D) Upon receipt of a timely motion for judicial release filed by an eligible offender under division (C) of this section or upon the sentencing court's own motion made within the appropriate time specified in that division, the court may deny the motion without a hearing or schedule a hearing on the motion. The court shall not grant the motion without a hearing. If a court denies a motion without a hearing, the court later may consider

judicial release for that eligible offender on a subsequent motion 38929
filed by that eligible offender unless the court denies the motion 38930
with prejudice. If a court denies a motion with prejudice, the 38931
court may later consider judicial release on its own motion. If a 38932
court denies a motion after a hearing, the court shall not 38933
consider a subsequent motion for that eligible offender. The court 38934
shall hold only one hearing for any eligible offender. 38935

A hearing under this section shall be conducted in open court 38936
not less than thirty or more than sixty days after the motion is 38937
filed, provided that the court may delay the hearing for one 38938
hundred eighty additional days. If the court holds a hearing, the 38939
court shall enter a ruling on the motion within ten days after the 38940
hearing. If the court denies the motion without a hearing, the 38941
court shall enter its ruling on the motion within sixty days after 38942
the motion is filed. 38943

(E) If a court schedules a hearing under division (D) of this 38944
section, the court shall notify the eligible offender and the head 38945
of the state correctional institution in which the eligible 38946
offender is confined prior to the hearing. The head of the state 38947
correctional institution immediately shall notify the appropriate 38948
person at the department of rehabilitation and correction of the 38949
hearing, and the department within twenty-four hours after receipt 38950
of the notice, shall post on the database it maintains pursuant to 38951
section 5120.66 of the Revised Code the offender's name and all of 38952
the information specified in division (A)(1)(c)(i) of that 38953
section. If the court schedules a hearing for judicial release, 38954
the court promptly shall give notice of the hearing to the 38955
prosecuting attorney of the county in which the eligible offender 38956
was indicted. Upon receipt of the notice from the court, the 38957
prosecuting attorney shall do whichever of the following is 38958
applicable: 38959

(1) Subject to division (E)(2) of this section, notify the 38960

victim of the offense or the victim's representative pursuant to 38961
division (B) of section 2930.16 of the Revised Code; 38962

(2) If the offense was an offense of violence that is a 38963
felony of the first, second, or third degree, except as otherwise 38964
provided in this division, notify the victim or the victim's 38965
representative of the hearing regardless of whether the victim or 38966
victim's representative has requested the notification. The notice 38967
of the hearing shall not be given under this division to a victim 38968
or victim's representative if the victim or victim's 38969
representative has requested pursuant to division (B)(2) of 38970
section 2930.03 of the Revised Code that the victim or the 38971
victim's representative not be provided the notice. If notice is 38972
to be provided to a victim or victim's representative under this 38973
division, the prosecuting attorney may give the notice by any 38974
reasonable means, including regular mail, telephone, and 38975
electronic mail, in accordance with division (D)(1) of section 38976
2930.16 of the Revised Code. If the notice is based on an offense 38977
committed prior to March 22, 2013, the notice also shall include 38978
the opt-out information described in division (D)(1) of section 38979
2930.16 of the Revised Code. The prosecuting attorney, in 38980
accordance with division (D)(2) of section 2930.16 of the Revised 38981
Code, shall keep a record of all attempts to provide the notice, 38982
and of all notices provided, under this division. Division (E)(2) 38983
of this section, and the notice-related provisions of division (K) 38984
of this section, division (D)(1) of section 2930.16, division (H) 38985
of section 2967.12, division (E)(1)(b) of section 2967.19, 38986
division (A)(3)(b) of section 2967.26, division (D)(1) of section 38987
2967.28, and division (A)(2) of section 5149.101 of the Revised 38988
Code enacted in the act in which division (E)(2) of this section 38989
was enacted, shall be known as "Roberta's Law." 38990

(F) Upon an offender's successful completion of 38991
rehabilitative activities, the head of the state correctional 38992

institution may notify the sentencing court of the successful 38993
completion of the activities. 38994

(G) Prior to the date of the hearing on a motion for judicial 38995
release under this section, the head of the state correctional 38996
institution in which the eligible offender is confined shall send 38997
to the court an institutional summary report on the eligible 38998
offender's conduct in the institution and in any institution from 38999
which the eligible offender may have been transferred. Upon the 39000
request of the prosecuting attorney of the county in which the 39001
eligible offender was indicted or of any law enforcement agency, 39002
the head of the state correctional institution, at the same time 39003
the person sends the institutional summary report to the court, 39004
also shall send a copy of the report to the requesting prosecuting 39005
attorney and law enforcement agencies. The institutional summary 39006
report shall cover the eligible offender's participation in 39007
school, vocational training, work, treatment, and other 39008
rehabilitative activities and any disciplinary action taken 39009
against the eligible offender. The report shall be made part of 39010
the record of the hearing. A presentence investigation report is 39011
not required for judicial release. 39012

(H) If the court grants a hearing on a motion for judicial 39013
release under this section, the eligible offender shall attend the 39014
hearing if ordered to do so by the court. Upon receipt of a copy 39015
of the journal entry containing the order, the head of the state 39016
correctional institution in which the eligible offender is 39017
incarcerated shall deliver the eligible offender to the sheriff of 39018
the county in which the hearing is to be held. The sheriff shall 39019
convey the eligible offender to and from the hearing. 39020

(I) At the hearing on a motion for judicial release under 39021
this section, the court shall afford the eligible offender and the 39022
eligible offender's attorney an opportunity to present written 39023
and, if present, oral information relevant to the motion. The 39024

court shall afford a similar opportunity to the prosecuting attorney, the victim or the victim's representative, and any other person the court determines is likely to present additional relevant information. The court shall consider any statement of a victim made pursuant to section 2930.14 or 2930.17 of the Revised Code, any victim impact statement prepared pursuant to section 2947.051 of the Revised Code, and any report made under division (G) of this section. The court may consider any written statement of any person submitted to the court pursuant to division (L) of this section. After ruling on the motion, the court shall notify the victim of the ruling in accordance with sections 2930.03 and 2930.16 of the Revised Code.

(J)(1) A court shall not grant a judicial release under this section to an eligible offender who is imprisoned for a felony of the first or second degree, or to an eligible offender who committed an offense under Chapter 2925. or 3719. of the Revised Code and for whom there was a presumption under section 2929.13 of the Revised Code in favor of a prison term, unless the court, with reference to factors under section 2929.12 of the Revised Code, finds both of the following:

(a) That a sanction other than a prison term would adequately punish the offender and protect the public from future criminal violations by the eligible offender because the applicable factors indicating a lesser likelihood of recidivism outweigh the applicable factors indicating a greater likelihood of recidivism;

(b) That a sanction other than a prison term would not demean the seriousness of the offense because factors indicating that the eligible offender's conduct in committing the offense was less serious than conduct normally constituting the offense outweigh factors indicating that the eligible offender's conduct was more serious than conduct normally constituting the offense.

(2) A court that grants a judicial release to an eligible

offender under division (J)(1) of this section shall specify on 39057
the record both findings required in that division and also shall 39058
list all the factors described in that division that were 39059
presented at the hearing. 39060

(K) If the court grants a motion for judicial release under 39061
this section, the court shall order the release of the eligible 39062
offender, shall place the eligible offender under an appropriate 39063
community control sanction, under appropriate conditions, and 39064
under the supervision of the department of probation serving the 39065
court and shall reserve the right to reimpose the sentence that it 39066
reduced if the offender violates the sanction. If the court 39067
reimposes the reduced sentence, it may do so either concurrently 39068
with, or consecutive to, any new sentence imposed upon the 39069
eligible offender as a result of the violation that is a new 39070
offense. ~~The~~ Except as provided in division (R)(2) of this 39071
section, the period of community control shall be no longer than 39072
five years. The court, in its discretion, may reduce the period of 39073
community control by the amount of time the eligible offender 39074
spent in jail or prison for the offense and in prison. If the 39075
court made any findings pursuant to division (J)(1) of this 39076
section, the court shall serve a copy of the findings upon counsel 39077
for the parties within fifteen days after the date on which the 39078
court grants the motion for judicial release. 39079

If the court grants a motion for judicial release, the court 39080
shall notify the appropriate person at the department of 39081
rehabilitation and correction, and the department shall post 39082
notice of the release on the database it maintains pursuant to 39083
section 5120.66 of the Revised Code. The court also shall notify 39084
the prosecuting attorney of the county in which the eligible 39085
offender was indicted that the motion has been granted. Unless the 39086
victim or the victim's representative has requested pursuant to 39087
division (B)(2) of section 2930.03 of the Revised Code that the 39088

victim or victim's representative not be provided the notice, the 39089
prosecuting attorney shall notify the victim or the victim's 39090
representative of the judicial release in any manner, and in 39091
accordance with the same procedures, pursuant to which the 39092
prosecuting attorney is authorized to provide notice of the 39093
hearing pursuant to division (E)(2) of this section. If the notice 39094
is based on an offense committed prior to March 22, 2013, the 39095
notice to the victim or victim's representative also shall include 39096
the opt-out information described in division (D)(1) of section 39097
2930.16 of the Revised Code. 39098

(L) In addition to and independent of the right of a victim 39099
to make a statement pursuant to section 2930.14, 2930.17, or 39100
2946.051 of the Revised Code and any right of a person to present 39101
written information or make a statement pursuant to division (I) 39102
of this section, any person may submit to the court, at any time 39103
prior to the hearing on the offender's motion for judicial 39104
release, a written statement concerning the effects of the 39105
offender's crime or crimes, the circumstances surrounding the 39106
crime or crimes, the manner in which the crime or crimes were 39107
perpetrated, and the person's opinion as to whether the offender 39108
should be released. 39109

(M) The changes to this section that are made on September 39110
30, 2011, apply to any judicial release decision made on or after 39111
September 30, 2011, for any eligible offender. 39112

(N) Notwithstanding the eligibility requirements specified in 39113
division (A) of this section and the filing time frames specified 39114
in division (C) of this section and notwithstanding the findings 39115
required under division (J) of this section, the sentencing court, 39116
upon the court's own motion and after considering whether the 39117
release of the offender into society would create undue risk to 39118
public safety, may grant a judicial release to an offender who is 39119
not serving a life sentence at any time during the offender's 39120

imposed sentence when the director of rehabilitation and 39121
correction certifies to the sentencing court through the chief 39122
medical officer for the department of rehabilitation and 39123
correction that the offender is in imminent danger of death, is 39124
medically incapacitated, or is suffering from a terminal illness. 39125

(O) The director of rehabilitation and correction shall not 39126
certify any offender under division (N) of this section who is 39127
serving a death sentence. 39128

(P) A motion made by the court under division (N) of this 39129
section is subject to the notice, hearing, and other procedural 39130
requirements specified in divisions (D), (E), (G), (H), (I), (K), 39131
and (L) of this section, except for the following: 39132

(1) The court may waive the offender's appearance at any 39133
hearing scheduled by the court if the offender's condition makes 39134
it impossible for the offender to participate meaningfully in the 39135
proceeding. 39136

(2) The court may grant the motion without a hearing, 39137
provided that the prosecuting attorney and victim or victim's 39138
representative to whom notice of the hearing was provided under 39139
division (E) of this section indicate that they do not wish to 39140
participate in the hearing or present information relevant to the 39141
motion. 39142

(Q) The court may request health care records from the 39143
department of rehabilitation and correction to verify the 39144
certification made under division (N) of this section. 39145

(R)(1) If the court grants judicial release under division 39146
(N) of this section, the court shall do all of the following: 39147

(a) Order the release of the offender; 39148

(b) Place the offender under an appropriate community control 39149
sanction, under appropriate conditions; 39150

(c) Place the offender under the supervision of the 39151
department of probation serving the court or under the supervision 39152
of the adult parole authority. 39153

(2) The court, in its discretion, may revoke the judicial 39154
release if the offender violates the community control sanction 39155
described in division (R)(1) of this section. The period of that 39156
community control is not subject to the five-year limitation 39157
described in division (K) of this section and shall not expire 39158
earlier than the date on which all of the offender's mandatory 39159
prison terms expire. 39160

(S) If the health of an offender who is released under 39161
division (N) of this section improves so that the offender is no 39162
longer terminally ill, medically incapacitated, or in imminent 39163
danger of death, the court shall, upon the court's own motion, 39164
revoke the judicial release. The court shall not grant the motion 39165
without a hearing unless the offender waives a hearing. If a 39166
hearing is held, the court shall afford the offender and the 39167
offender's attorney an opportunity to present written and, if the 39168
offender or the offender's attorney is present, oral information 39169
relevant to the motion. The court shall afford a similar 39170
opportunity to the prosecuting attorney, the victim or the 39171
victim's representative, and any other person the court determines 39172
is likely to present additional relevant information. A court that 39173
grants a motion under this division shall specify its findings on 39174
the record. 39175

Sec. 2935.33. (A) If a person charged with a misdemeanor is 39176
taken before a judge of a court of record and if it appears to the 39177
judge that the person is an alcoholic or is suffering from acute 39178
alcohol intoxication and that the person would benefit from 39179
services provided by a community addiction services provider 39180
~~certified under Chapter 5119. of the Revised Code,~~ the judge may 39181

place the person temporarily ~~in~~ with a community addiction 39182
services provider ~~certified under that chapter~~ in the area in 39183
which the court has jurisdiction for inpatient care and treatment 39184
for an indefinite period not exceeding five days. The commitment 39185
does not limit the right to release on bail. The judge may dismiss 39186
a charge of a violation of division (B) of section 2917.11 of the 39187
Revised Code or of a municipal ordinance substantially equivalent 39188
to that division if the defendant complies with all the conditions 39189
of treatment ordered by the court. 39190

The court may order that any fines or court costs collected 39191
by the court from defendants who have received inpatient care from 39192
a community addiction services provider be paid, for the benefit 39193
of the program, to the board of alcohol, drug addiction, and 39194
mental health services of the alcohol, drug addiction, and mental 39195
health service district in which the community addiction services 39196
provider is located or to the director of mental health and 39197
addiction services. 39198

(B) If a person is being sentenced for a violation of 39199
division (B) of section 2917.11 or section 4511.19 of the Revised 39200
Code, a misdemeanor violation of section 2919.25 of the Revised 39201
Code, a misdemeanor violation of section 2919.27 of the Revised 39202
Code involving a protection order issued or consent agreement 39203
approved pursuant to section 2919.26 or 3113.31 of the Revised 39204
Code, or a violation of a municipal ordinance substantially 39205
equivalent to that division or any of those sections and if it 39206
appears to the judge at the time of sentencing that the person is 39207
an alcoholic or is suffering from acute alcohol intoxication and 39208
that, in lieu of imprisonment, the person would benefit from 39209
services provided by a community addiction services provider 39210
~~certified under Chapter 5119. of the Revised Code~~, the court may 39211
commit the person to close supervision in any facility in the area 39212
in which the court has jurisdiction that is, or is operated by, 39213

such a services provider. Such close supervision may include 39214
outpatient services and part-time release, except that a person 39215
convicted of a violation of division (A) of section 4511.19 of the 39216
Revised Code shall be confined to the facility for at least three 39217
days and except that a person convicted of a misdemeanor violation 39218
of section 2919.25 of the Revised Code, a misdemeanor violation of 39219
section 2919.27 of the Revised Code involving a protection order 39220
issued or consent agreement approved pursuant to section 2919.26 39221
or 3113.31 of the Revised Code, or a violation of a substantially 39222
equivalent municipal ordinance shall be confined to the facility 39223
in accordance with the order of commitment. A commitment of a 39224
person to a facility for purposes of close supervision shall not 39225
exceed the maximum term for which the person could be imprisoned. 39226

(C) A law enforcement officer who finds a person subject to 39227
prosecution for violation of division (B) of section 2917.11 of 39228
the Revised Code or a municipal ordinance substantially equivalent 39229
to that division and who has reasonable cause to believe that the 39230
person is an alcoholic or is suffering from acute alcohol 39231
intoxication and would benefit from immediate treatment 39232
immediately may place the person ~~in~~ with a community addiction 39233
services provider ~~certified under Chapter 5119. of the Revised~~ 39234
~~Code~~ in the area in which the person is found, for emergency 39235
treatment, in lieu of other arrest procedures, for a maximum 39236
period of forty-eight hours. During that time, if the person 39237
desires to leave such custody, the person shall be released 39238
forthwith. 39239

(D) As used in this section: 39240

(1) "Alcoholic" ~~has~~ and "community addiction services 39241
provider" have the same ~~meaning~~ meanings as in section 5119.01 of 39242
the Revised Code; 39243

(2) "Acute alcohol intoxication" means a heavy consumption of 39244
alcohol over a relatively short period of time, resulting in 39245

dysfunction of the brain centers controlling behavior, speech, and 39246
memory and causing characteristic withdrawal symptoms. 39247

Sec. 2951.041. (A)(1) If an offender is charged with a 39248
criminal offense, including but not limited to a violation of 39249
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 39250
the Revised Code, and the court has reason to believe that drug or 39251
alcohol usage by the offender was a factor leading to the criminal 39252
offense with which the offender is charged or that, at the time of 39253
committing that offense, the offender had a mental illness, was a 39254
person with intellectual disability, or was a victim of a 39255
violation of section 2905.32 of the Revised Code and that the 39256
mental illness, status as a person with intellectual disability, 39257
or fact that the offender was a victim of a violation of section 39258
2905.32 of the Revised Code was a factor leading to the offender's 39259
criminal behavior, the court may accept, prior to the entry of a 39260
guilty plea, the offender's request for intervention in lieu of 39261
conviction. The request shall include a statement from the 39262
offender as to whether the offender is alleging that drug or 39263
alcohol usage by the offender was a factor leading to the criminal 39264
offense with which the offender is charged or is alleging that, at 39265
the time of committing that offense, the offender had a mental 39266
illness, was a person with intellectual disability, or was a 39267
victim of a violation of section 2905.32 of the Revised Code and 39268
that the mental illness, status as a person with intellectual 39269
disability, or fact that the offender was a victim of a violation 39270
of section 2905.32 of the Revised Code was a factor leading to the 39271
criminal offense with which the offender is charged. The request 39272
also shall include a waiver of the defendant's right to a speedy 39273
trial, the preliminary hearing, the time period within which the 39274
grand jury may consider an indictment against the offender, and 39275
arraignment, unless the hearing, indictment, or arraignment has 39276
already occurred. The court may reject an offender's request 39277

without a hearing. If the court elects to consider an offender's request, the court shall conduct a hearing to determine whether the offender is eligible under this section for intervention in lieu of conviction and shall stay all criminal proceedings pending the outcome of the hearing. If the court schedules a hearing, the court shall order an assessment of the offender for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan.

If the offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court may order that the offender be assessed by ~~an~~ a community addiction services provider ~~certified pursuant to section 5119.36 of the Revised Code~~ or a properly credentialed professional for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan. The community addiction services provider or the properly credentialed professional shall provide a written assessment of the offender to the court.

(2) The victim notification provisions of division (C) of section ~~2930.08~~ 2930.06 of the Revised Code apply in relation to any hearing held under division (A)(1) of this section.

(B) An offender is eligible for intervention in lieu of conviction if the court finds all of the following:

(1) The offender previously has not been convicted of or pleaded guilty to a felony offense of violence or previously has been convicted of or pleaded guilty to any felony that is not an offense of violence and the prosecuting attorney recommends that the offender be found eligible for participation in intervention in lieu of treatment under this section, previously has not been through intervention in lieu of conviction under this section or any similar regimen, and is charged with a felony for which the

court, upon conviction, would impose a community control sanction 39310
on the offender under division (B)(2) of section 2929.13 of the 39311
Revised Code or with a misdemeanor. 39312

(2) The offense is not a felony of the first, second, or 39313
third degree, is not an offense of violence, is not a violation of 39314
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 39315
not a violation of division (A)(1) of section 2903.08 of the 39316
Revised Code, is not a violation of division (A) of section 39317
4511.19 of the Revised Code or a municipal ordinance that is 39318
substantially similar to that division, and is not an offense for 39319
which a sentencing court is required to impose a mandatory prison 39320
term, a mandatory term of local incarceration, or a mandatory term 39321
of imprisonment in a jail. 39322

(3) The offender is not charged with a violation of section 39323
2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged 39324
with a violation of section 2925.03 of the Revised Code that is a 39325
felony of the first, second, third, or fourth degree, and is not 39326
charged with a violation of section 2925.11 of the Revised Code 39327
that is a felony of the first, second, or third degree. 39328

(4) If an offender alleges that drug or alcohol usage by the 39329
offender was a factor leading to the criminal offense with which 39330
the offender is charged, the court has ordered that the offender 39331
be assessed by ~~an~~ a community addiction services provider 39332
~~certified pursuant to section 5119.36 of the Revised Code~~ or a 39333
properly credentialed professional for the purpose of determining 39334
the offender's eligibility for intervention in lieu of conviction 39335
and recommending an appropriate intervention plan, the offender 39336
has been assessed by ~~an~~ a community addiction services provider of 39337
that nature or a properly credentialed professional in accordance 39338
with the court's order, and the community addiction services 39339
provider or properly credentialed professional has filed the 39340
written assessment of the offender with the court. 39341

(5) If an offender alleges that, at the time of committing the criminal offense with which the offender is charged, the offender had a mental illness, was a person with intellectual disability, or was a victim of a violation of section 2905.32 of the Revised Code and that the mental illness, status as a person with intellectual disability, or fact that the offender was a victim of a violation of section 2905.32 of the Revised Code was a factor leading to that offense, the offender has been assessed by a psychiatrist, psychologist, independent social worker, licensed professional clinical counselor, or independent marriage and family therapist for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan.

(6) The offender's drug usage, alcohol usage, mental illness, or intellectual disability, or the fact that the offender was a victim of a violation of section 2905.32 of the Revised Code, whichever is applicable, was a factor leading to the criminal offense with which the offender is charged, intervention in lieu of conviction would not demean the seriousness of the offense, and intervention would substantially reduce the likelihood of any future criminal activity.

(7) The alleged victim of the offense was not sixty-five years of age or older, permanently and totally disabled, under thirteen years of age, or a peace officer engaged in the officer's official duties at the time of the alleged offense.

(8) If the offender is charged with a violation of section 2925.24 of the Revised Code, the alleged violation did not result in physical harm to any person, and the offender previously has not been treated for drug abuse.

(9) The offender is willing to comply with all terms and conditions imposed by the court pursuant to division (D) of this section.

(10) The offender is not charged with an offense that would
result in the offender being disqualified under Chapter 4506. of
the Revised Code from operating a commercial motor vehicle or
would subject the offender to any other sanction under that
chapter.

(C) At the conclusion of a hearing held pursuant to division
(A) of this section, the court shall enter its determination as to
whether the offender is eligible for intervention in lieu of
conviction and as to whether to grant the offender's request. If
the court finds under division (B) of this section that the
offender is eligible for intervention in lieu of conviction and
grants the offender's request, the court shall accept the
offender's plea of guilty and waiver of the defendant's right to a
speedy trial, the preliminary hearing, the time period within
which the grand jury may consider an indictment against the
offender, and arraignment, unless the hearing, indictment, or
arraignment has already occurred. In addition, the court then may
stay all criminal proceedings and order the offender to comply
with all terms and conditions imposed by the court pursuant to
division (D) of this section. If the court finds that the offender
is not eligible or does not grant the offender's request, the
criminal proceedings against the offender shall proceed as if the
offender's request for intervention in lieu of conviction had not
been made.

(D) If the court grants an offender's request for
intervention in lieu of conviction, the court shall place the
offender under the general control and supervision of the county
probation department, the adult parole authority, or another
appropriate local probation or court services agency, if one
exists, as if the offender was subject to a community control
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the
Revised Code. The court shall establish an intervention plan for

the offender. The terms and conditions of the intervention plan 39406
shall require the offender, for at least one year from the date on 39407
which the court grants the order of intervention in lieu of 39408
conviction, to abstain from the use of illegal drugs and alcohol, 39409
to participate in treatment and recovery support services, and to 39410
submit to regular random testing for drug and alcohol use and may 39411
include any other treatment terms and conditions, or terms and 39412
conditions similar to community control sanctions, which may 39413
include community service or restitution, that are ordered by the 39414
court. 39415

(E) If the court grants an offender's request for 39416
intervention in lieu of conviction and the court finds that the 39417
offender has successfully completed the intervention plan for the 39418
offender, including the requirement that the offender abstain from 39419
using illegal drugs and alcohol for a period of at least one year 39420
from the date on which the court granted the order of intervention 39421
in lieu of conviction, the requirement that the offender 39422
participate in treatment and recovery support services, and all 39423
other terms and conditions ordered by the court, the court shall 39424
dismiss the proceedings against the offender. Successful 39425
completion of the intervention plan and period of abstinence under 39426
this section shall be without adjudication of guilt and is not a 39427
criminal conviction for purposes of any disqualification or 39428
disability imposed by law and upon conviction of a crime, and the 39429
court may order the sealing of records related to the offense in 39430
question in the manner provided in sections 2953.31 to 2953.36 of 39431
the Revised Code. 39432

(F) If the court grants an offender's request for 39433
intervention in lieu of conviction and the offender fails to 39434
comply with any term or condition imposed as part of the 39435
intervention plan for the offender, the supervising authority for 39436
the offender promptly shall advise the court of this failure, and 39437

the court shall hold a hearing to determine whether the offender 39438
failed to comply with any term or condition imposed as part of the 39439
plan. If the court determines that the offender has failed to 39440
comply with any of those terms and conditions, it shall enter a 39441
finding of guilty and shall impose an appropriate sanction under 39442
Chapter 2929. of the Revised Code. If the court sentences the 39443
offender to a prison term, the court, after consulting with the 39444
department of rehabilitation and correction regarding the 39445
availability of services, may order continued court-supervised 39446
activity and treatment of the offender during the prison term and, 39447
upon consideration of reports received from the department 39448
concerning the offender's progress in the program of activity and 39449
treatment, may consider judicial release under section 2929.20 of 39450
the Revised Code. 39451

(G) As used in this section: 39452

(1) "Community addiction services provider" has the same 39453
meaning as in section 5119.01 of the Revised Code. 39454

(2) "Community control sanction" has the same meaning as in 39455
section 2929.01 of the Revised Code. 39456

~~(2)~~(3) "Intervention in lieu of conviction" means any 39457
court-supervised activity that complies with this section. 39458

~~(3)~~(4) "Peace officer" has the same meaning as in section 39459
2935.01 of the Revised Code. 39460

~~(4)~~(5) "Mental illness" and "psychiatrist" have the same 39461
meanings as in section 5122.01 of the Revised Code. 39462

~~(5)~~(6) "Person with intellectual disability" means a person 39463
having significantly subaverage general intellectual functioning 39464
existing concurrently with deficiencies in adaptive behavior, 39465
manifested during the developmental period. 39466

~~(6)~~(7) "Psychologist" has the same meaning as in section 39467

4732.01 of the Revised Code. 39468

(H) Whenever the term "mentally retarded person" is used in 39469
any statute, rule, contract, grant, or other document, the 39470
reference shall be deemed to include a "person with intellectual 39471
disability," as defined in this section. 39472

Sec. 2953.25. (A) As used in this section: 39473

(1) "Collateral sanction" means a penalty, disability, or 39474
disadvantage that is related to employment or occupational 39475
licensing, however denominated, as a result of the individual's 39476
conviction of or plea of guilty to an offense and that applies by 39477
operation of law in this state whether or not the penalty, 39478
disability, or disadvantage is included in the sentence or 39479
judgment imposed. 39480

"Collateral sanction" does not include imprisonment, 39481
probation, parole, supervised release, forfeiture, restitution, 39482
fine, assessment, or costs of prosecution. 39483

(2) "Decision-maker" includes, but is not limited to, the 39484
state acting through a department, agency, board, commission, or 39485
instrumentality established by the law of this state for the 39486
exercise of any function of government, a political subdivision, 39487
an educational institution, or a government contractor or 39488
subcontractor made subject to this section by contract, law, or 39489
ordinance. 39490

(3) "Department-funded program" means a residential or 39491
nonresidential program that is not a term in a state correctional 39492
institution, that is funded in whole or part by the department of 39493
rehabilitation and correction, and that is imposed as a sanction 39494
for an offense, as part of a sanction that is imposed for an 39495
offense, or as a term or condition of any sanction that is imposed 39496
for an offense. 39497

(4) "Designee" means the person designated by the deputy 39498
director of the division of parole and community services to 39499
perform the duties designated in division (B) of this section. 39500

(5) "Division of parole and community services" means the 39501
division of parole and community services of the department of 39502
rehabilitation and correction. 39503

(6) "Offense" means any felony or misdemeanor under the laws 39504
of this state. 39505

(7) "Political subdivision" has the same meaning as in 39506
section 2969.21 of the Revised Code. 39507

(B)(1) After the provisions of this division become operative 39508
as described in division (J) of this section, an individual who is 39509
subject to one or more collateral sanctions as a result of being 39510
convicted of or pleading guilty to an offense and who either has 39511
served a term in a state correctional institution for any offense 39512
or has spent time in a department-funded program for any offense 39513
may file a petition with the designee of the deputy director of 39514
the division of parole and community services for a certificate of 39515
qualification for employment. 39516

(2) After the provisions of this division become operative as 39517
described in division (J) of this section, an individual who is 39518
subject to one or more collateral sanctions as a result of being 39519
convicted of or pleading guilty to an offense and who is not in a 39520
category described in division (B)(1) of this section may file a 39521
petition with the court of common pleas of the county in which the 39522
person resides or with the designee of the deputy director of the 39523
division of parole and community services for a certificate of 39524
qualification for employment. 39525

(3) A petition under division (B)(1) or (2) of this section 39526
shall be made on a copy of the form prescribed by the division of 39527
parole and community services under division (J) of this section 39528

and shall contain all of the information described in division (F) 39529
of this section. 39530

(4) An individual may file a petition under division (B)(1) 39531
or (2) of this section at any time after the expiration of 39532
whichever of the following is applicable: 39533

(a) If the offense that resulted in the collateral sanction 39534
from which the individual seeks relief is a felony, at any time 39535
after the expiration of one year from the date of release of the 39536
individual from any period of incarceration in a state or local 39537
correctional facility that was imposed for that offense and all 39538
periods of supervision imposed after release from the period of 39539
incarceration or, if the individual was not incarcerated for that 39540
offense, at any time after the expiration of one year from the 39541
date of the individual's final release from all other sanctions 39542
imposed for that offense. 39543

(b) If the offense that resulted in the collateral sanction 39544
from which the individual seeks relief is a misdemeanor, at any 39545
time after the expiration of six months from the date of release 39546
of the individual from any period of incarceration in a local 39547
correctional facility that was imposed for that offense and all 39548
periods of supervision imposed after release from the period of 39549
incarceration or, if the individual was not incarcerated for that 39550
offense, at any time after the expiration of six months from the 39551
date of the final release of the individual from all sanctions 39552
imposed for that offense including any period of supervision. 39553

(5)(a) A designee that receives a petition for a 39554
certification of qualification for employment from an individual 39555
under division (B)(1) or (2) of this section shall review the 39556
petition to determine whether it is complete. If the petition is 39557
complete, the designee shall forward the petition, and any other 39558
information the designee possesses that relates to the petition, 39559
to the court of common pleas of the county in which the individual 39560

resides. 39561

(b) A court of common pleas that receives a petition for a 39562
certificate of qualification for employment from an individual 39563
under division (B)(2) of this section, or that is forwarded a 39564
petition for such a certificate under division (B)(5)(a) of this 39565
section, shall attempt to determine all other courts in this state 39566
in which the individual was convicted of or pleaded guilty to an 39567
offense other than the offense from which the individual is 39568
seeking relief. The court that receives or is forwarded the 39569
petition shall notify all other courts in this state that it 39570
determines under this division were courts in which the individual 39571
was convicted of or pleaded guilty to an offense other than the 39572
offense from which the individual is seeking relief that the 39573
individual has filed the petition and that the court may send 39574
comments regarding the possible issuance of the certificate. 39575

A court of common pleas that receives a petition for a 39576
certificate of qualification for employment under division (B)(2) 39577
of this section shall notify the prosecuting attorney of the 39578
county in which the individual resides that the individual has 39579
filed the petition. 39580

A court of common pleas that receives a petition for a 39581
certificate of qualification for employment under division (B)(2) 39582
of this section, or that is forwarded a petition for qualification 39583
under division (B)(5)(a) of this section may direct the clerk of 39584
court to process and record all notices required in or under this 39585
section. 39586

(C)(1) Upon receiving a petition for a certificate of 39587
qualification for employment filed by an individual under division 39588
(B)(2) of this section or being forwarded a petition for such a 39589
certificate under division (B)(5)(a) of this section, the court 39590
shall review the individual's petition, the individual's criminal 39591
history, all filings submitted by the prosecutor or by the victim 39592

in accordance with rules adopted by the division of parole and 39593
community services, the applicant's military service record, if 39594
applicable, and whether the applicant has an emotional, mental, or 39595
physical condition that is traceable to the applicant's military 39596
service in the armed forces of the United States and that was a 39597
contributing factor in the commission of the offense or offenses, 39598
and all other relevant evidence. The court may order any report, 39599
investigation, or disclosure by the individual that the court 39600
believes is necessary for the court to reach a decision on whether 39601
to approve the individual's petition for a certificate of 39602
qualification for employment. 39603

(2) Upon receiving a petition for a certificate of 39604
qualification for employment filed by an individual under division 39605
(B)(2) of this section or being forwarded a petition for such a 39606
certificate under division (B)(5)(a) of this section, except as 39607
otherwise provided in this division, the court shall decide 39608
whether to issue the certificate within sixty days after the court 39609
receives or is forwarded the completed petition and all 39610
information requested for the court to make that decision. Upon 39611
request of the individual who filed the petition, the court may 39612
extend the sixty-day period specified in this division. 39613

(3) Subject to division (C)(5) of this section, a court that 39614
receives an individual's petition for a certificate of 39615
qualification for employment under division (B)(2) of this section 39616
or that is forwarded a petition for such a certificate under 39617
division (B)(5)(a) of this section may issue a certificate of 39618
qualification for employment, at the court's discretion, if the 39619
court finds that the individual has established all of the 39620
following by a preponderance of the evidence: 39621

(a) Granting the petition will materially assist the 39622
individual in obtaining employment or occupational licensing. 39623

(b) The individual has a substantial need for the relief 39624

requested in order to live a law-abiding life. 39625

(c) Granting the petition would not pose an unreasonable risk 39626
to the safety of the public or any individual. 39627

(4) The submission of an incomplete petition by an individual 39628
shall not be grounds for the designee or court to deny the 39629
petition. 39630

(5) A court that receives an individual's petition for a 39631
certificate of qualification for employment under division (B)(2) 39632
of this section or that is forwarded a petition for such a 39633
certificate under division (B)(5)(a) of this section shall not 39634
issue a certificate of qualification for employment that grants 39635
the individual relief from any of the following collateral 39636
sanctions: 39637

(a) Requirements imposed by Chapter 2950. of the Revised Code 39638
and rules adopted under sections 2950.13 and 2950.132 of the 39639
Revised Code; 39640

(b) A driver's license, commercial driver's license, or 39641
probationary license suspension, cancellation, or revocation 39642
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the 39643
Revised Code if the relief sought is available pursuant to section 39644
4510.021 or division (B) of section 4510.13 of the Revised Code; 39645

(c) Restrictions on employment as a prosecutor or law 39646
enforcement officer; 39647

(d) The denial, ineligibility, or automatic suspension of a 39648
license that is imposed upon an individual applying for or holding 39649
a license as a health care professional under Title XLVII of the 39650
Revised Code if the individual is convicted of, pleads guilty to, 39651
is subject to a judicial finding of eligibility for intervention 39652
in lieu of conviction in this state under section 2951.041 of the 39653
Revised Code, or is subject to treatment or intervention in lieu 39654
of conviction for a violation of section 2903.01, 2903.02, 39655

2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 39656
2911.01, 2911.11, or 2919.123 of the Revised Code; 39657

(e) The immediate suspension of a license, certificate, or 39658
evidence of registration that is imposed upon an individual 39659
holding a license as a health care professional under Title XLVII 39660
of the Revised Code pursuant to division (C) of section 3719.121 39661
of the Revised Code; 39662

(f) The denial or ineligibility for employment in a pain 39663
clinic under division (B)(4) of section 4729.552 of the Revised 39664
Code; 39665

(g) The mandatory suspension of a license that is imposed on 39666
an individual applying for or holding a license as a health care 39667
professional under Title XLVII of the Revised Code pursuant to 39668
section 3123.43 of the Revised Code. 39669

(6) If a court that receives an individual's petition for a 39670
certificate of qualification for employment under division (B)(2) 39671
of this section or that is forwarded a petition for such a 39672
certificate under division (B)(5)(a) of this section denies the 39673
petition, the court shall provide written notice to the individual 39674
of the court's denial. The court may place conditions on the 39675
individual regarding the individual's filing of any subsequent 39676
petition for a certificate of qualification for employment. The 39677
written notice must notify the individual of any conditions placed 39678
on the individual's filing of a subsequent petition for a 39679
certificate of qualification for employment. 39680

If a court of common pleas that receives an individual's 39681
petition for a certificate of qualification for employment under 39682
division (B)(2) of this section or that is forwarded a petition 39683
for such a certificate under division (B)(5)(a) of this section 39684
denies the petition, the individual may appeal the decision to the 39685
court of appeals only if the individual alleges that the denial 39686

was an abuse of discretion on the part of the court of common 39687
pleas. 39688

(D) A certificate of qualification for employment issued to 39689
an individual lifts the automatic bar of a collateral sanction, 39690
and a decision-maker shall consider on a case-by-case basis 39691
whether to grant or deny the issuance or restoration of an 39692
occupational license or an employment opportunity, notwithstanding 39693
the individual's possession of the certificate, without, however, 39694
reconsidering or rejecting any finding made by a designee or court 39695
under division (C)(3) of this section. 39696

(E) A certificate of qualification for employment does not 39697
grant the individual to whom the certificate was issued relief 39698
from the mandatory civil impacts identified in division (A)(1) of 39699
section 2961.01 or division (B) of section 2961.02 of the Revised 39700
Code. 39701

(F) A petition for a certificate of qualification for 39702
employment filed by an individual under division (B)(1) or (2) of 39703
this section shall include all of the following: 39704

(1) The individual's name, date of birth, and social security 39705
number; 39706

(2) All aliases of the individual and all social security 39707
numbers associated with those aliases; 39708

(3) The individual's residence address, including the city, 39709
county, and state of residence and zip code; 39710

(4) The length of time that the individual has been a 39711
resident of this state, expressed in years and months of 39712
residence; 39713

(5) The name or type of each collateral sanction from which 39714
the individual is requesting a certificate of qualification for 39715
employment; 39716

- (6) A summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;
- (7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;
- (8) Verifiable references and endorsements;
- (9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;
- (10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;
- (11) Any other information required by rule by the department of rehabilitation and correction.
- (G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault.
- (2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence.
- (3) If an employer hires an individual who has been issued a

certificate of qualification for employment under this section, if 39747
the individual, after being hired, subsequently demonstrates 39748
dangerousness or is convicted of or pleads guilty to a felony, and 39749
if the employer retains the individual as an employee after the 39750
demonstration of dangerousness or the conviction or guilty plea, 39751
the employer may be held liable in a civil action that is based on 39752
or relates to the retention of the individual as an employee only 39753
if it is proved by a preponderance of the evidence that the person 39754
having hiring and firing responsibility for the employer had 39755
actual knowledge that the employee was dangerous or had been 39756
convicted of or pleaded guilty to the felony and was willful in 39757
retaining the individual as an employee after the demonstration of 39758
dangerousness or the conviction or guilty plea of which the person 39759
has actual knowledge. 39760

(H) A certificate of qualification for employment issued 39761
under this section shall be presumptively revoked if the 39762
individual to whom the certificate of qualification for employment 39763
was issued is convicted of or pleads guilty to a felony offense 39764
committed subsequent to the issuance of the certificate of 39765
qualification for employment. 39766

(I) A designee's forwarding, or failure to forward, a 39767
petition for a certificate of qualification for employment to a 39768
court or a court's issuance, or failure to issue, a petition for a 39769
certificate of qualification for employment to an individual under 39770
division (B) of this section does not give rise to a claim for 39771
damages against the department of rehabilitation and correction or 39772
court. 39773

(J) Not later than ninety days after September 28, 2012, the 39774
division of parole and community services shall adopt rules in 39775
accordance with Chapter 119. of the Revised Code for the 39776
implementation and administration of this section and shall 39777
prescribe the form for the petition to be used under division 39778

(B)(1) or (2) of this section. The form for the petition shall 39779
include places for all of the information specified in division 39780
(F) of this section. Upon the adoption of the rules, the 39781
provisions of divisions (A) to (I) of this section become 39782
operative. 39783

(K) The department of rehabilitation and correction shall 39784
conduct a study to determine the manner for transferring the 39785
mechanism for the issuance of a certificate of qualification for 39786
employment created by this section to an electronic database 39787
established and maintained by the department. The database to 39788
which the mechanism is to be transferred shall include granted 39789
certificates and revoked certificates and shall be designed to 39790
track the number of certificates granted and revoked, the 39791
industries, occupations, and professions with respect to which the 39792
certificates have been most applicable, the types of employers 39793
that have accepted the certificates, and the recidivism rates of 39794
individuals who have been issued the certificates. Not later than 39795
the date that is one year after September 28, 2012, the department 39796
of rehabilitation and correction shall submit to the general 39797
assembly and the governor a report that contains the results of 39798
the study and recommendations for transferring the mechanism for 39799
the issuance of certificate of qualification for employment 39800
created by this section to an electronic database established and 39801
maintained by the department. 39802

(L) The department of rehabilitation and correction, in 39803
conjunction with the Ohio judicial conference, shall conduct a 39804
study to determine whether the application process for 39805
certificates of qualification for employment created by this 39806
section is feasible based upon the caseload capacity of the 39807
department and the courts of common pleas. Not later than the date 39808
that is one year after September 28, 2012, the department shall 39809
submit to the general assembly a report that contains the results 39810

of the study and any recommendations for improvement of the 39811
application process. 39812

Sec. 2967.14. (A) The department of rehabilitation and 39813
correction or the adult parole authority may require or allow a 39814
parolee, a releasee, or a prisoner otherwise released from a state 39815
correctional institution to reside in a halfway house or other 39816
suitable community residential center that has been licensed by 39817
the division of parole and community services pursuant to division 39818
(C) of this section during a part or for the entire period of the 39819
offender's or parolee's conditional release or of the releasee's 39820
term of post-release control. The court of common pleas that 39821
placed an offender under a sanction consisting of a term in a 39822
halfway house or in an alternative residential sanction may 39823
require the offender to reside in a halfway house or other 39824
suitable community residential center that is designated by the 39825
court and that has been licensed by the division pursuant to 39826
division (C) of this section during a part or for the entire 39827
period of the offender's residential sanction. 39828

(B) The division of parole and community services may 39829
negotiate and enter into agreements with any public or private 39830
agency or a department or political subdivision of the state that 39831
operates a halfway house, reentry center, or community residential 39832
center that has been licensed by the division pursuant to division 39833
(C) of this section. An agreement under this division shall 39834
provide for the purchase of beds, shall set limits of supervision 39835
and levels of occupancy, and shall determine the scope of services 39836
for all eligible offenders, including those subject to a 39837
residential sanction, as defined in rules adopted by the director 39838
of rehabilitation and correction in accordance with Chapter 119. 39839
of the Revised Code, or those released from prison without 39840
supervision. The payments for beds and services shall not exceed 39841
the total operating costs of the halfway house, reentry center, or 39842

community residential center during the term of an agreement. The 39843
director of rehabilitation and correction shall adopt rules in 39844
accordance with Chapter 119. of the Revised Code for determining 39845
includable and excludable costs and income to be used in computing 39846
the agency's average daily per capita costs with its facility at 39847
full occupancy. 39848

The director of rehabilitation and correction shall adopt 39849
rules providing for the use of no more than fifteen per cent of 39850
the amount appropriated to the department each fiscal year for the 39851
halfway house, reentry center, and community residential center 39852
program to pay for contracts with licensed halfway houses for 39853
nonresidential services for offenders under the supervision of the 39854
adult parole authority, including but not limited to, offenders 39855
supervised pursuant to an agreement entered into by the adult 39856
parole authority and a court of common pleas under section 2301.32 39857
of the Revised Code. The nonresidential services may include, but 39858
are not limited to, treatment for substance abuse, mental health 39859
counseling, counseling for sex offenders, electronic monitoring 39860
services, aftercare, and other nonresidential services that the 39861
director identifies by rule. 39862

(C) The division of parole and community services may license 39863
a halfway house, reentry center, or community residential center 39864
as a suitable facility for the care and treatment of adult 39865
offenders, including offenders sentenced under section 2929.16 or 39866
2929.26 of the Revised Code, only if the halfway house, reentry 39867
center, or community residential center complies with the 39868
standards that the division adopts in accordance with Chapter 119. 39869
of the Revised Code for the licensure of halfway houses, reentry 39870
centers, and community residential centers. The division shall 39871
annually inspect each licensed halfway house, licensed reentry 39872
center, and licensed community residential center to determine if 39873
it is in compliance with the licensure standards. 39874

(D) The division of parole and community services may expend 39875
up to one-half per cent of the annual appropriation made for 39876
halfway house programs, for goods or services that benefit those 39877
programs. 39878

Sec. 2967.193. (A)(1) Except as provided in division (C) of 39879
this section and subject to the maximum aggregate total specified 39880
in division (A)(2) of this section, a person confined in a state 39881
correctional institution or placed in the substance use disorder 39882
treatment program may provisionally earn one day or five days of 39883
credit, based on the category set forth in division (D)(1), (2), 39884
(3), (4), or (5) of this section in which the person is included, 39885
toward satisfaction of the person's stated prison term for each 39886
completed month during which the person, if confined in a state 39887
correctional institution, productively participates in an 39888
education program, vocational training, employment in prison 39889
industries, treatment for substance abuse, or any other 39890
constructive program developed by the department with specific 39891
standards for performance by prisoners or during which the person, 39892
if placed in the substance use disorder treatment program, 39893
productively participates in the program. Except as provided in 39894
division (C) of this section and subject to the maximum aggregate 39895
total specified in division (A)(2) of this section, a person so 39896
confined in a state correctional institution who successfully 39897
completes two programs or activities of that type may, in 39898
addition, provisionally earn up to five days of credit toward 39899
satisfaction of the person's stated prison term for the successful 39900
completion of the second program or activity. The person shall not 39901
be awarded any provisional days of credit for the successful 39902
completion of the first program or activity or for the successful 39903
completion of any program or activity that is completed after the 39904
second program or activity. At the end of each calendar month in 39905
which a ~~prisoner~~ person productively participates in a program or 39906

activity listed in this division or successfully completes a 39907
program or activity listed in this division, the department of 39908
rehabilitation and correction shall determine and record the total 39909
number of days credit that the ~~prisoner~~ person provisionally 39910
earned in that calendar month. If the ~~prisoner~~ person in a state 39911
correctional institution violates prison rules or the person in 39912
the substance use disorder treatment program violates program or 39913
department rules, the department may deny the ~~prisoner~~ person a 39914
credit that otherwise could have been provisionally awarded to the 39915
~~prisoner~~ person or may withdraw one or more credits previously 39916
provisionally earned by the ~~prisoner~~ person. Days of credit 39917
provisionally earned by a ~~prisoner~~ person shall be finalized and 39918
awarded by the department subject to administrative review by the 39919
department of the ~~prisoner's~~ person's conduct. 39920

(2) The aggregate days of credit provisionally earned by a 39921
person for program or activity participation and program and 39922
activity completion under this section and the aggregate days of 39923
credit finally credited to a person under this section shall not 39924
exceed eight per cent of the total number of days in the person's 39925
stated prison term. 39926

(B) The department of rehabilitation and correction shall 39927
adopt rules that specify the programs or activities for which 39928
credit may be earned under this section, the criteria for 39929
determining productive participation in, or completion of, the 39930
programs or activities and the criteria for awarding credit, 39931
including criteria for awarding additional credit for successful 39932
program or activity completion, and the criteria for denying or 39933
withdrawing previously provisionally earned credit as a result of 39934
a violation of prison rules, or program or department rules, 39935
whichever is applicable. 39936

(C) No person confined in a state correctional institution or 39937
placed in a substance use disorder treatment program to whom any 39938

of the following applies shall be awarded any days of credit under 39939
division (A) of this section: 39940

(1) The person is serving a prison term that section 2929.13 39941
or section 2929.14 of the Revised Code specifies cannot be reduced 39942
pursuant to this section or this chapter or is serving a sentence 39943
for which section 2967.13 or division (B) of section 2929.143 of 39944
the Revised Code specifies that the person is not entitled to any 39945
earned credit under this section. 39946

(2) The person is sentenced to death or is serving a prison 39947
term or a term of life imprisonment for aggravated murder, murder, 39948
or a conspiracy or attempt to commit, or complicity in committing, 39949
aggravated murder or murder. 39950

(3) The person is serving a sentence of life imprisonment 39951
without parole imposed pursuant to section 2929.03 or 2929.06 of 39952
the Revised Code, a prison term or a term of life imprisonment 39953
without parole imposed pursuant to section 2971.03 of the Revised 39954
Code, or a sentence for a sexually oriented offense that was 39955
committed on or after September 30, 2011. 39956

(D) This division does not apply to a determination of 39957
whether a person confined in a state correctional institution or 39958
placed in a substance use disorder treatment program may earn any 39959
days of credit under division (A) of this section for successful 39960
completion of a second program or activity. The determination of 39961
whether a person confined in a state correctional institution may 39962
earn one day of credit or five days of credit under division (A) 39963
of this section for each completed month during which the person 39964
productively participates in a program or activity specified under 39965
that division shall be made in accordance with the following: 39966

(1) The offender may earn one day of credit under division 39967
(A) of this section, except as provided in division (C) of this 39968
section, if the most serious offense for which the offender is 39969

confined is any of the following that is a felony of the first or 39970
second degree: 39971

(a) A violation of division (A) of section 2903.04 or of 39972
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 39973
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 39974
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 39975
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 39976
of the Revised Code; 39977

(b) A conspiracy or attempt to commit, or complicity in 39978
committing, any other offense for which the maximum penalty is 39979
imprisonment for life or any offense listed in division (D)(1)(a) 39980
of this section. 39981

(2) The offender may earn one day of credit under division 39982
(A) of this section, except as provided in division (C) of this 39983
section, if the offender is serving a stated prison term that 39984
includes a prison term imposed for a sexually oriented offense 39985
that the offender committed prior to September 30, 2011. 39986

(3) The offender may earn one day of credit under division 39987
(A) of this section, except as provided in division (C) of this 39988
section, if the offender is serving a stated prison term that 39989
includes a prison term imposed for a felony other than carrying a 39990
concealed weapon an essential element of which is any conduct or 39991
failure to act expressly involving any deadly weapon or dangerous 39992
ordnance. 39993

(4) Except as provided in division (C) of this section, if 39994
the most serious offense for which the offender is confined is a 39995
felony of the first or second degree and divisions (D)(1), (2), 39996
and (3) of this section do not apply to the offender, the offender 39997
may earn one day of credit under division (A) of this section if 39998
the offender committed that offense prior to September 30, 2011, 39999
and the offender may earn five days of credit under division (A) 40000

of this section if the offender committed that offense on or after 40001
September 30, 2011. 40002

(5) Except as provided in division (C) of this section, if 40003
the most serious offense for which the offender is confined is a 40004
felony of the third, fourth, or fifth degree or an unclassified 40005
felony and neither division (D)(2) nor (3) of this section applies 40006
to the offender, the offender may earn one day of credit under 40007
division (A) of this section if the offender committed that 40008
offense prior to September 30, 2011, and the offender may earn 40009
five days of credit under division (A) of this section if the 40010
offender committed that offense on or after September 30, 2011. 40011

(E) The department annually shall seek and consider the 40012
written feedback of the Ohio prosecuting attorneys association, 40013
the Ohio judicial conference, the Ohio public defender, the Ohio 40014
association of criminal defense lawyers, and other organizations 40015
and associations that have an interest in the operation of the 40016
corrections system and the earned credits program under this 40017
section as part of its evaluation of the program and in 40018
determining whether to modify the program. 40019

(F) As used in this section, ~~"sexually;~~ 40020

(1) "Sexually oriented offense" has the same meaning as in 40021
section 2950.01 of the Revised Code. 40022

(2) "Substance use disorder treatment program" means the 40023
substance use disorder treatment program established by the 40024
department of rehabilitation and correction under section 5120.035 40025
of the Revised Code. 40026

Sec. 2969.14. (A) If a separate account has been maintained 40027
in the name of an offender in the crime victims recovery fund and 40028
if there is no further requirement to pay into the fund money, or 40029
the monetary value of property, pursuant to section 2929.32 of the 40030

Revised Code, unless otherwise ordered by a court of record in 40031
which a judgment has been rendered against the offender or the 40032
representatives of the offender, the clerk of the court of claims 40033
shall pay the money remaining in the separate account in 40034
accordance with division (B) of this section, if all of the 40035
following apply: 40036

(1) The applicable period of time that governs the making of 40037
payments from the separate account, as set forth in division 40038
(C)(1) of section 2969.12 of the Revised Code, has elapsed. 40039

(2) None of the civil actions against the offender or the 40040
representatives of the offender of which the clerk of the court of 40041
claims has been notified pursuant to division (B)(1) of section 40042
2969.12 of the Revised Code is pending. 40043

(3) All judgments for which payment was requested pursuant to 40044
division (B)(3) of section 2969.12 of the Revised Code have been 40045
paid. 40046

(B) If the clerk of the court of claims is required by 40047
division (A) of this section to pay the money remaining in the 40048
separate account established in the name of an offender in 40049
accordance with this division, the clerk shall pay the money as 40050
follows: 40051

~~(1) If the offender was confined for a felony in a prison or 40052
other facility operated by the department of rehabilitation and 40053
correction under a sanction imposed pursuant to section 2929.14 or 40054
2929.16 of the Revised Code, the clerk shall pay the money to the 40055
treasurer of state, in accordance with division (C)(1) of section 40056
2929.18 of the Revised Code, to cover the costs of the 40057
confinement. If any money remains in the separate account after 40058
the payment of the costs of the confinement pursuant to this 40059
division, the clerk shall pay the remaining money in accordance 40060
with divisions (B)(2), (3), and (5) of this section. 40061~~

~~(2)~~ If the offender was confined for a felony in a facility operated by a county or a municipal corporation, ~~after payment of any costs required to be paid under division (B)(1) of this section,~~ the clerk shall pay the money to the treasurer of the county or of the municipal corporation that operated the facility, in accordance with division (C)~~(2)(1)~~ or ~~(3)(2)~~ of section 2929.18 of the Revised Code, to cover the costs of the confinement. If more than one county or municipal corporation operated a facility in which the offender was confined, the clerk shall equitably apportion the money among each of those counties and municipal corporations. If any money remains in the separate account after the payment of the costs of the confinement pursuant to this division, the clerk shall pay the remaining money in accordance with divisions (B)~~(3)(2)~~ and ~~(5)(4)~~ of this section.

~~(3)(2)~~ If the offender was sentenced for a felony to any community control sanction other than a sanction described in division (B)~~(2)(1)~~ of this section, after payment of any costs required to be paid under division (B)(1) ~~or (2)~~ of this section, the clerk shall pay the money to the treasurer of the county or of the municipal corporation that incurred costs pursuant to the sanction, in accordance with division (C)~~(2)(1)~~ or ~~(3)(2)~~ of section 2929.18 of the Revised Code, to cover the costs so incurred. If more than one county or municipal corporation incurred costs pursuant to the sanction, the clerk shall equitably apportion the money among each of those counties and municipal corporations. If any money remains in the separate account after the payment of the costs of the sanction pursuant to this division, the clerk shall pay the remaining money in accordance with division (B)~~(5)(4)~~ of this section.

~~(4)(3)~~ If the offender was imprisoned or incarcerated for a misdemeanor, to the treasurer of the political subdivision that operates the facility in which the offender was imprisoned or

incarcerated, to cover the costs of the imprisonment or 40094
incarceration. If more than one political subdivision operated a 40095
facility in which the offender was confined, the clerk shall 40096
equitably apportion the money among each of those political 40097
subdivisions. If any money remains in the separate account after 40098
the payment of the costs of the imprisonment or incarceration 40099
under this division, the clerk shall pay the remaining money in 40100
accordance with division (B)~~(5)~~(4) of this section. 40101

~~(5)~~(4) If any money remains in the separate account after 40102
payment of any costs required to be paid under division (B)(1), 40103
(2), or (3), ~~or (4)~~ of this section, or if no provision of 40104
division (B)(1), (2), or (3), ~~or (4)~~ of this section applies, the 40105
clerk shall distribute the amount of the money remaining in the 40106
separate account as otherwise provided by law for the distribution 40107
of money paid in satisfaction of a fine, as if that amount was a 40108
fine paid by the offender. 40109

Sec. 2981.12. (A) Unclaimed or forfeited property in the 40110
custody of a law enforcement agency, other than property described 40111
in division (A)(2) of section 2981.11 of the Revised Code, shall 40112
be disposed of by order of any court of record that has 40113
territorial jurisdiction over the political subdivision that 40114
employs the law enforcement agency, as follows: 40115

(1) Drugs shall be disposed of pursuant to section 3719.11 of 40116
the Revised Code or placed in the custody of the secretary of the 40117
treasury of the United States for disposal or use for medical or 40118
scientific purposes under applicable federal law. 40119

(2) Firearms and dangerous ordnance suitable for police work 40120
may be given to a law enforcement agency for that purpose. 40121
Firearms suitable for sporting use or as museum pieces or 40122
collectors' items may be sold at public auction pursuant to 40123
division (B) of this section. The agency may sell other firearms 40124

and dangerous ordnance to a federally licensed firearms dealer in 40125
a manner that the court considers proper. The agency shall destroy 40126
any firearms or dangerous ordnance not given to a law enforcement 40127
agency or sold or shall send them to the bureau of criminal 40128
identification and investigation for destruction by the bureau. 40129

(3) Obscene materials shall be destroyed. 40130

(4) Beer, intoxicating liquor, or alcohol seized from a 40131
person who does not hold a permit issued under Chapters 4301. and 40132
4303. of the Revised Code or otherwise forfeited to the state for 40133
an offense under section 4301.45 or 4301.53 of the Revised Code 40134
shall be sold by the division of liquor control if the division 40135
determines that it is fit for sale or shall be placed in the 40136
custody of the investigations unit in the department of public 40137
safety and be used for training relating to law enforcement 40138
activities. The department, with the assistance of the division of 40139
liquor control, shall adopt rules in accordance with Chapter 119. 40140
of the Revised Code to provide for the distribution to state or 40141
local law enforcement agencies upon their request. If any tax 40142
imposed under Title XLIII of the Revised Code has not been paid in 40143
relation to the beer, intoxicating liquor, or alcohol, any moneys 40144
acquired from the sale shall first be used to pay the tax. All 40145
other money collected under this division shall be paid into the 40146
state treasury. Any beer, intoxicating liquor, or alcohol that the 40147
division determines to be unfit for sale shall be destroyed. 40148

(5) Money received by an inmate of a correctional institution 40149
from an unauthorized source or in an unauthorized manner shall be 40150
returned to the sender, if known, or deposited in the inmates' 40151
industrial and entertainment fund of the institution if the sender 40152
is not known. 40153

(6)(a) Any mobile instrumentality forfeited under this 40154
chapter may be given to the law enforcement agency that initially 40155
seized the mobile instrumentality for use in performing its 40156

duties, if the agency wants the mobile instrumentality. The agency 40157
shall take the mobile instrumentality subject to any security 40158
interest or lien on the mobile instrumentality. 40159

(b) Vehicles and vehicle parts forfeited under sections 40160
4549.61 to 4549.63 of the Revised Code may be given to a law 40161
enforcement agency for use in performing its duties. Those parts 40162
may be incorporated into any other official vehicle. Parts that do 40163
not bear vehicle identification numbers or derivatives of them may 40164
be sold or disposed of as provided by rules of the director of 40165
public safety. Parts from which a vehicle identification number or 40166
derivative of it has been removed, defaced, covered, altered, or 40167
destroyed and that are not suitable for police work or 40168
incorporation into an official vehicle shall be destroyed and sold 40169
as junk or scrap. 40170

(7) Computers, computer networks, computer systems, and 40171
computer software suitable for police work may be given to a law 40172
enforcement agency for that purpose or disposed of under division 40173
(B) of this section. 40174

(8) Money seized in connection with a violation of section 40175
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 40176
deposited in the victims of human trafficking fund created by 40177
section 5101.87 of the Revised Code. 40178

(B) Unclaimed or forfeited property that is not described in 40179
division (A) of this section or division (A)(2) of section 2981.11 40180
of the Revised Code, with court approval, may be used by the law 40181
enforcement agency in possession of it. If it is not used by the 40182
agency, it may be sold without appraisal at a public auction to 40183
the highest bidder for cash or disposed of in another manner that 40184
the court considers proper. 40185

(C) Except as provided in divisions (A) and (F) of this 40186
section and after compliance with division (D) of this section 40187

when applicable, any moneys acquired from the sale of property 40188
disposed of pursuant to this section shall be placed in the 40189
general revenue fund of the state, or the general fund of the 40190
county, the township, or the municipal corporation of which the 40191
law enforcement agency involved is an agency. 40192

(D) If the property was in the possession of the law 40193
enforcement agency in relation to a delinquent child proceeding in 40194
a juvenile court, ten per cent of any moneys acquired from the 40195
sale of property disposed of under this section shall be applied 40196
to one or more community addiction ~~treatment~~ services providers 40197
~~that are certified by the department of mental health and~~ 40198
~~addiction services under section 5119.36, as defined in section~~ 40199
5119.01 of the Revised Code. A juvenile court shall not specify a 40200
services provider, except as provided in this division, unless the 40201
services provider is in the same county as the court or in a 40202
contiguous county. If no ~~certified~~ services provider is located in 40203
any of those counties, the juvenile court may specify a ~~certified~~ 40204
services provider anywhere in Ohio. The remaining ninety per cent 40205
of the proceeds or cash shall be applied as provided in division 40206
(C) of this section. 40207

Each services provider that receives in any calendar year 40208
forfeited money under this division shall file an annual report 40209
for that year with the attorney general and with the court of 40210
common pleas and board of county commissioners of the county in 40211
which the services provider is located and of any other county 40212
from which the services provider received forfeited money. The 40213
services provider shall file the report on or before the first day 40214
of March in the calendar year following the calendar year in which 40215
the services provider received the money. The report shall include 40216
statistics on the number of persons the services provider served, 40217
identify the types of treatment services it provided to them, and 40218
include a specific accounting of the purposes for which it used 40219

the money so received. No information contained in the report 40220
shall identify, or enable a person to determine the identity of, 40221
any person served by the services provider. 40222

(E) Each ~~certified~~ community addiction services provider that 40223
receives in any calendar year money under this section or under 40224
section 2981.13 of the Revised Code as the result of a juvenile 40225
forfeiture order shall file an annual report for that calendar 40226
year with the attorney general and with the court of common pleas 40227
and board of county commissioners of the county in which the 40228
services provider is located and of any other county from which 40229
the services provider received the money. The services provider 40230
shall file the report on or before the first day of March in the 40231
calendar year following the year in which the services provider 40232
received the money. The report shall include statistics on the 40233
number of persons served with the money, identify the types of 40234
treatment services provided, and specifically account for how the 40235
money was used. No information in the report shall identify or 40236
enable a person to determine the identity of anyone served by the 40237
services provider. 40238

As used in this division, "juvenile-related forfeiture order" 40239
means any forfeiture order issued by a juvenile court under 40240
section 2981.04 or 2981.05 of the Revised Code and any disposal of 40241
property ordered by a court under section 2981.11 of the Revised 40242
Code regarding property that was in the possession of a law 40243
enforcement agency in relation to a delinquent child proceeding in 40244
a juvenile court. 40245

(F) Each board of county commissioners that recognizes a 40246
citizens' reward program under section 9.92 of the Revised Code 40247
shall notify each law enforcement agency of that county and of a 40248
township or municipal corporation wholly located in that county of 40249
the recognition by filing a copy of its resolution conferring that 40250
recognition with each of those agencies. When the board recognizes 40251

a citizens' reward program and the county includes a part, but not
all, of the territory of a municipal corporation, the board shall
so notify the law enforcement agency of that municipal corporation
of the recognition of the citizens' reward program only if the
county contains the highest percentage of the municipal
corporation's population.

Upon being so notified, each law enforcement agency shall pay
twenty-five per cent of any forfeited proceeds or cash derived
from each sale of property disposed of pursuant to this section to
the citizens' reward program for use exclusively to pay rewards.
No part of the funds may be used to pay expenses associated with
the program. If a citizens' reward program that operates in more
than one county or in another state in addition to this state
receives funds under this section, the funds shall be used to pay
rewards only for tips and information to law enforcement agencies
concerning offenses committed in the county from which the funds
were received.

Receiving funds under this section or section 2981.11 of the
Revised Code does not make the citizens' reward program a
governmental unit or public office for purposes of section 149.43
of the Revised Code.

(G) Any property forfeited under this chapter shall not be
used to pay any fine imposed upon a person who is convicted of or
pleads guilty to an underlying criminal offense or a different
offense arising out of the same facts and circumstances.

(H) Any moneys acquired from the sale of personal effects,
tools, or other property seized because the personal effects,
tools, or other property were used in the commission of a
violation of section 2905.32, 2907.21, or 2907.22 of the Revised
Code or derived from the proceeds of the commission of a violation
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and
disposed of pursuant to this section shall be placed in the

victims of human trafficking fund created by section 5101.87 of 40284
the Revised Code. 40285

Sec. 2981.13. (A) Except as otherwise provided in this 40286
section, property ordered forfeited as contraband, proceeds, or an 40287
instrumentality pursuant to this chapter shall be disposed of, 40288
used, or sold pursuant to section 2981.12 of the Revised Code. If 40289
the property is to be sold under that section, the prosecutor 40290
shall cause notice of the proposed sale to be given in accordance 40291
with law. 40292

(B) If the contraband or instrumentality forfeited under this 40293
chapter is sold, any moneys acquired from a sale and any proceeds 40294
forfeited under this chapter shall be applied in the following 40295
order: 40296

(1) First, to pay costs incurred in the seizure, storage, 40297
maintenance, security, and sale of the property and in the 40298
forfeiture proceeding; 40299

(2) Second, in a criminal forfeiture case, to satisfy any 40300
restitution ordered to the victim of the offense or, in a civil 40301
forfeiture case, to satisfy any recovery ordered for the person 40302
harm, unless paid from other assets; 40303

(3) Third, to pay the balance due on any security interest 40304
preserved under this chapter; 40305

(4) Fourth, apply the remaining amounts as follows: 40306

(a) If the forfeiture was ordered by a juvenile court, ten 40307
per cent to one or more ~~certified alcohol and drug~~ community 40308
~~addiction treatment programs~~ services providers as ~~provided~~ 40309
specified in division (D) of section 2981.12 of the Revised Code; 40310

(b) If the forfeiture was ordered in a juvenile court, ninety 40311
per cent, and if the forfeiture was ordered in a court other than 40312
a juvenile court, one hundred per cent to the law enforcement 40313

trust fund of the prosecutor and to the following fund supporting 40314
the law enforcement agency that substantially conducted the 40315
investigation: ~~the~~ 40316

(i) The law enforcement trust fund of the county sheriff, 40317
municipal corporation, township, or park district created under 40318
section 511.18 or 1545.01 of the Revised Code; ~~the~~ 40319

(ii) The state highway patrol contraband, forfeiture, and 40320
other fund; ~~the~~ 40321

(iii) The department of public safety investigative unit 40322
contraband, forfeiture, and other fund; ~~the~~ 40323

(iv) The department of taxation enforcement fund; ~~the~~ 40324

(v) The board of pharmacy drug law enforcement fund created 40325
by division (B)(1) of section 4729.65 of the Revised Code; ~~the~~ 40326

(vi) The medicaid fraud investigation and prosecution fund; 40327
~~the~~ 40328

(vii) The casino control commission enforcement fund created 40329
by section 3772.36 of the Revised Code; ~~or the~~ 40330

(viii) The auditor of state investigation and forfeiture 40331
trust fund established under section 117.54 of the Revised Code; 40332

(ix) The treasurer of state for deposit into the peace 40333
officer training commission fund if any other state law 40334
enforcement agency substantially conducted the investigation. ~~In~~ 40335

In the case of property forfeited for medicaid fraud, any 40336
remaining amount shall be used by the attorney general to 40337
investigate and prosecute medicaid fraud offenses. 40338

If the prosecutor declines to accept any of the remaining 40339
amounts, the amounts shall be applied to the fund of the agency 40340
that substantially conducted the investigation. 40341

(c) If more than one law enforcement agency is substantially 40342

involved in the seizure of property forfeited under this chapter, 40343
the court ordering the forfeiture shall equitably divide the 40344
amounts, after calculating any distribution to the law enforcement 40345
trust fund of the prosecutor pursuant to division (B)(4) of this 40346
section, among the entities that the court determines were 40347
substantially involved in the seizure. 40348

(C)(1) A law enforcement trust fund shall be established by 40349
the prosecutor of each county who intends to receive any remaining 40350
amounts pursuant to this section, by the sheriff of each county, 40351
by the legislative authority of each municipal corporation, by the 40352
board of township trustees of each township that has a township 40353
police department, township or joint police district police force, 40354
or office of the constable, and by the board of park commissioners 40355
of each park district created pursuant to section 511.18 or 40356
1545.01 of the Revised Code that has a park district police force 40357
or law enforcement department, for the purposes of this section. 40358

There is hereby created in the state treasury the state 40359
highway patrol contraband, forfeiture, and other fund, the 40360
department of public safety investigative unit contraband, 40361
forfeiture, and other fund, the medicaid fraud investigation and 40362
prosecution fund, the department of taxation enforcement fund, and 40363
the peace officer training commission fund, for the purposes of 40364
this section. 40365

Amounts distributed to any municipal corporation, township, 40366
or park district law enforcement trust fund shall be allocated 40367
from the fund by the legislative authority only to the police 40368
department of the municipal corporation, by the board of township 40369
trustees only to the township police department, township police 40370
district police force, or office of the constable, by the joint 40371
police district board only to the joint police district, and by 40372
the board of park commissioners only to the park district police 40373
force or law enforcement department. 40374

(2)(a) No amounts shall be allocated to a fund ~~created~~ under 40375
this section or used by an agency unless the agency has adopted a 40376
written internal control policy that addresses the use of moneys 40377
received from the appropriate fund. The appropriate fund shall be 40378
expended only in accordance with that policy and, subject to the 40379
requirements specified in this section, only for the following 40380
purposes: 40381

(i) To pay the costs of protracted or complex investigations 40382
or prosecutions; 40383

(ii) To provide reasonable technical training or expertise; 40384

(iii) To provide matching funds to obtain federal grants to 40385
aid law enforcement, in the support of DARE programs or other 40386
programs designed to educate adults or children with respect to 40387
the dangers associated with the use of drugs of abuse; 40388

(iv) To pay the costs of emergency action taken under section 40389
3745.13 of the Revised Code relative to the operation of an 40390
illegal methamphetamine laboratory if the forfeited property or 40391
money involved was that of a person responsible for the operation 40392
of the laboratory; 40393

(v) For other law enforcement purposes that the 40394
superintendent of the state highway patrol, department of public 40395
safety, auditor of state, prosecutor, county sheriff, legislative 40396
authority, department of taxation, Ohio casino control commission, 40397
board of township trustees, or board of park commissioners 40398
determines to be appropriate. 40399

(b) The board of pharmacy drug law enforcement fund shall be 40400
expended only in accordance with the written internal control 40401
policy so adopted by the board and only in accordance with section 40402
4729.65 of the Revised Code, except that it also may be expended 40403
to pay the costs of emergency action taken under section 3745.13 40404
of the Revised Code relative to the operation of an illegal 40405

methamphetamine laboratory if the forfeited property or money 40406
involved was that of a person responsible for the operation of the 40407
laboratory. 40408

(c) ~~The state highway patrol contraband, forfeiture, and 40409
other fund, the department of public safety investigative unit 40410
contraband, forfeiture, and other fund, the department of taxation 40411
enforcement fund, the board of pharmacy drug law enforcement fund, 40412
the casino control commission enforcement fund, and a law 40413
enforcement trust~~ A fund listed in division (B)(4)(b) of this 40414
section, other than the Medicaid fraud investigation and 40415
prosecution fund, shall not be used to meet the operating costs of 40416
the ~~state highway patrol, of the investigative unit of the 40417
department of public safety, of the state board of pharmacy, of 40418
any political subdivision, of the Ohio casino control commission, 40419
or of any office of a prosecutor or county sheriff agency, office, 40420
or political subdivision~~ that are unrelated to law enforcement. 40421

(d) Forfeited moneys that are paid into the state treasury to 40422
be deposited into the peace officer training commission fund shall 40423
be used by the commission only to pay the costs of peace officer 40424
training. 40425

(3) Any of the following offices or agencies that receive 40426
amounts under this section during any calendar year shall file a 40427
report with the specified entity, not later than the thirty-first 40428
day of January of the next calendar year, verifying that the 40429
moneys were expended only for the purposes authorized by this 40430
section or other relevant statute and specifying the amounts 40431
expended for each authorized purpose: 40432

(a) Any sheriff or prosecutor shall file the report with the 40433
county auditor. 40434

(b) Any municipal corporation police department shall file 40435
the report with the legislative authority of the municipal 40436

corporation. 40437

(c) Any township police department, township or joint police 40438
district police force, or office of the constable shall file the 40439
report with the board of township trustees of the township. 40440

(d) Any park district police force or law enforcement 40441
department shall file the report with the board of park 40442
commissioners of the park district. 40443

(e) The superintendent of the state highway patrol, the 40444
auditor of state, and the tax commissioner shall file the report 40445
with the attorney general. 40446

(f) The executive director of the state board of pharmacy 40447
shall file the report with the attorney general, verifying that 40448
cash and forfeited proceeds paid into the board of pharmacy drug 40449
law enforcement fund were used only in accordance with section 40450
4729.65 of the Revised Code. 40451

(g) The peace officer training commission shall file a report 40452
with the attorney general, verifying that cash and forfeited 40453
proceeds paid into the peace officer training commission fund 40454
pursuant to this section during the prior calendar year were used 40455
by the commission during the prior calendar year only to pay the 40456
costs of peace officer training. 40457

(h) The executive director of the Ohio casino control 40458
commission shall file the report with the attorney general, 40459
verifying that cash and forfeited proceeds paid into the casino 40460
control commission enforcement fund were used only in accordance 40461
with section 3772.36 of the Revised Code. 40462

(D) The written internal control policy of a county sheriff, 40463
prosecutor, municipal corporation police department, township 40464
police department, township or joint police district police force, 40465
office of the constable, or park district police force or law 40466
enforcement department shall provide that at least ten per cent of 40467

the first one hundred thousand dollars of amounts deposited during 40468
each calendar year in the agency's law enforcement trust fund 40469
under this section, and at least twenty per cent of the amounts 40470
exceeding one hundred thousand dollars that are so deposited, 40471
shall be used in connection with community preventive education 40472
programs. The manner of use shall be determined by the sheriff, 40473
prosecutor, department, police force, or office of the constable 40474
after receiving and considering advice on appropriate community 40475
preventive education programs from the county's board of alcohol, 40476
drug addiction, and mental health services, from the county's 40477
alcohol and drug addiction services board, or through appropriate 40478
community dialogue. 40479

The financial records kept under the internal control policy 40480
shall specify the amount deposited during each calendar year in 40481
the portion of that amount that was used pursuant to this 40482
division, and the programs in connection with which the portion of 40483
that amount was so used. 40484

As used in this division, "community preventive education 40485
programs" include, but are not limited to, DARE programs and other 40486
programs designed to educate adults or children with respect to 40487
the dangers associated with using drugs of abuse. 40488

(E) Upon the sale, under this section or section 2981.12 of 40489
the Revised Code, of any property that is required by law to be 40490
titled or registered, the state shall issue an appropriate 40491
certificate of title or registration to the purchaser. If the 40492
state is vested with title and elects to retain property that is 40493
required to be titled or registered under law, the state shall 40494
issue an appropriate certificate of title or registration. 40495

(F) Any failure of a law enforcement officer or agency, 40496
prosecutor, court, or the attorney general to comply with this 40497
section in relation to any property seized does not affect the 40498
validity of the seizure and shall not be considered to be the 40499

basis for suppressing any evidence resulting from the seizure, 40500
provided the seizure itself was lawful. 40501

Sec. 3105.171. (A) As used in this section: 40502

(1) "Distributive award" means any payment or payments, in 40503
real or personal property, that are payable in a lump sum or over 40504
time, in fixed amounts, that are made from separate property or 40505
income, and that are not made from marital property and do not 40506
constitute payments of spousal support, as defined in section 40507
3105.18 of the Revised Code. 40508

(2) "During the marriage" means whichever of the following is 40509
applicable: 40510

(a) Except as provided in division (A)(2)(b) of this section, 40511
the period of time from the date of the marriage through the date 40512
of the final hearing in an action for divorce or in an action for 40513
legal separation; 40514

(b) If the court determines that the use of either or both of 40515
the dates specified in division (A)(2)(a) of this section would be 40516
inequitable, the court may select dates that it considers 40517
equitable in determining marital property. If the court selects 40518
dates that it considers equitable in determining marital property, 40519
"during the marriage" means the period of time between those dates 40520
selected and specified by the court. 40521

(3)(a) "Marital property" means, subject to division 40522
(A)(3)(b) of this section, all of the following: 40523

(i) All real and personal property that currently is owned by 40524
either or both of the spouses, including, but not limited to, the 40525
retirement benefits of the spouses, and that was acquired by 40526
either or both of the spouses during the marriage; 40527

(ii) All interest that either or both of the spouses 40528
currently has in any real or personal property, including, but not 40529

limited to, the retirement benefits of the spouses, and that was 40530
acquired by either or both of the spouses during the marriage; 40531

(iii) Except as otherwise provided in this section, all 40532
income and appreciation on separate property, due to the labor, 40533
monetary, or in-kind contribution of either or both of the spouses 40534
that occurred during the marriage; 40535

(iv) A participant account, as defined in section 148.01 of 40536
the Revised Code, of either of the spouses, to the extent of the 40537
following: the moneys that have been deferred by a continuing 40538
member or participating employee, as defined in that section, and 40539
that have been transmitted to the Ohio public employees deferred 40540
compensation board during the marriage and any income that is 40541
derived from the investment of those moneys during the marriage; 40542
the moneys that have been deferred by an officer or employee of a 40543
municipal corporation and that have been transmitted to the 40544
governing board, administrator, depository, or trustee of the 40545
deferred compensation program of the municipal corporation during 40546
the marriage and any income that is derived from the investment of 40547
those moneys during the marriage; or the moneys that have been 40548
deferred by an officer or employee of a government unit, as 40549
defined in section 148.06 of the Revised Code, and that have been 40550
transmitted to the governing board, as defined in that section, 40551
during the marriage and any income that is derived from the 40552
investment of those moneys during the marriage. 40553

(b) "Marital property" does not include any separate 40554
property. 40555

(4) "Passive income" means income acquired other than as a 40556
result of the labor, monetary, or in-kind contribution of either 40557
spouse. 40558

(5) "Personal property" includes both tangible and intangible 40559
personal property. 40560

(6)(a) "Separate property" means all real and personal 40561
property and any interest in real or personal property that is 40562
found by the court to be any of the following: 40563

(i) An inheritance by one spouse by bequest, devise, or 40564
descent during the course of the marriage; 40565

(ii) Any real or personal property or interest in real or 40566
personal property that was acquired by one spouse prior to the 40567
date of the marriage; 40568

(iii) Passive income and appreciation acquired from separate 40569
property by one spouse during the marriage; 40570

(iv) Any real or personal property or interest in real or 40571
personal property acquired by one spouse after a decree of legal 40572
separation issued under section 3105.17 of the Revised Code; 40573

(v) Any real or personal property or interest in real or 40574
personal property that is excluded by a valid antenuptial 40575
agreement; 40576

(vi) Compensation to a spouse for the spouse's personal 40577
injury, except for loss of marital earnings and compensation for 40578
expenses paid from marital assets; 40579

(vii) Any gift of any real or personal property or of an 40580
interest in real or personal property that is made after the date 40581
of the marriage and that is proven by clear and convincing 40582
evidence to have been given to only one spouse. 40583

(b) The commingling of separate property with other property 40584
of any type does not destroy the identity of the separate property 40585
as separate property, except when the separate property is not 40586
traceable. 40587

(B) In divorce proceedings, the court shall, and in legal 40588
separation proceedings upon the request of either spouse, the 40589
court may, determine what constitutes marital property and what 40590

constitutes separate property. In either case, upon making such a
determination, the court shall divide the marital and separate
property equitably between the spouses, in accordance with this
section. For purposes of this section, the court has jurisdiction
over all property, excluding the social security benefits of a
spouse other than as set forth in division (F)(9) of this section,
in which one or both spouses have an interest.

(C)(1) Except as provided in this division or division (E) of
this section, the division of marital property shall be equal. If
an equal division of marital property would be inequitable, the
court shall not divide the marital property equally but instead
shall divide it between the spouses in the manner the court
determines equitable. In making a division of marital property,
the court shall consider all relevant factors, including those set
forth in division (F) of this section.

(2) Each spouse shall be considered to have contributed
equally to the production and acquisition of marital property.

(3) The court shall provide for an equitable division of
marital property under this section prior to making any award of
spousal support to either spouse under section 3105.18 of the
Revised Code and without regard to any spousal support so awarded.

(4) If the marital property includes a participant account,
as defined in section 148.01 of the Revised Code, the court shall
not order the division or disbursement of the moneys and income
described in division (A)(3)(a)(iv) of this section to occur in a
manner that is inconsistent with the law, rules, or plan governing
the deferred compensation program involved or prior to the time
that the spouse in whose name the participant account is
maintained commences receipt of the moneys and income credited to
the account in accordance with that law, rules, and plan.

(D) Except as otherwise provided in division (E) of this

section or by another provision of this section, the court shall 40622
disburse a spouse's separate property to that spouse. If a court 40623
does not disburse a spouse's separate property to that spouse, the 40624
court shall make written findings of fact that explain the factors 40625
that it considered in making its determination that the spouse's 40626
separate property should not be disbursed to that spouse. 40627

(E)(1) The court may make a distributive award to facilitate, 40628
effectuate, or supplement a division of marital property. The 40629
court may require any distributive award to be secured by a lien 40630
on the payor's specific marital property or separate property. 40631

(2) The court may make a distributive award in lieu of a 40632
division of marital property in order to achieve equity between 40633
the spouses, if the court determines that a division of the 40634
marital property in kind or in money would be impractical or 40635
burdensome. 40636

(3) The court shall require each spouse to disclose in a full 40637
and complete manner all marital property, separate property, and 40638
other assets, debts, income, and expenses of the spouse. 40639

(4) If a spouse has engaged in financial misconduct, 40640
including, but not limited to, the dissipation, destruction, 40641
concealment, nondisclosure, or fraudulent disposition of assets, 40642
the court may compensate the offended spouse with a distributive 40643
award or with a greater award of marital property. 40644

(5) If a spouse has substantially and willfully failed to ~~12~~ 40645
disclose marital property, separate property, or other assets, ~~13~~ 40646
debts, income, or expenses as required under division (E)(3) of ~~14~~ 40647
this section, the court may compensate the offended spouse with ~~15~~ 40648
a distributive award or with a greater award of marital property 40649
~~16~~ not to exceed three times the value of the marital property, ~~17~~ 40650
separate property, or other assets, debts, income, or expenses ~~18~~ 40651
that are not disclosed by the other spouse. 40652

(F) In making a division of marital property and in 40653
determining whether to make and the amount of any distributive 40654
award under this section, the court shall consider all of the 40655
following factors: 40656

(1) The duration of the marriage; 40657

(2) The assets and liabilities of the spouses; 40658

(3) The desirability of awarding the family home, or the 40659
right to reside in the family home for reasonable periods of time, 40660
to the spouse with custody of the children of the marriage; 40661

(4) The liquidity of the property to be distributed; 40662

(5) The economic desirability of retaining intact an asset or 40663
an interest in an asset; 40664

(6) The tax consequences of the property division upon the 40665
respective awards to be made to each spouse; 40666

(7) The costs of sale, if it is necessary that an asset be 40667
sold to effectuate an equitable distribution of property; 40668

(8) Any division or disbursement of property made in a 40669
separation agreement that was voluntarily entered into by the 40670
spouses; 40671

(9) Any retirement benefits of the spouses, excluding the 40672
social security benefits of a spouse except as may be relevant for 40673
purposes of dividing a public pension; 40674

(10) Any other factor that the court expressly finds to be 40675
relevant and equitable. 40676

(G) In any order for the division or disbursement of property 40677
or a distributive award made pursuant to this section, the court 40678
shall make written findings of fact that support the determination 40679
that the marital property has been equitably divided and shall 40680
specify the dates it used in determining the meaning of "during 40681
the marriage." 40682

(H) Except as otherwise provided in this section, the holding of title to property by one spouse individually or by both spouses in a form of co-ownership does not determine whether the property is marital property or separate property.

(I) A division or disbursement of property or a distributive award made under this section is not subject to future modification by the court except upon the express written consent or agreement to the modification by both spouses.

(J) The court may issue any orders under this section that it determines equitable, including, but not limited to, either of the following types of orders:

(1) An order granting a spouse the right to use the marital dwelling or any other marital property or separate property for any reasonable period of time;

(2) An order requiring the sale or encumbrancing of any real or personal property, with the proceeds from the sale and the funds from any loan secured by the encumbrance to be applied as determined by the court.

Sec. 3109.13. As used in sections 3109.13 to ~~3109.18~~ 3109.179 of the Revised Code:

(A) "Child abuse and child neglect prevention programs" means programs that use primary and secondary prevention strategies that are conducted at the local level and activities and projects of statewide significance designed to strengthen families and prevent child abuse and child neglect.

(B) "Primary prevention strategies" are activities and services provided to the public designed to prevent or reduce the prevalence of child abuse and child neglect before signs of abuse or neglect can be observed.

(C) "Secondary prevention strategies" are activities and

services that are provided to a specific population identified as 40713
having risk factors for child abuse and child neglect and are 40714
designed to intervene at the earliest warning signs of child abuse 40715
or child neglect, or whenever a child can be identified as being 40716
at risk of abuse or neglect. 40717

Sec. 3109.14. (A) As used in this section, "birth record" and 40718
"certification of birth" have the meanings given in section 40719
3705.01 of the Revised Code. 40720

(B)(1) The director of health, a person authorized by the 40721
director, a local commissioner of health, or a local registrar of 40722
vital statistics shall charge and collect a fee for each certified 40723
copy of a birth record, for each certification of birth, and for 40724
each copy of a death record. The fee shall be three dollars. The 40725
fee is in addition to the fee imposed by section 3705.24 or any 40726
other section of the Revised Code. A local commissioner of health 40727
or a local registrar of vital statistics may retain an amount of 40728
each additional fee collected, not to exceed three per cent of the 40729
amount of the additional fee, to be used for costs directly 40730
related to the collection of the fee and the forwarding of the fee 40731
to the department of health. 40732

The additional fees collected by the director of health or a 40733
person authorized by the director and the additional fees 40734
collected but not retained by a local commissioner of health or a 40735
local registrar of vital statistics shall be forwarded to the 40736
department of health not later than thirty days following the end 40737
of each quarter. Not later than two days after the fees are 40738
forwarded to the department each quarter, the department shall pay 40739
the collected fees to the treasurer of state in accordance with 40740
rules adopted by the treasurer of state under section 113.08 of 40741
the Revised Code. 40742

(2) Upon the filing for a divorce decree under section 40743

3105.10 or a decree of dissolution under section 3105.65 of the Revised Code, a court of common pleas shall charge and collect a fee. The fee shall be eleven dollars. The fee is in addition to any other court costs or fees. The county clerk of courts may retain an amount of each additional fee collected, not to exceed three per cent of the amount of the additional fee, to be used for costs directly related to the collection of the fee and the forwarding of the fee to the treasurer of state. The additional fees collected, but not retained, under division (B)(2) of this section shall be forwarded to the treasurer of state not later than twenty days following the end of each month.

(C) The treasurer of state shall deposit the fees paid or forwarded under this section in the state treasury to the credit of the children's trust fund, which is hereby created. A person or government entity that fails to forward the fees in a timely manner, as determined by the treasurer of state, shall send to the treasurer of state, in addition to the fees, a penalty equal to ten per cent of the fees.

The treasurer of state shall invest the moneys in the fund, and all earnings resulting from investment of the fund shall be credited to the fund, except that actual administrative costs incurred by the treasurer of state in administering the fund may be deducted from the earnings resulting from investments. The amount that may be deducted shall not exceed three per cent of the total amount of fees credited to the fund in each fiscal year, except that the children's trust fund board may approve an amount for actual administrative costs exceeding three per cent but not exceeding four per cent of such amount. The balance of the investment earnings shall be credited to the fund. Moneys credited to the fund shall be used only for the purposes described in sections 3109.13 to ~~3109.18~~ 3109.179 of the Revised Code.

Sec. 3109.16. (A) The children's trust fund board, upon the 40775
recommendation of the director of job and family services, shall 40776
approve the employment of an executive director who will 40777
administer the programs of the board. 40778

(B) The department of job and family services shall provide 40779
budgetary, procurement, accounting, and other related management 40780
functions for the board and may adopt rules in accordance with 40781
Chapter 119. of the Revised Code for these purposes. An amount not 40782
to exceed three per cent of the total amount of fees deposited in 40783
the children's trust fund in each fiscal year may be used for 40784
costs directly related to these administrative functions of the 40785
department. Each fiscal year, the board shall approve a budget for 40786
administrative expenditures for the next fiscal year. 40787

(C) The board may request that the department adopt rules the 40788
board considers necessary for the purpose of carrying out the 40789
board's responsibilities under this section, and the department 40790
may adopt those rules. The department may, after consultation with 40791
the board and the executive director, adopt any other rules to 40792
assist the board in carrying out its responsibilities under this 40793
section. In either case, the rules shall be adopted under Chapter 40794
119. of the Revised Code. 40795

(D) The board shall meet at least quarterly at the call of 40796
the chairperson to conduct its official business. All business 40797
transactions of the board shall be conducted in public meetings. 40798
Eight members of the board constitute a quorum. ~~A majority of the~~ 40799
~~board members is required to adopt the state plan for the~~ 40800
~~allocation of funds from the children's trust fund.~~ A majority of 40801
the quorum is required to make all ~~other~~ decisions of the board. 40802

(E) With respect to funding, all of the following apply: 40803

(1) The board may apply for and accept federal and other 40804
funds for the purpose of funding child abuse and child neglect 40805

prevention programs. 40806

(2) The board may solicit and accept gifts, money, and other 40807
donations from any public or private source, including 40808
individuals, philanthropic foundations or organizations, 40809
corporations, or corporation endowments. 40810

(3) The board may develop private-public partnerships to 40811
support the mission of the children's trust fund. 40812

(4) The acceptance and use of federal and other funds shall 40813
not entail any commitment or pledge of state funds, nor obligate 40814
the general assembly to continue the programs or activities for 40815
which the federal and other funds are made available. 40816

(5) All funds received in the manner described in this 40817
section shall be transmitted to the treasurer of state, who shall 40818
credit them to the children's trust fund created in section 40819
3109.14 of the Revised Code. 40820

Sec. 3109.17. (A) ~~For each fiscal biennium, the~~ The 40821
children's trust fund board shall establish a ~~biennial state~~ 40822
strategic plan for ~~comprehensive~~ child abuse and child neglect 40823
prevention. The plan shall be transmitted to the governor, the 40824
president and minority leader of the senate, and the speaker and 40825
minority leader of the house of representatives and shall be made 40826
available to the general public. ~~The board may define in the state~~ 40827
~~plan the term "effective public notice." If the board does not~~ 40828
~~define that term in the state plan, the board shall include in the~~ 40829
~~state plan the definition of "effective public notice" specified~~ 40830
~~in rules adopted by the department of job and family services.~~ 40831

(B) In developing and carrying out the ~~state~~ strategic plan, 40832
the children's trust fund board shall, in accordance with rules 40833
adopted by the department pursuant to Chapter 119. of the Revised 40834
Code, do all of the following: 40835

(1) Ensure that an opportunity exists for assistance through child abuse and child neglect prevention programs to persons throughout the state of various social and economic backgrounds;

~~(2) Before the thirtieth day of October of each year, notify each child abuse and child neglect prevention advisory board of the amount estimated to be allocated to that advisory board for the following fiscal year;~~

~~(3) Develop criteria for county or district local allocation plans, including criteria for determining the plans' effectiveness;~~

~~(4) Review, and approve or disapprove, county or district local allocation plans, as described in section 3109.171 of the Revised Code;~~

~~(5) Allocate funds to each child abuse and child neglect prevention advisory board for the purpose of funding child abuse and child neglect prevention programs. In allocating funds to a county family and children first council that has been designated to serve as the child abuse and child neglect prevention advisory board under division (A)(1) of section 3109.18 of the Revised Code, the children's trust fund board may send those funds to the county or district children's trust fund in the county treasury or directly to the administrative agent of the county family and children first council designated pursuant to division (B)(5)(a) of section 121.37 of the Revised Code. Funds shall be allocated among advisory boards according to a formula based on the ratio of the number of children under age eighteen in the county or multicounty district to the number of children under age eighteen in the state, as shown in the most recent federal decennial census of population. Subject to the availability of funds and except as provided in section 3109.171 of the Revised Code, each advisory board shall receive a minimum of ten thousand dollars per fiscal year. In the case of an advisory board that serves a multicounty~~

~~district, the advisory board shall receive, subject to available~~ 40868
~~funds and except as provided in section 3109.171 of the Revised~~ 40869
~~Code, a minimum of ten thousand dollars per fiscal year for each~~ 40870
~~county in the district. Funds shall be disbursed to the advisory~~ 40871
~~boards twice annually. At least fifty per cent of the funds~~ 40872
~~allocated to an advisory board for a fiscal year shall be~~ 40873
~~disbursed to the advisory board not later than the thirtieth day~~ 40874
~~of September. The remainder of the funds allocated to the advisory~~ 40875
~~board for that fiscal year shall be disbursed before the~~ 40876
~~thirty-first day of March.~~ 40877

~~The board shall specify the criteria child abuse and child~~ 40878
~~neglect prevention advisory boards are to use in reviewing~~ 40879
~~applications under division (G)(2) of section 3109.18 of the~~ 40880
~~Revised Code.~~ 40881

~~(6) Allocate funds to entities other than child abuse and~~ 40882
~~child neglect prevention advisory boards for the purpose of~~ 40883
~~funding child abuse and child neglect prevention programs that~~ 40884
~~have statewide significance and that have been approved by the~~ 40885
~~children's trust fund board;~~ 40886

~~(7)(3) Provide for the monitoring of expenditures from the~~ 40887
~~children's trust fund and of programs that receive money from the~~ 40888
~~children's trust fund;~~ 40889

~~(8)(4) Establish reporting requirements for advisory boards~~ 40890
~~both of the following:~~ 40891

~~(a) Regional child abuse and child neglect prevention~~ 40892
~~councils, including deadlines for the submission of the progress~~ 40893
~~and annual reports required under section 3107.172 of the Revised~~ 40894
~~Code;~~ 40895

~~(b) Children's advocacy centers, including deadlines for the~~ 40896
~~submission of reports required under section 3107.178 of the~~ 40897
~~Revised Code.~~ 40898

~~(9)(5)~~ Collaborate with appropriate persons and government 40899
entities and facilitate the exchange of information among those 40900
persons and entities for the purpose of child abuse and child 40901
neglect prevention; 40902

~~(10)(6)~~ Provide for the education of the public and 40903
professionals for the purpose of child abuse and child neglect 40904
prevention; 40905

~~(11)~~ Create and provide to each advisory board a children's 40906
trust fund grant application form; 40907

~~(12)~~ Specify the information to be included in a semiannual 40908
and an annual report completed by a children's advocacy center for 40909
which a child abuse and child neglect prevention advisory board 40910
uses funds allocated to the advisory board under section 3109.172 40911
of the Revised Code, and each other person or entity that is a 40912
recipient of a children's trust fund grant under division (L)(1) 40913
of section 3109.18 of the Revised Code. 40914

(C) The children's trust fund board shall prepare a report 40915
for each fiscal biennium that delineates the expenditure of money 40916
from the children's trust fund. On or before January 1, 2002, and 40917
on or before the first day of January of a year that follows the 40918
end of a fiscal biennium of this state, the board shall file a 40919
copy of the report with the governor, the president and minority 40920
leader of the senate, and the speaker and minority leader of the 40921
house of representatives. 40922

(D) The children's trust fund board shall develop a list of 40923
all state and federal sources of funding that might be available 40924
for establishing, operating, or establishing and operating a 40925
children's advocacy center under sections 2151.425 to 2151.428 of 40926
the Revised Code. The board periodically shall update the list as 40927
necessary. The board shall maintain, or provide for the 40928
maintenance of, the list at an appropriate location. That location 40929

may be the offices of the department of job and family services. 40930
The board shall provide the list upon request to any children's 40931
advocacy center or to any person or entity identified in section 40932
2151.426 of the Revised Code as a person or entity that may 40933
participate in the establishment of a children's advocacy center. 40934

Sec. 3109.171. For the purpose of administering child abuse 40935
and child neglect prevention programming and services approved by 40936
the children's trust fund board, there are hereby created the 40937
following eight child abuse and child neglect prevention regions 40938
in the state: 40939

One region consisting of the following counties: Defiance, 40940
Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding, 40941
Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot. 40942

One region consisting of the following counties: Ashtabula, 40943
Cuyahoga, Geauga, and Lake. 40944

One region consisting of the following counties: Ashland, 40945
Columbiana, Holmes, Lorain, Mahoning, Medina, Portage, Stark, 40946
Summit, Trumbull, and Wayne. 40947

One region consisting of the following counties: Allen, 40948
Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan, Mercer, 40949
Miami, Montgomery, Preble, and Shelby. 40950

One region consisting of the following counties: Crawford, 40951
Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison, 40952
Marion, Morrow, Pickaway, Richland, and Union. 40953

One region consisting of the following counties: Belmont, 40954
Carroll, Coshocton, Guernsey, Harrison, Jefferson, Monroe, 40955
Muskingum, Noble, and Tuscarawas. 40956

One region consisting of the following counties: Adams, 40957
Brown, Butler, Clermont, Clinton, Hamilton, Highland, and Warren. 40958

One region consisting of the following counties: Athens, 40959

Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike, 40960
Ross, Scioto, Vinton, and Washington. 40961

Sec. 3109.172. (A) As used in this section, "county 40962
prevention specialist" includes the following: 40963

(1) Representatives of agencies responsible for the 40964
administration of children's services in the counties within a 40965
child abuse and child neglect prevention region established in 40966
section 3109.171 of the Revised Code; 40967

(2) Providers of alcohol or drug addiction services or 40968
representatives of boards of alcohol, drug addiction, and mental 40969
health services that serve counties within a region; 40970

(3) Providers of mental health services or representatives of 40971
boards of alcohol, drug addiction, and mental health services that 40972
serve counties within a region; 40973

(4) Representatives of county boards of developmental 40974
disabilities that serve counties within a region; 40975

(5) Representatives of the educational community appointed by 40976
the superintendent of the school district with the largest 40977
enrollment in the counties within a region; 40978

(6) Juvenile justice officials serving counties within a 40979
region; 40980

(7) Pediatricians, health department nurses, and other 40981
representatives of the medical community in the counties within a 40982
region; 40983

(8) Counselors and social workers serving counties within a 40984
region; 40985

(9) Head start agencies serving counties within a region; 40986

(10) Child care providers serving counties within a region; 40987

(11) Other persons with demonstrated knowledge in programs 40988

<u>for children serving counties within a region.</u>	40989
<u>(B) Each child abuse and child neglect prevention region</u>	40990
<u>shall have a child abuse and child neglect regional prevention</u>	40991
<u>council as appointed under divisions (C), (D), and (E) of this</u>	40992
<u>section. Each council shall operate in accordance with rules</u>	40993
<u>adopted by the department of job and family services pursuant to</u>	40994
<u>Chapter 119. of the Revised Code.</u>	40995
<u>(C)(1) Each board of county commissioners within a region may</u>	40996
<u>appoint up to two county prevention specialists to the council</u>	40997
<u>representing the county, in accordance with rules adopted by the</u>	40998
<u>department of job and family services under Chapter 119. of the</u>	40999
<u>Revised Code.</u>	41000
<u>(2) The children's trust fund board may appoint additional</u>	41001
<u>county prevention specialists to each region's council at the</u>	41002
<u>board's discretion.</u>	41003
<u>(3) A representative of the council's regional prevention</u>	41004
<u>coordinator shall serve as a nonvoting member of the council.</u>	41005
<u>(D) Each council member appointed under division (C)(1) of</u>	41006
<u>this section shall be appointed for a two-year term. Each council</u>	41007
<u>member appointed under division (C)(2) or (3) of this section</u>	41008
<u>shall be appointed for a three-year term. A member may be</u>	41009
<u>reappointed, but for two consecutive terms only.</u>	41010
<u>(E) A member may be removed from the council by the member's</u>	41011
<u>appointing authority for misconduct, incompetence, or neglect of</u>	41012
<u>duty.</u>	41013
<u>(F) Council members shall not receive compensation for their</u>	41014
<u>service to the council.</u>	41015
<u>(G) The representative of the regional prevention coordinator</u>	41016
<u>shall serve as chairperson of the council.</u>	41017
<u>(H) Each council shall meet at least quarterly.</u>	41018

<u>(I) Council members shall do all of the following:</u>	41019
<u>(1) Attend meetings of the council on which they serve;</u>	41020
<u>(2) Assist the regional prevention coordinator in conducting</u>	41021
<u>a needs assessment to ascertain the child abuse and child neglect</u>	41022
<u>prevention programming and services that are needed in their</u>	41023
<u>region;</u>	41024
<u>(3) Collaborate on assembling the council's regional</u>	41025
<u>prevention plan based on children's trust fund board guidelines</u>	41026
<u>pursuant to section 3109.174 of the Revised Code;</u>	41027
<u>(4) Assist the council's regional prevention coordinator with</u>	41028
<u>all of the following:</u>	41029
<u>(a) Implementing the regional prevention plan, including</u>	41030
<u>monitoring fulfillment of child abuse and child neglect prevention</u>	41031
<u>deliverables and achievement of prevention outcomes;</u>	41032
<u>(b) Coordinating county data collection;</u>	41033
<u>(c) Ensuring timely and accurate reporting to the children's</u>	41034
<u>trust fund board.</u>	41035
<u>(5) Any additional duties specified in accordance with rules</u>	41036
<u>adopted by the department pursuant to Chapter 119. of the Revised</u>	41037
<u>Code.</u>	41038
<u>(J) Each council shall file with the children's trust fund</u>	41039
<u>board, not later than the due dates specified by the board, a</u>	41040
<u>progress report and an annual report regarding the council's child</u>	41041
<u>abuse and child neglect prevention programs and activities</u>	41042
<u>undertaken in accordance with the council's regional prevention</u>	41043
<u>plan. The reports shall contain all information required by the</u>	41044
<u>board.</u>	41045
<u>Sec. 3109.173. (A) Each child abuse and child neglect</u>	41046
<u>regional prevention council shall be under the direction of a</u>	41047

regional prevention coordinator. The children's trust fund board 41048
shall select each region's coordinator through a competitive 41049
selection process conducted by the board. 41050

(B) Regional prevention coordinators shall do all of the 41051
following: 41052

(1) Select a representative to serve as chairperson of the 41053
regional prevention council; 41054

(2) Conduct a needs assessment to ascertain the child abuse 41055
and neglect prevention programming and services that are needed in 41056
the region; 41057

(3) Work with county prevention specialists in the region to 41058
assemble the regional prevention plan based on children's trust 41059
fund board guidelines pursuant to section 3109.174 of the Revised 41060
Code; 41061

(4) Implement the regional prevention plan, including the 41062
following: 41063

(a) Monitoring fulfillment of prevention deliverables and 41064
achievement of prevention outcomes; 41065

(b) Coordinating county data collection; 41066

(c) Ensuring timely and accurate reporting to the board. 41067

(5) Any additional duties specified by the department in 41068
rules adopted pursuant to Chapter 119. of the Revised Code. 41069

Sec. 3109.174. Each child abuse and child neglect regional 41070
prevention council shall submit to the children's trust fund board 41071
a regional prevention plan for funding child abuse and child 41072
neglect prevention programs and activities based on criteria set 41073
forth by the children's trust fund. 41074

The plan shall be submitted on the form and in the manner 41075
specified in rules adopted by the department of job and family 41076

services pursuant to Chapter 119. of the Revised Code. 41077

Sec. 3109.175. On receipt of a regional prevention plan 41078
submitted pursuant to section 3109.174 of the Revised Code, the 41079
children's trust fund board may do either of the following: 41080

(A) Approve the plan; 41081

(B) Deny the plan; 41082

(C) Require the submitting council to make changes to the 41083
plan and submit an amended plan to the board. 41084

Sec. 3109.176. (A) The children's trust fund board may deny 41085
funding or allocate a reduced amount of funds on a pro-rated daily 41086
basis to a child abuse and child neglect regional prevention 41087
council for the fiscal year for which a regional prevention plan 41088
was required to be developed under any of the following 41089
circumstances: 41090

(1) If a council fails to submit to the board a regional 41091
prevention plan pursuant to section 3109.174 of the Revised Code 41092
by the date specified by the board; 41093

(2) If a council fails to submit to the board an amended plan 41094
pursuant to division (C) of section 3109.175 of the Revised Code; 41095

(3) If the board fails to approve a plan or an amended plan 41096
submitted by a council. 41097

(B) The board may allocate a reduced amount of funds to a 41098
council on a pro-rated daily basis for the following fiscal year 41099
if the council fails to submit to the board a progress report or 41100
annual report as required by section 3109.172 of the Revised Code 41101
not later than the due dates specified by the board for those 41102
reports. 41103

Sec. 3109.177. (A) As used in this section and section 41104

3107.178 of the Revised Code, "primary prevention strategies" has 41105
the same meaning as in section 3109.13 of the Revised Code. 41106

(B) Each children's advocacy center may annually request 41107
funds from the children's trust fund board to conduct primary 41108
prevention strategies. 41109

Sec. 3109.178. (A) Each child abuse and child neglect 41110
regional prevention council may request from the children's trust 41111
fund board up to five thousand dollars for each county within the 41112
council's region to be used as one-time, start-up costs for the 41113
establishment and operation of a children's advocacy center to 41114
serve each county in the region or a center to serve two or more 41115
contiguous counties within the region. 41116

(B) On receipt of a request made under this section, the 41117
board shall review and approve or disapprove the request. 41118

(C) If the board disapproves the request, the board shall 41119
send to the requesting council written notice of the disapproval 41120
that states the reasons for the disapproval. 41121

(D) No funds allocated to a council under this section may be 41122
used as start-up costs for any children's advocacy center unless 41123
the center has as a component a primary prevention strategy. 41124

(E) A council that receives funds under this section in any 41125
fiscal year shall not use the funds received in a different fiscal 41126
year or for a different center in any fiscal year without the 41127
approval of the board. 41128

(F) A children's advocacy center established using funds 41129
awarded under this section shall comply with sections 2151.425 to 41130
2151.428 of the Revised Code. 41131

(G) Each children's advocacy center that receives funds under 41132
this section shall file with its respective council, by the date 41133
specified by the board, an annual report that includes the 41134

information required by the board. The council shall forward a 41135
copy of the annual report to the board. 41136

Sec. 3109.179. (A) The department of job and family services 41137
shall adopt rules in accordance with Chapter 119. of the Revised 41138
Code regarding all of the following: 41139

(1) Operation requirements for child abuse and child neglect 41140
regional prevention councils; 41141

(2) The manner in which boards of county commissioners are to 41142
appoint council members; 41143

(3) The form and manner by which councils are to submit 41144
regional prevention plans. 41145

(B) The department may adopt rules in accordance with Chapter 41146
119. of the Revised Code regarding the following: 41147

(1) Duties of council members; 41148

(2) Duties of regional prevention coordinators; 41149

(3) Any other rules necessary to implement sections 3109.13 41150
to 3109.178 of the Revised Code. 41151

(C) The department shall consult with the children's trust 41152
fund board and the board's executive director regarding all rules 41153
adopted under this section. 41154

Sec. 3115.101. This chapter may be cited as the "Uniform 41155
Interstate Family Support Act of 2008." This chapter uses the 41156
numbering system of the national conference of commissioners on 41157
uniform state laws. The digits to the right of the decimal point 41158
are sequential and not supplemental to any preceding Revised Code 41159
section. 41160

Sec. 3115.102. As used in this chapter: 41161

(A) "Child" means an individual, whether over or under the 41162
age of majority, who is or is alleged to be owed a duty of support 41163
by the individual's parent or who is or is alleged to be the 41164
beneficiary of a support order directed to the parent. 41165

(B) "Child-support order" means a support order for a child, 41166
including a child who has attained the age of majority under the 41167
law of the issuing state or foreign country. 41168

(C) "Convention" means the convention on the international 41169
recovery of child support and other forms of family maintenance, 41170
concluded at The Hague on November 23, 2007. 41171

(D) "Duty of support" means an obligation imposed or 41172
imposable by law to provide support for a child, spouse, or former 41173
spouse, including an unsatisfied obligation to provide support. 41174

(E) "Foreign country" means a country, including a political 41175
subdivision of the country, other than the United States, that 41176
authorizes the issuance of support orders to which at least one of 41177
the following applies: 41178

(1) It has been declared under the law of the United States 41179
to be a foreign reciprocating country; 41180

(2) It has established a reciprocal arrangement for child 41181
support with this state as provided in section 3115.308 of the 41182
Revised Code; 41183

(3) It has enacted a law or established procedures for the 41184
issuance and enforcement of support orders that are substantially 41185
similar to the procedures under this chapter; 41186

(4) It is a country in which the convention is in force with 41187
respect to the United States. 41188

(F) "Foreign support order" means a support order of a 41189
foreign tribunal. 41190

(G) "Foreign tribunal" means a court, administrative agency, 41191

or quasi-judicial entity of a foreign country that is authorized 41192
to establish, enforce, or modify support orders or to determine 41193
parentage of a child. "Foreign tribunal" includes a competent 41194
authority under the convention. 41195

(H) "Home state" means the state or foreign country in which 41196
a child lived with a parent or a person acting as parent for at 41197
least six consecutive months immediately preceding the time of 41198
filing of a petition or comparable pleading for support and, if a 41199
child is less than six months old, the state or foreign country in 41200
which the child lived from birth with any of them. A period of 41201
temporary absence of any of them is counted as part of the 41202
six-month or other period. 41203

(I) "Income" includes earnings or other periodic entitlements 41204
to money from any source and any other property subject to 41205
withholding for support under the law of this state. 41206

(J) "Income-withholding order" means an order or other legal 41207
process directed to an obligor's employer or other payor, in 41208
accordance with Chapter 3121. of the Revised Code, to withhold 41209
support from the income of the obligor. 41210

(K) "Initiating tribunal" means the tribunal of a state or 41211
foreign country from which a petition or comparable pleading is 41212
forwarded or in which a petition or comparable pleading is filed 41213
for forwarding to another state or foreign country. 41214

(L) "Issuing foreign country" means the foreign country in 41215
which a tribunal issues a support order or a judgment determining 41216
parentage of a child. 41217

(M) "Issuing state" means the state in which a tribunal 41218
issues a support order or a judgment determining parentage of a 41219
child. 41220

(N) "Issuing tribunal" means the tribunal of a state or 41221
foreign country that issues a support order or a judgment 41222

<u>determining parentage of a child.</u>	41223
<u>(O) "Law" includes decisional and statutory law and rules and regulations having the force of law.</u>	41224
	41225
<u>(P) "Obligee" means any of the following:</u>	41226
<u>(1) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued;</u>	41227
	41228
	41229
<u>(2) A foreign country, state, or political subdivision of a state to which the rights under a duty of support or support order have been assigned or that has independent claims based on financial assistance provided to an individual obligee in place of child support;</u>	41230
	41231
	41232
	41233
	41234
<u>(3) An individual seeking a judgment determining parentage of the individual's child;</u>	41235
	41236
<u>(4) A person that is a creditor in a proceeding under sections 3115.701 to 3115.713 of the Revised Code.</u>	41237
	41238
<u>(Q) "Obligor" means an individual, or the estate of a decedent, to whom or to which any of the following applies:</u>	41239
	41240
<u>(1) The individual or estate owes or is alleged to owe a duty of support.</u>	41241
	41242
<u>(2) The individual or decedent is alleged but has not been adjudicated to be a parent of a child.</u>	41243
	41244
<u>(3) The individual or estate is liable under a support order.</u>	41245
<u>(4) The individual or estate is a debtor in a proceeding under sections 3115.701 to 3115.713 of the Revised Code.</u>	41246
	41247
<u>(R) "Outside this state" means a location in another state or a country other than the United States, whether or not the country is a foreign country.</u>	41248
	41249
	41250
<u>(S) "Person" means an individual, corporation, business</u>	41251

trust, estate, trust, partnership, limited liability company, 41252
association, joint venture, public corporation, government or 41253
governmental subdivision, agency, or instrumentality, or any other 41254
legal or commercial entity. 41255

(T) "Record" means information that is inscribed on a 41256
tangible medium or that is stored in an electronic or other medium 41257
and is retrievable in perceivable form. 41258

(U) "Register" means to file in a tribunal of this state a 41259
support order or judgment determining parentage of a child issued 41260
in another state or a foreign country. 41261

(V) "Registering tribunal" means a tribunal in which a 41262
support order or judgment determining parentage of a child is 41263
registered. 41264

(W) "Responding state" means a state in which a petition or 41265
comparable pleading for support or to determine parentage of a 41266
child is filed or to which a petition or comparable pleading is 41267
forwarded for filing from another state or a foreign country. 41268

(X) "Responding tribunal" means the authorized tribunal in a 41269
responding state or foreign country. 41270

(Y) "Spousal-support order" means a support order for a 41271
spouse or former spouse of the obligor. 41272

(Z) "State" means a state of the United States, the District 41273
of Columbia, Puerto Rico, the United States Virgin Islands, or any 41274
territory or insular possession under the jurisdiction of the 41275
United States. The term includes an Indian nation or tribe. 41276

(AA) "Support enforcement agency" means a public official, 41277
governmental entity, or private agency authorized to do any of the 41278
following: 41279

(1) Seek enforcement of support orders or laws relating to 41280
the duty of support; 41281

<u>(2) Seek establishment or modification of child support;</u>	41282
<u>(3) Request determination of parentage of a child;</u>	41283
<u>(4) Attempt to locate obligors or their assets; or</u>	41284
<u>(5) Request determination of the controlling child-support</u>	41285
<u>order.</u>	41286
<u>(BB) "Support order" means a judgment, decree, order,</u>	41287
<u>decision, or directive, whether temporary, final, or subject to</u>	41288
<u>modification, issued in a state or foreign country for the benefit</u>	41289
<u>of a child, a spouse, or a former spouse, which provides for</u>	41290
<u>monetary support, health care, arrearages, retroactive support, or</u>	41291
<u>reimbursement for financial assistance provided to an individual</u>	41292
<u>obligee in place of child support. "Support order" may include</u>	41293
<u>related costs and fees, interest, income withholding, automatic</u>	41294
<u>adjustment, reasonable attorney's fees, and other relief.</u>	41295
<u>(CC) "Tribunal" means a court, administrative agency, or</u>	41296
<u>quasi-judicial entity authorized to establish, enforce, or modify</u>	41297
<u>support orders or to determine parentage of a child.</u>	41298
<u>Sec. 3115.103.</u> <u>(A) For purposes of carrying out the duties</u>	41299
<u>and responsibilities under this chapter, the juvenile court or the</u>	41300
<u>division of the court of common pleas that has jurisdiction over</u>	41301
<u>disputes arising under this chapter is the tribunal of this state</u>	41302
<u>and for the purposes of initiating a petition an agency designated</u>	41303
<u>under section 3125.10 of the Revised Code is also a tribunal of</u>	41304
<u>this state.</u>	41305
<u>(B) The agencies designated under section 3125.10 of the</u>	41306
<u>Revised Code are the support enforcement agencies of this state.</u>	41307
<u>Sec. 3115.104.</u> <u>(A) Remedies provided by this chapter are</u>	41308
<u>cumulative and do not affect the availability of remedies under</u>	41309
<u>other law or the recognition of a foreign support order on the</u>	41310

<u>basis of comity.</u>	41311
<u>(B) This chapter does not do either of the following:</u>	41312
<u>(1) Provide the exclusive method of establishing or enforcing</u>	41313
<u>a support order under the law of this state;</u>	41314
<u>(2) Grant a tribunal of this state jurisdiction to render</u>	41315
<u>judgment or issue an order relating to child custody or visitation</u>	41316
<u>in a proceeding under this chapter.</u>	41317
 <u>Sec. 3115.105. (A) A tribunal of this state shall apply</u>	41318
<u>sections 3115.102 to 3115.616 of the Revised Code and, as</u>	41319
<u>applicable, sections 3115.701 to 3115.713 of the Revised Code, to</u>	41320
<u>a support proceeding involving any of the following:</u>	41321
<u>(1) A foreign support order;</u>	41322
<u>(2) A foreign tribunal;</u>	41323
<u>(3) An obligee, obligor, or child residing in a foreign</u>	41324
<u>country.</u>	41325
<u>(B) A tribunal of this state that is requested to recognize</u>	41326
<u>and enforce a support order on the basis of comity may apply the</u>	41327
<u>procedural and substantive provisions of sections 3115.102 to</u>	41328
<u>3115.616 of the Revised Code.</u>	41329
<u>(C) Sections 3115.701 to 3115.713 of the Revised Code apply</u>	41330
<u>only to a support proceeding under the convention. In such a</u>	41331
<u>proceeding, if a provision of sections 3115.701 to 3115.713 of the</u>	41332
<u>Revised Code is inconsistent with sections 3115.102 to 3115.616 of</u>	41333
<u>the Revised Code, sections 3115.701 to 3115.713 of the Revised</u>	41334
<u>Code control.</u>	41335
 <u>Sec. 3115.201. (A) In a proceeding to establish or enforce a</u>	41336
<u>support order or to determine parentage of a child, a tribunal or</u>	41337
<u>support enforcement agency of this state may exercise personal</u>	41338

jurisdiction over a nonresident individual if any of the following 41339
apply: 41340

(1) The individual is personally served with summons within 41341
this state. 41342

(2) The individual submits to the jurisdiction of this state 41343
by consent in a record, by entering a general appearance, or by 41344
filing a responsive document having the effect of waiving any 41345
contest to personal jurisdiction. 41346

(3) The individual resided with the child in this state. 41347

(4) The individual resided in this state and provided 41348
prenatal expenses or support for the child. 41349

(5) The child resides in this state as a result of the acts 41350
or directives of the individual. 41351

(6) The individual engaged in sexual intercourse in this 41352
state and the child may have been conceived by that act of 41353
intercourse. 41354

(7) The individual asserted parentage of a child in the 41355
putative father registry maintained in this state by the 41356
department of job and family services. 41357

(8) There is any other basis consistent with the 41358
Constitutions of this state and the United States for the exercise 41359
of personal jurisdiction. 41360

(B) The bases of personal jurisdiction set forth in division 41361
(A) of this section or in any other law of this state may not be 41362
used to acquire personal jurisdiction for a tribunal of this state 41363
to modify a child-support order of another state unless the 41364
requirements of section 3115.611 of the Revised Code are met or, 41365
in the case of a foreign support order, unless the requirements of 41366
section 3115.615 of the Revised Code are met. 41367

Sec. 3115.202. Personal jurisdiction acquired by a tribunal of this state in a proceeding under this chapter or other law of this state relating to a support order continues as long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by sections 3115.205, 3115.206, and 3115.211 of the Revised Code.

Sec. 3115.203. Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to a tribunal of another state, and as a responding tribunal for proceedings initiated in another state or a foreign country.

Sec. 3115.204. (A) A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if all of the following apply:

(1) The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country.

(2) The contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country.

(3) If relevant, this state is the home state of the child.

(B) A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if all of the following apply:

(1) The petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed

in this state for filing a responsive pleading challenging the 41397
exercise of jurisdiction by this state. 41398

(2) The contesting party timely challenges the exercise of 41399
jurisdiction in this state. 41400

(3) If relevant, the other state or foreign country is the 41401
home state of the child. 41402

Sec. 3115.205. (A) A tribunal of this state that has issued a 41403
child-support order consistent with the law of this state has and 41404
shall exercise continuing, exclusive jurisdiction to modify its 41405
child-support order if the order is the controlling order and 41406
either of the following applies: 41407

(1) At the time of the filing of a request for modification, 41408
this state is the residence of the obligor, the individual 41409
obligee, or the child for whose benefit the support order is 41410
issued. 41411

(2) Even if this state is not the residence of the obligor, 41412
the individual obligee, or the child for whose benefit the support 41413
order is issued, the parties consent in a record or in open court 41414
that the tribunal of this state may continue to exercise 41415
jurisdiction to modify its order. 41416

(B) A tribunal or support enforcement agency of this state 41417
that has issued a child-support order consistent with the law of 41418
this state may not exercise continuing, exclusive jurisdiction to 41419
modify the order if either of the following applies: 41420

(1) All of the parties who are individuals file consent in a 41421
record with the tribunal of this state that a tribunal of another 41422
state that has jurisdiction over at least one of the parties who 41423
is an individual or that is located in the state of residence of 41424
the child may modify the order and assume continuing, exclusive 41425
jurisdiction. 41426

(2) Its order is not the controlling order. 41427

(C) If a tribunal of another state has issued a child-support order pursuant to the uniform interstate family support act or a law substantially similar to that act that modifies a child-support order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state. 41428
41429
41430
41431
41432
41433

(D) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child-support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state. 41434
41435
41436
41437

(E) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal. 41438
41439
41440

Sec. 3115.206. (A) A tribunal of this state that has issued a child-support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce either of the following: 41441
41442
41443
41444

(1) The order, if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to its uniform interstate family support act; 41445
41446
41447
41448

(2) A money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order. 41449
41450
41451

(B) A tribunal of this state having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order. 41452
41453
41454

Sec. 3115.207. (A) If a proceeding is brought under this 41455

chapter and only one tribunal has issued a child-support order, 41456
the order of that tribunal controls and must be recognized. 41457

(B) If a proceeding is brought under this chapter and two or 41458
more child-support orders have been issued by tribunals of this 41459
state, another state, or a foreign country with regard to the same 41460
obligor and same child, a court of this state having personal 41461
jurisdiction over both the obligor and individual obligee shall 41462
apply the following rules and by order shall determine which order 41463
controls and must be recognized: 41464

(1) If only one of the tribunals would have continuing, 41465
exclusive jurisdiction under this chapter, the order of that 41466
tribunal controls. 41467

(2) If more than one of the tribunals would have continuing, 41468
exclusive jurisdiction under this chapter, whichever of the 41469
following is relevant applies: 41470

(a) An order issued by a tribunal in the current home state 41471
of the child controls; 41472

(b) If an order has not been issued in the current home state 41473
of the child, the order most recently issued controls. 41474

(3) If none of the tribunals would have continuing, exclusive 41475
jurisdiction under this chapter, the court of this state shall 41476
issue a child-support order, which order controls. 41477

(C) If two or more child-support orders have been issued for 41478
the same obligor and same child, upon request of a party who is an 41479
individual or that is a support enforcement agency, a court of 41480
this state having personal jurisdiction over both the obligor and 41481
the obligee who is an individual shall determine which order 41482
controls under division (B) of this section. The request may be 41483
filed with a registration for enforcement or registration for 41484
modification pursuant to sections 3115.601 to 3115.616 of the 41485

Revised Code, or may be filed as a separate proceeding. 41486

(D) A request to determine which is the controlling order 41487
must be accompanied by a copy of every child-support order in 41488
effect and the applicable record of payments. The requesting party 41489
shall give notice of the request to each party whose rights may be 41490
affected by the determination. 41491

(E) The tribunal that issued the controlling order under 41492
division (A), (B), or (C) of this section has continuing 41493
jurisdiction to the extent provided in section 3115.205 or 41494
3115.206 of the Revised Code. 41495

(F) A court of this state that determines by order which is 41496
the controlling order under division (B)(1) or (2) of this 41497
section, or that issues a new controlling order under division 41498
(B)(3) of this section, shall state all of the following in that 41499
order: 41500

(1) The basis upon which the court made its determination; 41501

(2) The amount of prospective support, if any; 41502

(3) The total amount of consolidated arrears and accrued 41503
interest, if any, under all of the orders after all payments made 41504
are credited as provided by section 3115.209 of the Revised Code. 41505

(G) Within thirty days after issuance of an order determining 41506
which is the controlling order, the party obtaining the order 41507
shall file a certified copy of it in each tribunal that issued or 41508
registered an earlier order of child support. A party or support 41509
enforcement agency obtaining the order that fails to file a 41510
certified copy is subject to appropriate sanctions by a tribunal 41511
in which the issue of failure to file arises. The failure to file 41512
does not affect the validity or enforceability of the controlling 41513
order. 41514

(H) An order that has been determined to be the controlling 41515

order, or a judgment for consolidated arrears of support and 41516
interest, if any, made pursuant to this section must be recognized 41517
in proceedings under this chapter. 41518

Sec. 3115.208. In responding to registrations or petitions 41519
for enforcement of two or more child-support orders in effect at 41520
the same time with regard to the same obligor and different 41521
individual obligees, at least one of which was issued by a 41522
tribunal of another state or a foreign country, a tribunal of this 41523
state shall enforce those orders in the same manner as if the 41524
orders had been issued by a tribunal of this state. 41525

Sec. 3115.209. A tribunal of this state shall credit amounts 41526
collected for a particular period pursuant to any child-support 41527
order against the amounts owed for the same period under any other 41528
child-support order for support of the same child issued by a 41529
tribunal of this state, another state, or a foreign country. 41530

Sec. 3115.210. A tribunal of this state exercising personal 41531
jurisdiction over a nonresident in a proceeding under this 41532
chapter, under other law of this state relating to a support 41533
order, or recognizing a foreign support order may receive evidence 41534
from outside this state pursuant to section 3115.316 of the 41535
Revised Code, communicate with a tribunal outside this state 41536
pursuant to section 3115.317 of the Revised Code, and obtain 41537
discovery through a tribunal outside this state pursuant to 41538
section 3115.318 of the Revised Code. In all other respects, 41539
sections 3115.301 to 3115.616 of the Revised Code do not apply, 41540
and the tribunal shall apply the procedural and substantive law of 41541
this state. 41542

Sec. 3115.211. (A) A tribunal of this state issuing a 41543
spousal-support order consistent with the law of this state has 41544

continuing, exclusive jurisdiction to modify the spousal-support 41545
order throughout the existence of the support obligation. 41546

(B) A tribunal of this state may not modify a spousal-support 41547
order issued by a tribunal of another state or a foreign country 41548
having continuing, exclusive jurisdiction over that order under 41549
the law of that state or foreign country. 41550

(C) A tribunal of this state that has continuing, exclusive 41551
jurisdiction over a spousal-support order may serve as either of 41552
the following: 41553

(1) An initiating tribunal to request a tribunal of another 41554
state to enforce the spousal-support order issued in this state; 41555

(2) A responding tribunal to enforce or modify its own 41556
spousal-support order. 41557

Sec. 3115.301. (A) Except as otherwise provided in this 41558
chapter, sections 3115.301 to 3115.319 of the Revised Code apply 41559
to all proceedings under this chapter. 41560

(B) An individual petitioner or a support enforcement agency 41561
may initiate a proceeding authorized under this chapter by filing 41562
a petition in an initiating tribunal for forwarding to a 41563
responding tribunal or by filing a petition or a comparable 41564
pleading directly in a tribunal of another state or a foreign 41565
country that has or can obtain personal jurisdiction over the 41566
respondent. 41567

Sec. 3115.302. A minor parent, or a guardian or other legal 41568
representative of a minor parent, may maintain a proceeding on 41569
behalf of or for the benefit of the minor's child. 41570

Sec. 3115.303. Except as otherwise provided in this chapter, 41571
a responding tribunal of this state shall do both of the 41572

following: 41573

(A) Apply the procedural and substantive law generally 41574
applicable to similar proceedings originating in this state and 41575
may exercise all powers and provide all remedies available in 41576
those proceedings; 41577

(B) Determine the duty of support and the amount payable in 41578
accordance with the law and support guidelines of this state. 41579

Sec. 3115.304. (A) Upon the filing of a petition authorized 41580
by this chapter, an initiating tribunal of this state shall 41581
forward the petition and its accompanying documents to whichever 41582
of the following is relevant: 41583

(1) The responding tribunal or appropriate support 41584
enforcement agency in the responding state; 41585

(2) If the identity of the responding tribunal is unknown, 41586
the state information agency of the responding state with a 41587
request that they be forwarded to the appropriate tribunal and 41588
that receipt be acknowledged. 41589

(B) If requested by the responding tribunal, a tribunal of 41590
this state shall issue a certificate or other document and make 41591
findings required by the law of the responding state. If the 41592
responding tribunal is in a foreign country, upon request the 41593
tribunal of this state shall specify the amount of support sought, 41594
convert that amount into the equivalent amount in the foreign 41595
currency under applicable official or market exchange rate as 41596
publicly reported, and provide any other documents necessary to 41597
satisfy the requirements of the responding foreign tribunal. 41598

Sec. 3115.305. (A) When a responding support enforcement 41599
agency of this state receives a petition or comparable pleading 41600
from an initiating tribunal or directly pursuant to division (B) 41601

of section 3115.301 of the Revised Code, it shall cause the 41602
petition or pleading to be filed and notify the petitioner where 41603
and when it was filed. 41604

(B) A responding tribunal of this state, to the extent not 41605
prohibited by other law, may do one or more of the following: 41606

(1) Establish or enforce a support order, modify a 41607
child-support order, determine the controlling child-support 41608
order, or determine parentage of a child; 41609

(2) Order an obligor to comply with a support order, 41610
specifying the amount and the manner of compliance; 41611

(3) Order income withholding; 41612

(4) Determine the amount of any arrearages and specify a 41613
method of payment; 41614

(5) Enforce orders by civil or criminal contempt or both; 41615

(6) Set aside property for satisfaction of the support order; 41616

(7) Place liens and order execution on the obligor's 41617
property; 41618

(8) Order an obligor to keep the tribunal informed of the 41619
obligor's current residential address, electronic-mail address, 41620
telephone number, employer, address of employment, and telephone 41621
number at the place of employment; 41622

(9) Issue a capias for an obligor who has failed after proper 41623
notice to appear at a hearing ordered by the tribunal and enter 41624
the capias in any local and state computer systems for criminal 41625
warrants; 41626

(10) Order the obligor to seek appropriate employment by 41627
specified methods; 41628

(11) Award reasonable attorney's fees and other fees and 41629
costs; 41630

(12) Grant any other available remedy. 41631

(C) A responding tribunal of this state shall include in a 41632
support order issued under this chapter, or in the documents 41633
accompanying the order, the calculations on which the support 41634
order is based. 41635

(D) A responding tribunal of this state may not condition the 41636
payment of a support order issued under this chapter upon 41637
compliance by a party with provisions for visitation. 41638

(E) If a responding tribunal of this state issues an order 41639
under this chapter, the tribunal shall send a copy of the order to 41640
the petitioner and the respondent and to the initiating tribunal, 41641
if any. 41642

(F) If requested to enforce a support order, arrears, or 41643
judgment or modify a support order stated in a foreign currency, a 41644
responding tribunal of this state shall convert the amount stated 41645
in the foreign currency to the equivalent amount in dollars under 41646
the applicable official or market exchange rate as publicly 41647
reported. 41648

Sec. 3115.306. If a petition or comparable pleading is 41649
received by an inappropriate tribunal or support enforcement 41650
agency of this state, the tribunal or support enforcement agency 41651
shall forward the pleading and accompanying documents to an 41652
appropriate tribunal or support enforcement agency of this state 41653
or another state and notify the petitioner where and when the 41654
pleading was sent. 41655

Sec. 3115.307. (A) A support enforcement agency of this 41656
state, upon request, shall provide services to a petitioner in a 41657
proceeding under this chapter. 41658

(B) A support enforcement agency of this state that is 41659
providing services to the petitioner shall do all of the 41660

- following: 41661
- (1) Take all steps necessary to enable an appropriate 41662
tribunal of this state, another state, or a foreign country to 41663
obtain jurisdiction over the respondent; 41664
- (2) Request an appropriate tribunal to set a date, time, and 41665
place for a hearing; 41666
- (3) Make a reasonable effort to obtain all relevant 41667
information, including information as to income and property of 41668
the parties; 41669
- (4) Within two days, exclusive of Saturdays, Sundays, and 41670
legal holidays, after receipt of notice in a record from an 41671
initiating, responding, or registering tribunal, send a copy of 41672
the notice to the petitioner; 41673
- (5) Within two days, exclusive of Saturdays, Sundays, and 41674
legal holidays, after receipt of communication in a record from 41675
the respondent or the respondent's attorney, send a copy of the 41676
communication to the petitioner; 41677
- (6) Notify the petitioner if jurisdiction over the respondent 41678
cannot be obtained. 41679
- (C) A support enforcement agency of this state that requests 41680
registration of a child-support order in this state for 41681
enforcement or for modification shall make reasonable efforts to 41682
do whichever of the following is relevant: 41683
- (1) Ensure that the order to be registered is the controlling 41684
order; 41685
- (2) If two or more child-support orders exist and the 41686
identity of the controlling order has not been determined, ensure 41687
that a request for such a determination is made in a tribunal 41688
having jurisdiction to do so. 41689
- (D) A support enforcement agency of this state that requests 41690

registration and enforcement of a support order, arrears, or 41691
judgment stated in a foreign currency shall convert the amounts 41692
stated in the foreign currency into the equivalent amounts in 41693
dollars under the applicable official or market exchange rate as 41694
publicly reported. 41695

(E) A support enforcement agency of this state shall issue or 41696
request a tribunal of this state to issue a child-support order 41697
and an income-withholding order that redirect payment of current 41698
support, arrears, and interest if requested to do so by a support 41699
enforcement agency of another state pursuant to section 3115.319 41700
of the Revised Code. 41701

(F) This chapter does not create or negate a relationship of 41702
attorney and client or other fiduciary relationship between a 41703
support enforcement agency or the attorney for the agency and the 41704
individual being assisted by the agency. 41705

Sec. 3115.308. (A) If the department of job and family 41706
services determines that the support enforcement agency is 41707
neglecting or refusing to provide services to an individual, the 41708
department may order the agency to perform its duties under this 41709
chapter or may provide those services directly to the individual. 41710

(B) The department of job and family services may determine 41711
that a foreign country has established a reciprocal arrangement 41712
for child support with this state and take appropriate action for 41713
notification of the determination. 41714

Sec. 3115.309. An individual may employ private counsel to 41715
represent the individual in proceedings authorized by this 41716
chapter. 41717

Sec. 3115.310. (A) The department of job and family services 41718
is the state information agency under this chapter. 41719

(B) The state information agency shall do all of the 41720
following: 41721

(1) Compile and maintain a current list, including addresses, 41722
of the tribunals in this state that have jurisdiction under this 41723
chapter and any support enforcement agencies in this state and 41724
transmit a copy to the state information agency of every other 41725
state; 41726

(2) Maintain a register of names and addresses of tribunals 41727
and support enforcement agencies received from other states; 41728

(3) Forward to the appropriate support enforcement agency in 41729
the county in this state in which the obligee who is an individual 41730
or the obligor resides, or in which the obligor's property is 41731
believed to be located, all documents concerning a proceeding 41732
under this chapter received from another state or a foreign 41733
country; 41734

(4) Obtain information concerning the location of the obligor 41735
and the obligor's property within this state not exempt from 41736
execution, by such means as postal verification and federal or 41737
state locator services, examination of telephone directories, 41738
requests for the obligor's address from employers, and examination 41739
of governmental records, including, to the extent not prohibited 41740
by other law, those relating to real property, vital statistics, 41741
law enforcement, taxation, motor vehicles, driver's licenses, and 41742
social security. 41743

Sec. 3115.311. (A) In a proceeding under this chapter, a 41744
petitioner seeking to establish a support order, to determine 41745
parentage of a child, or to register and modify a support order of 41746
a tribunal of another state or a foreign country must file a 41747
petition. Unless otherwise ordered under section 3115.312 of the 41748
Revised Code, the petition or accompanying documents must provide, 41749
so far as known, the name, residential address, and social 41750

security numbers of the obligor and the obligee or the parent and 41751
alleged parent, and the name, sex, residential address, social 41752
security number, and date of birth of each child for whose benefit 41753
support is sought or whose parentage is to be determined. Unless 41754
filed at the time of registration, the petition must be 41755
accompanied by a copy of any support order known to have been 41756
issued by another tribunal. The petition may include any other 41757
information that may assist in locating or identifying the 41758
respondent. 41759

(B) The petition must specify the relief sought. The petition 41760
and accompanying documents must conform substantially to the 41761
requirements imposed by the forms mandated by federal law for use 41762
in cases filed by a support enforcement agency. 41763

Sec. 3115.312. If a party alleges in an affidavit or a 41764
pleading under oath that the health, safety, or liberty of a party 41765
or child would be jeopardized by disclosure of specific 41766
identifying information, that information must be sealed and may 41767
not be disclosed to the other party or the public. After a hearing 41768
in which a tribunal takes into consideration the health, safety, 41769
or liberty of the party or child, the tribunal may order 41770
disclosure of information that the tribunal determines to be in 41771
the interest of justice. 41772

Sec. 3115.313. (A) The petitioner may not be required to pay 41773
a filing fee or other costs. 41774

(B) If an obligee prevails, a responding tribunal of this 41775
state may assess against an obligor filing fees, reasonable 41776
attorney's fees, other costs, and necessary travel and other 41777
reasonable expenses incurred by the obligee and the obligee's 41778
witnesses. The tribunal may not assess fees, costs, or expenses 41779
against the obligee or the support enforcement agency of either 41780

the initiating or responding state or foreign country, except as 41781
provided by other law. Attorney's fees may be taxed as costs, and 41782
may be ordered paid directly to the attorney, who may enforce the 41783
order in the attorney's own name. Payment of support owed to the 41784
obligee has priority over fees, costs, and expenses. 41785

(C) The tribunal shall order the payment of costs and 41786
reasonable attorney's fees if it determines that a hearing was 41787
requested primarily for delay. In a proceeding under sections 41788
3115.601 to 3115.616 of the Revised Code, a hearing is presumed to 41789
have been requested primarily for delay if a registered support 41790
order is confirmed or enforced without change. 41791

Sec. 3115.314. (A) Participation by a petitioner in a 41792
proceeding under this chapter before a responding tribunal, 41793
whether in person, by private attorney, or through services 41794
provided by the support enforcement agency, does not confer 41795
personal jurisdiction over the petitioner in another proceeding. 41796

(B) A petitioner is not amenable to service of civil process 41797
while physically present in this state to participate in a 41798
proceeding under this chapter. 41799

(C) The immunity granted by this section does not extend to 41800
civil litigation based on acts unrelated to a proceeding under 41801
this chapter committed by a party while physically present in this 41802
state to participate in the proceeding. 41803

Sec. 3115.315. A party whose parentage of a child has been 41804
previously determined by or pursuant to law may not plead 41805
nonparentage as a defense to a proceeding under this chapter. 41806

Sec. 3115.316. (A) The physical presence of a nonresident 41807
party who is an individual in a tribunal of this state is not 41808
required for the establishment, enforcement, or modification of a 41809

support order or the rendition of a judgment determining parentage of a child. 41810
41811

(B) An affidavit, a document substantially complying with 41812
federally mandated forms, or a document incorporated by reference 41813
in any of them, which would not be excluded under the hearsay rule 41814
if given in person, is admissible in evidence if given under 41815
penalty of perjury by a party or witness residing outside this 41816
state. 41817

(C) A copy of the record of child-support payments certified 41818
as a true copy of the original by the custodian of the record may 41819
be forwarded to a responding tribunal. The copy is evidence of 41820
facts asserted in it, and is admissible to show whether payments 41821
were made. 41822

(D) Copies of bills for testing for parentage of a child, and 41823
for prenatal and postnatal health care of the mother and child, 41824
furnished to the adverse party at least ten days before trial, are 41825
admissible in evidence to prove the amount of the charges billed 41826
and that the charges were reasonable, necessary, and customary. 41827

(E) Documentary evidence transmitted from outside this state 41828
to a tribunal of this state by telephone, telecopier, or other 41829
electronic means that do not provide an original record may not be 41830
excluded from evidence on an objection based on the means of 41831
transmission. 41832

(F) In a proceeding under this chapter, a tribunal of this 41833
state shall permit a party or witness residing outside this state 41834
to be deposed or to testify under penalty of perjury by telephone, 41835
audiovisual means, or other electronic means at a designated 41836
tribunal or other location. A tribunal or support enforcement 41837
agency of this state shall cooperate with other tribunals in 41838
designating an appropriate location for the deposition or 41839
testimony. 41840

(G) If a party called to testify at a civil hearing refuses 41841
to answer on the ground that the testimony may be 41842
self-incriminating, the trier of fact may draw an adverse 41843
inference from the refusal. 41844

(H) A privilege against disclosure of communications between 41845
spouses does not apply in a proceeding under this chapter. 41846

(I) The defense of immunity based on the relationship of 41847
husband and wife or parent and child does not apply in a 41848
proceeding under this chapter. 41849

(J) A voluntary acknowledgment of paternity, certified as a 41850
true copy, is admissible to establish parentage of the child. 41851

Sec. 3115.317. A tribunal of this state may communicate with 41852
a tribunal outside this state in a record or by telephone, 41853
electronic mail, or other means to obtain information concerning 41854
the laws, the legal effect of a judgment, decree, or order of that 41855
tribunal and the status of a proceeding. A tribunal of this state 41856
may furnish similar information by similar means to a tribunal 41857
outside this state. 41858

Sec. 3115.318. A tribunal of this state may do both of the 41859
following: 41860

(A) Request a tribunal outside this state to assist in 41861
obtaining discovery; 41862

(B) Upon request, compel a person over which it has 41863
jurisdiction to respond to a discovery order issued by a tribunal 41864
outside this state. 41865

Sec. 3115.319. (A) A support enforcement agency or tribunal 41866
of this state shall disburse promptly any amounts received 41867
pursuant to a support order, as directed by the order. The agency 41868
or tribunal shall furnish to a requesting party or tribunal of 41869

another state or a foreign country a certified statement by the 41870
custodian of the record of the amounts and dates of all payments 41871
received. 41872

(B) If neither the obligor, nor the obligee who is an 41873
individual, nor the child resides in this state, upon request from 41874
the support enforcement agency of this state or another state, the 41875
support enforcement agency of this state or a tribunal of this 41876
state shall do both of the following: 41877

(1) Direct that the support payment be made to the support 41878
enforcement agency in the state in which the obligee is receiving 41879
services; and 41880

(2) Issue and send to the obligor's employer or other payor a 41881
conforming income-withholding order or an administrative notice of 41882
change of payee, reflecting the redirected payments. 41883

(C) The support enforcement agency of this state receiving 41884
redirected payments from another state pursuant to a law similar 41885
to division (B) of this section shall furnish to a requesting 41886
party or tribunal of the other state a certified statement by the 41887
custodian of the record of the amount and dates of all payments 41888
received. 41889

Sec. 3115.401. (A) If a support order entitled to recognition 41890
under this chapter has not been issued, a responding tribunal of 41891
this state with personal jurisdiction over the parties may issue a 41892
support order if either of the following applies: 41893

(1) The individual seeking the order resides outside this 41894
state. 41895

(2) The support enforcement agency seeking the order is 41896
located outside this state. 41897

(B) The tribunal may issue a temporary child-support order if 41898

<u>the tribunal determines that such an order is appropriate and the</u>	41899
<u>individual ordered to pay is any of the following:</u>	41900
<u>(1) A presumed father of the child;</u>	41901
<u>(2) Petitioning to have his paternity adjudicated;</u>	41902
<u>(3) Identified as the father of the child through genetic</u>	41903
<u>testing;</u>	41904
<u>(4) An alleged father who has declined to submit to genetic</u>	41905
<u>testing;</u>	41906
<u>(5) Shown by clear and convincing evidence to be the father</u>	41907
<u>of the child;</u>	41908
<u>(6) An acknowledged father as provided by section 3111.20 to</u>	41909
<u>3111.35 of the Revised Code;</u>	41910
<u>(7) The mother of the child;</u>	41911
<u>(8) An individual who has been ordered to pay child support</u>	41912
<u>in a previous proceeding and the order has not been reversed or</u>	41913
<u>vacated.</u>	41914
<u>(C) Upon finding, after notice and opportunity to be heard,</u>	41915
<u>that an obligor owes a duty of support, the tribunal shall issue a</u>	41916
<u>support order directed to the obligor and may issue other orders</u>	41917
<u>pursuant to section 3115.305 of the Revised Code.</u>	41918
 <u>Sec. 3115.402. A tribunal of this state authorized to</u>	41919
<u>determine parentage of a child may serve as a responding tribunal</u>	41920
<u>in a proceeding to determine parentage of a child brought under</u>	41921
<u>this chapter or a law or procedure substantially similar to this</u>	41922
<u>chapter.</u>	41923
 <u>Sec. 3115.501. An income-withholding order issued in another</u>	41924
<u>state may be sent by or on behalf of the obligee, or by the</u>	41925
<u>support enforcement agency, to the person defined as the obligor's</u>	41926

employer or other payor under Chapter 3121. of the Revised Code 41927
without first filing a petition or comparable pleading or 41928
registering the order with a tribunal of this state. 41929

Sec. 3115.502. (A) Upon receipt of an income-withholding 41930
order, the obligor's employer or other payor shall immediately 41931
provide a copy of the order to the obligor. 41932

(B) The employer or other payor shall treat an 41933
income-withholding order issued in another state that appears 41934
regular on its face as if it had been issued by a tribunal of this 41935
state. 41936

(C) Except as otherwise provided in division (D) of this 41937
section and section 3115.503 of the Revised Code, the employer or 41938
other payor shall withhold and distribute the funds as directed in 41939
the withholding order by complying with terms of the order that 41940
specify any of the following: 41941

(1) The duration and amount of periodic payments of current 41942
child support, stated as a sum certain; 41943

(2) The person designated to receive payments and the address 41944
to which the payments are to be forwarded; 41945

(3) Medical support, whether in the form of periodic cash 41946
payment, stated as a sum certain, or ordering the obligor to 41947
provide health insurance coverage for the child under a policy 41948
available through the obligor's employment; 41949

(4) The amount of periodic payments of fees and costs for a 41950
support enforcement agency, the issuing tribunal, and the 41951
obligee's attorney, stated as sums certain; 41952

(5) The amount of periodic payments of arrearages and 41953
interest on arrearages, stated as sums certain. 41954

(D) An employer or other payor shall comply with the law of 41955

the state of the obligor's principal place of employment for 41956
withholding from income with respect to all of the following: 41957

(1) The employer's or other payor's fee for processing an 41958
income-withholding order; 41959

(2) The maximum amount permitted to be withheld from the 41960
obligor's income; 41961

(3) The times within which the employer or other payor must 41962
implement the withholding order and forward the child-support 41963
payment. 41964

Sec. 3115.503. If an obligor's employer or other payor 41965
receives two or more income-withholding orders with respect to the 41966
earnings of the same obligor, the employer or other payor 41967
satisfies the terms of the orders if the employer or other payor 41968
complies with the law of the state of the obligor's principal 41969
place of employment to establish the priorities for withholding 41970
and allocating income withheld for two or more child-support 41971
obligees. 41972

Sec. 3115.504. An employer or other payor that complies with 41973
an income-withholding order issued in another state in accordance 41974
with sections 3115.501 to 3115.507 of the Revised Code is not 41975
subject to civil liability to an individual or agency with regard 41976
to the employer's or other payor's withholding of child support 41977
from the obligor's income. 41978

Sec. 3115.505. An employer or other payor that willfully 41979
fails to comply with an income-withholding order issued in another 41980
state and received for enforcement is subject to the same 41981
penalties that may be imposed for noncompliance with an order 41982
issued by a tribunal of this state. 41983

Sec. 3115.506. (A) An obligor may contest the validity or 41984
enforcement of an income-withholding order issued in another state 41985
and received directly by an employer or other payor in this state 41986
by registering the order in a court of this state and filing a 41987
contest to that order as provided in sections 3115.601 to 3115.616 41988
of the Revised Code, or otherwise contesting the order in the same 41989
manner as if the order had been issued by a tribunal of this 41990
state. 41991

(B) The obligor shall give notice of the contest to all of 41992
the following: 41993

(1) A support enforcement agency providing services to the 41994
obligee; 41995

(2) Each employer or other payor that has directly received 41996
an income-withholding order relating to the obligor; 41997

(3) The person designated to receive payments in the 41998
income-withholding order or, if no person is designated, the 41999
obligee. 42000

Sec. 3115.507. (A) A party or support enforcement agency 42001
seeking to enforce a support order or an income-withholding order, 42002
or both, issued in another state or a foreign support order may 42003
send the documents required for registering the order to a support 42004
enforcement agency of this state. 42005

(B) Upon receipt of the documents, the support enforcement 42006
agency, without initially seeking to register the order, shall 42007
consider and, if appropriate, use any administrative procedure 42008
authorized by the law of this state to enforce a support order or 42009
income-withholding order, or both. If the obligor does not contest 42010
administrative enforcement, the order need not be registered. If 42011
the obligor contests the validity or administrative enforcement of 42012
the order, the support enforcement agency shall register the order 42013

pursuant to this chapter. 42014

Sec. 3115.601. A support order or income-withholding order 42015
issued in another state or a foreign support order may be 42016
registered in this state for enforcement. 42017

Sec. 3115.602. (A) Except as otherwise provided in section 42018
3115.706 of the Revised Code, a support order or 42019
income-withholding order of another state or a foreign support 42020
order may be registered in this state by sending the following 42021
records to the appropriate tribunal in this state: 42022

(1) A letter of transmittal to the tribunal requesting 42023
registration and enforcement; 42024

(2) Two copies, including one certified copy, of the order to 42025
be registered, including any modification of the order; 42026

(3) A sworn statement by the person requesting registration 42027
or a certified statement by the custodian of the records showing 42028
the amount of any arrearage; 42029

(4) The name of the obligor and, if known, all of the 42030
following: 42031

(a) The obligor's address and social security number; 42032

(b) The name and address of the obligor's employer or other 42033
payor and any other source of income of the obligor; 42034

(c) A description and the location of property of the obligor 42035
in this state not exempt from execution. 42036

(5) Except as otherwise provided in section 3115.312 of the 42037
Revised Code, the name and address of the obligee and, if 42038
applicable, the person to whom support payments are to be 42039
remitted. 42040

(B) On receipt of a request for registration, the registering 42041

tribunal shall cause the order to be filed as an order of a 42042
tribunal of another state or a foreign support order, together 42043
with one copy of the documents and information, regardless of 42044
their form. 42045

(C) A petition or comparable pleading seeking a remedy that 42046
must be affirmatively sought under other law of this state may be 42047
filed at the same time as the request for registration or later. 42048
The pleading must specify the grounds for the remedy sought. 42049

(D) If two or more orders are in effect, the person 42050
requesting registration shall do all of the following: 42051

(1) Furnish to the tribunal a copy of every support order 42052
asserted to be in effect in addition to the documents specified in 42053
this section; 42054

(2) Specify the order alleged to be the controlling order, if 42055
any; and 42056

(3) Specify the amount of consolidated arrears, if any. 42057

(E) A request for a determination of which is the controlling 42058
order may be filed separately or with a request for registration 42059
and enforcement or for registration and modification. The person 42060
requesting registration shall give notice of the request to each 42061
party whose rights may be affected by the determination. 42062

Sec. 3115.603. (A) A support order or income-withholding 42063
order issued in another state or a foreign support order is 42064
registered when the order is filed in the registering tribunal of 42065
this state. 42066

(B) A registered support order issued in another state or a 42067
foreign country is enforceable in the same manner and is subject 42068
to the same procedures as an order issued by a tribunal of this 42069
state. 42070

(C) Except as otherwise provided in this chapter, a tribunal 42071

of this state shall recognize and enforce, but may not modify, a 42072
registered support order if the issuing tribunal had jurisdiction. 42073

Sec. 3115.604. (A) Except as otherwise provided in division 42074
(D) of this section, the law of the issuing state or foreign 42075
country governs all of the following: 42076

(1) The nature, extent, amount, and duration of current 42077
payments under a registered support order; 42078

(2) The computation and payment of arrearages and accrual of 42079
interest on the arrearages under the support order; 42080

(3) The existence and satisfaction of other obligations under 42081
the support order. 42082

(B) In a proceeding for arrears under a registered support 42083
order, the statute of limitation of this state, or of the issuing 42084
state or foreign country, whichever is longer, applies. 42085

(C) A responding tribunal of this state shall apply the 42086
procedures and remedies of this state to enforce current support 42087
and collect arrears and interest due on a support order of another 42088
state or a foreign country registered in this state. 42089

(D) After a tribunal of this state or another state 42090
determines which is the controlling order and issues an order 42091
consolidating arrears, if any, a tribunal of this state shall 42092
prospectively apply the law of the state or foreign country 42093
issuing the controlling order, including its law on interest on 42094
arrears, on current and future support, and on consolidated 42095
arrears. 42096

Sec. 3115.605. (A) When a support order or income-withholding 42097
order issued in another state or a foreign support order is 42098
registered, the registering tribunal of this state shall notify 42099
the nonregistering party. The notice must be accompanied by a copy 42100

of the registered order and the documents and relevant information 42101
accompanying the order. 42102

(B) A notice must inform the nonregistering party of all of 42103
the following: 42104

(1) That a registered support order is enforceable as of the 42105
date of registration in the same manner as an order issued by a 42106
tribunal of this state; 42107

(2) That a hearing to contest the validity or enforcement of 42108
the registered order must be requested within twenty days after 42109
notice unless the registered order is under section 3115.707 of 42110
the Revised Code; 42111

(3) That failure to contest the validity or enforcement of 42112
the registered order in a timely manner will result in 42113
confirmation of the order and enforcement of the order and the 42114
alleged arrearages; 42115

(4) The amount of any alleged arrearages. 42116

(C) If the registering party asserts that two or more orders 42117
are in effect, a notice must also do all of the following: 42118

(1) Identify the two or more orders and the order alleged by 42119
the registering party to be the controlling order and the 42120
consolidated arrears, if any; 42121

(2) Notify the nonregistering party of the right to a 42122
determination of which is the controlling order; 42123

(3) State that the procedures provided in division (B) of 42124
this section apply to the determination of which is the 42125
controlling order; 42126

(4) State that failure to contest the validity or enforcement 42127
of the order alleged to be the controlling order in a timely 42128
manner may result in confirmation that the order is the 42129

controlling order. 42130

(D) Upon registration of an income-withholding order for 42131
enforcement, the support enforcement agency or the registering 42132
tribunal shall notify the obligor's employer or other payor 42133
pursuant to Chapter 3121. of the Revised Code. 42134

Sec. 3115.606. (A) A nonregistering party seeking to contest 42135
the validity or enforcement of a registered support order in this 42136
state shall request a hearing within the time required by section 42137
3115.605 of the Revised Code. The nonregistering party may seek to 42138
vacate the registration, to assert any defense to an allegation of 42139
noncompliance with the registered order, or to contest the 42140
remedies being sought or the amount of any alleged arrearages 42141
pursuant to section 3115.607 of the Revised Code. 42142

(B) If the nonregistering party fails to contest the validity 42143
or enforcement of the registered support order in a timely manner, 42144
the order is confirmed by operation of law. 42145

(C) If a nonregistering party requests a hearing to contest 42146
the validity or enforcement of the registered support order, the 42147
registering tribunal shall schedule the matter for hearing and 42148
give notice to the parties of the date, time, and place of the 42149
hearing. 42150

Sec. 3115.607. (A) A party contesting the validity or 42151
enforcement of a registered support order or seeking to vacate the 42152
registration has the burden of proving one or more of the 42153
following defenses: 42154

(1) The issuing tribunal lacked personal jurisdiction over 42155
the contesting party. 42156

(2) The order was obtained by fraud. 42157

(3) The order has been vacated, suspended, or modified by a 42158

<u>later order.</u>	42159
<u>(4) The issuing tribunal has stayed the order pending appeal.</u>	42160
<u>(5) There is a defense under the law of this state to the</u> <u>remedy sought.</u>	42161 42162
<u>(6) Full or partial payment has been made.</u>	42163
<u>(7) The statute of limitation under section 3115.604 of the</u> <u>Revised Code precludes enforcement of some or all of the alleged</u> <u>arrearages.</u>	42164 42165 42166
<u>(8) The alleged controlling order is not the controlling</u> <u>order.</u>	42167 42168
<u>(B) If a party presents evidence establishing a full or</u> <u>partial defense under division (A) of this section, a tribunal may</u> <u>stay enforcement of a registered support order, continue the</u> <u>proceeding to permit production of additional relevant evidence,</u> <u>and issue other appropriate orders. An uncontested portion of the</u> <u>registered support order may be enforced by all remedies available</u> <u>under the law of this state.</u>	42169 42170 42171 42172 42173 42174 42175
<u>(C) If the contesting party does not establish a defense</u> <u>under division (A) of this section to the validity or enforcement</u> <u>of a registered support order, the registering tribunal shall</u> <u>issue an order confirming the order.</u>	42176 42177 42178 42179
<u>Sec. 3115.608. Confirmation of a registered support order,</u> <u>whether by operation of law or after notice and hearing, precludes</u> <u>further contest of the order with respect to any matter that could</u> <u>have been asserted at the time of registration.</u>	42180 42181 42182 42183
<u>Sec. 3115.609. A party or support enforcement agency seeking</u> <u>to modify, or to modify and enforce, a child-support order issued</u> <u>in another state shall register that order in this state in the</u> <u>same manner provided in sections 3115.601 to 3115.608 of the</u>	42184 42185 42186 42187

Revised Code if the order has not been registered. A petition for 42188
modification may be filed at the same time as a request for 42189
registration, or later. The pleading must specify the grounds for 42190
modification. 42191

Sec. 3115.610. A tribunal of this state may enforce a 42192
child-support order of another state registered for purposes of 42193
modification, in the same manner as if the order had been issued 42194
by a tribunal of this state, but the registered support order may 42195
be modified only if the requirements of section 3115.611 or 42196
3115.613 of the Revised Code have been met. 42197

Sec. 3115.611. (A) If section 3115.613 of the Revised Code 42198
does not apply, upon petition a tribunal of this state may modify 42199
a child-support order issued in another state which is registered 42200
in this state if, after notice and hearing, the tribunal finds 42201
either of the following: 42202

(1) That all of the following requirements are met: 42203

(a) Neither the child, nor the obligee who is an individual, 42204
nor the obligor resides in the issuing state; 42205

(b) A petitioner who is a nonresident of this state seeks 42206
modification; and 42207

(c) The respondent is subject to the personal jurisdiction of 42208
the tribunal of this state. 42209

(2) That this state is the residence of the child, or a party 42210
who is an individual is subject to the personal jurisdiction of 42211
the tribunal of this state, and all of the parties who are 42212
individuals have filed consents in a record in the issuing 42213
tribunal for a tribunal of this state to modify the support order 42214
and assume continuing, exclusive jurisdiction. 42215

(B) Modification of a registered child-support order is 42216

subject to the same requirements, procedures, and defenses that 42217
apply to the modification of an order issued by a tribunal of this 42218
state and the order may be enforced and satisfied in the same 42219
manner. 42220

(C) A tribunal of this state may not modify any aspect of a 42221
child-support order that may not be modified under the law of the 42222
issuing state, including the duration of the obligation of 42223
support. If two or more tribunals have issued child-support orders 42224
for the same obligor and same child, the order that controls and 42225
must be so recognized under section 3115.207 of the Revised Code 42226
establishes the aspects of the support order which are 42227
nonmodifiable. 42228

(D) In a proceeding to modify a child-support order, the law 42229
of the state that is determined to have issued the initial 42230
controlling order governs the duration of the obligation of 42231
support. The obligor's fulfillment of the duty of support 42232
established by that order precludes imposition of a further 42233
obligation of support by a tribunal of this state. 42234

(E) On the issuance of an order by a tribunal of this state 42235
modifying a child-support order issued in another state, the 42236
tribunal of this state becomes the tribunal having continuing, 42237
exclusive jurisdiction. 42238

(F) Notwithstanding divisions (A) to (E) of this section and 42239
division (B) of section 3115.201 of the Revised Code, a tribunal 42240
of this state retains jurisdiction to modify an order issued by a 42241
tribunal of this state if both of the following apply: 42242

(1) One party resides in another state. 42243

(2) The other party resides outside the United States. 42244

Sec. 3115.612. If a child-support order issued by a tribunal 42245
of this state is modified by a tribunal of another state which 42246

assumed jurisdiction pursuant to its uniform interstate family 42247
support act, a tribunal of this state: 42248

(A) May enforce its order that was modified only as to 42249
arrears and interest accruing before the modification; 42250

(B) May provide appropriate relief for violations of its 42251
order that occurred before the effective date of the modification; 42252

(C) Shall recognize the modifying order of the other state, 42253
upon registration, for the purpose of enforcement. 42254

Sec. 3115.613. (A) If all of the parties who are individuals 42255
reside in this state and the child does not reside in the issuing 42256
state, a court of this state has jurisdiction to enforce and to 42257
modify the issuing state's child-support order in a proceeding to 42258
register that order. 42259

(B) A court of this state exercising jurisdiction under this 42260
section shall apply the provisions of sections 3115.102 to 42261
3115.211 and sections 3115.601 to 3115.616 of the Revised Code and 42262
the procedural and substantive law of this state to the proceeding 42263
for enforcement or modification. Sections 3115.301 to 3115.507 and 42264
sections 3115.701 to 3115.802 of the Revised Code do not apply. 42265

Sec. 3115.614. Within thirty days after issuance of a 42266
modified child-support order, the party obtaining the modification 42267
shall file a certified copy of the order with the issuing tribunal 42268
that had continuing, exclusive jurisdiction over the earlier 42269
order, and in each tribunal in which the party knows the earlier 42270
order has been registered. A party who obtains the order and fails 42271
to file a certified copy is subject to appropriate sanctions by a 42272
tribunal in which the issue of failure to file arises. The failure 42273
to file does not affect the validity or enforceability of the 42274
modified order of the new tribunal having continuing, exclusive 42275

jurisdiction. 42276

Sec. 3115.615. (A) Except as otherwise provided in section 42277
3115.711 of the Revised Code, if a foreign country lacks or 42278
refuses to exercise jurisdiction to modify its child-support order 42279
pursuant to its laws, a court of this state may assume 42280
jurisdiction to modify the child-support order and bind all 42281
individuals subject to the personal jurisdiction of the court 42282
whether the consent to modification of a child-support order 42283
otherwise required of the individual pursuant to section 3115.611 42284
of the Revised Code has been given or whether the individual 42285
seeking modification is a resident of this state or of the foreign 42286
country. 42287

(B) An order issued by a court of this state modifying a 42288
foreign child-support order pursuant to this section is the 42289
controlling order. 42290

Sec. 3115.616. A party or support enforcement agency seeking 42291
to modify, or to modify and enforce, a foreign child-support order 42292
not under the convention may register that order in this state 42293
under sections 3115.601 to 3115.608 of the Revised Code if the 42294
order has not been registered. A petition for modification may be 42295
filed at the same time as a request for registration, or at 42296
another time. The petition must specify the grounds for 42297
modification. 42298

Sec. 3115.701. As used in sections 3115.701 to 3115.713 of 42299
the Revised Code: 42300

(A) "Application" means a request under the convention by an 42301
obligee or obligor, or on behalf of a child, made through a 42302
central authority for assistance from another central authority. 42303

(B) "Central authority" means the entity designated by the 42304

United States or a foreign country described in division (E)(4) of 42305
section 3115.102 of the Revised Code to perform the functions 42306
specified in the convention. 42307

(C) "Convention support order" means a support order of a 42308
tribunal of a foreign country described in division (E)(4) of 42309
section 3115.102 of the Revised Code. 42310

(D) "Direct request" means a petition filed by an individual 42311
in a tribunal of this state in a proceeding involving an obligee, 42312
obligor, or child residing outside the United States. 42313

(E) "Foreign central authority" means the entity designated 42314
by a foreign country described in division (E)(4) of section 42315
3115.102 of the Revised Code to perform the functions specified in 42316
the convention. 42317

(F) "Foreign support agreement" means an agreement that meets 42318
the following criteria: 42319

(1) It is an agreement for support in a record to which all 42320
of the following apply: 42321

(a) It is enforceable as a support order in the country of 42322
origin. 42323

(b) One of the following applies: 42324

(i) It has been formally drawn up or registered as an 42325
authentic instrument by a foreign tribunal; or 42326

(ii) It has been authenticated by, or concluded, registered, 42327
or filed with a foreign tribunal. 42328

(c) It may be reviewed and modified by a foreign tribunal. 42329

(2) It includes a maintenance arrangement or authentic 42330
instrument under the convention. 42331

(G) "United States central authority" means the secretary of 42332
the United States department of health and human services. 42333

Sec. 3115.702. Sections 3115.701 to 3115.713 of the Revised 42334
Code apply only to a support proceeding under the convention. In 42335
such a proceeding, if a provision of sections 3115.701 to 3115.713 42336
of the Revised Code is inconsistent with sections 3115.102 to 42337
3115.616 of the Revised Code, sections 3115.701 to 3115.713 42338
control. 42339

Sec. 3115.703. The department of job and family services is 42340
recognized as the agency designated by the United States central 42341
authority to perform specific functions under the convention. 42342

Sec. 3115.704. (A) In a support proceeding under sections 42343
3115.701 to 3115.713 of the Revised Code, the support enforcement 42344
agency shall do both of the following: 42345

(1) Transmit and receive applications; 42346

(2) Initiate or facilitate the institution of a proceeding 42347
regarding an application in a court of this state. 42348

(B) The following support proceedings are available to an 42349
obligee under the convention: 42350

(1) Recognition or recognition and enforcement of a foreign 42351
support order; 42352

(2) Enforcement of a support order issued or recognized in 42353
this state; 42354

(3) Establishment of a support order if there is no existing 42355
order, including, if necessary, determination of parentage of a 42356
child; 42357

(4) Establishment of a support order if recognition of a 42358
foreign support order is refused under division (B)(2), (4), or 42359
(9) of section 3115.708 of the Revised Code; 42360

(5) Modification of a support order of a tribunal of this 42361

<u>state;</u>	42362
<u>(6) Modification of a support order of a tribunal of another</u>	42363
<u>state or a foreign country.</u>	42364
<u>(C) The following support proceedings are available under the</u>	42365
<u>convention to an obligor against which there is an existing</u>	42366
<u>support order:</u>	42367
<u>(1) Recognition of an order suspending or limiting</u>	42368
<u>enforcement of an existing support order of a tribunal of this</u>	42369
<u>state;</u>	42370
<u>(2) Modification of a support order of a tribunal of this</u>	42371
<u>state;</u>	42372
<u>(3) Modification of a support order of a tribunal of another</u>	42373
<u>state or a foreign country.</u>	42374
<u>(D) A tribunal of this state may not require security, bond,</u>	42375
<u>or deposit, however described, to guarantee the payment of costs</u>	42376
<u>and expenses in proceedings under the convention.</u>	42377
<u>Sec. 3115.705. (A) A petitioner may file a direct request</u>	42378
<u>seeking establishment or modification of a support order or</u>	42379
<u>determination of parentage of a child. In the proceeding, the law</u>	42380
<u>of this state applies.</u>	42381
<u>(B) A petitioner may file a direct request seeking</u>	42382
<u>recognition and enforcement of a support order or support</u>	42383
<u>agreement. In the proceeding, sections 3115.706 to 3115.713 of the</u>	42384
<u>Revised Code apply.</u>	42385
<u>(C) In a direct request for recognition and enforcement of a</u>	42386
<u>convention support order or foreign support agreement, both of the</u>	42387
<u>following apply:</u>	42388
<u>(1) A security, bond, or deposit is not required to guarantee</u>	42389
<u>the payment of costs and expenses.</u>	42390

(2) An obligee or obligor that in the issuing country has 42391
benefited from free legal assistance is entitled to benefit, at 42392
least to the same extent, from any free legal assistance provided 42393
for by the law of this state under the same circumstances. 42394

(D) A petitioner filing a direct request is not entitled to 42395
assistance from the support enforcement agency. 42396

(E) Sections 3115.701 to 3115.713 of the Revised Code do not 42397
prevent the application of laws of this state that provide 42398
simplified, more expeditious rules regarding a direct request for 42399
recognition and enforcement of a foreign support order or foreign 42400
support agreement. 42401

Sec. 3115.706. (A) Except as otherwise provided in sections 42402
3115.701 to 3115.713 of the Revised Code, a party who is an 42403
individual or a support enforcement agency seeking recognition of 42404
a convention support order shall register the order in this state 42405
as provided in sections 3115.601 to 3115.616 of the Revised Code. 42406

(B) Notwithstanding sections 3115.311 and division (A) of 42407
section 3115.602 of the Revised Code, a request for registration 42408
of a convention support order must be accompanied by all of the 42409
following: 42410

(1) A complete text of the support order or an abstract or 42411
extract of the support order drawn up by the issuing foreign 42412
tribunal, which may be in the form recommended by the Hague 42413
conference on private international law; 42414

(2) A record stating that the support order is enforceable in 42415
the issuing country; 42416

(3) If the respondent did not appear and was not represented 42417
in the proceedings in the issuing country, a record attesting, as 42418
appropriate, either that the respondent had proper notice of the 42419
proceedings and an opportunity to be heard or that the respondent 42420

had proper notice of the support order and an opportunity to be 42421
heard in a challenge or appeal on fact or law before a tribunal; 42422

(4) A record showing the amount of arrears, if any, and the 42423
date the amount was calculated; 42424

(5) A record showing a requirement for automatic adjustment 42425
of the amount of support, if any, and the information necessary to 42426
make the appropriate calculations; and 42427

(6) If necessary, a record showing the extent to which the 42428
applicant received free legal assistance in the issuing country. 42429

(C) A request for registration of a convention support order 42430
may seek recognition and partial enforcement of the order. 42431

(D) A court of this state may vacate the registration of a 42432
convention support order without the filing of a contest under 42433
section 3115.707 of the Revised Code only if, acting on its own 42434
motion, the court finds that recognition and enforcement of the 42435
order would be manifestly incompatible with public policy. 42436

(E) The court shall promptly notify the parties of the 42437
registration or the order vacating the registration of a 42438
convention support order. 42439

Sec. 3115.707. (A) Except as otherwise provided in sections 42440
3115.701 to 3115.713 of the Revised Code, sections 3115.605 to 42441
3115.608 of the Revised Code apply to a contest of a registered 42442
convention support order. 42443

(B) A party contesting a registered convention support order 42444
shall file a contest not later than thirty days after notice of 42445
the registration, but if the contesting party does not reside in 42446
the United States, the contest must be filed not later than sixty 42447
days after notice of the registration. 42448

(C) If the nonregistering party fails to contest the 42449
registered convention support order by the time specified in 42450

division (B) of this section, the order is enforceable. 42451

(D) A contest of a registered convention support order may be 42452
based only on grounds set forth in section 3115.708 of the Revised 42453
Code. The contesting party bears the burden of proof. 42454

(E) In a contest of a registered convention support order, 42455
both of the following apply: 42456

(1) A court of this state is bound by the findings of fact on 42457
which the foreign tribunal based its jurisdiction. 42458

(2) A court of this state may not review the merits of the 42459
order. 42460

(F) A court of this state deciding a contest of a registered 42461
convention support order shall promptly notify the parties of its 42462
decision. 42463

(G) A challenge or appeal, if any, does not stay the 42464
enforcement of a convention support order unless there are 42465
exceptional circumstances. 42466

Sec. 3115.708. (A) Except as otherwise provided in division 42467
(B) of this section, a court of this state shall recognize and 42468
enforce a registered convention support order. 42469

(B) The following grounds are the only grounds on which a 42470
court of this state may refuse recognition and enforcement of a 42471
registered convention support order: 42472

(1) Recognition and enforcement of the order is manifestly 42473
incompatible with public policy, including the failure of the 42474
issuing tribunal to observe minimum standards of due process, 42475
which include notice and an opportunity to be heard. 42476

(2) The issuing tribunal lacked personal jurisdiction 42477
consistent with section 3115.201 of the Revised Code. 42478

(3) The order is not enforceable in the issuing country. 42479

<u>(4) The order was obtained by fraud in connection with a</u>	42480
<u>matter of procedure.</u>	42481
<u>(5) A record transmitted in accordance with section 3115.706</u>	42482
<u>of the Revised Code lacks authenticity or integrity.</u>	42483
<u>(6) A proceeding between the same parties and having the same</u>	42484
<u>purpose is pending before a tribunal of this state and that</u>	42485
<u>proceeding was the first to be filed.</u>	42486
<u>(7) The order is incompatible with a more recent support</u>	42487
<u>order involving the same parties and having the same purpose if</u>	42488
<u>the more recent support order is entitled to recognition and</u>	42489
<u>enforcement under this chapter in this state.</u>	42490
<u>(8) Payment, to the extent alleged arrears have been paid in</u>	42491
<u>whole or in part;</u>	42492
<u>(9) In a case in which the respondent neither appeared nor</u>	42493
<u>was represented in the proceeding in the issuing foreign country</u>	42494
<u>either of the following applies:</u>	42495
<u>(a) If the law of that country provides for prior notice of</u>	42496
<u>proceedings, the respondent did not have proper notice of the</u>	42497
<u>proceedings and an opportunity to be heard.</u>	42498
<u>(b) If the law of that country does not provide for prior</u>	42499
<u>notice of the proceedings, the respondent did not have proper</u>	42500
<u>notice of the order and an opportunity to be heard in a challenge</u>	42501
<u>or appeal on fact or law before a tribunal.</u>	42502
<u>(10) The order was made in violation of section 3115.711 of</u>	42503
<u>the Revised Code.</u>	42504
<u>(C) If a court of this state does not recognize a convention</u>	42505
<u>support order under division (B)(2), (4), or (9) of this section,</u>	42506
<u>both of the following apply:</u>	42507
<u>(1) The court may not dismiss the proceeding without allowing</u>	42508
<u>a reasonable time for a party to request the establishment of a</u>	42509

new convention support order. 42510

(2) The support enforcement agency shall take all appropriate 42511
measures to request a child-support order for the obligee if the 42512
application for recognition and enforcement was received under 42513
section 3115.704 of the Revised Code. 42514

Sec. 3115.709. If a court of this state does not recognize 42515
and enforce a convention support order in its entirety, it shall 42516
enforce any severable part of the order. An application or direct 42517
request may seek recognition and partial enforcement of a 42518
convention support order. 42519

Sec. 3115.710. (A) Except as otherwise provided in divisions 42520
(C) and (D) of this section, a court of this state shall recognize 42521
and enforce a foreign support agreement registered in this state. 42522

(B) An application or direct request for recognition and 42523
enforcement of a foreign support agreement must be accompanied by 42524
both of the following: 42525

(1) A complete text of the foreign support agreement; 42526

(2) A record stating that the foreign support agreement is 42527
enforceable as an order of support in the issuing country. 42528

(C) A court of this state may vacate the registration of a 42529
foreign support agreement only if, acting on its own motion, the 42530
court finds that recognition and enforcement would be manifestly 42531
incompatible with public policy. 42532

(D) In a contest of a foreign support agreement, a court of 42533
this state may refuse recognition and enforcement of the agreement 42534
if it finds any of the following: 42535

(1) Recognition and enforcement of the agreement is 42536
manifestly incompatible with public policy. 42537

(2) The agreement was obtained by fraud or falsification. 42538

(3) The agreement is incompatible with a support order 42539
involving the same parties and having the same purpose in this 42540
state, another state, or a foreign country if the support order is 42541
entitled to recognition and enforcement under this chapter in this 42542
state. 42543

(4) The record submitted under division (B) of this section 42544
lacks authenticity or integrity. 42545

(E) A proceeding for recognition and enforcement of a foreign 42546
support agreement must be suspended during the pendency of a 42547
challenge to or appeal of the agreement before a tribunal of 42548
another state or a foreign country. 42549

Sec. 3115.711. (A) A court of this state may not modify a 42550
convention child-support order if the obligee remains a resident 42551
of the foreign country where the support order was issued unless 42552
one of the following applies: 42553

(1) The obligee submits to the jurisdiction of a court of 42554
this state, either expressly or by defending on the merits of the 42555
case without objecting to the jurisdiction at the first available 42556
opportunity. 42557

(2) The foreign tribunal lacks or refuses to exercise 42558
jurisdiction to modify its support order or issue a new support 42559
order. 42560

(B) If a court of this state does not modify a convention 42561
child-support order because the order is not recognized in this 42562
state, division (C) of section 3115.708 of the Revised Code 42563
applies. 42564

Sec. 3115.712. Personal information gathered or transmitted 42565
under sections 3115.701 to 3115.713 of the Revised Code may be 42566
used only for the purposes for which it was gathered or 42567
transmitted. 42568

Sec. 3115.713. A record filed with a court of this state 42569
under sections 3115.701 to 3115.713 of the Revised Code must be in 42570
the original language and, if not in English, must be accompanied 42571
by an English translation. 42572

Sec. 3115.801. (A) For purposes of sections 3115.801 to 42573
3115.802 of the Revised Code, "governor" includes an individual 42574
performing the functions of governor or the executive authority of 42575
a state covered by this chapter. 42576

(B) The governor of this state may do either of the 42577
following: 42578

(1) Demand that the governor of another state surrender an 42579
individual found in the other state who is charged criminally in 42580
this state with having failed to provide for the support of an 42581
obligee; 42582

(2) On the demand of the governor of another state, surrender 42583
an individual found in this state who is charged criminally in the 42584
other state with having failed to provide for the support of an 42585
obligee. 42586

(C) A provision for extradition of individuals not 42587
inconsistent with this chapter applies to the demand even if the 42588
individual whose surrender is demanded was not in the demanding 42589
state when the crime was allegedly committed and has not fled 42590
therefrom. 42591

Sec. 3115.802. (A) Before making a demand that the governor 42592
of another state surrender an individual charged criminally in 42593
this state with having failed to provide for the support of an 42594
obligee, the governor of this state may require a prosecutor of 42595
this state to demonstrate that at least sixty days previously the 42596
obligee had initiated proceedings for support pursuant to this 42597

chapter or that the proceeding would be of no avail. 42598

(B) If, under this chapter or a law substantially similar to 42599
this chapter, the governor of another state makes a demand that 42600
the governor of this state surrender an individual charged 42601
criminally in that state with having failed to provide for the 42602
support of a child or other individual to whom a duty of support 42603
is owed, the governor may require a prosecutor to investigate the 42604
demand and report whether a proceeding for support has been 42605
initiated or would be effective. If it appears that a proceeding 42606
would be effective but has not been initiated, the governor may 42607
delay honoring the demand for a reasonable time to permit the 42608
initiation of a proceeding. 42609

(C) If a proceeding for support has been initiated and the 42610
individual whose rendition is demanded prevails, the governor may 42611
decline to honor the demand. If the petitioner prevails and the 42612
individual whose rendition is demanded is subject to a support 42613
order, the governor may decline to honor the demand if the 42614
individual is complying with the support order. 42615

Sec. 3115.901. In applying and construing this chapter, 42616
consideration shall be given to the need to promote uniformity of 42617
the law with respect to its subject matter among states that enact 42618
it. 42619

Sec. 3115.902. This chapter applies to proceedings begun on 42620
or after January 1, 2016, to establish a support order or 42621
determine parentage of a child or to register, recognize, enforce, 42622
or modify a prior support order, determination, or agreement, 42623
whenever issued or entered. 42624

Sec. 3115.903. If any provision of this chapter or its 42625
application to any person or circumstance is held invalid, the 42626

invalidity does not affect other provisions or applications of 42627
this chapter that can be given effect without the invalid 42628
provision or application, and to this end the provisions of this 42629
chapter are severable. 42630

Sec. 3119.27. (A) A court that issues or modifies a court 42631
support order, or an administrative agency that issues or modifies 42632
an administrative child support order, shall impose on the obligor 42633
under the support order a processing charge ~~that is the greater in~~ 42634
the amount of two per cent of the support payment to be collected 42635
under a support order ~~or one dollar per month~~. No court or agency 42636
may call the charge a poundage fee. 42637

(B) In each child support case that is a Title IV-D case, the 42638
department of job and family services shall annually claim 42639
twenty-five dollars from the processing charge described in 42640
division (A) of this section for federal reporting purposes if the 42641
obligee has never received assistance under Title IV-A and the 42642
department has collected at least five hundred dollars of child 42643
support for the obligee. The director of job and family services 42644
shall adopt rules under Chapter 119. of the Revised Code to 42645
implement this division, and the department shall implement this 42646
division not later than March 31, 2008. 42647

(C) As used in this section: 42648

(1) "Annual" means the period as defined in regulations 42649
issued by the United States secretary of health and human services 42650
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 42651

(2) "Title IV-A" has the same meaning as in section 5107.02 42652
of the Revised Code. 42653

(3) "Title IV-D case" has the same meaning as in section 42654
3125.01 of the Revised Code. 42655

Sec. 3121.03. If a court or child support enforcement agency 42656
that issued or modified a support order, or the agency 42657
administering the support order, is required by the Revised Code 42658
to issue one or more withholding or deduction notices described in 42659
this section or other orders described in this section, the court 42660
or agency shall issue one or more of the following types of 42661
notices or orders, as appropriate, for payment of the support and 42662
also, if required by the Revised Code or the court, to pay any 42663
arrearages: 42664

(A)(1) If the court or the child support enforcement agency 42665
determines that the obligor is receiving income from a payor, the 42666
court or agency shall require the payor to do all of the 42667
following: 42668

(a) Withhold from the obligor's income a specified amount for 42669
support in satisfaction of the support order and begin the 42670
withholding no later than fourteen business days following the 42671
date the notice is mailed or transmitted to the payor under 42672
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 42673
division (A)(2) of this section or, if the payor is an employer, 42674
no later than the first pay period that occurs after fourteen 42675
business days following the date the notice is mailed or 42676
transmitted; 42677

(b) Send the amount withheld to the office of child support 42678
in the department of job and family services pursuant to section 42679
3121.43 of the Revised Code immediately but not later than seven 42680
business days after the date the obligor is paid; 42681

(c) Continue the withholding at intervals specified in the 42682
notice until further notice from the court or child support 42683
enforcement agency. 42684

To the extent possible, the amount specified to be withheld 42685
shall satisfy the amount ordered for support in the support order 42686

plus any arrearages owed by the obligor under any prior support 42687
order that pertained to the same child or spouse, notwithstanding 42688
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 42689
2716.041, and 2716.05 of the Revised Code. However, in no case 42690
shall the sum of the amount to be withheld and any fee withheld by 42691
the payor as a charge for its services exceed the maximum amount 42692
permitted under section 303(b) of the "Consumer Credit Protection 42693
Act," 15 U.S.C. 1673(b). 42694

(2) A court or agency that imposes an income withholding 42695
requirement shall, within the applicable time specified in section 42696
3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised 42697
Code, send to the obligor's payor by regular mail or via secure 42698
federally managed data transmission interface a notice that 42699
contains all of the information applicable to withholding notices 42700
set forth in section 3121.037 of the Revised Code. The notice is 42701
final and is enforceable by the court. 42702

(B)(1) If the court or child support enforcement agency 42703
determines that the obligor has funds that are not exempt under 42704
the laws of this state or the United States from execution, 42705
attachment, or other legal process and are on deposit in an 42706
account in a financial institution under the jurisdiction of the 42707
court that issued the court support order, or in the case of an 42708
administrative child support order, under the jurisdiction of the 42709
common pleas court of the county in which the agency that issued 42710
or is administering the order is located, the court or agency may 42711
require any financial institution in which the obligor's funds are 42712
on deposit to do all of the following: 42713

(a) Deduct from the obligor's account a specified amount for 42714
support in satisfaction of the support order and begin the 42715
deduction no later than fourteen business days following the date 42716
the notice was mailed or transmitted to the financial institution 42717
under section 3121.035 or 3123.06 of the Revised Code and division 42718

(B)(2) of this section; 42719

(b) Send the amount deducted to the office of child support 42720
in the department of job and family services pursuant to section 42721
3121.43 of the Revised Code immediately but not later than seven 42722
business days after the date the latest deduction was made; 42723

(c) Provide the date on which the amount was deducted; 42724

(d) Continue the deduction at intervals specified in the 42725
notice until further notice from the court or child support 42726
enforcement agency. 42727

To the extent possible, the amount to be deducted shall 42728
satisfy the amount ordered for support in the support order plus 42729
any arrearages that may be owed by the obligor under any prior 42730
support order that pertained to the same child or spouse, 42731
notwithstanding the limitations of sections 2329.66, 2329.70, and 42732
2716.13 of the Revised Code. 42733

(2) A court or agency that imposes a deduction requirement 42734
shall, within the applicable period of time specified in section 42735
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 42736
to the financial institution by regular mail or via secure 42737
federally managed data transmission interface a notice that 42738
contains all of the information applicable to deduction notices 42739
set forth in section 3121.037 of the Revised Code. The notice is 42740
final and is enforceable by the court. 42741

(C) With respect to any court support order it issues, a 42742
court may issue an order requiring the obligor to enter into a 42743
cash bond with the court. The court shall issue the order as part 42744
of the court support order or, if the court support order has 42745
previously been issued, as a separate order. The cash bond shall 42746
be in a sum fixed by the court at not less than five hundred nor 42747
more than ten thousand dollars, conditioned that the obligor will 42748
make payment as previously ordered and will pay any arrearages 42749

under any prior court support order that pertained to the same 42750
child or spouse. 42751

The order, along with an additional order requiring the 42752
obligor to immediately notify the child support enforcement 42753
agency, in writing, if the obligor begins to receive income from a 42754
payor, shall be attached to and served on the obligor at the same 42755
time as service of the court support order or, if the court 42756
support order has previously been issued, as soon as possible 42757
after the issuance of the order under this section. The additional 42758
order requiring notice by the obligor shall state all of the 42759
following: 42760

(1) That when the obligor begins to receive income from a 42761
payor the obligor may request that the court cancel its bond order 42762
and instead issue a notice requiring the withholding of an amount 42763
from income for support in accordance with this section; 42764

(2) That when the obligor begins to receive income from a 42765
payor the court will proceed to collect on the bond if the court 42766
determines that payments due under the court support order have 42767
not been made and that the amount that has not been paid is at 42768
least equal to the support owed for one month under the court 42769
support order and will issue a notice requiring the withholding of 42770
an amount from income for support in accordance with this section. 42771
The notice required of the obligor shall include a description of 42772
the nature of any new employment, the name and business address of 42773
any new employer, and any other information reasonably required by 42774
the court. 42775

The court shall not order an obligor to post a cash bond 42776
under this section unless the court determines that the obligor 42777
has the ability to do so. 42778

A child support enforcement agency may not issue a cash bond 42779
order. If a child support enforcement agency is required to issue 42780

a withholding or deduction notice under this section with respect 42781
to a court support order but the agency determines that no 42782
withholding or deduction notice would be appropriate, the agency 42783
may request that the court issue a cash bond order under this 42784
section, and upon the request, the court may issue the order. 42785

(D)(1) If the obligor under a court support order is 42786
unemployed, has no income, and does not have an account at any 42787
financial institution, or on request of a child support 42788
enforcement agency under division (D)(1) or (2) of this section, 42789
the court shall issue an order requiring the obligor, if able to 42790
engage in employment, to seek employment or participate in a work 42791
activity to which a recipient of assistance under Title IV-A of 42792
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 42793
as amended, may be assigned as specified in section 407(d) of the 42794
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 42795
shall include in the order ~~a requirement~~ requirements that the 42796
obligor register with OhioMeansJobs and to notify the child 42797
support enforcement agency on obtaining employment, obtaining any 42798
income, or obtaining ownership of any asset with a value of five 42799
hundred dollars or more. The court may issue the order regardless 42800
of whether the obligee to whom the obligor owes support is a 42801
recipient of assistance under Title IV-A of the "Social Security 42802
Act." The court shall issue the order as part of a court support 42803
order or, if a court support order has previously been issued, as 42804
a separate order. If a child support enforcement agency is 42805
required to issue a withholding or deduction notice under this 42806
section with respect to a court support order but determines that 42807
no withholding or deduction notice would be appropriate, the 42808
agency may request that the court issue a court order under 42809
division (D)(1) of this section, and, on the request, the court 42810
may issue the order. 42811

(2) If the obligor under an administrative child support 42812

order is unemployed, has no income, and does not have an account 42813
at any financial institution, the agency shall issue an 42814
administrative order requiring the obligor, if able to engage in 42815
employment, to seek employment or participate in a work activity 42816
to which a recipient of assistance under Title IV-A of the "Social 42817
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 42818
may be assigned as specified in section 407(d) of the "Social 42819
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 42820
include in the order ~~a requirement~~ requirements that the obligor 42821
register with OhioMeansJobs and to notify the agency on obtaining 42822
employment or income, or ownership of any asset with a value of 42823
five hundred dollars or more. The agency may issue the order 42824
regardless of whether the obligee to whom the obligor owes support 42825
is a recipient of assistance under Title IV-A of the "Social 42826
Security Act." If an obligor fails to comply with an 42827
administrative order issued pursuant to division (D)(2) of this 42828
section, the agency shall submit a request to a court for the 42829
court to issue an order under division (D)(1) of this section. 42830

Sec. 3301.078. (A) No official or board of this state, 42831
whether appointed or elected, shall enter into any agreement or 42832
memorandum of understanding with any federal or private entity 42833
that would require the state to cede any measure of control over 42834
the development, adoption, or revision of academic content 42835
standards. 42836

(B) No funds appropriated from the general revenue fund shall 42837
be used to purchase an assessment developed by the partnership for 42838
assessment of readiness for college and careers for use as the 42839
assessments prescribed under sections 3301.0710 and 3301.0712 of 42840
the Revised Code. 42841

Sec. 3301.0711. (A) The department of education shall: 42842

(1) Annually furnish to, grade, and score all assessments 42843
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 42844
the Revised Code to be administered by city, local, exempted 42845
village, and joint vocational school districts, except that each 42846
district shall score any assessment administered pursuant to 42847
division (B)(10) of this section. Each assessment so furnished 42848
shall include the data verification code of the student to whom 42849
the assessment will be administered, as assigned pursuant to 42850
division (D)(2) of section 3301.0714 of the Revised Code. In 42851
furnishing the practice versions of Ohio graduation tests 42852
prescribed by division (D) of section 3301.0710 of the Revised 42853
Code, the department shall make the tests available on its web 42854
site for reproduction by districts. In awarding contracts for 42855
grading assessments, the department shall give preference to 42856
Ohio-based entities employing Ohio residents. 42857

(2) Adopt rules for the ethical use of assessments and 42858
prescribing the manner in which the assessments prescribed by 42859
section 3301.0710 of the Revised Code shall be administered to 42860
students. 42861

(B) Except as provided in divisions (C) and (J) of this 42862
section, the board of education of each city, local, and exempted 42863
village school district shall, in accordance with rules adopted 42864
under division (A) of this section: 42865

(1) Administer the English language arts assessments 42866
prescribed under division (A)(1)(a) of section 3301.0710 of the 42867
Revised Code twice annually to all students in the third grade who 42868
have not attained the score designated for that assessment under 42869
division (A)(2)(c) of section 3301.0710 of the Revised Code. 42870

(2) Administer the mathematics assessment prescribed under 42871
division (A)(1)(a) of section 3301.0710 of the Revised Code at 42872
least once annually to all students in the third grade. 42873

(3) Administer the assessments prescribed under division	42874
(A)(1)(b) of section 3301.0710 of the Revised Code at least once	42875
annually to all students in the fourth grade.	42876
(4) Administer the assessments prescribed under division	42877
(A)(1)(c) of section 3301.0710 of the Revised Code at least once	42878
annually to all students in the fifth grade.	42879
(5) Administer the assessments prescribed under division	42880
(A)(1)(d) of section 3301.0710 of the Revised Code at least once	42881
annually to all students in the sixth grade.	42882
(6) Administer the assessments prescribed under division	42883
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	42884
annually to all students in the seventh grade.	42885
(7) Administer the assessments prescribed under division	42886
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	42887
annually to all students in the eighth grade.	42888
(8) Except as provided in division (B)(9) of this section,	42889
administer any assessment prescribed under division (B)(1) of	42890
section 3301.0710 of the Revised Code as follows:	42891
(a) At least once annually to all tenth grade students and at	42892
least twice annually to all students in eleventh or twelfth grade	42893
who have not yet attained the score on that assessment designated	42894
under that division;	42895
(b) To any person who has successfully completed the	42896
curriculum in any high school or the individualized education	42897
program developed for the person by any high school pursuant to	42898
section 3323.08 of the Revised Code but has not received a high	42899
school diploma and who requests to take such assessment, at any	42900
time such assessment is administered in the district.	42901
(9) In lieu of the board of education of any city, local, or	42902
exempted village school district in which the student is also	42903

enrolled, the board of a joint vocational school district shall 42904
administer any assessment prescribed under division (B)(1) of 42905
section 3301.0710 of the Revised Code at least twice annually to 42906
any student enrolled in the joint vocational school district who 42907
has not yet attained the score on that assessment designated under 42908
that division. A board of a joint vocational school district may 42909
also administer such an assessment to any student described in 42910
division (B)(8)(b) of this section. 42911

(10) If the district has a three-year average graduation rate 42912
of not more than seventy-five per cent, administer each assessment 42913
prescribed by division (D) of section 3301.0710 of the Revised 42914
Code in September to all ninth grade students who entered ninth 42915
grade prior to July 1, 2014. 42916

Except as provided in section 3313.614 of the Revised Code 42917
for administration of an assessment to a person who has fulfilled 42918
the curriculum requirement for a high school diploma but has not 42919
passed one or more of the required assessments, the assessments 42920
prescribed under division (B)(1) of section 3301.0710 of the 42921
Revised Code shall not be administered after the date specified in 42922
the rules adopted by the state board of education under division 42923
(D)(1) of section 3301.0712 of the Revised Code. 42924

(11) Administer the assessments prescribed by division (B)(2) 42925
of section 3301.0710 and section 3301.0712 of the Revised Code in 42926
accordance with the timeline and plan for implementation of those 42927
assessments prescribed by rule of the state board adopted under 42928
division (D)(1) of section 3301.0712 of the Revised Code. 42929

(C)(1)(a) In the case of a student receiving special 42930
education services under Chapter 3323. of the Revised Code, the 42931
individualized education program developed for the student under 42932
that chapter shall specify the manner in which the student will 42933
participate in the assessments administered under this section. 42934
The individualized education program may excuse the student from 42935

taking any particular assessment required to be administered under 42936
this section if it instead specifies an alternate assessment 42937
method approved by the department of education as conforming to 42938
requirements of federal law for receipt of federal funds for 42939
disadvantaged pupils. To the extent possible, the individualized 42940
education program shall not excuse the student from taking an 42941
assessment unless no reasonable accommodation can be made to 42942
enable the student to take the assessment. 42943

(b) Any alternate assessment approved by the department for a 42944
student under this division shall produce measurable results 42945
comparable to those produced by the assessment it replaces in 42946
order to allow for the student's results to be included in the 42947
data compiled for a school district or building under section 42948
3302.03 of the Revised Code. 42949

(c) Any student enrolled in a chartered nonpublic school who 42950
has been identified, based on an evaluation conducted in 42951
accordance with section 3323.03 of the Revised Code or section 504 42952
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 42953
794, as amended, as a child with a disability shall be excused 42954
from taking any particular assessment required to be administered 42955
under this section if a plan developed for the student pursuant to 42956
rules adopted by the state board excuses the student from taking 42957
that assessment. In the case of any student so excused from taking 42958
an assessment, the chartered nonpublic school shall not prohibit 42959
the student from taking the assessment. 42960

(2) A district board may, for medical reasons or other good 42961
cause, excuse a student from taking an assessment administered 42962
under this section on the date scheduled, but that assessment 42963
shall be administered to the excused student not later than nine 42964
days following the scheduled date. The district board shall 42965
annually report the number of students who have not taken one or 42966
more of the assessments required by this section to the state 42967

board not later than the thirtieth day of June. 42968

(3) As used in this division, "limited English proficient 42969
student" has the same meaning as in 20 U.S.C. 7801. 42970

No school district board shall excuse any limited English 42971
proficient student from taking any particular assessment required 42972
to be administered under this section, except that any limited 42973
English proficient student who has been enrolled in United States 42974
schools for less than one full school year shall not be required 42975
to take any reading, writing, or English language arts assessment. 42976
However, no board shall prohibit a limited English proficient 42977
student who is not required to take an assessment under this 42978
division from taking the assessment. A board may permit any 42979
limited English proficient student to take an assessment required 42980
to be administered under this section with appropriate 42981
accommodations, as determined by the department. For each limited 42982
English proficient student, each school district shall annually 42983
assess that student's progress in learning English, in accordance 42984
with procedures approved by the department. 42985

The governing authority of a chartered nonpublic school may 42986
excuse a limited English proficient student from taking any 42987
assessment administered under this section. However, no governing 42988
authority shall prohibit a limited English proficient student from 42989
taking the assessment. 42990

(D)(1) In the school year next succeeding the school year in 42991
which the assessments prescribed by division (A)(1) or (B)(1) of 42992
section 3301.0710 of the Revised Code or former division (A)(1), 42993
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 42994
existed prior to September 11, 2001, are administered to any 42995
student, the board of education of any school district in which 42996
the student is enrolled in that year shall provide to the student 42997
intervention services commensurate with the student's performance, 42998
including any intensive intervention required under section 42999

3313.608 of the Revised Code, in any skill in which the student 43000
failed to demonstrate at least a score at the proficient level on 43001
the assessment. 43002

(2) Following any administration of the assessments 43003
prescribed by division (D) of section 3301.0710 of the Revised 43004
Code to ninth grade students, each school district that has a 43005
three-year average graduation rate of not more than seventy-five 43006
per cent shall determine for each high school in the district 43007
whether the school shall be required to provide intervention 43008
services to any students who took the assessments. In determining 43009
which high schools shall provide intervention services based on 43010
the resources available, the district shall consider each school's 43011
graduation rate and scores on the practice assessments. The 43012
district also shall consider the scores received by ninth grade 43013
students on the English language arts and mathematics assessments 43014
prescribed under division (A)(1)(f) of section 3301.0710 of the 43015
Revised Code in the eighth grade in determining which high schools 43016
shall provide intervention services. 43017

Each high school selected to provide intervention services 43018
under this division shall provide intervention services to any 43019
student whose results indicate that the student is failing to make 43020
satisfactory progress toward being able to attain scores at the 43021
proficient level on the Ohio graduation tests. Intervention 43022
services shall be provided in any skill in which a student 43023
demonstrates unsatisfactory progress and shall be commensurate 43024
with the student's performance. Schools shall provide the 43025
intervention services prior to the end of the school year, during 43026
the summer following the ninth grade, in the next succeeding 43027
school year, or at any combination of those times. 43028

(E) Except as provided in section 3313.608 of the Revised 43029
Code and division (M) of this section, no school district board of 43030
education shall utilize any student's failure to attain a 43031

specified score on an assessment administered under this section 43032
as a factor in any decision to deny the student promotion to a 43033
higher grade level. However, a district board may choose not to 43034
promote to the next grade level any student who does not take an 43035
assessment administered under this section or make up an 43036
assessment as provided by division (C)(2) of this section and who 43037
is not exempt from the requirement to take the assessment under 43038
division (C)(3) of this section. 43039

(F) No person shall be charged a fee for taking any 43040
assessment administered under this section. 43041

(G)(1) Each school district board shall designate one 43042
location for the collection of assessments administered in the 43043
spring under division (B)(1) of this section and those 43044
administered under divisions (B)(2) to (7) of this section. Each 43045
district board shall submit the assessments to the entity with 43046
which the department contracts for the scoring of the assessments 43047
as follows: 43048

(a) If the district's total enrollment in grades kindergarten 43049
through twelve during the first full school week of October was 43050
less than two thousand five hundred, not later than the Friday 43051
after all of the assessments have been administered; 43052

(b) If the district's total enrollment in grades kindergarten 43053
through twelve during the first full school week of October was 43054
two thousand five hundred or more, but less than seven thousand, 43055
not later than the Monday after all of the assessments have been 43056
administered; 43057

(c) If the district's total enrollment in grades kindergarten 43058
through twelve during the first full school week of October was 43059
seven thousand or more, not later than the Tuesday after all of 43060
the assessments have been administered. 43061

However, any assessment that a student takes during the 43062

make-up period described in division (C)(2) of this section shall 43063
be submitted not later than the Friday following the day the 43064
student takes the assessment. 43065

(2) The department or an entity with which the department 43066
contracts for the scoring of the assessment shall send to each 43067
school district board a list of the individual scores of all 43068
persons taking ~~an a state achievement assessment prescribed by~~ 43069
~~division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code~~ 43070
as follows: 43071

(a) Except as provided in division (G)(2)(b) or (c) of this 43072
section, within sixty forty-five days after its the administration 43073
of the assessments prescribed by sections 3301.0710 and 3301.0712 43074
of the Revised Code, but in no case shall the scores be returned 43075
later than the fifteenth thirtieth day of June following the 43076
administration; 43077

(b) In the case of the third-grade English language arts 43078
assessment, within forty-five days after the administration of 43079
that assessment, but in no case shall the scores be returned later 43080
than the fifteenth day of June following the administration; 43081

(c) In the case of the writing component of an assessment or 43082
end-of-course examination in the area of English language arts, 43083
except for the third-grade English language arts assessment, the 43084
results may be sent after forty-five days of the administration of 43085
the writing component, but in no case shall the scores be returned 43086
later than the thirtieth day of June following the administration. 43087
For 43088

(3) For assessments administered under this section by a 43089
joint vocational school district, the department or entity shall 43090
also send to each city, local, or exempted village school district 43091
a list of the individual scores of any students of such city, 43092
local, or exempted village school district who are attending 43093

school in the joint vocational school district. 43094

(H) Individual scores on any assessments administered under 43095
this section shall be released by a district board only in 43096
accordance with section 3319.321 of the Revised Code and the rules 43097
adopted under division (A) of this section. No district board or 43098
its employees shall utilize individual or aggregate results in any 43099
manner that conflicts with rules for the ethical use of 43100
assessments adopted pursuant to division (A) of this section. 43101

(I) Except as provided in division (G) of this section, the 43102
department or an entity with which the department contracts for 43103
the scoring of the assessment shall not release any individual 43104
scores on any assessment administered under this section. The 43105
state board shall adopt rules to ensure the protection of student 43106
confidentiality at all times. The rules may require the use of the 43107
data verification codes assigned to students pursuant to division 43108
(D)(2) of section 3301.0714 of the Revised Code to protect the 43109
confidentiality of student scores. 43110

(J) Notwithstanding division (D) of section 3311.52 of the 43111
Revised Code, this section does not apply to the board of 43112
education of any cooperative education school district except as 43113
provided under rules adopted pursuant to this division. 43114

(1) In accordance with rules that the state board shall 43115
adopt, the board of education of any city, exempted village, or 43116
local school district with territory in a cooperative education 43117
school district established pursuant to divisions (A) to (C) of 43118
section 3311.52 of the Revised Code may enter into an agreement 43119
with the board of education of the cooperative education school 43120
district for administering any assessment prescribed under this 43121
section to students of the city, exempted village, or local school 43122
district who are attending school in the cooperative education 43123
school district. 43124

(2) In accordance with rules that the state board shall 43125
adopt, the board of education of any city, exempted village, or 43126
local school district with territory in a cooperative education 43127
school district established pursuant to section 3311.521 of the 43128
Revised Code shall enter into an agreement with the cooperative 43129
district that provides for the administration of any assessment 43130
prescribed under this section to both of the following: 43131

(a) Students who are attending school in the cooperative 43132
district and who, if the cooperative district were not 43133
established, would be entitled to attend school in the city, 43134
local, or exempted village school district pursuant to section 43135
3313.64 or 3313.65 of the Revised Code; 43136

(b) Persons described in division (B)(8)(b) of this section. 43137

Any assessment of students pursuant to such an agreement 43138
shall be in lieu of any assessment of such students or persons 43139
pursuant to this section. 43140

(K)(1)(a) Except as otherwise provided in division (K)(1)(a) 43141
or (K)(1)(c) of this section, each chartered nonpublic school for 43142
which at least sixty-five per cent of its total enrollment is made 43143
up of students who are participating in state scholarship programs 43144
shall administer the elementary assessments prescribed by section 43145
3301.0710 of the Revised Code. In accordance with procedures and 43146
deadlines prescribed by the department, the parent or guardian of 43147
a student enrolled in the school who is not participating in a 43148
state scholarship program may submit notice to the chief 43149
administrative officer of the school that the parent or guardian 43150
does not wish to have the student take the elementary assessments 43151
prescribed for the student's grade level under division (A) of 43152
section 3301.0710 of the Revised Code. If a parent or guardian 43153
submits an opt-out notice, the school shall not administer the 43154
assessments to that student. This option does not apply to any 43155
assessment required for a high school diploma under section 43156

3313.612 of the Revised Code. 43157

(b) If a chartered nonpublic school is educating students in 43158
grades nine through twelve, it shall administer the assessments 43159
prescribed by divisions (B)(1) and (2) of section 3301.0710 of the 43160
Revised Code ~~as a condition of compliance with section 3313.612 of~~ 43161
~~the Revised Code. Division (K)(1)(b) of this section shall not~~ 43162
apply to the following: 43163

(i) A chartered nonpublic school accredited through the 43164
independent school association of the central states, except for a 43165
student attending a chartered nonpublic school under a state 43166
scholarship program; 43167

(ii) A chartered nonpublic school that is not accredited 43168
through the independent school association of the central states 43169
but that is acting in accordance with division (D) of section 43170
3313.612 of the Revised Code. 43171

(c) A chartered nonpublic school may submit to the 43172
superintendent of public instruction a request for a waiver from 43173
administering the elementary assessments prescribed by division 43174
(A) of section 3301.0710 of the Revised Code. The state 43175
superintendent shall approve or disapprove a request for a waiver 43176
submitted under division (K)(1)(c) of this section. No waiver 43177
shall be approved for any school year prior to the 2015-2016 43178
school year. 43179

To be eligible to submit a request for a waiver, a chartered 43180
nonpublic school shall meet the following conditions: 43181

(i) At least ninety-five per cent of the students enrolled in 43182
the school are children with disabilities, as defined under 43183
section 3323.01 of the Revised Code, or have received a diagnosis 43184
by a school district or from a physician, including a 43185
neuropsychiatrist or psychiatrist, or a psychologist who is 43186
authorized to practice in this or another state as having a 43187

condition that impairs academic performance, such as dyslexia, 43188
dyscalculia, attention deficit hyperactivity disorder, or 43189
Asperger's syndrome. 43190

(ii) The school has solely served a student population 43191
described in division (K)(1)(c)(i) of this section for at least 43192
ten years. 43193

(iii) The school provides to the department at least five 43194
years of records of internal testing conducted by the school that 43195
affords the department data required for accountability purposes, 43196
including diagnostic assessments and nationally standardized 43197
norm-referenced achievement assessments that measure reading and 43198
math skills. 43199

(d) Any chartered nonpublic school that is not subject to 43200
division (K)(1)(a) of this section may participate in the 43201
assessment program by administering any of the assessments 43202
prescribed by division (A) of section 3301.0710 of the Revised 43203
Code. The chief administrator of the school shall specify which 43204
assessments the school will administer. Such specification shall 43205
be made in writing to the superintendent of public instruction 43206
prior to the first day of August of any school year in which 43207
assessments are administered and shall include a pledge that the 43208
nonpublic school will administer the specified assessments in the 43209
same manner as public schools are required to do under this 43210
section and rules adopted by the department. 43211

(2) The department of education shall furnish the assessments 43212
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 43213
to each chartered nonpublic school that is subject to division 43214
(K)(1)(a) of this section or participates under division (K)(1)(b) 43215
of this section. 43216

(L)(1) The superintendent of the state school for the blind 43217
and the superintendent of the state school for the deaf shall 43218

administer the assessments described by sections 3301.0710 and 43219
3301.0712 of the Revised Code. Each superintendent shall 43220
administer the assessments in the same manner as district boards 43221
are required to do under this section and rules adopted by the 43222
department of education and in conformity with division (C)(1)(a) 43223
of this section. 43224

(2) The department of education shall furnish the assessments 43225
described by sections 3301.0710 and 3301.0712 of the Revised Code 43226
to each superintendent. 43227

(M) Notwithstanding division (E) of this section, a school 43228
district may use a student's failure to attain a score in at least 43229
the proficient range on the mathematics assessment described by 43230
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 43231
an assessment described by division (A)(1)(b), (c), (d), (e), or 43232
(f) of section 3301.0710 of the Revised Code as a factor in 43233
retaining that student in the current grade level. 43234

(N)(1) In the manner specified in divisions (N)(3), (4), and 43235
(6) of this section, the assessments required by division (A)(1) 43236
of section 3301.0710 of the Revised Code shall become public 43237
records pursuant to section 149.43 of the Revised Code on the 43238
thirty-first day of July following the school year that the 43239
assessments were administered. 43240

(2) The department may field test proposed questions with 43241
samples of students to determine the validity, reliability, or 43242
appropriateness of questions for possible inclusion in a future 43243
year's assessment. The department also may use anchor questions on 43244
assessments to ensure that different versions of the same 43245
assessment are of comparable difficulty. 43246

Field test questions and anchor questions shall not be 43247
considered in computing scores for individual students. Field test 43248
questions and anchor questions may be included as part of the 43249

administration of any assessment required by division (A)(1) or 43250
(B) of section 3301.0710 and division (B) of section 3301.0712 of 43251
the Revised Code. 43252

(3) Any field test question or anchor question administered 43253
under division (N)(2) of this section shall not be a public 43254
record. Such field test questions and anchor questions shall be 43255
redacted from any assessments which are released as a public 43256
record pursuant to division (N)(1) of this section. 43257

(4) This division applies to the assessments prescribed by 43258
division (A) of section 3301.0710 of the Revised Code. 43259

(a) The first administration of each assessment, as specified 43260
in former section 3301.0712 of the Revised Code, shall be a public 43261
record. 43262

(b) For subsequent administrations of each assessment prior 43263
to the 2011-2012 school year, not less than forty per cent of the 43264
questions on the assessment that are used to compute a student's 43265
score shall be a public record. The department shall determine 43266
which questions will be needed for reuse on a future assessment 43267
and those questions shall not be public records and shall be 43268
redacted from the assessment prior to its release as a public 43269
record. However, for each redacted question, the department shall 43270
inform each city, local, and exempted village school district of 43271
the statewide academic standard adopted by the state board under 43272
section 3301.079 of the Revised Code and the corresponding 43273
benchmark to which the question relates. The preceding sentence 43274
does not apply to field test questions that are redacted under 43275
division (N)(3) of this section. 43276

(c) The administrations of each assessment in the 2011-2012, 43277
2012-2013, and 2013-2014 school years shall not be a public 43278
record. 43279

(5) Each assessment prescribed by division (B)(1) of section 43280

3301.0710 of the Revised Code shall not be a public record. 43281

(6) Beginning with the spring administration for the 43282
2014-2015 school year, questions on the assessments prescribed 43283
under division (A) of section 3301.0710 and division (B)(2) of 43284
section 3301.0712 of the Revised Code and the corresponding 43285
preferred answers that are used to compute a student's score shall 43286
become a public record as follows: 43287

(a) Forty per cent of the questions and preferred answers on 43288
the assessments on the thirty-first day of July following the 43289
administration of the assessment; 43290

(b) Twenty per cent of the questions and preferred answers on 43291
the assessment on the thirty-first day of July one year after the 43292
administration of the assessment; 43293

(c) The remaining forty per cent of the questions and 43294
preferred answers on the assessment on the thirty-first day of 43295
July two years after the administration of the assessment. 43296

The entire content of an assessment shall become a public 43297
record within three years of its administration. 43298

The department shall make the questions that become a public 43299
record under this division readily accessible to the public on the 43300
department's web site. Questions on the spring administration of 43301
each assessment shall be released on an annual basis, in 43302
accordance with this division. 43303

(0) As used in this section: 43304

(1) "Three-year average" means the average of the most recent 43305
consecutive three school years of data. 43306

(2) "Dropout" means a student who withdraws from school 43307
before completing course requirements for graduation and who is 43308
not enrolled in an education program approved by the state board 43309
of education or an education program outside the state. "Dropout" 43310

does not include a student who has departed the country. 43311

(3) "Graduation rate" means the ratio of students receiving a 43312
diploma to the number of students who entered ninth grade four 43313
years earlier. Students who transfer into the district are added 43314
to the calculation. Students who transfer out of the district for 43315
reasons other than dropout are subtracted from the calculation. If 43316
a student who was a dropout in any previous year returns to the 43317
same school district, that student shall be entered into the 43318
calculation as if the student had entered ninth grade four years 43319
before the graduation year of the graduating class that the 43320
student joins. 43321

(4) "State scholarship programs" means the educational choice 43322
scholarship pilot program established under sections 3310.01 to 43323
3310.17 of the Revised Code, the autism scholarship program 43324
established under section 3310.41 of the Revised Code, the Jon 43325
Peterson special needs scholarship program established under 43326
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 43327
project scholarship program established under sections 3313.974 to 43328
3313.979 of the Revised Code. 43329

Sec. 3301.0712. (A) The state board of education, the 43330
superintendent of public instruction, and the chancellor of ~~the~~ 43331
~~Ohio board of regents~~ higher education shall develop a system of 43332
college and work ready assessments as described in division (B) of 43333
this section to assess whether each student upon graduating from 43334
high school is ready to enter college or the workforce. Beginning 43335
with students who enter the ninth grade for the first time on or 43336
after July 1, 2014, the system shall replace the Ohio graduation 43337
tests prescribed in division (B)(1) of section 3301.0710 of the 43338
Revised Code as a measure of student academic performance and one 43339
determinant of eligibility for a high school diploma in the manner 43340
prescribed by rule of the state board adopted under division (D) 43341

of this section. 43342

(B) The college and work ready assessment system shall 43343
consist of the following: 43344

(1) Nationally standardized assessments that measure college 43345
and career readiness and are used for college admission. The 43346
assessments shall be selected jointly by the state superintendent 43347
and the chancellor, and one of which shall be selected by each 43348
school district or school to administer to its students. The 43349
assessments prescribed under division (B)(1) of this section shall 43350
be administered to all eleventh-grade students in the spring of 43351
the school year. 43352

(2) Seven end-of-course examinations, one in each of the 43353
areas of English language arts I, English language arts II, 43354
science, Algebra I, geometry, American history, and American 43355
government. The end-of-course examinations shall be selected 43356
jointly by the state superintendent and the chancellor in 43357
consultation with faculty in the appropriate subject areas at 43358
institutions of higher education of the university system of Ohio. 43359
Advanced placement examinations and international baccalaureate 43360
examinations, as prescribed under section 3313.6013 of the Revised 43361
Code, in the areas of science, American history, and American 43362
government may be used as end-of-course examinations in accordance 43363
with division (B)(4)(a)(i) of this section. Final course grades 43364
for courses taken under any other advanced standing program, as 43365
prescribed under section 3313.6013 of the Revised Code, in the 43366
areas of science, American history, and American government may be 43367
used in lieu of end-of-course examinations in accordance with 43368
division (B)(4)(a)(ii) of this section. 43369

(3)(a) Not later than July 1, 2013, each school district 43370
board of education shall adopt interim end-of-course examinations 43371
that comply with the requirements of divisions (B)(3)(b)(i) and 43372

(ii) of this section to assess mastery of American history and 43373
American government standards adopted under division (A)(1)(b) of 43374
section 3301.079 of the Revised Code and the topics required under 43375
division (M) of section 3313.603 of the Revised Code. Each high 43376
school of the district shall use the interim examinations until 43377
the state superintendent and chancellor select end-of-course 43378
examinations in American history and American government under 43379
division (B)(2) of this section. 43380

(b) Not later than July 1, 2014, the state superintendent and 43381
the chancellor shall select the end-of-course examinations in 43382
American history and American government. 43383

(i) The end-of-course examinations in American history and 43384
American government shall require demonstration of mastery of the 43385
American history and American government content for social 43386
studies standards adopted under division (A)(1)(b) of section 43387
3301.079 of the Revised Code and the topics required under 43388
division (M) of section 3313.603 of the Revised Code. 43389

(ii) At least twenty per cent of the end-of-course 43390
examination in American government shall address the topics on 43391
American history and American government described in division (M) 43392
of section 3313.603 of the Revised Code. 43393

(4)(a) Notwithstanding anything to the contrary in this 43394
section, beginning with the 2014-2015 school year, both of the 43395
following shall apply: 43396

(i) If a student is enrolled in an appropriate advanced 43397
placement or international baccalaureate course, that student 43398
shall take the advanced placement or international baccalaureate 43399
examination in lieu of the science, American history, or American 43400
government end-of-course examinations prescribed under division 43401
(B)(2) of this section. The state board shall specify the score 43402
levels for each advanced placement examination and international 43403

baccalaureate examination for purposes of calculating the minimum 43404
cumulative performance score that demonstrates the level of 43405
academic achievement necessary to earn a high school diploma. 43406

(ii) If a student is enrolled in an appropriate course under 43407
any other advanced standing program, as described in section 43408
3313.6013 of the Revised Code, that student shall not be required 43409
to take the science, American history, or American government 43410
end-of-course examination, whichever is applicable, prescribed 43411
under division (B)(2) of this section. Instead, that student's 43412
final course grade shall be used in lieu of the applicable 43413
end-of-course examination prescribed under that section. The state 43414
superintendent, in consultation with the chancellor, shall adopt 43415
guidelines for purposes of calculating the corresponding final 43416
course grades that demonstrate the level of academic achievement 43417
necessary to earn a high school diploma. 43418

Division (B)(4)(a)(ii) of this section shall apply only to 43419
courses for which students receive transcribed credit, as defined 43420
in division (U) of section 3365.01 of the Revised Code. It shall 43421
not apply to remedial or developmental courses. 43422

(b) No student shall take a substitute examination or 43423
examination prescribed under division (B)(4)(a) of this section in 43424
place of the end-of-course examinations in English language arts 43425
I, English language arts II, Algebra I, or geometry prescribed 43426
under division (B)(2) of this section. 43427

(c) The state board shall consider additional assessments 43428
that may be used, beginning with the 2016-2017 school year, as 43429
substitute examinations in lieu of the end-of-course examinations 43430
prescribed under division (B)(2) of this section. 43431

(5) The state board shall do all of the following: 43432

(a) Determine and designate at least five ranges of scores on 43433
each of the end-of-course examinations prescribed under division 43434

(B)(2) of this section, and substitute examinations prescribed 43435
under division (B)(4) of this section. Each range of scores shall 43436
be considered to demonstrate a level of achievement so that any 43437
student attaining a score within such range has achieved one of 43438
the following: 43439

- (i) An advanced level of skill; 43440
- (ii) An accelerated level of skill; 43441
- (iii) A proficient level of skill; 43442
- (iv) A basic level of skill; 43443
- (v) A limited level of skill. 43444

(b) Determine a method by which to calculate a cumulative 43445
performance score based on the results of a student's 43446
end-of-course examinations or substitute examinations; 43447

(c) Determine the minimum cumulative performance score that 43448
demonstrates the level of academic achievement necessary to earn a 43449
high school diploma; 43450

(d) Develop a table of corresponding score equivalents for 43451
the end-of-course examinations and substitute examinations in 43452
order to calculate student performance consistently across the 43453
different examinations. 43454

(6)(a) A student who meets both of the following conditions 43455
shall not be required to take an end-of-course examination: 43456

- (i) The student received high school credit prior to July 1, 43457
2015, for a course for which the end-of-course examination is 43458
prescribed. 43459
- (ii) The examination was not available for administration 43460
prior to July 1, 2015. 43461

Receipt of credit for the course described in division 43462
(B)(6)(a)(i) of this section shall satisfy the requirement to take 43463

the end-of-course examination. A student exempted under division 43464
(B)(6)(a) of this section may take the applicable end-of-course 43465
examination at a later date. 43466

(b) For purposes of determining whether a student who is 43467
exempt from taking an end-of-course examination under division 43468
(B)(6)(a) of this section has attained the cumulative score 43469
prescribed by division (B)(5)(c) of this section, such student 43470
shall select either of the following: 43471

(i) The student is considered to have attained a proficient 43472
score on the end-of-course examination from which the student is 43473
exempt; 43474

(ii) The student's final course grade shall be used in lieu 43475
of a score on the end-of-course examination from which the student 43476
is exempt. 43477

The state superintendent, in consultation with the 43478
chancellor, shall adopt guidelines for purposes of calculating the 43479
corresponding final course grades and the minimum cumulative 43480
performance score that demonstrates the level of academic 43481
achievement necessary to earn a high school diploma. 43482

(7)(a) Notwithstanding anything to the contrary in this 43483
section, the state board may replace the algebra I end-of-course 43484
examination prescribed under division (B)(2) of this section with 43485
an algebra II end-of-course examination, beginning with the 43486
2016-2017 school year for students who enter ninth grade on or 43487
after July 1, 2016. 43488

(b) If the state board replaces the algebra I end-of-course 43489
examination with an algebra II end-of-course examination as 43490
authorized under division (B)(7)(a) of this section, both of the 43491
following shall apply: 43492

(i) A student who is enrolled in an advanced placement or 43493
international baccalaureate course in algebra II shall take the 43494

advanced placement or international baccalaureate examination in 43495
lieu of the algebra II end-of-course examination. 43496

(ii) A student who is enrolled in an algebra II course under 43497
any other advanced standing program, as described in section 43498
3313.6013 of the Revised Code, shall not be required to take the 43499
algebra II end-of-course examination. Instead, that student's 43500
final course grade shall be used in lieu of the examination. 43501

(c) If a school district or school utilizes an integrated 43502
approach to mathematics instruction, the district or school may do 43503
either or both of the following: 43504

(i) Administer an integrated mathematics I end-of-course 43505
examination in lieu of the prescribed algebra I end-of-course 43506
examination; 43507

(ii) Administer an integrated mathematics II end-of-course 43508
examination in lieu of the prescribed geometry end-of-course 43509
examination. 43510

(8)(a) For students entering the ninth grade for the first 43511
time on or after July 1, 2014, but prior to July 1, 2015, the 43512
assessment in the area of science shall be physical science or 43513
biology. For students entering the ninth grade for the first time 43514
on or after July 1, 2015, the assessment in the area of science 43515
shall be biology. 43516

(b) Until July 1, 2019, the department of education shall 43517
make available the end-of-course examination in physical science 43518
for students who entered the ninth grade for the first time on or 43519
after July 1, 2014, but prior to July 1, 2015, and who wish to 43520
retake the examination. 43521

(c) Not later than July 1, 2016, the state board shall adopt 43522
rules prescribing the requirements for the end-of-course 43523
examination in science for students who entered the ninth grade 43524
for the first time on or after July 1, 2014, but prior to July 1, 43525

2015, and who have not met the requirement prescribed by section 43526
3313.618 of the Revised Code by July 1, 2019, due to a student's 43527
failure to satisfy division (A)(2) of section 3313.618 of the 43528
Revised Code. 43529

(9) Neither the state board nor the department of education 43530
shall develop or administer an end-of-course examination in the 43531
area of world history. 43532

(C) The state board shall convene a group of national 43533
experts, state experts, and local practitioners to provide advice, 43534
guidance, and recommendations for the alignment of standards and 43535
model curricula to the assessments and in the design of the 43536
end-of-course examinations prescribed by this section. 43537

(D) Upon completion of the development of the assessment 43538
system, the state board shall adopt rules prescribing all of the 43539
following: 43540

(1) A timeline and plan for implementation of the assessment 43541
system, including a phased implementation if the state board 43542
determines such a phase-in is warranted; 43543

(2) The date after which a person shall meet the requirements 43544
of the entire assessment system as a prerequisite for a diploma of 43545
adult education under section 3313.611 of the Revised Code; 43546

(3) Whether and the extent to which a person may be excused 43547
from an American history end-of-course examination and an American 43548
government end-of-course examination under division (H) of section 43549
3313.61 and division (B)~~(3)~~(4) of section 3313.612 of the Revised 43550
Code; 43551

(4) The date after which a person who has fulfilled the 43552
curriculum requirement for a diploma but has not passed one or 43553
more of the required assessments at the time the person fulfilled 43554
the curriculum requirement shall meet the requirements of the 43555
entire assessment system as a prerequisite for a high school 43556

diploma under division (B) of section 3313.614 of the Revised Code; 43557
43558

(5) The extent to which the assessment system applies to 43559
students enrolled in a dropout recovery and prevention program for 43560
purposes of division (F) of section 3313.603 and section 3314.36 43561
of the Revised Code. 43562

(E) Not later than forty-five days prior to the state board's 43563
adoption of a resolution directing the department to file the 43564
rules prescribed by division (D) of this section in final form 43565
under section 119.04 of the Revised Code, the superintendent of 43566
public instruction shall present the assessment system developed 43567
under this section to the respective committees of the house of 43568
representatives and senate that consider education legislation. 43569

(F)(1) Any person enrolled in a nonchartered nonpublic school 43570
or any person who has been excused from attendance at school for 43571
the purpose of home instruction under section 3321.04 of the 43572
Revised Code may choose to participate in the system of 43573
assessments administered under divisions (B)(1) and (2) of this 43574
section. However, no such person shall be required to participate 43575
in the system of assessments. 43576

(2) The department shall adopt rules for the administration 43577
and scoring of any assessments under division (F)(1) of this 43578
section. 43579

(G) Not later than December 31, 2014, the state board shall 43580
select at least one nationally recognized job skills assessment. 43581
Each school district shall administer that assessment to those 43582
students who opt to take it. The state shall reimburse a school 43583
district for the costs of administering that assessment. The state 43584
board shall establish the minimum score a student must attain on 43585
the job skills assessment in order to demonstrate a student's 43586
workforce readiness and employability. The administration of the 43587

job skills assessment to a student under this division shall not 43588
exempt a school district from administering the assessments 43589
prescribed in division (B) of this section to that student. 43590

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 43591
Revised Code: 43592

(A) "Preschool program" means either of the following: 43593

(1) A child care program for preschool children that is 43594
operated by a school district board of education or an eligible 43595
nonpublic school. 43596

(2) A child care program for preschool children age three or 43597
older that is operated by a county DD board or a community school. 43598

(B) "Preschool child" or "child" means a child who has not 43599
entered kindergarten and is not of compulsory school age. 43600

(C) "Parent, guardian, or custodian" means the person or 43601
government agency that is or will be responsible for a child's 43602
school attendance under section 3321.01 of the Revised Code. 43603

(D) "Superintendent" means the superintendent of a school 43604
district or the chief administrative officer of a community school
or an eligible nonpublic school. 43605
43606

(E) "Director" means the director, head teacher, elementary 43607
principal, or site administrator who is the individual on site and 43608
responsible for supervision of a preschool program. 43609

(F) "Preschool staff member" means a preschool employee whose 43610
primary responsibility is care, teaching, or supervision of 43611
preschool children. 43612

(G) "Nonteaching employee" means a preschool program or 43613
school child program employee whose primary responsibilities are 43614
duties other than care, teaching, and supervision of preschool 43615
children or school children. 43616

(H) "Eligible nonpublic school" means a nonpublic school 43617
chartered as described in division (B)(8) of section 5104.02 of 43618
the Revised Code or chartered by the state board of education for 43619
any combination of grades one through twelve, regardless of 43620
whether it also offers kindergarten. 43621

(I) "County DD board" means a county board of developmental 43622
disabilities. 43623

(J) "School child program" means a child care program for 43624
only school children that is operated by a school district board 43625
of education, county DD board, community school, or eligible 43626
nonpublic school. 43627

(K) "School child" means a child who is enrolled in or is 43628
eligible to be enrolled in a grade of kindergarten or above but is 43629
less than fifteen years old. 43630

(L) "School child program staff member" means an employee 43631
whose primary responsibility is the care, teaching, or supervision 43632
of children in a school child program. 43633

(M) "Child care" means administering to the needs of infants, 43634
toddlers, preschool children, and school children outside of 43635
school hours by persons other than their parents or guardians, 43636
custodians, or relatives by blood, marriage, or adoption for any 43637
part of the twenty-four-hour day in a place or residence other 43638
than a child's own home. 43639

(N) "Child day-care center," "publicly funded child care," 43640
and "school-age child care center" have the same meanings as in 43641
section 5104.01 of the Revised Code. 43642

(O) "Community school" means either of the following: 43643

(1) A community school established under Chapter 3314. of the 43644
Revised Code that is sponsored by an entity that is rated 43645
"exemplary" under section 3314.016 of the Revised Code. 43646

(2) A community school established under Chapter 3314. of the 43647
Revised Code that has received, on its most recent report card, 43648
either of the following: 43649

(a) If the school offers any of grade levels four through 43650
twelve, a grade of "C" or better for the overall value-added 43651
progress dimension under division (C)(1)(e) of section 3302.03 of 43652
the Revised Code and for the performance index score under 43653
division (C)(1)(b) of section 3302.03 of the Revised Code; 43654

(b) If the school does not offer a grade level higher than 43655
three, a grade of "C" or better for making progress in improving 43656
literacy in grades kindergarten through three under division 43657
(C)(1)(g) of section 3302.03 of the Revised Code. 43658

Sec. 3301.53. (A) The state board of education, in 43659
consultation with the director of job and family services, shall 43660
formulate and prescribe by rule adopted under Chapter 119. of the 43661
Revised Code minimum standards to be applied to preschool programs 43662
operated by school district boards of education, county DD boards, 43663
community schools, or eligible nonpublic schools. The rules shall 43664
include the following: 43665

(1) Standards ensuring that the preschool program is located 43666
in a safe and convenient facility that accommodates the enrollment 43667
of the program, is of the quality to support the growth and 43668
development of the children according to the program objectives, 43669
and meets the requirements of section 3301.55 of the Revised Code; 43670

(2) Standards ensuring that supervision, discipline, and 43671
programs will be administered according to established objectives 43672
and procedures; 43673

(3) Standards ensuring that preschool staff members and 43674
nonteaching employees are recruited, employed, assigned, 43675
evaluated, and provided inservice education without discrimination 43676

on the basis of age, color, national origin, race, or sex; and 43677
that preschool staff members and nonteaching employees are 43678
assigned responsibilities in accordance with written position 43679
descriptions commensurate with their training and experience; 43680

(4) A requirement that boards of education intending to 43681
establish a preschool program demonstrate a need for a preschool 43682
program prior to establishing the program; 43683

(5) Requirements that children participating in preschool 43684
programs have been immunized to the extent considered appropriate 43685
by the state board to prevent the spread of communicable disease; 43686

(6) Requirements that the parents of preschool children 43687
complete the emergency medical authorization form specified in 43688
section 3313.712 of the Revised Code. 43689

(B) The state board of education in consultation with the 43690
director of job and family services shall ensure that the rules 43691
adopted by the state board under sections 3301.52 to 3301.58 of 43692
the Revised Code are consistent with and meet or exceed the 43693
requirements of Chapter 5104. of the Revised Code with regard to 43694
child day-care centers. The state board and the director of job 43695
and family services shall review all such rules at least once 43696
every five years. 43697

(C) The state board of education, in consultation with the 43698
director of job and family services, shall adopt rules for school 43699
child programs that are consistent with and meet or exceed the 43700
requirements of the rules adopted for school-age child care 43701
centers under Chapter 5104. of the Revised Code. 43702

Sec. 3301.541. (A)(1) The director, head teacher, elementary 43703
principal, or site administrator of a preschool program shall 43704
request the superintendent of the bureau of criminal 43705
identification and investigation to conduct a criminal records 43706

check with respect to any applicant who has applied to the 43707
preschool program for employment as a person responsible for the 43708
care, custody, or control of a child. If the applicant does not 43709
present proof that the applicant has been a resident of this state 43710
for the five-year period immediately prior to the date upon which 43711
the criminal records check is requested or does not provide 43712
evidence that within that five-year period the superintendent has 43713
requested information about the applicant from the federal bureau 43714
of investigation in a criminal records check, the director, head 43715
teacher, or elementary principal shall request that the 43716
superintendent obtain information from the federal bureau of 43717
investigation as a part of the criminal records check for the 43718
applicant. If the applicant presents proof that the applicant has 43719
been a resident of this state for that five-year period, the 43720
director, head teacher, or elementary principal may request that 43721
the superintendent include information from the federal bureau of 43722
investigation in the criminal records check. 43723

(2) Any director, head teacher, elementary principal, or site 43724
administrator required by division (A)(1) of this section to 43725
request a criminal records check shall provide to each applicant a 43726
copy of the form prescribed pursuant to division (C)(1) of section 43727
109.572 of the Revised Code, provide to each applicant a standard 43728
impression sheet to obtain fingerprint impressions prescribed 43729
pursuant to division (C)(2) of section 109.572 of the Revised 43730
Code, obtain the completed form and impression sheet from each 43731
applicant, and forward the completed form and impression sheet to 43732
the superintendent of the bureau of criminal identification and 43733
investigation at the time the person requests a criminal records 43734
check pursuant to division (A)(1) of this section. 43735

(3) Any applicant who receives pursuant to division (A)(2) of 43736
this section a copy of the form prescribed pursuant to division 43737
(C)(1) of section 109.572 of the Revised Code and a copy of an 43738

impression sheet prescribed pursuant to division (C)(2) of that 43739
section and who is requested to complete the form and provide a 43740
set of fingerprint impressions shall complete the form or provide 43741
all the information necessary to complete the form and provide the 43742
impression sheet with the impressions of the applicant's 43743
fingerprints. If an applicant, upon request, fails to provide the 43744
information necessary to complete the form or fails to provide 43745
impressions of the applicant's fingerprints, the preschool program 43746
shall not employ that applicant for any position for which a 43747
criminal records check is required by division (A)(1) of this 43748
section. 43749

(B)(1) Except as provided in rules adopted by the department 43750
of education in accordance with division (E) of this section, no 43751
preschool program shall employ a person as a person responsible 43752
for the care, custody, or control of a child if the person 43753
previously has been convicted of or pleaded guilty to any of the 43754
following: 43755

(a) A violation of section 2903.01, 2903.02, 2903.03, 43756
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 43757
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 43758
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 43759
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 43760
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 43761
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 43762
2925.06, or 3716.11 of the Revised Code, a violation of section 43763
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 43764
violation of section 2919.23 of the Revised Code that would have 43765
been a violation of section 2905.04 of the Revised Code as it 43766
existed prior to July 1, 1996, had the violation occurred prior to 43767
that date, a violation of section 2925.11 of the Revised Code that 43768
is not a minor drug possession offense, or felonious sexual 43769
penetration in violation of former section 2907.12 of the Revised 43770

Code; 43771

(b) A violation of an existing or former law of this state, 43772
any other state, or the United States that is substantially 43773
equivalent to any of the offenses or violations described in 43774
division (B)(1)(a) of this section. 43775

(2) A preschool program may employ an applicant conditionally 43776
until the criminal records check required by this section is 43777
completed and the preschool program receives the results of the 43778
criminal records check. If the results of the criminal records 43779
check indicate that, pursuant to division (B)(1) of this section, 43780
the applicant does not qualify for employment, the preschool 43781
program shall release the applicant from employment. 43782

(C)(1) Each preschool program shall pay to the bureau of 43783
criminal identification and investigation the fee prescribed 43784
pursuant to division (C)(3) of section 109.572 of the Revised Code 43785
for each criminal records check conducted in accordance with that 43786
section upon the request pursuant to division (A)(1) of this 43787
section of the director, head teacher, elementary principal, or 43788
site administrator of the preschool program. 43789

(2) A preschool program may charge an applicant a fee for the 43790
costs it incurs in obtaining a criminal records check under this 43791
section. A fee charged under this division shall not exceed the 43792
amount of fees the preschool program pays under division (C)(1) of 43793
this section. If a fee is charged under this division, the 43794
preschool program shall notify the applicant at the time of the 43795
applicant's initial application for employment of the amount of 43796
the fee and that, unless the fee is paid, the applicant will not 43797
be considered for employment. 43798

(D) The report of any criminal records check conducted by the 43799
bureau of criminal identification and investigation in accordance 43800
with section 109.572 of the Revised Code and pursuant to a request 43801

under division (A)(1) of this section is not a public record for 43802
the purposes of section 149.43 of the Revised Code and shall not 43803
be made available to any person other than the applicant who is 43804
the subject of the criminal records check or the applicant's 43805
representative, the preschool program requesting the criminal 43806
records check or its representative, and any court, hearing 43807
officer, or other necessary individual in a case dealing with the 43808
denial of employment to the applicant. 43809

(E) The department of education shall adopt rules pursuant to 43810
Chapter 119. of the Revised Code to implement this section, 43811
including rules specifying circumstances under which a preschool 43812
program may hire a person who has been convicted of an offense 43813
listed in division (B)(1) of this section but who meets standards 43814
in regard to rehabilitation set by the department. 43815

(F) Any person required by division (A)(1) of this section to 43816
request a criminal records check shall inform each person, at the 43817
time of the person's initial application for employment, that the 43818
person is required to provide a set of impressions of the person's 43819
fingerprints and that a criminal records check is required to be 43820
conducted and satisfactorily completed in accordance with section 43821
109.572 of the Revised Code if the person comes under final 43822
consideration for appointment or employment as a precondition to 43823
employment for that position. 43824

(G) As used in this section: 43825

(1) "Applicant" means a person who is under final 43826
consideration for appointment or employment in a position with a 43827
preschool program as a person responsible for the care, custody, 43828
or control of a child, except that "applicant" does not include a 43829
person already employed by a board of education, community school, 43830
or chartered nonpublic school in a position of care, custody, or 43831
control of a child who is under consideration for a different 43832
position with such board or school. 43833

(2) "Criminal records check" has the same meaning as in 43834
section 109.572 of the Revised Code. 43835

(3) "Minor drug possession offense" has the same meaning as 43836
in section 2925.01 of the Revised Code. 43837

(H) If the board of education of a local school district 43838
adopts a resolution requesting the assistance of the educational 43839
service center in which the local district has territory in 43840
conducting criminal records checks of substitute teachers under 43841
this section, the appointing or hiring officer of such educational 43842
service center governing board shall serve for purposes of this 43843
section as the appointing or hiring officer of the local board in 43844
the case of hiring substitute teachers for employment in the local 43845
district. 43846

Sec. 3301.55. (A) A school district, county DD board, 43847
community school, or eligible nonpublic school operating a 43848
preschool program shall house the program in buildings that meet 43849
the following requirements: 43850

(1) The building is operated by the district, county DD 43851
board, community school, or eligible nonpublic school and has been 43852
approved by the division of industrial compliance in the 43853
department of commerce or a certified municipal, township, or 43854
county building department for the purpose of operating a program 43855
for preschool children. Any such structure shall be constructed, 43856
equipped, repaired, altered, and maintained in accordance with 43857
applicable provisions of Chapters 3781. and 3791. and with rules 43858
adopted by the board of building standards under Chapter 3781. of 43859
the Revised Code for the safety and sanitation of structures 43860
erected for this purpose. 43861

(2) The building is in compliance with fire and safety laws 43862
and regulations as evidenced by reports of annual school fire and 43863
safety inspections as conducted by appropriate local authorities. 43864

(3) The school is in compliance with rules established by the 43865
state board of education regarding school food services. 43866

(4) The facility includes not less than thirty-five square 43867
feet of indoor space for each child in the program. Safe play 43868
space, including both indoor and outdoor play space, totaling not 43869
less than sixty square feet for each child using the space at any 43870
one time, shall be regularly available and scheduled for use. 43871

(5) First aid facilities and space for temporary placement or 43872
isolation of injured or ill children are provided. 43873

(B) Each school district, county DD board, community school, 43874
or eligible nonpublic school that operates, or proposes to 43875
operate, a preschool program shall submit a building plan 43876
including all information specified by the state board of 43877
education to the board not later than the first day of September 43878
of the school year in which the program is to be initiated. The 43879
board shall determine whether the buildings meet the requirements 43880
of this section and section 3301.53 of the Revised Code, and 43881
notify the superintendent of its determination. If the board 43882
determines, on the basis of the building plan or any other 43883
information, that the buildings do not meet those requirements, it 43884
shall cause the buildings to be inspected by the department of 43885
education. The department shall make a report to the 43886
superintendent specifying any aspects of the building that are not 43887
in compliance with the requirements of this section and section 43888
3301.53 of the Revised Code and the time period that will be 43889
allowed the district, county DD board, or school to meet the 43890
requirements. 43891

Sec. 3301.56. (A) The director, head teacher, elementary 43892
principal, or site administrator who is on site and responsible 43893
for supervision of each preschool program shall be responsible for 43894
the following: 43895

(1) Ensuring that the health and safety of the children are 43896
safeguarded by an organized program of school health services 43897
designed to identify child health problems and to coordinate 43898
school and community health resources for children, as evidenced 43899
by but not limited to: 43900

(a) Requiring immunization and compliance with emergency 43901
medical authorization requirements in accordance with rules 43902
adopted by the state board of education under section 3301.53 of 43903
the Revised Code; 43904

(b) Providing procedures for emergency situations, including 43905
fire drills, rapid dismissals, tornado drills, and school safety 43906
drills in accordance with section 3737.73 of the Revised Code, and 43907
keeping records of such drills or dismissals; 43908

(c) Posting emergency procedures in preschool rooms and 43909
making them available to school personnel, children, and parents; 43910

(d) Posting emergency numbers by each telephone; 43911

(e) Supervising grounds, play areas, and other facilities 43912
when scheduled for use by children; 43913

(f) Providing first-aid facilities and materials. 43914

(2) Maintaining cumulative records for each child; 43915

(3) Supervising each child's admission, placement, and 43916
withdrawal according to established procedures; 43917

(4) Preparing at least once annually for each group of 43918
children in the program a roster of names and telephone numbers of 43919
parents, guardians, and custodians of children in the group and, 43920
on request, furnishing the roster for each group to the parents, 43921
guardians, and custodians of children in that group. The director 43922
may prepare a similar roster of all children in the program and, 43923
on request, make it available to the parents, guardians, and 43924
custodians, of children in the program. The director shall not 43925

include in either roster the name or telephone number of any 43926
parent, guardian, or custodian who requests that the parent's, 43927
guardian's, or custodian's name or number not be included, and 43928
shall not furnish any roster to any person other than a parent, 43929
guardian, or custodian of a child in the program. 43930

(5) Ensuring that clerical and custodial services are 43931
provided for the program; 43932

(6) Supervising the instructional program and the daily 43933
operation of the program; 43934

(7) Supervising and evaluating preschool staff members 43935
according to a planned sequence of observations and evaluation 43936
conferences, and supervising nonteaching employees. 43937

(B)(1) In each program the maximum number of children per 43938
preschool staff member and the maximum group size by age category 43939
of children shall be as follows: 43940

Maximum			43941
Group			43942
Staff Member/			43943
Child Ratio			43944
Age Group	Size		43945
Birth to less than 12 months	12	1:5, or 2:12 if	43946
		two preschool	43947
		staff members	43948
		are in the room	43949
12 months to less than 18 months	12	1:6	43950
18 months to less than 30 months	14	1:7	43951
30 months to less than 3 years	16	1:8	43952
3-year-olds	24	1:12	43953
4- and 5-year-olds not in school	28	1:14	43954

(2) When age groups are combined, the maximum number of 43953
children per preschool staff member shall be determined by the age 43954
of the youngest child in the group, except that when no more than 43955
one child thirty months of age or older receives child care in a 43956

group in which all the other children are in the next older age 43957
group, the maximum number of children per child-care staff member 43958
and maximum group size requirements of the older age group 43959
established under division (B)(1) of this section shall apply. 43960

(3) In a room where children are napping, if all the children 43961
are at least eighteen months of age, the maximum number of 43962
children per preschool staff member shall, for a period not to 43963
exceed one and one-half hours in any twenty-four hour day, be 43964
twice the maximum number of children per preschool staff member 43965
established under division (B)(1) of this section if all the 43966
following criteria are met: 43967

(a) At least one preschool staff member is present in the 43968
room; 43969

(b) Sufficient preschool staff members are present on the 43970
preschool program premises to comply with division (B)(1) of this 43971
section; 43972

(c) Naptime preparations have been completed and the children 43973
are resting or napping. 43974

(4) Any accredited program that uses the Montessori method 43975
endorsed by the American Montessori society or the association 43976
Montessori internationale as its primary method of instruction and 43977
is licensed as a preschool program under section 3301.58 of the 43978
Revised Code may combine preschool children of ages three to five 43979
years old with children enrolled in kindergarten. Notwithstanding 43980
anything to the contrary in division (B)(2) of this section, when 43981
such age groups are combined, the maximum number of children per 43982
preschool staff member shall be twelve and the maximum group size 43983
shall be twenty-four children. 43984

(C) In each building in which a preschool program is operated 43985
there shall be on the premises, and readily available at all 43986
times, at least one employee who has completed a course in first 43987

aid and in the prevention, recognition, and management of 43988
communicable diseases which is approved by the state department of 43989
health, and an employee who has completed a course in child abuse 43990
recognition and prevention. 43991

(D) Any parent, guardian, or custodian of a child enrolled in 43992
a preschool program shall be permitted unlimited access to the 43993
school during its hours of operation to contact the parent's, 43994
guardian's, or custodian's child, evaluate the care provided by 43995
the program, or evaluate the premises, or for other purposes 43996
approved by the director. Upon entering the premises, the parent, 43997
guardian, or custodian shall report to the school office. 43998

Sec. 3301.57. (A) For the purpose of improving programs, 43999
facilities, and implementation of the standards promulgated by the 44000
state board of education under section 3301.53 of the Revised 44001
Code, the state department of education shall provide consultation 44002
and technical assistance to school districts, county DD boards, 44003
community schools, and eligible nonpublic schools operating 44004
preschool programs or school child programs, and inservice 44005
training to preschool staff members, school child program staff 44006
members, and nonteaching employees. 44007

(B) The department and the school district board of 44008
education, county DD board, community school, or eligible 44009
nonpublic school shall jointly monitor each preschool program and 44010
each school child program. 44011

If the program receives any grant or other funding from the 44012
state or federal government, the department annually shall monitor 44013
all reports on attendance, financial support, and expenditures 44014
according to provisions for use of the funds. 44015

(C) The department of education, at least once during every 44016
twelve-month period of operation of a preschool program or a 44017
licensed school child program, shall inspect the program and 44018

provide a written inspection report to the superintendent of the 44019
school district, county DD board, community school, or eligible 44020
nonpublic school. The department may inspect any program more than 44021
once, as considered necessary by the department, during any 44022
twelve-month period of operation. All inspections may be 44023
unannounced. No person shall interfere with any inspection 44024
conducted pursuant to this division or to the rules adopted 44025
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 44026

Upon receipt of any complaint that a preschool program or a 44027
licensed school child program is out of compliance with the 44028
requirements in sections 3301.52 to 3301.59 of the Revised Code or 44029
the rules adopted under those sections, the department shall 44030
investigate and may inspect the program. 44031

(D) If a preschool program or a licensed school child program 44032
is determined to be out of compliance with the requirements of 44033
sections 3301.52 to 3301.59 of the Revised Code or the rules 44034
adopted under those sections, the department of education shall 44035
notify the appropriate superintendent, county DD board, community 44036
school, or eligible nonpublic school in writing regarding the 44037
nature of the violation, what must be done to correct the 44038
violation, and by what date the correction must be made. If the 44039
correction is not made by the date established by the department, 44040
it may commence action under Chapter 119. of the Revised Code to 44041
close the program or to revoke the license of the program. If a 44042
program does not comply with an order to cease operation issued in 44043
accordance with Chapter 119. of the Revised Code, the department 44044
shall notify the attorney general, the prosecuting attorney of the 44045
county in which the program is located, or the city attorney, 44046
village solicitor, or other chief legal officer of the municipal 44047
corporation in which the program is located that the program is 44048
operating in violation of sections 3301.52 to 3301.59 of the 44049
Revised Code or the rules adopted under those sections and in 44050

violation of an order to cease operation issued in accordance with 44051
Chapter 119. of the Revised Code. Upon receipt of the 44052
notification, the attorney general, prosecuting attorney, city 44053
attorney, village solicitor, or other chief legal officer shall 44054
file a complaint in the court of common pleas of the county in 44055
which the program is located requesting the court to issue an 44056
order enjoining the program from operating. The court shall grant 44057
the requested injunctive relief upon a showing that the program 44058
named in the complaint is operating in violation of sections 44059
3301.52 to 3301.59 of the Revised Code or the rules adopted under 44060
those sections and in violation of an order to cease operation 44061
issued in accordance with Chapter 119. of the Revised Code. 44062

(E) The department of education shall prepare an annual 44063
report on inspections conducted under this section. The report 44064
shall include the number of inspections conducted, the number and 44065
types of violations found, and the steps taken to address the 44066
violations. The department shall file the report with the 44067
governor, the president and minority leader of the senate, and the 44068
speaker and minority leader of the house of representatives on or 44069
before the first day of January of each year, beginning in 1999. 44070

Sec. 3301.58. (A) The department of education is responsible 44071
for the licensing of preschool programs and school child programs 44072
and for the enforcement of sections 3301.52 to 3301.59 of the 44073
Revised Code and of any rules adopted under those sections. No 44074
school district board of education, county DD board, community 44075
school, or eligible nonpublic school shall operate, establish, 44076
manage, conduct, or maintain a preschool program without a license 44077
issued under this section. A school district board of education, 44078
county DD board, community school, or eligible nonpublic school 44079
may obtain a license under this section for a school child 44080
program. The school district board of education, county DD board, 44081
community school, or eligible nonpublic school shall post the 44082

license for each preschool program and licensed school child 44083
program it operates, establishes, manages, conducts, or maintains 44084
in a conspicuous place in the preschool program or licensed school 44085
child program that is accessible to parents, custodians, or 44086
guardians and employees and staff members of the program at all 44087
times when the program is in operation. 44088

(B) Any school district board of education, county DD board, 44089
community school, or eligible nonpublic school that desires to 44090
operate, establish, manage, conduct, or maintain a preschool 44091
program shall apply to the department of education for a license 44092
on a form that the department shall prescribe by rule. Any school 44093
district board of education, county DD board, community school, or 44094
eligible nonpublic school that desires to obtain a license for a 44095
school child program shall apply to the department for a license 44096
on a form that the department shall prescribe by rule. The 44097
department shall provide at no charge to each applicant for a 44098
license under this section a copy of the requirements under 44099
sections 3301.52 to 3301.59 of the Revised Code and any rules 44100
adopted under those sections. The department may establish 44101
application fees by rule adopted under Chapter 119. of the Revised 44102
Code, and all applicants for a license shall pay any fee 44103
established by the department at the time of making an application 44104
for a license. All fees collected pursuant to this section shall 44105
be paid into the state treasury to the credit of the general 44106
revenue fund. 44107

(C) Upon the filing of an application for a license, the 44108
department of education shall investigate and inspect the 44109
preschool program or school child program to determine the license 44110
capacity for each age category of children of the program and to 44111
determine whether the program complies with sections 3301.52 to 44112
3301.59 of the Revised Code and any rules adopted under those 44113
sections. When, after investigation and inspection, the department 44114

of education is satisfied that sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are complied with by the applicant, the department of education shall issue the program a provisional license as soon as practicable in the form and manner prescribed by the rules of the department. The provisional license shall be valid for one year from the date of issuance unless revoked.

(D) The department of education shall investigate and inspect a preschool program or school child program that has been issued a provisional license at least once during operation under the provisional license. If, after the investigation and inspection, the department of education determines that the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are met by the provisional licensee, the department of education shall issue the program a license. The license shall remain valid unless revoked or the program ceases operations.

(E) The department of education annually shall investigate and inspect each preschool program or school child program licensed under division (D) of this section to determine if the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are met by the program, and shall notify the program of the results.

(F) The license or provisional license shall state the name of the school district board of education, county DD board, community school, or eligible nonpublic school that operates the preschool program or school child program and the license capacity of the program.

(G) The department of education may revoke the license of any preschool program or school child program that is not in compliance with the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections.

(H) If the department of education revokes a license, the 44147
department shall not issue a license to the program within two 44148
years from the date of the revocation. All actions of the 44149
department with respect to licensing preschool programs and school 44150
child programs shall be in accordance with Chapter 119. of the 44151
Revised Code. 44152

Sec. 3301.922. The department of education shall issue an 44153
annual report on the participation by public and chartered 44154
nonpublic schools in the option of sections 3313.674, 3314.15, and 44155
3326.26 of the Revised Code to screen students for body mass index 44156
and weight status category. The department shall include in the 44157
report any data regarding student health and wellness collected in 44158
conjunction with those sections. The department shall submit each 44159
report to the governor, and the general assembly, ~~and the healthy~~ 44160
~~choices for healthy children council.~~ 44161

Sec. 3301.923. ~~Upon receipt of the initial recommendations of~~ 44162
~~the healthy choices for healthy children council required by~~ 44163
~~division (C) of section 3301.921 of the Revised Code, the~~ The 44164
department of education shall establish a clearinghouse of best 44165
practices that schools may use to promote student health. The 44166
department shall update the clearinghouse as necessary ~~to reflect~~ 44167
~~subsequent recommendations of the council.~~ 44168

Sec. 3302.02. Not later than one year after the adoption of 44169
rules under division (D) of section 3301.0712 of the Revised Code 44170
and at least every sixth year thereafter, upon recommendations of 44171
the superintendent of public instruction, the state board of 44172
education shall establish a set of performance indicators that 44173
considered as a unit will be used as one of the performance 44174
categories for the report cards required by section 3302.03 of the 44175
Revised Code. In establishing these indicators, the superintendent 44176

shall consider inclusion of student performance on assessments 44177
prescribed under section 3301.0710 or 3301.0712 of the Revised 44178
Code, rates of student improvement on such assessments, the 44179
breadth of coursework available within the district, and other 44180
indicators of student success. 44181

Beginning with the report card for the 2014-2015 school year, 44182
the performance indicators shall include an indicator that 44183
reflects the level of services provided to, and the performance 44184
of, students identified as gifted under Chapter 3324. of the 44185
Revised Code. The indicator shall include the performance of 44186
students identified as gifted on state assessments and value-added 44187
growth measure disaggregated for students identified as gifted. 44188

For the 2013-2014 school year, except as otherwise provided 44189
in this section, for any indicator based on the percentage of 44190
students attaining a proficient score on the assessments 44191
prescribed by divisions (A) and (B)(1) of section 3301.0710 of the 44192
Revised Code, a school district or building shall be considered to 44193
have met the indicator if at least eighty per cent of the tested 44194
students attain a score of proficient or higher on the assessment. 44195
A school district or building shall be considered to have met the 44196
indicator for the assessments prescribed by division (B)(1) of 44197
section 3301.0710 of the Revised Code and only as administered to 44198
eleventh grade students, if at least eighty-five per cent of the 44199
tested students attain a score of proficient or higher on the 44200
assessment. ~~Not later than July 1, 2014, the~~ 44201

The state board may shall adopt rules, under Chapter 119. of 44202
the Revised Code, to establish ~~different~~ proficiency percentages 44203
to meet each indicator that is based on a state assessment, 44204
prescribed under section 3301.0710 or 3301.0712 of the Revised 44205
Code, for the 2014-2015 school year and thereafter by the 44206
following dates: 44207

(A) Not later than December 31, 2015, for the 2014-2015 44208

school year; 44209

(B) Not later than July 1, 2016, for the 2015-2016 school 44210
year; 44211

(C) Not later than July 1, 2017, for the 2016-2017 school 44212
year, and for each school year thereafter. 44213

~~The superintendent shall not establish any performance~~ 44214
~~indicator for passage of the third or fourth grade English~~ 44215
~~language arts assessment that is solely based on the assessment~~ 44216
~~given in the fall for the purpose of determining whether students~~ 44217
~~have met the reading guarantee provisions of section 3313.608 of~~ 44218
~~the Revised Code.~~ 44219

Sec. 3302.03. Annually, not later than the fifteenth day of 44220
September or the preceding Friday when that day falls on a 44221
Saturday or Sunday, the department of education shall assign a 44222
letter grade for overall academic performance and for each 44223
separate performance measure for each school district, and each 44224
school building in a district, in accordance with this section. 44225
The state board shall adopt rules pursuant to Chapter 119. of the 44226
Revised Code to establish performance criteria for each letter 44227
grade and prescribe a method by which the department assigns each 44228
letter grade. For a school building to which any of the 44229
performance measures do not apply, due to grade levels served by 44230
the building, the state board shall designate the performance 44231
measures that are applicable to the building and that must be 44232
calculated separately and used to calculate the building's overall 44233
grade. The department shall issue annual report cards reflecting 44234
the performance of each school district, each building within each 44235
district, and for the state as a whole using the performance 44236
measures and letter grade system described in this section. The 44237
department shall include on the report card for each district and 44238
each building within each district the most recent two-year trend 44239

data in student achievement for each subject and each grade. 44240

(A)(1) For the 2012-2013 school year, the department shall 44241
issue grades as described in division (E) of this section for each 44242
of the following performance measures: 44243

(a) Annual measurable objectives; 44244

(b) Performance index score for a school district or 44245
building. Grades shall be awarded as a percentage of the total 44246
possible points on the performance index system as adopted by the 44247
state board. In adopting benchmarks for assigning letter grades 44248
under division (A)(1)(b) of this section, the state board of 44249
education shall designate ninety per cent or higher for an "A," at 44250
least seventy per cent but not more than eighty per cent for a 44251
"C," and less than fifty per cent for an "F." 44252

(c) The extent to which the school district or building meets 44253
each of the applicable performance indicators established by the 44254
state board under section 3302.02 of the Revised Code and the 44255
percentage of applicable performance indicators that have been 44256
achieved. In adopting benchmarks for assigning letter grades under 44257
division (A)(1)(c) of this section, the state board shall 44258
designate ninety per cent or higher for an "A." 44259

(d) The four- and five-year adjusted cohort graduation rates. 44260

In adopting benchmarks for assigning letter grades under 44261
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 44262
department shall designate a four-year adjusted cohort graduation 44263
rate of ninety-three per cent or higher for an "A" and a five-year 44264
cohort graduation rate of ninety-five per cent or higher for an 44265
"A." 44266

(e) The overall score under the value-added progress 44267
dimension of a school district or building, for which the 44268
department shall use up to three years of value-added data as 44269
available. The letter grade assigned for this growth measure shall 44270

be as follows: 44271

(i) A score that is at least two standard errors of measure 44272
above the mean score shall be designated as an "A." 44273

(ii) A score that is at least one standard error of measure 44274
but less than two standard errors of measure above the mean score 44275
shall be designated as a "B." 44276

(iii) A score that is less than one standard error of measure 44277
above the mean score but greater than or equal to one standard 44278
error of measure below the mean score shall be designated as a 44279
"C." 44280

(iv) A score that is not greater than one standard error of 44281
measure below the mean score but is greater than or equal to two 44282
standard errors of measure below the mean score shall be 44283
designated as a "D." 44284

(v) A score that is not greater than two standard errors of 44285
measure below the mean score shall be designated as an "F." 44286

Whenever the value-added progress dimension is used as a 44287
graded performance measure, whether as an overall measure or as a 44288
measure of separate subgroups, the grades for the measure shall be 44289
calculated in the same manner as prescribed in division (A)(1)(e) 44290
of this section. 44291

(f) The value-added progress dimension score for a school 44292
district or building disaggregated for each of the following 44293
subgroups: students identified as gifted, students with 44294
disabilities, and students whose performance places them in the 44295
lowest quintile for achievement on a statewide basis. Each 44296
subgroup shall be a separate graded measure. 44297

(2) Not later than April 30, 2013, the state board of 44298
education shall adopt a resolution describing the performance 44299
measures, benchmarks, and grading system for the 2012-2013 school 44300

year and, not later than June 30, 2013, shall adopt rules in 44301
accordance with Chapter 119. of the Revised Code that prescribe 44302
the methods by which the performance measures under division 44303
(A)(1) of this section shall be assessed and assigned a letter 44304
grade, including performance benchmarks for each letter grade. 44305

At least forty-five days prior to the state board's adoption 44306
of rules to prescribe the methods by which the performance 44307
measures under division (A)(1) of this section shall be assessed 44308
and assigned a letter grade, the department shall conduct a public 44309
presentation before the standing committees of the house of 44310
representatives and the senate that consider education legislation 44311
describing such methods, including performance benchmarks. 44312

(3) There shall not be an overall letter grade for a school 44313
district or building for the 2012-2013 school year. 44314

(B)(1) For the 2013-2014 and 2014-2015 school ~~year~~ years, the 44315
department shall issue grades as described in division (E) of this 44316
section for each of the following performance measures: 44317

(a) Annual measurable objectives; 44318

(b) Performance index score for a school district or 44319
building. Grades shall be awarded as a percentage of the total 44320
possible points on the performance index system as created by the 44321
department. In adopting benchmarks for assigning letter grades 44322
under division (B)(1)(b) of this section, the state board shall 44323
designate ninety per cent or higher for an "A," at least seventy 44324
per cent but not more than eighty per cent for a "C," and less 44325
than fifty per cent for an "F." 44326

(c) The extent to which the school district or building meets 44327
each of the applicable performance indicators established by the 44328
state board under section 3302.03 of the Revised Code and the 44329
percentage of applicable performance indicators that have been 44330
achieved. In adopting benchmarks for assigning letter grades under 44331

division (B)(1)(c) of this section, the state board shall 44332
designate ninety per cent or higher for an "A." 44333

(d) The four- and five-year adjusted cohort graduation rates; 44334

(e) The overall score under the value-added progress 44335
dimension of a school district or building, for which the 44336
department shall use up to three years of value-added data as 44337
available. 44338

(f) The value-added progress dimension score for a school 44339
district or building disaggregated for each of the following 44340
subgroups: students identified as gifted in superior cognitive 44341
ability and specific academic ability fields under Chapter 3324. 44342
of the Revised Code, students with disabilities, and students 44343
whose performance places them in the lowest quintile for 44344
achievement on a statewide basis. Each subgroup shall be a 44345
separate graded measure. 44346

(g) Whether a school district or building is making progress 44347
in improving literacy in grades kindergarten through three, as 44348
determined using a method prescribed by the state board. The state 44349
board shall adopt rules to prescribe benchmarks and standards for 44350
assigning grades to districts and buildings for purposes of 44351
division (B)(1)(g) of this section. In adopting benchmarks for 44352
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 44353
this section, the state board shall determine progress made based 44354
on the reduction in the total percentage of students scoring below 44355
grade level, or below proficient, compared from year to year on 44356
the reading and writing diagnostic assessments administered under 44357
section 3301.0715 of the Revised Code and the third grade English 44358
language arts assessment under section 3301.0710 of the Revised 44359
Code, as applicable. The state board shall designate for a "C" 44360
grade a value that is not lower than the statewide average value 44361
for this measure. No grade shall be issued under divisions 44362
(B)(1)(g) and (C)(1)(g) of this section for a district or building 44363

in which less than five per cent of students have scored below 44364
grade level on the diagnostic assessment administered to students 44365
in kindergarten under division (B)(1) of section 3313.608 of the 44366
Revised Code. 44367

(h) For a high mobility school district or building, an 44368
additional value-added progress dimension score. For this measure, 44369
the department shall use value-added data from the most recent 44370
school year available and shall use assessment scores for only 44371
those students to whom the district or building has administered 44372
the assessments prescribed by section 3301.0710 of the Revised 44373
Code for each of the two most recent consecutive school years. 44374

As used in this division, "high mobility school district or 44375
building" means a school district or building where at least 44376
twenty-five per cent of its total enrollment is made up of 44377
students who have attended that school district or building for 44378
less than one year. 44379

(2) In addition to the graded measures in division (B)(1) of 44380
this section, the department shall include on a school district's 44381
or building's report card all of the following without an assigned 44382
letter grade: 44383

(a) The percentage of students enrolled in a district or 44384
building participating in advanced placement classes and the 44385
percentage of those students who received a score of three or 44386
better on advanced placement examinations; 44387

(b) The number of a district's or building's students who 44388
have earned at least three college credits through dual enrollment 44389
or advanced standing programs, such as the post-secondary 44390
enrollment options program under Chapter 3365. of the Revised Code 44391
and state-approved career-technical courses offered through dual 44392
enrollment or statewide articulation, that appear on a student's 44393
transcript or other official document, either of which is issued 44394

by the institution of higher education from which the student 44395
earned the college credit. The credits earned that are reported 44396
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 44397
include any that are remedial or developmental and shall include 44398
those that count toward the curriculum requirements established 44399
for completion of a degree. 44400

(c) The percentage of students enrolled in a district or 44401
building who have taken a national standardized test used for 44402
college admission determinations and the percentage of those 44403
students who are determined to be remediation-free in accordance 44404
with standards adopted under division (F) of section 3345.061 of 44405
the Revised Code; 44406

(d) The percentage of the district's or the building's 44407
students who receive industry-recognized credentials. The state 44408
board shall adopt criteria for acceptable industry-recognized 44409
credentials. 44410

(e) The percentage of students enrolled in a district or 44411
building who are participating in an international baccalaureate 44412
program and the percentage of those students who receive a score 44413
of four or better on the international baccalaureate examinations. 44414

(f) The percentage of the district's or building's students 44415
who receive an honors diploma under division (B) of section 44416
3313.61 of the Revised Code. 44417

(3) Not later than December 31, 2013, the state board shall 44418
adopt rules in accordance with Chapter 119. of the Revised Code 44419
that prescribe the methods by which the performance measures under 44420
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 44421
and assigned a letter grade, including performance benchmarks for 44422
each grade. 44423

At least forty-five days prior to the state board's adoption 44424
of rules to prescribe the methods by which the performance 44425

measures under division (B)(1) of this section shall be assessed 44426
and assigned a letter grade, the department shall conduct a public 44427
presentation before the standing committees of the house of 44428
representatives and the senate that consider education legislation 44429
describing such methods, including performance benchmarks. 44430

(4) There shall not be an overall letter grade for a school 44431
district or building for the 2013-2014, 2014-2015, 2015-2016, and 44432
2016-2017 school year years. 44433

(C)(1) For the 2014-2015 school year and each school year 44434
thereafter, the department shall issue grades as described in 44435
division (E) of this section for each of the performance measures 44436
prescribed in division (C)(1) of this section ~~and an overall~~ 44437
~~letter grade based on an aggregate of those measures, except for~~ 44438
~~the performance measure set forth in division (C)(1)(h) of this~~ 44439
~~section.~~ The graded measures are as follows: 44440

(a) Annual measurable objectives; 44441

(b) Performance index score for a school district or 44442
building. Grades shall be awarded as a percentage of the total 44443
possible points on the performance index system as created by the 44444
department. In adopting benchmarks for assigning letter grades 44445
under division (C)(1)(b) of this section, the state board shall 44446
designate ninety per cent or higher for an "A," at least seventy 44447
per cent but not more than eighty per cent for a "C," and less 44448
than fifty per cent for an "F." 44449

(c) The extent to which the school district or building meets 44450
each of the applicable performance indicators established by the 44451
state board under section 3302.03 of the Revised Code and the 44452
percentage of applicable performance indicators that have been 44453
achieved. In adopting benchmarks for assigning letter grades under 44454
division (C)(1)(c) of this section, the state board shall 44455
designate ninety per cent or higher for an "A." 44456

(d) The four- and five-year adjusted cohort graduation rates; 44457

(e) The overall score under the value-added progress 44458
dimension, or another measure of student academic progress if 44459
adopted by the state board, of a school district or building, for 44460
which the department shall use up to three years of value-added 44461
data as available. 44462

In adopting benchmarks for assigning letter grades for 44463
overall score on value-added progress dimension under division 44464
(C)(1)(e) of this section, the state board shall prohibit the 44465
assigning of a grade of "A" for that measure unless the district's 44466
or building's grade assigned for value-added progress dimension 44467
for all subgroups under division (C)(1)(f) of this section is a 44468
"B" or higher. 44469

For the metric prescribed by division (C)(1)(e) of this 44470
section, the state board may adopt a student academic progress 44471
measure to be used instead of the value-added progress dimension. 44472
If the state board adopts such a measure, it also shall prescribe 44473
a method for assigning letter grades for the new measure that is 44474
comparable to the method prescribed in division (A)(1)(e) of this 44475
section. 44476

(f) The value-added progress dimension score of a school 44477
district or building disaggregated for each of the following 44478
subgroups: students identified as gifted in superior cognitive 44479
ability and specific academic ability fields under Chapter 3324. 44480
of the Revised Code, students with disabilities, and students 44481
whose performance places them in the lowest quintile for 44482
achievement on a statewide basis, as determined by a method 44483
prescribed by the state board. Each subgroup shall be a separate 44484
graded measure. 44485

The state board may adopt student academic progress measures 44486
to be used instead of the value-added progress dimension. If the 44487

state board adopts such measures, it also shall prescribe a method 44488
for assigning letter grades for the new measures that is 44489
comparable to the method prescribed in division (A)(1)(e) of this 44490
section. 44491

(g) Whether a school district or building is making progress 44492
in improving literacy in grades kindergarten through three, as 44493
determined using a method prescribed by the state board. The state 44494
board shall adopt rules to prescribe benchmarks and standards for 44495
assigning grades to a district or building for purposes of 44496
division (C)(1)(g) of this section. The state board shall 44497
designate for a "C" grade a value that is not lower than the 44498
statewide average value for this measure. No grade shall be issued 44499
under division (C)(1)(g) of this section for a district or 44500
building in which less than five per cent of students have scored 44501
below grade level on the kindergarten diagnostic assessment under 44502
division (B)(1) of section 3313.608 of the Revised Code. 44503

(h) For a high mobility school district or building, an 44504
additional value-added progress dimension score. For this measure, 44505
the department shall use value-added data from the most recent 44506
school year available and shall use assessment scores for only 44507
those students to whom the district or building has administered 44508
the assessments prescribed by section 3301.0710 of the Revised 44509
Code for each of the two most recent consecutive school years. 44510

As used in this division, "high mobility school district or 44511
building" means a school district or building where at least 44512
twenty-five per cent of its total enrollment is made up of 44513
students who have attended that school district or building for 44514
less than one year. 44515

(2) In addition to the graded measures in division (C)(1) of 44516
this section, the department shall include on a school district's 44517
or building's report card all of the following without an assigned 44518
letter grade: 44519

(a) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with the standards adopted under division (F) of section 3345.061 of the Revised Code;

(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;

(e) The percentage of the district's or building's students who receive industry-recognized credentials;

(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;

(g) The results of the college and career-ready assessments 44551
administered under division (B)(1) of section 3301.0712 of the 44552
Revised Code. 44553

(3) The state board shall adopt rules pursuant to Chapter 44554
119. of the Revised Code that establish a method to assign an 44555
overall grade for a school district or school building for the 44556
~~2014-2015~~ 2017-2018 school year and each school year thereafter. 44557
The rules shall group the performance measures in divisions (C)(1) 44558
and (2) of this section into the following components: 44559

(a) Gap closing, which shall include the performance measure 44560
in division (C)(1)(a) of this section; 44561

(b) Achievement, which shall include the performance measures 44562
in divisions (C)(1)(b) and (c) of this section; 44563

(c) Progress, which shall include the performance measures in 44564
divisions (C)(1)(e) and (f) of this section; 44565

(d) Graduation, which shall include the performance measure 44566
in division (C)(1)(d) of this section; 44567

(e) Kindergarten through third-grade literacy, which shall 44568
include the performance measure in division (C)(1)(g) of this 44569
section; 44570

(f) Prepared for success, which shall include the performance 44571
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 44572
this section. The state board shall develop a method to determine 44573
a grade for the component in division (C)(3)(f) of this section 44574
using the performance measures in divisions (C)(2)(a), (b), (c), 44575
(d), (e), and (f) of this section. When available, the state board 44576
may incorporate the performance measure under division (C)(2)(g) 44577
of this section into the component under division (C)(3)(f) of 44578
this section. When determining the overall grade for the prepared 44579
for success component prescribed by division (C)(3)(f) of this 44580
section, no individual student shall be counted in more than one 44581

performance measure. However, if a student qualifies for more than 44582
one performance measure in the component, the state board may, in 44583
its method to determine a grade for the component, specify an 44584
additional weight for such a student that is not greater than or 44585
equal to 1.0. In determining the overall score under division 44586
(C)(3)(f) of this section, the state board shall ensure that the 44587
pool of students included in the performance measures aggregated 44588
under that division are all of the students included in the four- 44589
and five-year adjusted graduation cohort. 44590

In the rules adopted under division (C)(3) of this section, 44591
the state board shall adopt a method for determining a grade for 44592
each component in divisions (C)(3)(a) to (f) of this section. The 44593
state board also shall establish a method to assign an overall 44594
grade of "A," "B," "C," "D," or "F" using the grades assigned for 44595
each component. The method the state board adopts for assigning an 44596
overall grade shall give equal weight to the components in 44597
divisions (C)(3)(b) and (c) of this section. 44598

At least forty-five days prior to the state board's adoption 44599
of rules to prescribe the methods for calculating the overall 44600
grade for the report card, as required by this division, the 44601
department shall conduct a public presentation before the standing 44602
committees of the house of representatives and the senate that 44603
consider education legislation describing the format for the 44604
report card, weights that will be assigned to the components of 44605
the overall grade, and the method for calculating the overall 44606
grade. 44607

(D) ~~Not later~~ On or after than July 1, 2015, the state board 44608
~~shall~~ may develop a measure of student academic progress for high 44609
school students using only data from assessments in English 44610
language arts and mathematics. ~~For the 2014-2015 school year, the~~ 44611
~~department shall include this measure on a school district or~~ 44612
~~building's report card, as applicable, without an assigned letter~~ 44613

~~grade. Beginning with the report card for the 2015-2016 school~~ 44614
~~year. If the state board develops this measure,~~ 44615
district and applicable school building shall be assigned a 44616
separate letter grade for ~~this measure and the~~ if not sooner than 44617
the 2017-2018 school year. The district's or building's grade for 44618
that measure shall not be included in determining the district's 44619
or building's overall letter grade. ~~This measure shall be included~~ 44620
~~within the measure prescribed in division (C)(3)(c) of this~~ 44621
~~section in the calculation for the overall letter grade.~~ 44622

(E) The letter grades assigned to a school district or 44623
building under this section shall be as follows: 44624

(1) "A" for a district or school making excellent progress; 44625

(2) "B" for a district or school making above average 44626
progress; 44627

(3) "C" for a district or school making average progress; 44628

(4) "D" for a district or school making below average 44629
progress; 44630

(5) "F" for a district or school failing to meet minimum 44631
progress. 44632

(F) When reporting data on student achievement and progress, 44633
the department shall disaggregate that data according to the 44634
following categories: 44635

(1) Performance of students by grade-level; 44636

(2) Performance of students by race and ethnic group; 44637

(3) Performance of students by gender; 44638

(4) Performance of students grouped by those who have been 44639
enrolled in a district or school for three or more years; 44640

(5) Performance of students grouped by those who have been 44641
enrolled in a district or school for more than one year and less 44642

than three years; 44643

(6) Performance of students grouped by those who have been 44644
enrolled in a district or school for one year or less; 44645

(7) Performance of students grouped by those who are 44646
economically disadvantaged; 44647

(8) Performance of students grouped by those who are enrolled 44648
in a conversion community school established under Chapter 3314. 44649
of the Revised Code; 44650

(9) Performance of students grouped by those who are 44651
classified as limited English proficient; 44652

(10) Performance of students grouped by those who have 44653
disabilities; 44654

(11) Performance of students grouped by those who are 44655
classified as migrants; 44656

(12) Performance of students grouped by those who are 44657
identified as gifted in superior cognitive ability and the 44658
specific academic ability fields of reading and math pursuant to 44659
Chapter 3324. of the Revised Code. In disaggregating specific 44660
academic ability fields for gifted students, the department shall 44661
use data for those students with specific academic ability in math 44662
and reading. If any other academic field is assessed, the 44663
department shall also include data for students with specific 44664
academic ability in that field as well. 44665

(13) Performance of students grouped by those who perform in 44666
the lowest quintile for achievement on a statewide basis, as 44667
determined by a method prescribed by the state board. 44668

The department may disaggregate data on student performance 44669
according to other categories that the department determines are 44670
appropriate. To the extent possible, the department shall 44671
disaggregate data on student performance according to any 44672

combinations of two or more of the categories listed in divisions 44673
(F)(1) to (13) of this section that it deems relevant. 44674

In reporting data pursuant to division (F) of this section, 44675
the department shall not include in the report cards any data 44676
statistical in nature that is statistically unreliable or that 44677
could result in the identification of individual students. For 44678
this purpose, the department shall not report student performance 44679
data for any group identified in division (F) of this section that 44680
contains less than ten students. If the department does not report 44681
student performance data for a group because it contains less than 44682
ten students, the department shall indicate on the report card 44683
that is why data was not reported. 44684

(G) The department may include with the report cards any 44685
additional education and fiscal performance data it deems 44686
valuable. 44687

(H) The department shall include on each report card a list 44688
of additional information collected by the department that is 44689
available regarding the district or building for which the report 44690
card is issued. When available, such additional information shall 44691
include student mobility data disaggregated by race and 44692
socioeconomic status, college enrollment data, and the reports 44693
prepared under section 3302.031 of the Revised Code. 44694

The department shall maintain a site on the world wide web. 44695
The report card shall include the address of the site and shall 44696
specify that such additional information is available to the 44697
public at that site. The department shall also provide a copy of 44698
each item on the list to the superintendent of each school 44699
district. The district superintendent shall provide a copy of any 44700
item on the list to anyone who requests it. 44701

(I) Division (I) of this section does not apply to conversion 44702
community schools that primarily enroll students between sixteen 44703

and twenty-two years of age who dropped out of high school or are 44704
at risk of dropping out of high school due to poor attendance, 44705
disciplinary problems, or suspensions. 44706

(1) For any district that sponsors a conversion community 44707
school under Chapter 3314. of the Revised Code, the department 44708
shall combine data regarding the academic performance of students 44709
enrolled in the community school with comparable data from the 44710
schools of the district for the purpose of determining the 44711
performance of the district as a whole on the report card issued 44712
for the district under this section or section 3302.033 of the 44713
Revised Code. 44714

(2) Any district that leases a building to a community school 44715
located in the district or that enters into an agreement with a 44716
community school located in the district whereby the district and 44717
the school endorse each other's programs may elect to have data 44718
regarding the academic performance of students enrolled in the 44719
community school combined with comparable data from the schools of 44720
the district for the purpose of determining the performance of the 44721
district as a whole on the district report card. Any district that 44722
so elects shall annually file a copy of the lease or agreement 44723
with the department. 44724

(3) Any municipal school district, as defined in section 44725
3311.71 of the Revised Code, that sponsors a community school 44726
located within the district's territory, or that enters into an 44727
agreement with a community school located within the district's 44728
territory whereby the district and the community school endorse 44729
each other's programs, may exercise either or both of the 44730
following elections: 44731

(a) To have data regarding the academic performance of 44732
students enrolled in that community school combined with 44733
comparable data from the schools of the district for the purpose 44734
of determining the performance of the district as a whole on the 44735

district's report card; 44736

(b) To have the number of students attending that community 44737
school noted separately on the district's report card. 44738

The election authorized under division (I)(3)(a) of this 44739
section is subject to approval by the governing authority of the 44740
community school. 44741

Any municipal school district that exercises an election to 44742
combine or include data under division (I)(3) of this section, by 44743
the first day of October of each year, shall file with the 44744
department documentation indicating eligibility for that election, 44745
as required by the department. 44746

(J) The department shall include on each report card the 44747
percentage of teachers in the district or building who are highly 44748
qualified, as defined by the No Child Left Behind Act of 2001, and 44749
a comparison of that percentage with the percentages of such 44750
teachers in similar districts and buildings. 44751

(K)(1) In calculating English language arts, mathematics, 44752
social studies, or science assessment passage rates used to 44753
determine school district or building performance under this 44754
section, the department shall include all students taking an 44755
assessment with accommodation or to whom an alternate assessment 44756
is administered pursuant to division (C)(1) or (3) of section 44757
3301.0711 of the Revised Code. 44758

(2) In calculating performance index scores, rates of 44759
achievement on the performance indicators established by the state 44760
board under section 3302.02 of the Revised Code, and annual 44761
measurable objectives for determining adequate yearly progress for 44762
school districts and buildings under this section, the department 44763
shall do all of the following: 44764

(a) Include for each district or building only those students 44765
who are included in the ADM certified for the first full school 44766

week of October and are continuously enrolled in the district or 44767
building through the time of the spring administration of any 44768
assessment prescribed by division (A)(1) or (B)(1) of section 44769
3301.0710 or division (B) of section 3301.0712 of the Revised Code 44770
that is administered to the student's grade level; 44771

(b) Include cumulative totals from both the fall and spring 44772
administrations of the third grade English language arts 44773
achievement assessment; 44774

(c) Except as required by the No Child Left Behind Act of 44775
2001, exclude for each district or building any limited English 44776
proficient student who has been enrolled in United States schools 44777
for less than one full school year. 44778

(L) Beginning with the 2015-2016 school year and at least 44779
once every three years thereafter, the state board of education 44780
shall review and may adjust the benchmarks for assigning letter 44781
grades to the performance measures and components prescribed under 44782
divisions (C)(3) and (D) of this section. 44783

Sec. 3302.036. (A) Notwithstanding anything in the Revised 44784
Code to the contrary, the department of education shall not assign 44785
an overall letter grade under division (C)(3) of section 3302.03 44786
of the Revised Code for any school district or building for the 44787
2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years, may, at the 44788
discretion of the state board of education, not assign an 44789
individual grade to any component prescribed under division (C)(3) 44790
of section 3302.03 of the Revised Code, and shall not rank school 44791
districts, community schools established under Chapter 3314. of 44792
the Revised Code, or STEM schools established under Chapter 3326. 44793
of the Revised Code under section 3302.21 of the Revised Code for 44794
~~that~~ those school ~~year~~ years. The report card ratings issued for 44795
the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years shall not 44796
be considered in determining whether a school district or a school 44797

is subject to sanctions or penalties. However, the report card 44798
ratings of any previous or subsequent years shall be considered in 44799
determining whether a school district or building is subject to 44800
sanctions or penalties. Accordingly, the report card ratings for 44801
the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years shall 44802
have no effect in determining sanctions or penalties, but shall 44803
not create a new starting point for determinations that are based 44804
on ratings over multiple years. 44805

(B) The provisions from which a district or school is exempt 44806
under division (A) of this section shall be the following: 44807

(1) Any restructuring provisions established under this 44808
chapter, except as required under the "No Child Left Behind Act of 44809
2001"; 44810

(2) Provisions for the Columbus city school pilot project 44811
under section 3302.042 of the Revised Code; 44812

(3) Provisions for academic distress commissions under 44813
section 3302.10 of the Revised Code; 44814

(4) Provisions prescribing new buildings where students are 44815
eligible for the educational choice scholarships under section 44816
3310.03 of the Revised Code; 44817

(5) Provisions defining "challenged school districts" in 44818
which new start-up community schools may be located, as prescribed 44819
in section 3314.02 of the Revised Code; 44820

(6) Provisions prescribing community school closure 44821
requirements under section 3314.35 or 3314.351 of the Revised 44822
Code. 44823

(C) Notwithstanding anything in the Revised Code to the 44824
contrary and except as provided in Section 3 of H.B. 7 of the 44825
131st general assembly, no school district, community school, or 44826
STEM school shall utilize at any time during a student's academic 44827

career a student's score on any assessment administered under 44828
division (A) of section 3301.0710 or division (B)(2) of section 44829
3301.0712 of the Revised Code in the 2014-2015, 2015-2016, or 44830
2016-2017 school year as a factor in any decision to promote or to 44831
deny the student promotion to a higher grade level or in any 44832
decision to grant course credit. No individual student score 44833
reports on such assessments administered in the 2014-2015, 44834
2015-2016, or 2016-2017 school ~~year~~ years shall be released, 44835
except to a student's school district or school or to the student 44836
or the student's parent or guardian. 44837

Sec. 3302.05. The state board of education shall adopt rules 44838
freeing school districts from specified state mandates if one of 44839
the following applies: 44840

(A) For the 2011-2012 school year, the school district was 44841
declared to be excellent under section 3302.03 of the Revised 44842
Code, as that section existed prior to ~~the effective date of this~~ 44843
~~section~~ March 22, 2013, and had above expected growth in the 44844
overall value-added measure. 44845

(B) For the 2012-2013 school year, the school district 44846
received a grade of "A" for the number of performance indicators 44847
met under division (A)(1)(c) of section 3302.03 of the Revised 44848
Code and for the value-added dimension under division (A)(1)(e) of 44849
section 3302.03 of the Revised Code. 44850

(C) For the 2013-2014, 2014-2015, or 2015-2016 school year, 44851
the school district received a grade of "A" for the number of 44852
performance indicators met under division (B)(1)(c) of section 44853
3302.03 of the Revised Code and for the value-added dimension 44854
under division (B)(1)(e) of section 3302.03 of the Revised Code. 44855

(D) For the ~~2014-2015~~ 2016-2017 school year and for each 44856
school year thereafter, the school district received an overall 44857
grade of "A" under division (C)(3) of section 3302.03 of the 44858

Revised Code. 44859

Any mandates included in the rules shall be only those 44860
statutes or rules pertaining to state education requirements. The 44861
rules shall not exempt districts from any operating standard 44862
adopted under division (D)(3) of section 3301.07 of the Revised 44863
Code. 44864

Sec. 3302.15. (A) Notwithstanding anything to the contrary in 44865
Chapter 3301. or 3302. of the Revised Code, the board of education 44866
of a school district, governing authority of a community school 44867
established under Chapter 3314. of the Revised Code, or governing 44868
body of a STEM school established under Chapter 3326. of the 44869
Revised Code may submit to the superintendent of public 44870
instruction, during the 2015-2016 school year, a request for a 44871
waiver for up to five school years from administering the state 44872
achievement assessments required under sections 3301.0710 and 44873
3301.0712 of the Revised Code and related requirements specified 44874
under division ~~(C)~~(B)(2) of this section. A district or school 44875
that obtains a waiver under this section shall use the alternative 44876
assessment system, as proposed by the district or school and as 44877
approved by the state superintendent, in place of the assessments 44878
required under sections 3301.0710 and 3301.0712 of the Revised 44879
Code. 44880

~~(B) To be eligible to submit a request for a waiver under~~ 44881
~~this section, a school district shall be a member of the Ohio~~ 44882
~~innovation lab network.~~ 44883

~~(C)~~(1) A request for a waiver under this section shall 44884
contain the following: 44885

(a) A timeline to develop and implement an alternative 44886
assessment system for the ~~school~~ district or school; 44887

(b) An overview of the proposed innovative educational 44888

programs or strategies to be offered by the ~~school~~ district or 44889
school; 44890

(c) An overview of the proposed alternative assessment 44891
system, ~~including links to state-accepted and nationally accepted~~ 44892
~~metrics, assessments, and evaluations;~~ 44893

(d) An overview of planning details that have been 44894
implemented or proposed and any documented support from 44895
educational networks, established educational consultants, state 44896
institutions of higher education as defined under section 3345.011 44897
of the Revised Code, and employers or workforce development 44898
partners; 44899

(e) An overview of the capacity to implement the alternative 44900
assessments, conduct the evaluation of teachers with alternative 44901
assessments, and the reporting of student achievement data with 44902
alternative assessments for the purpose of the report card ratings 44903
prescribed under section 3302.03 of the Revised Code, all of which 44904
shall include any prior success in implementing innovative 44905
educational programs or strategies, teaching practices, or 44906
assessment practices; 44907

(f) An acknowledgement by the ~~school~~ district or school of 44908
federal funding that may be impacted by obtaining a waiver. 44909

(2) The request for a waiver shall indicate the extent to 44910
which exemptions from state or federal requirements regarding the 44911
administration of the assessments required under sections 44912
3301.0710 and 3301.0712 of the Revised Code are sought. Such items 44913
from which a ~~school~~ district or school may be exempt are as 44914
follows: 44915

(a) The required administration of state assessments under 44916
sections 3301.0710 and 3301.0712 of the Revised Code; 44917

(b) The evaluation of teachers and administrators under 44918
sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 44919

of the Revised Code; 44920

(c) The reporting of student achievement data for the purpose 44921
of the report card ratings prescribed under section 3302.03 of the 44922
Revised Code. 44923

~~(D)~~(C) Each request for a waiver shall include the signature 44924
of all of the following: 44925

(1) The superintendent of the school district or the 44926
equivalent for a community school or STEM school; 44927

(2) The president of the district board or the equivalent for 44928
a community school or STEM school; 44929

(3) The presiding officer of the labor organization 44930
representing the district's or school's teachers, if any; 44931

(4) If the district's or school's teachers are not 44932
represented by a labor organization, the principal and a majority 44933
of the administrators and teachers of the district or school. 44934

~~(E)~~ ~~Not later than thirty days after receiving~~ ~~(D)~~ Upon 44935
receipt of a request for a waiver, the state superintendent shall 44936
approve or deny the waiver or may request additional information 44937
from the district or school. The state superintendent shall not 44938
grant waivers to more than a total of ten school districts, 44939
community schools, or STEM schools, based on requests for a waiver 44940
received during the 2015-2016 school year. A waiver granted to a 44941
~~school~~ district or school shall be contingent on an ongoing review 44942
and evaluation by the state superintendent of the program for 44943
which the waiver was granted. 44944

~~(F)~~(E)(1) For the purpose of this section, the department of 44945
education shall seek a waiver from the testing requirements 44946
prescribed under the "No Child Left Behind Act of 2001," if 44947
necessary to implement this section. 44948

(2) The department shall create a mechanism for the 44949

comparison of the alternative assessments prescribed under 44950
division ~~(C)~~(B) of this section and the assessments required under 44951
sections 3301.0710 and 3301.0712 of the Revised Code as it relates 44952
to the evaluation of teachers and student achievement data for the 44953
purpose of state report card ratings. 44954

(F) For purposes of this section, "innovative educational 44955
program or strategy" means a program or strategy using a new idea 44956
or method aimed at increasing student engagement and preparing 44957
students to be college or career ready. 44958

Sec. 3304.171. (A) As used in this section, "OhioMeansJobs" 44959
has the same meaning as in section 6301.01 of the Revised Code. 44960

(B) Beginning January 1, 2016, each recipient of vocational 44961
rehabilitation services provided under section 3304.17 of the 44962
Revised Code shall create an account with OhioMeansJobs upon 44963
initiation of a job search as a part of receiving those services. 44964

(C) Division (B) of this section does not apply to any 44965
individual who is legally prohibited from using a computer, has a 44966
physical or visual impairment that makes the individual unable to 44967
use a computer, or has a limited ability to read, write, speak, or 44968
understand a language in which OhioMeansJobs is available. 44969

Sec. 3305.052. (A) The state retirement system that covers 44970
the position held by an employee of a public institution of higher 44971
education who makes an election under division (B)(2) or (3) of 44972
section 3305.05 or division (B) of section 3305.051 of the Revised 44973
Code to participate in the public institution's alternative 44974
retirement plan shall, not later than thirty days after the date 44975
on which the certified copy of the employee's election is filed 44976
with the state retirement system under that section, do one of the 44977
following: 44978

(1) If the employee was participating in a defined benefit 44979

plan as provided in sections 145.201 to 145.79, sections 3307.50 44980
to 3307.79, or sections 3309.18 to 3309.76 of the Revised Code, 44981
pay to the provider of the investment option selected by the 44982
employee any employee and employer contributions made to the 44983
retirement system by or on behalf of that employee for the period 44984
beginning on the employee's starting day of employment and ending 44985
on the day before the day on which contributions commence under an 44986
alternative retirement plan, less the amount due the retirement 44987
system pursuant to division (D) of section 3305.06 or 3305.062 of 44988
the Revised Code for that period. 44989

(2) If the employee was participating in a defined 44990
contribution plan as provided in section 145.81, 3307.81, or 44991
3309.81 of the Revised Code, pay to the provider of the investment 44992
option selected by the employee the amount on deposit in the 44993
employee's individual account for the period beginning on the 44994
employee's starting day of employment and ending on the day before 44995
the day on which contributions commence under an alternative 44996
retirement plan. 44997

(B) The state retirement system that covers the position held 44998
by an employee of a public institution of higher education who 44999
makes an election under division (B)(1) of section 3305.05 or 45000
division (C) of section 3305.051 of the Revised Code to 45001
participate in the public institution's alternative retirement 45002
plan shall, not later than thirty days after the date on which a 45003
certified copy of the employee's election is filed with the state 45004
retirement system under that section, do one of the following: 45005

(1) If the employee was participating in a defined benefit 45006
plan as provided in sections 145.201 to 145.79, sections 3307.50 45007
to 3307.79, or sections 3309.18 to 3309.70 of the Revised Code, 45008
pay to the provider of the investment option selected by the 45009
employee any employee and employer contributions made to the 45010
retirement system by or on behalf of that employee for any period 45011

commencing after the date on which the election becomes 45012
irrevocable under division (C)(1) of section 3305.05 of the 45013
Revised Code or the applicable date described in division 45014
(C)(2)(a) or (b) of section 3305.051 of the Revised Code and 45015
ending on the day before the day on which contributions commence 45016
under an alternative retirement plan, less the amount due the 45017
retirement system pursuant to division (D) of section 3305.06 or 45018
3305.062 of the Revised Code for that period. 45019

(2) If the employee was participating in a defined 45020
contribution plan as provided in section 145.81, 3307.81, or 45021
3309.81 of the Revised Code, pay to the provider of the investment 45022
option selected by the employee the amount on deposit in the 45023
employee's individual account for the period commencing after the 45024
date on which the election becomes irrevocable under division 45025
(C)(1) of section 3305.05 of the Revised Code and ending on the 45026
day before the day on which contributions commence under an 45027
alternative retirement plan. 45028

Sec. 3305.062. Notwithstanding section 171.07, division (D) 45029
of section 3305.06, and section 3305.061 of the Revised Code, the 45030
percentage of an electing employee's compensation contributed to 45031
the state retirement system that would otherwise cover the 45032
employee by a public institution of higher education under 45033
division (D) of section 3305.06 of the Revised Code is as follows: 45034

(A) In the case of the public employees retirement system, 45035
seventy-seven one-hundredths per cent; 45036

(B) In the case of the state teachers retirement system, four 45037
and one-half per cent; 45038

(C) In the case of the school employees retirement system, 45039
six per cent. 45040

Sec. 3305.08. Any payment, benefit, or other right accruing 45041

to any electing employee under a contract entered into for 45042
purposes of an alternative retirement plan and all moneys, 45043
investments, and income of those contracts are exempt from any 45044
state tax, except the tax imposed by section 5747.02 of the 45045
Revised Code, are exempt from any county, municipal, or other 45046
local tax, except income taxes imposed pursuant to section 45047
5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as 45048
provided in sections 3105.171, 3105.65, ~~3115.32~~ 3115.501, 3119.80, 45049
3119.81, 3121.02, 3121.03, 3123.06, 3305.09, and 3305.12 of the 45050
Revised Code, shall not be subject to execution, garnishment, 45051
attachment, the operation of bankruptcy or the insolvency law, or 45052
other process of law, and shall be unassignable except as 45053
specifically provided in this section and sections 3105.171, 45054
3105.65, 3119.80, 3119.81, 3121.02, 3121.03, ~~3115.32~~ 3115.501, and 45055
3123.06 of the Revised Code or in any contract the electing 45056
employee has entered into for purposes of an alternative 45057
retirement plan. 45058

Sec. 3305.21. (A) As used in this section, "alternate payee," 45059
"benefit," "lump sum payment," and "participant" have the same 45060
meanings as in section 3105.80 of the Revised Code. 45061

(B) On receipt of an order issued under section 3105.171 or 45062
3105.65 of the Revised Code, an entity providing a participant's 45063
alternative retirement plan shall determine whether the order 45064
meets the requirements of sections 3105.80 to 3105.90 of the 45065
Revised Code, ~~the.~~ The entity shall retain in the ~~participant's~~ 45066
participant's record an order the entity determines meets the 45067
requirements. Not later than ten days after receipt, the entity 45068
shall return to the court that issued the order any order the 45069
entity determines does not meet the requirements. 45070

(C) The entity shall comply with an order retained under 45071
division (B) of this section at the following times as 45072

appropriate: 45073

(1) If the participant has applied for or is receiving a 45074
benefit or has applied for but not yet received a lump sum 45075
payment, as soon as practicable; 45076

(2) If the participant has not applied for a benefit or lump 45077
sum payment, on application by the participant for a benefit or 45078
lump sum payment. 45079

(D) If an entity providing an alternative retirement plan is 45080
required to transfer a participant's account balance to an entity 45081
providing an alternative retirement plan that is not named in the 45082
order, the transferring entity shall do both of the following: 45083

(1) Notify the court that issued the order by sending the 45084
court a copy of the order and the name and address of the entity 45085
to which the transfer was made. 45086

(2) Send a copy of the order to the entity to which the 45087
transfer was made. 45088

(E) An entity that receives a participant's account balance 45089
and a copy of an order as provided in division (D) of this 45090
section, shall administer the order as if it were the entity named 45091
in the order. 45092

(F) If a participant's benefit or lump sum payment is or will 45093
be subject to more than one order described in section 3105.81 of 45094
the Revised Code or to an order described in section 3105.81 of 45095
the Revised Code and a withholding order under section 3111.23 or 45096
3113.21 of the Revised Code, the entity providing the alternative 45097
retirement plan shall, after determining that the amounts that are 45098
or will be withheld will cause the benefit or lump sum payment to 45099
fall below the limits described in section 3105.85 of the Revised 45100
Code, do all of the following: 45101

(1) Establish, in accordance with division (G) of this 45102

section and subject to the limits described in section 3105.85 of 45103
the Revised Code, the priority in which the orders are or will be 45104
paid; 45105

(2) Reduce the amount paid to an alternate payee based on the 45106
priority established under division (F)(1) of this section; 45107

(3) Notify, by regular mail, a participant and alternate 45108
payee of any action taken under this division. 45109

(G) A withholding or deduction notice issued under section 45110
3111.23 or 3113.21 of the Revised Code or an order described in 45111
section ~~3115.32~~ 3115.501 of the Revised Code has priority over all 45112
other orders and shall be complied with in accordance with child 45113
support enforcement laws. All other orders are entitled to 45114
priority in order of earliest retention by the entity providing a 45115
participant's alternative retirement plan. The entity is not to 45116
retain an order that provides for the division of property unless 45117
the order is filed in a court with jurisdiction in this state. 45118

(H) An entity providing an alternative retirement plan is not 45119
liable in civil damages for loss resulting from any action or 45120
failure to act in compliance with this section. 45121

Sec. 3307.152. (A) As used in this section and in section 45122
3307.154 of the Revised Code: 45123

(1) "Agent" means a dealer, as defined in section 1707.01 of 45124
the Revised Code, who is licensed under sections 1707.01 to 45125
1707.45 of the Revised Code or under comparable laws of another 45126
state or of the United States. 45127

(2) "Minority business enterprise" has the same meaning as in 45128
section 122.71 of the Revised Code. 45129

(3) "Ohio-qualified agent" means an agent designated as such 45130
by the state teachers retirement board. 45131

(4) "Ohio-qualified investment manager" means an investment 45132

manager designated as such by the state teachers retirement board. 45133

(5) "Principal place of business" means an office in which 45134
the agent regularly provides securities or investment advisory 45135
services and solicits, meets with, or otherwise communicates with 45136
clients. 45137

(B) The state teachers retirement board shall, for the 45138
purposes of this section, designate an agent as an Ohio-qualified 45139
agent if the agent meets all of the following requirements: 45140

(1) The agent is subject to taxation under Chapter 5725., 45141
5726., 5733., 5747., or 5751. of the Revised Code. 45142

(2) The agent is authorized to conduct business in this 45143
state. 45144

(3) The agent maintains a principal place of business in this 45145
state and employs at least five residents of this state. 45146

(C) The state teachers retirement board shall adopt and 45147
implement a written policy to establish criteria and procedures 45148
used to select agents to execute securities transactions on behalf 45149
of the retirement system. The policy shall address each of the 45150
following: 45151

(1) Commissions charged by the agent, both in the aggregate 45152
and on a per share basis; 45153

(2) The execution speed and trade settlement capabilities of 45154
the agent; 45155

(3) The responsiveness, reliability, and integrity of the 45156
agent; 45157

(4) The nature and value of research provided by the agent; 45158

(5) Any special capabilities of the agent. 45159

(D)(1) The board shall, at least annually, establish a policy 45160
with the goal to increase utilization by the board of 45161

Ohio-qualified agents for the execution of domestic equity and 45162
fixed income trades on behalf of the retirement system, when an 45163
Ohio-qualified agent offers quality, services, and safety 45164
comparable to other agents otherwise available to the board and 45165
meets the criteria established under division (C) of this section. 45166

(2) The board shall review, at least annually, the 45167
performance of the agents that execute securities transactions on 45168
behalf of the board. 45169

(3) The board shall determine whether an agent is an 45170
Ohio-qualified agent, meets the criteria established by the board 45171
pursuant to division (C) of this section, and offers quality, 45172
services, and safety comparable to other agents otherwise 45173
available to the board. The board's determination shall be final. 45174

~~(E) The board shall, at least annually, submit to the Ohio 45175
retirement study council a report containing the following 45176
information: 45177~~

~~(1) The name of each agent designated as an Ohio-qualified 45178
agent under this section; 45179~~

~~(2) The name of each agent that executes securities 45180
transactions on behalf of the board; 45181~~

~~(3) The amount of equity and fixed income trades that are 45182
executed by Ohio-qualified agents, expressed as a percentage of 45183
all equity and fixed income trades that are executed by agents on 45184
behalf of the board; 45185~~

~~(4) The compensation paid to Ohio-qualified agents, expressed 45186
as a percentage of total compensation paid to all agents that 45187
execute securities transactions on behalf of the board; 45188~~

~~(5) The amount of equity and fixed income trades that are 45189
executed by agents that are minority business enterprises, 45190
expressed as a percentage of all equity and fixed income trades 45191~~

~~that are executed by agents on behalf of the board;~~ 45192

~~(6) Any other information requested by the Ohio retirement 45193~~

~~study council regarding the board's use of agents. 45194~~

Sec. 3307.154. (A) The state teachers retirement board shall, 45195
for the purposes of this section, designate an investment manager 45196
as an Ohio-qualified investment manager if the investment manager 45197
meets all of the following requirements: 45198

(1) The investment manager is subject to taxation under 45199
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 45200

(2) The investment manager meets one of the following 45201
requirements: 45202

(a) Has its corporate headquarters or principal place of 45203
business in this state; 45204

(b) Employs at least five hundred individuals in this state; 45205

(c) Has a principal place of business in this state and 45206
employs at least twenty residents of this state. 45207

(B)(1) The board shall, at least annually, establish a policy 45208
with the goal to increase utilization by the board of 45209
Ohio-qualified investment managers, when an Ohio-qualified 45210
investment manager offers quality, services, and safety comparable 45211
to other investment managers otherwise available to the board. The 45212
policy shall also provide for the following: 45213

(a) A process whereby the board can develop a list of 45214
Ohio-qualified investment managers and their investment products; 45215

(b) A process whereby the board can give public notice to 45216
Ohio-qualified investment managers of the board's search for an 45217
investment manager that includes the board's search criteria. 45218

(2) The board shall determine whether an investment manager 45219
is an Ohio-qualified investment manager and whether the investment 45220

manager offers quality, services, and safety comparable to other 45221
investment managers otherwise available to the board. The board's 45222
determination shall be final. 45223

~~(C) The board shall, at least annually, submit to the Ohio 45224
retirement study council a report containing the following 45225
information: 45226~~

~~(1) The name of each investment manager designated as an 45227
Ohio-qualified investment manager under this section; 45228~~

~~(2) The name of each investment manager with which the board 45229
contracts; 45230~~

~~(3) The amount of assets managed by Ohio-qualified investment 45231
managers, expressed as a percentage of the total assets held by 45232
the retirement system and as a percentage of assets managed by 45233
investment managers with which the board has contracted; 45234~~

~~(4) The compensation paid to Ohio-qualified investment 45235
managers, expressed as a percentage of total compensation paid to 45236
all investment managers with which the board has contracted; 45237~~

~~(5) Any other information requested by the Ohio retirement 45238
study council regarding the board's use of investment managers. 45239~~

Sec. 3307.371. (A) As used in this section, "alternate 45240
payee," "benefit," "lump sum payment," "participant," and "public 45241
retirement program" have the same meanings as in section 3105.80 45242
of the Revised Code. 45243

(B) On receipt of an order issued under section 3105.171 or 45244
3105.65 of the Revised Code, the state teachers retirement system 45245
shall determine whether the order meets the requirements of 45246
sections 3105.80 to 3105.90 of the Revised Code. The system shall 45247
retain in the participant's record an order the board determines 45248
meets the requirements. Not later than sixty days after receipt, 45249
the system shall return to the court that issued the order any 45250

order the system determines does not meet the requirements. 45251

(C) The system shall comply with an order retained under 45252
division (B) of this section at the following times as 45253
appropriate: 45254

(1) If the participant has applied for or is receiving a 45255
benefit or has applied for but not yet received a lump sum 45256
payment, as soon as practicable; 45257

(2) If the participant has not applied for a benefit or lump 45258
sum payment, on application by the participant for a benefit or 45259
lump sum payment. 45260

(D) If the system transfers a participant's service credit or 45261
contributions made by or on behalf of a participant to a public 45262
retirement program that is not named in the order, the system 45263
shall do both of the following: 45264

(1) Notify the court that issued the order by sending to the 45265
court a copy of the order and the name and address of the public 45266
retirement program to which the transfer was made. 45267

(2) Send a copy of the order to the public retirement program 45268
to which the transfer was made. 45269

(E) If it receives a participant's service credit or 45270
contributions and a copy of an order as provided in division (D) 45271
of this section, the system shall administer the order as if it 45272
were the public retirement program named in the order. 45273

(F) If a participant's benefit or lump sum payment is or will 45274
be subject to more than one order described in section 3105.81 of 45275
the Revised Code or to an order described in that section and an 45276
order issued in accordance with Chapter 3119., 3121., 3123., or 45277
3125. of the Revised Code, the system shall, after determining 45278
that the amounts that are or will be withheld will cause the 45279
benefit or lump sum payment to fall below the limits described in 45280

section 3105.85 of the Revised Code, do all of the following: 45281

(1) Establish, in accordance with division (G) of this 45282
section and subject to the limits described in section 3105.85 of 45283
the Revised Code, the priority in which the orders are or will be 45284
paid by the system in accordance with division (G) of this 45285
section; 45286

(2) Reduce the amount paid to an alternate payee based on the 45287
priority established under division (F)(1) of this section; 45288

(3) Notify, by regular mail, a participant and alternate 45289
payee of any action taken under this division. 45290

(G) A withholding or deduction notice issued in accordance 45291
with Chapter 3119., 3121., 3123., or 3125. of the Revised Code or 45292
an order described in section ~~3115.32~~ 3115.501 of the Revised Code 45293
has priority over all other orders and shall be complied with in 45294
accordance with child support enforcement laws. All other orders 45295
are entitled to priority in order of earliest retention by the 45296
system. The system is not to retain an order that provides for the 45297
division of property unless the order is filed in a court with 45298
jurisdiction in this state. 45299

(H) The system is not liable in civil damages for loss 45300
resulting from any action or failure to act in compliance with 45301
this section. 45302

Sec. 3307.41. The right of an individual to a pension, an 45303
annuity, or a retirement allowance itself, the right of an 45304
individual to any optional benefit, or any other right or benefit 45305
accrued or accruing to any individual under this chapter, the 45306
various funds created by section 3307.14 of the Revised Code, and 45307
all moneys, investments, and income from moneys or investments are 45308
exempt from any state tax, except the tax imposed by section 45309
5747.02 of the Revised Code, and are exempt from any county, 45310

municipal, or other local tax, except income taxes imposed 45311
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 45312
Code, and, except as provided in sections 3105.171, 3105.65, 45313
~~3115.32~~ 3115.501, 3307.37, 3307.372, and 3307.373 and Chapters 45314
3119., 3121., 3123., and 3125. of the Revised Code, shall not be 45315
subject to execution, garnishment, attachment, the operation of 45316
bankruptcy or insolvency laws, or any other process of law 45317
whatsoever, and shall be unassignable except as specifically 45318
provided in this chapter and sections 3105.171, 3105.65, and 45319
~~3115.32~~ 3115.501 and Chapters 3119., 3121., 3123., and 3125. of 45320
the Revised Code. 45321

Sec. 3309.157. (A) As used in this section and in section 45322
3309.159 of the Revised Code: 45323

(1) "Agent" means a dealer, as defined in section 1707.01 of 45324
the Revised Code, who is licensed under sections 1707.01 to 45325
1707.45 of the Revised Code or under comparable laws of another 45326
state or of the United States. 45327

(2) "Minority business enterprise" has the same meaning as in 45328
section 122.71 of the Revised Code. 45329

(3) "Ohio-qualified agent" means an agent designated as such 45330
by the school employees retirement board. 45331

(4) "Ohio-qualified investment manager" means an investment 45332
manager designated as such by the school employees retirement 45333
board. 45334

(5) "Principal place of business" means an office in which 45335
the agent regularly provides securities or investment advisory 45336
services and solicits, meets with, or otherwise communicates with 45337
clients. 45338

(B) The school employees retirement board shall, for the 45339
purposes of this section, designate an agent as an Ohio-qualified 45340

agent if the agent meets all of the following requirements: 45341

(1) The agent is subject to taxation under Chapter 5725., 45342
5726., 5733., 5747., or 5751. of the Revised Code. 45343

(2) The agent is authorized to conduct business in this 45344
state. 45345

(3) The agent maintains a principal place of business in this 45346
state and employs at least five residents of this state. 45347

(C) The school employees retirement board shall adopt and 45348
implement a written policy to establish criteria and procedures 45349
used to select agents to execute securities transactions on behalf 45350
of the retirement system. The policy shall address each of the 45351
following: 45352

(1) Commissions charged by the agent, both in the aggregate 45353
and on a per share basis; 45354

(2) The execution speed and trade settlement capabilities of 45355
the agent; 45356

(3) The responsiveness, reliability, and integrity of the 45357
agent; 45358

(4) The nature and value of research provided by the agent; 45359

(5) Any special capabilities of the agent. 45360

(D)(1) The board shall, at least annually, establish a policy 45361
with the goal to increase utilization by the board of 45362
Ohio-qualified agents for the execution of domestic equity and 45363
fixed income trades on behalf of the retirement system, when an 45364
Ohio-qualified agent offers quality, services, and safety 45365
comparable to other agents otherwise available to the board and 45366
meets the criteria established under division (C) of this section. 45367

(2) The board shall review, at least annually, the 45368
performance of the agents that execute securities transactions on 45369
behalf of the board. 45370

(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.

~~(E) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:~~

~~(1) The name of each agent designated as an Ohio-qualified agent under this section;~~

~~(2) The name of each agent that executes securities transactions on behalf of the board;~~

~~(3) The amount of equity and fixed income trades that are executed by Ohio-qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~

~~(4) The compensation paid to Ohio-qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;~~

~~(5) The amount of equity and fixed income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~

~~(6) Any other information requested by the Ohio retirement study council regarding the board's use of agents.~~

Sec. 3309.159. (A) The school employees retirement board shall, for the purposes of this section, designate an investment manager as an Ohio-qualified investment manager if the investment manager meets all of the following requirements:

(1) The investment manager is subject to taxation under

Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 45401

(2) The investment manager meets one of the following 45402
requirements: 45403

(a) Has its corporate headquarters or principal place of 45404
business in this state; 45405

(b) Employs at least five hundred individuals in this state; 45406

(c) Has a principal place of business in this state and 45407
employs at least twenty residents of this state. 45408

(B)(1) The board shall, at least annually, establish a policy 45409
with the goal to increase utilization by the board of 45410
Ohio-qualified investment managers, when an Ohio-qualified 45411
investment manager offers quality, services, and safety comparable 45412
to other investment managers otherwise available to the board. The 45413
policy shall also provide for the following: 45414

(a) A process whereby the board can develop a list of 45415
Ohio-qualified investment managers and their investment products; 45416

(b) A process whereby the board can give public notice to 45417
Ohio-qualified investment managers of the board's search for an 45418
investment manager that includes the board's search criteria. 45419

(2) The board shall determine whether an investment manager 45420
is an Ohio-qualified investment manager and whether the investment 45421
manager offers quality, services, and safety comparable to other 45422
investment managers otherwise available to the board. The board's 45423
determination shall be final. 45424

~~(C) The board shall, at least annually, submit to the Ohio 45425
retirement study council a report containing the following 45426
information: 45427~~

~~(1) The name of each investment manager designated as an 45428
Ohio-qualified investment manager under this section; 45429~~

~~(2) The name of each investment manager with which the board 45430~~

contracts; 45431

~~(3) The amount of assets managed by Ohio qualified investment 45432
managers, expressed as a percentage of the total assets held by 45433
the retirement system and as a percentage of assets managed by 45434
investment managers with which the board has contracted; 45435~~

~~(4) The compensation paid to Ohio qualified investment 45436
managers, expressed as a percentage of total compensation paid to 45437
all investment managers with which the board has contracted; 45438~~

~~(5) Any other information requested by the Ohio retirement 45439
study council regarding the board's use of investment managers. 45440~~

Sec. 3309.66. The right of an individual to a pension, an 45441
annuity, or a retirement allowance itself, the right of an 45442
individual to any optional benefit, any other right accrued or 45443
accruing to any individual under this chapter, the various funds 45444
created by section 3309.60 of the Revised Code, and all moneys, 45445
investments, and income from moneys and investments are exempt 45446
from any state tax, except the tax imposed by section 5747.02 of 45447
the Revised Code, and are exempt from any county, municipal, or 45448
other local tax, except income taxes imposed pursuant to section 45449
5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as 45450
provided in sections 3105.171, 3105.65, ~~3115.32~~ 3115.501, 3119.80, 45451
3119.81, 3121.02, 3121.03, 3123.06, 3309.67, 3309.672, and 45452
3309.673 of the Revised Code, shall not be subject to execution, 45453
garnishment, attachment, the operation of bankruptcy or insolvency 45454
laws, or any other process of law whatsoever, and shall be 45455
unassignable except as specifically provided in this chapter and 45456
in sections 3105.171, 3105.65, ~~3115.32~~ 3115.501, 3119.80, 3119.81, 45457
3121.02, 3121.03, and 3123.06 of the Revised Code. 45458

Sec. 3309.671. (A) As used in this section, "alternate 45459
payee," "benefit," "lump sum payment," "participant," and "public 45460

retirement program" have the same meanings as in section 3105.80 45461
of the Revised Code. 45462

(B) On receipt of an order issued under section 3105.171 or 45463
3105.65 of the Revised Code, the school employees retirement 45464
system shall determine whether the order meets the requirements of 45465
sections 3105.80 to 3105.90 of the Revised Code. The system shall 45466
retain in the participant's record an order the system determines 45467
meets the requirements. Not later than sixty days after receipt, 45468
the system shall return to the court that issued the order any 45469
order the system determines does not meet the requirements. 45470

(C) The system shall comply with an order retained under 45471
division (B) of this section at the following times as 45472
appropriate: 45473

(1) If the participant has applied for or is receiving a 45474
benefit or has applied for but not yet received a lump sum 45475
payment, as soon as practicable; 45476

(2) If the participant has not applied for a benefit or lump 45477
sum payment, on application by the participant for a benefit or 45478
lump sum payment. 45479

(D) If the system transfers a participant's service credit or 45480
contributions made by or on behalf of a participant to a public 45481
retirement program that is not named in the order, the system 45482
shall do both of the following: 45483

(1) Notify the court that issued the order by sending the 45484
court a copy of the order and the name and address of the public 45485
retirement program to which the transfer was made. 45486

(2) Send a copy of the order to the public retirement program 45487
to which the transfer was made. 45488

(E) If it receives a participant's service credit or 45489
contributions and a copy of an order as provided in division (D) 45490

of this section, the system shall administer the order as if it 45491
were the public retirement program named in the order. 45492

(F) If a participant's benefit or lump sum payment is or will 45493
be subject to more than one order described in section 3105.81 of 45494
the Revised Code or to an order described in section 3105.81 of 45495
the Revised Code and a withholding order under section 3111.23 or 45496
3113.21 of the Revised Code, the system shall, after determining 45497
that the amounts that are or will be withheld will cause the 45498
benefit or lump sum payment to fall below the limits described in 45499
section 3105.85 of the Revised Code, do all of the following: 45500

(1) Establish, in accordance with division (G) of this 45501
section and subject to the limits described in section 3105.85 of 45502
the Revised Code, the priority in which the orders are or will be 45503
paid by the system; 45504

(2) Reduce the amount paid to an alternate payee based on the 45505
priority established under division (F)(1) of this section; 45506

(3) Notify, by regular mail, a participant and alternate 45507
payee of any action taken under this division. 45508

(G) A withholding or deduction notice issued under section 45509
3111.23 or 3113.21 of the Revised Code or an order described in 45510
section ~~3115.32~~ 3115.501 of the Revised Code has priority over all 45511
other orders and shall be complied with in accordance with child 45512
support enforcement laws. All other orders are entitled to 45513
priority in order of earliest retention by the system. The system 45514
is not to retain an order that provides for the division of 45515
property unless the order is filed in a court with jurisdiction in 45516
this state. 45517

(H) The system is not liable in civil damages for loss 45518
resulting from any action or failure to act in compliance with 45519
this section. 45520

Sec. 3310.03. A student is an "eligible student" for purposes 45521
of the educational choice scholarship pilot program if the 45522
student's resident district is not a school district in which the 45523
pilot project scholarship program is operating under sections 45524
3313.974 to 3313.979 of the Revised Code and the student satisfies 45525
one of the conditions in division (A), (B), (C), or (D) of this 45526
section: 45527

(A)(1) The student is enrolled in a school building operated 45528
by the student's resident district that, on the report card issued 45529
under section 3302.03 of the Revised Code published prior to the 45530
first day of July of the school year for which a scholarship is 45531
sought, did not receive a rating as described in division (H) of 45532
this section, and to which any or a combination of any of the 45533
following apply for two of the three most recent report cards 45534
published prior to the first day of July of the school year for 45535
which a scholarship is sought: 45536

(a) The building was declared to be in a state of academic 45537
emergency or academic watch under section 3302.03 of the Revised 45538
Code as that section existed prior to March 22, 2013. 45539

(b) The building received a grade of "D" or "F" for the 45540
performance index score under division (A)(1)(b) or (B)(1)(b) of 45541
section 3302.03 of the Revised Code and for the value-added 45542
progress dimension under division (A)(1)(e) or (B)(1)(e) of 45543
section 3302.03 of the Revised Code for the 2012-2013 ~~or~~ 45544
2013-2014, 2014-2015, or 2015-2016 school year, ~~or both~~; or if the 45545
building serves only grades ten through twelve, the building 45546
received a grade of "D" or "F" for the performance index score 45547
under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the 45548
Revised Code and had a four-year adjusted cohort graduation rate 45549
of less than seventy-five per cent. 45550

(c) The building received an overall grade of "D" or "F" 45551

under division (C)(3) of section 3302.03 of the Revised Code or a 45552
grade of "F" for the value-added progress dimension under division 45553
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 45554
2016-2017 school year or any school year thereafter. 45555

(2) The student will be enrolling in any of grades 45556
kindergarten through twelve in this state for the first time in 45557
the school year for which a scholarship is sought, will be at 45558
least five years of age by the first day of January of the school 45559
year for which a scholarship is sought, and otherwise would be 45560
assigned under section 3319.01 of the Revised Code in the school 45561
year for which a scholarship is sought, to a school building 45562
described in division (A)(1) of this section. 45563

(3) The student is enrolled in a community school established 45564
under Chapter 3314. of the Revised Code but otherwise would be 45565
assigned under section 3319.01 of the Revised Code to a building 45566
described in division (A)(1) of this section. 45567

(4) The student is enrolled in a school building operated by 45568
the student's resident district or in a community school 45569
established under Chapter 3314. of the Revised Code and otherwise 45570
would be assigned under section 3319.01 of the Revised Code to a 45571
school building described in division (A)(1) of this section in 45572
the school year for which the scholarship is sought. 45573

(5) The student will be both enrolling in any of grades 45574
kindergarten through twelve in this state for the first time and 45575
at least five years of age by the first day of January of the 45576
school year for which a scholarship is sought, or is enrolled in a 45577
community school established under Chapter 3314. of the Revised 45578
Code, and all of the following apply to the student's resident 45579
district: 45580

(a) The district has in force an intradistrict open 45581
enrollment policy under which no student in the student's grade 45582

level is automatically assigned to a particular school building; 45583

(b) In the most recent rating published prior to the first 45584
day of July of the school year for which scholarship is sought, 45585
the district did not receive a rating described in division (H) of 45586
this section, and in at least two of the three most recent report 45587
cards published prior to the first day of July of that school 45588
year, any or a combination of the following apply to the district: 45589

(i) The district was declared to be in a state of academic 45590
emergency under section 3302.03 of the Revised Code as it existed 45591
prior to March 22, 2013. 45592

(ii) The district received a grade of "D" or "F" for the 45593
performance index score under division (A)(1)(b) or (B)(1)(b) of 45594
section 3302.03 of the Revised Code and for the value-added 45595
progress dimension under division (A)(1)(e) or (B)(1)(e) of 45596
section 3302.03 of the Revised Code for the 2012-2013 ~~or~~, 45597
2013-2014, 2014-2015, or 2015-2016 school year, ~~or both~~. 45598

(c) The district received an overall grade of "D" or "F" 45599
under division (C)(3) of section 3302.03 of the Revised Code or a 45600
grade of "F" for the value-added progress dimension under division 45601
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 45602
2016-2017 school year or any school year thereafter. 45603

(6) Beginning in the 2016-2017 school year, the student is 45604
enrolled in or will be enrolling in a building in the school year 45605
for which the scholarship is sought that serves any of grades nine 45606
through twelve and that received a grade of "D" or "F" for the 45607
four-year adjusted cohort graduation rate under division 45608
(A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the 45609
Revised Code in two of the three most recent report cards 45610
published prior to the first day of July of the school year for 45611
which a scholarship is sought. 45612

(B)(1) The student is enrolled in a school building operated 45613

by the student's resident district and to which both of the 45614
following apply: 45615

(a) The building was ranked, for at least two of the three 45616
most recent rankings ~~published under section 3302.21 of the~~ 45617
~~Revised Code~~ prior to the first day of July of the school year for 45618
which a scholarship is sought, in the lowest ten per cent of all 45619
~~public school~~ buildings operated by city, local, and exempted 45620
village school districts according to performance index score 45621
~~under section 3302.21 of the Revised Code~~ as determined by the 45622
department of education. 45623

(b) The building was not declared to be excellent or 45624
effective, or the equivalent of such ratings as determined by the 45625
department ~~of education~~, under section 3302.03 of the Revised Code 45626
in the most recent rating published prior to the first day of July 45627
of the school year for which a scholarship is sought. 45628

(2) The student will be enrolling in any of grades 45629
kindergarten through twelve in this state for the first time in 45630
the school year for which a scholarship is sought, will be at 45631
least five years of age, as defined in section 3321.01 of the 45632
Revised Code, by the first day of January of the school year for 45633
which a scholarship is sought, and otherwise would be assigned 45634
under section 3319.01 of the Revised Code in the school year for 45635
which a scholarship is sought, to a school building described in 45636
division (B)(1) of this section. 45637

(3) The student is enrolled in a community school established 45638
under Chapter 3314. of the Revised Code but otherwise would be 45639
assigned under section 3319.01 of the Revised Code to a building 45640
described in division (B)(1) of this section. 45641

(4) The student is enrolled in a school building operated by 45642
the student's resident district or in a community school 45643
established under Chapter 3314. of the Revised Code and otherwise 45644

would be assigned under section 3319.01 of the Revised Code to a 45645
school building described in division (B)(1) of this section in 45646
the school year for which the scholarship is sought. 45647

(C) The student is enrolled in a nonpublic school at the time 45648
the school is granted a charter by the state board of education 45649
under section 3301.16 of the Revised Code and the student meets 45650
the standards of division (B) of section 3310.031 of the Revised 45651
Code. 45652

(D) For the 2016-2017 school year and each school year 45653
thereafter, the student is in any of grades kindergarten through 45654
three, is enrolled in a school building that is operated by the 45655
student's resident district or will be enrolling in any of grades 45656
kindergarten through twelve in this state for the first time in 45657
the school year for which a scholarship is sought, and to which 45658
both of the following apply: 45659

(1) The building, in at least two of the three most recent 45660
ratings of school buildings published prior to the first day of 45661
July of the school year for which a scholarship is sought, 45662
received a grade of "D" or "F" for making progress in improving 45663
literacy in grades kindergarten through three under division 45664
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 45665

(2) The building did not receive a grade of "A" for making 45666
progress in improving literacy in grades kindergarten through 45667
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 45668
the Revised Code in the most recent rating published prior to the 45669
first day of July of the school year for which a scholarship is 45670
sought. 45671

(E) A student who receives a scholarship under the 45672
educational choice scholarship pilot program remains an eligible 45673
student and may continue to receive scholarships in subsequent 45674
school years until the student completes grade twelve, so long as 45675

all of the following apply: 45676

(1) The student's resident district remains the same, or the 45677
student transfers to a new resident district and otherwise would 45678
be assigned in the new resident district to a school building 45679
described in division (A)(1), (B)(1), or (D) of this section; 45680

(2) The Except as provided in division (K)(1)(b)(ii) of 45681
section 3301.0711 of the Revised Code, the student takes each 45682
assessment prescribed for the student's grade level under section 45683
3301.0710 or 3301.0712 of the Revised Code while enrolled in a 45684
chartered nonpublic school; 45685

(3) In each school year that the student is enrolled in a 45686
chartered nonpublic school, the student is absent from school for 45687
not more than twenty days that the school is open for instruction, 45688
not including excused absences. 45689

(F)(1) The department shall cease awarding first-time 45690
scholarships pursuant to divisions (A)(1) to (4) of this section 45691
with respect to a school building that, in the most recent ratings 45692
of school buildings published under section 3302.03 of the Revised 45693
Code prior to the first day of July of the school year, ceases to 45694
meet the criteria in division (A)(1) of this section. The 45695
department shall cease awarding first-time scholarships pursuant 45696
to division (A)(5) of this section with respect to a school 45697
district that, in the most recent ratings of school districts 45698
published under section 3302.03 of the Revised Code prior to the 45699
first day of July of the school year, ceases to meet the criteria 45700
in division (A)(5) of this section. 45701

(2) The department shall cease awarding first-time 45702
scholarships pursuant to divisions (B)(1) to (4) of this section 45703
with respect to a school building that, in the most recent ratings 45704
of school buildings under section 3302.03 of the Revised Code 45705
prior to the first day of July of the school year, ceases to meet 45706

the criteria in division (B)(1) of this section. 45707

(3) The department shall cease awarding first-time 45708
scholarships pursuant to division (D) of this section with respect 45709
to a school building that, in the most recent ratings of school 45710
buildings under section 3302.03 of the Revised Code prior to the 45711
first day of July of the school year, ceases to meet the criteria 45712
in division (D) of this section. 45713

(4) However, students who have received scholarships in the 45714
prior school year remain eligible students pursuant to division 45715
(E) of this section. 45716

(G) The state board of education shall adopt rules defining 45717
excused absences for purposes of division (E)(3) of this section. 45718

(H)(1) A student who satisfies only the conditions prescribed 45719
in divisions (A)(1) to (4) of this section shall not be eligible 45720
for a scholarship if the student's resident building meets any of 45721
the following in the most recent rating under section 3302.03 of 45722
the Revised Code published prior to the first day of July of the 45723
school year for which a scholarship is sought: 45724

(a) The building has an overall designation of excellent or 45725
effective under section 3302.03 of the Revised Code as it existed 45726
prior to March 22, 2013. 45727

(b) For the 2012-2013 ~~or~~, 2013-2014, 2014-2015, or 2015-2016 45728
school year ~~or both~~, the building has a grade of "A" or "B" for 45729
the performance index score under division (A)(1)(b) or (B)(1)(b) 45730
of section 3302.03 of the Revised Code and for the value-added 45731
progress dimension under division (A)(1)(e) or (B)(1)(e) of 45732
section 3302.03 of the Revised Code; or if the building serves 45733
only grades ten through twelve, the building received a grade of 45734
"A" or "B" for the performance index score under division 45735
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 45736
had a four-year adjusted cohort graduation rate of greater than or 45737

equal to seventy-five per cent. 45738

(c) For the ~~2014-2015~~ 2016-2017 school year or any school 45739
year thereafter, the building has a grade of "A" or "B" under 45740
division (C)(3) of section 3302.03 of the Revised Code and a grade 45741
of "A" for the value-added progress dimension under division 45742
(C)(1)(e) of section 3302.03 of the Revised Code; or if the 45743
building serves only grades ten through twelve, the building 45744
received a grade of "A" or "B" for the performance index score 45745
under division (C)(1)(b) of section 3302.03 of the Revised Code 45746
and had a four-year adjusted cohort graduation rate of greater 45747
than or equal to seventy-five per cent. 45748

(2) A student who satisfies only the conditions prescribed in 45749
division (A)(5) of this section shall not be eligible for a 45750
scholarship if the student's resident district meets any of the 45751
following in the most recent rating under section 3302.03 of the 45752
Revised Code published prior to the first day of July of the 45753
school year for which a scholarship is sought: 45754

(a) The district has an overall designation of excellent or 45755
effective under section 3302.03 of the Revised Code as it existed 45756
prior to March 22, 2013. 45757

(b) The district has a grade of "A" or "B" for the 45758
performance index score under division (A)(1)(b) or (B)(1)(b) of 45759
section 3302.03 of the Revised Code and for the value-added 45760
progress dimension under division (A)(1)(e) or (B)(1)(e) of 45761
section 3302.03 of the Revised Code for the 2012-2013 ~~and,~~ 45762
2013-2014, 2014-2015, and 2015-2016 school years. 45763

(c) The district has an overall grade of "A" or "B" under 45764
division (C)(3) of section 3302.03 of the Revised Code and a grade 45765
of "A" for the value-added progress dimension under division 45766
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 45767
2016-2017 school year or any school year thereafter. 45768

Sec. 3310.09. The maximum amount awarded to an eligible 45769
student under the educational choice scholarship pilot program 45770
shall be as follows: 45771

(A) For grades kindergarten through eight, four thousand ~~two~~ 45772
six hundred fifty dollars; 45773

(B) For grades nine through twelve, ~~five~~ as follows: 45774

(1) For the 2015-2016 school year, five thousand nine hundred 45775
dollars; 45776

(2) For the 2016-2017 school year and each school year 45777
thereafter, six thousand dollars. 45778

Sec. 3310.14. (A) Except as provided in division (B) of this 45779
section, each chartered nonpublic school that is not subject to 45780
division (K)(1)(a) of section 3301.0711 of the Revised Code and 45781
enrolls students awarded scholarships under sections 3310.01 to 45782
3310.17 of the Revised Code annually shall administer the 45783
assessments prescribed by section 3301.0710 or 3301.0712 of the 45784
Revised Code to each scholarship student enrolled in the school in 45785
accordance with section 3301.0711 of the Revised Code. Each 45786
chartered nonpublic school that is subject to this section shall 45787
report to the department of education the results of each 45788
assessment administered to each scholarship student under this 45789
section. 45790

Nothing in this section requires a chartered nonpublic school 45791
to administer any achievement assessment, except for an Ohio 45792
graduation test prescribed by division (B)(1) of section 3301.0710 45793
or the college and work ready assessment system prescribed by 45794
division (B) of section 3301.0712 of the Revised Code to any 45795
student enrolled in the school who is not a scholarship student. 45796

(B)(1) A chartered nonpublic school that meets the conditions 45797
specified in division (K)(1)(c) of section 3301.0711 of the 45798

Revised Code shall not be required to administer the elementary 45799
assessments prescribed by division (A) of section 3301.0710 of the 45800
Revised Code. 45801

(2) A chartered nonpublic school that meets the conditions 45802
specified in division (D)(2) of section 3313.612 of the Revised 45803
Code shall not be required to administer the end-of-course 45804
examinations prescribed by section 3301.0712 of the Revised Code. 45805

Sec. 3310.41. (A) As used in this section: 45806

(1) "Alternative public provider" means either of the 45807
following providers that agrees to enroll a child in the 45808
provider's special education program to implement the child's 45809
individualized education program and to which the child's parent 45810
owes fees for the services provided to the child: 45811

(a) A school district that is not the school district in 45812
which the child is entitled to attend school; 45813

(b) A public entity other than a school district. 45814

(2) "Entitled to attend school" means entitled to attend 45815
school in a school district under section 3313.64 or 3313.65 of 45816
the Revised Code. 45817

(3) "Formula ADM" and "category six special education ADM" 45818
have the same meanings as in section 3317.02 of the Revised Code. 45819

(4) "Preschool child with a disability" and "individualized 45820
education program" have the same meanings as in section 3323.01 of 45821
the Revised Code. 45822

(5) "Parent" has the same meaning as in section 3313.64 of 45823
the Revised Code, except that "parent" does not mean a parent 45824
whose custodial rights have been terminated. 45825

(6) "Preschool scholarship ADM" means the number of preschool 45826
children with disabilities certified under division (B)(3)(h) of 45827

section 3317.03 of the Revised Code. 45828

(7) "Qualified special education child" is a child for whom 45829
all of the following conditions apply: 45830

(a) The school district in which the child is entitled to 45831
attend school has identified the child as autistic. A child who 45832
has been identified as having a "pervasive developmental disorder 45833
- not otherwise specified (PPD-NOS)" shall be considered to be an 45834
autistic child for purposes of this section. 45835

(b) The school district in which the child is entitled to 45836
attend school has developed an individualized education program 45837
under Chapter 3323. of the Revised Code for the child. 45838

(c) The child either: 45839

(i) Was enrolled in the school district in which the child is 45840
entitled to attend school in any grade from preschool through 45841
twelve in the school year prior to the year in which a scholarship 45842
under this section is first sought for the child; or 45843

(ii) Is eligible to enter school in any grade preschool 45844
through twelve in the school district in which the child is 45845
entitled to attend school in the school year in which a 45846
scholarship under this section is first sought for the child. 45847

(8) "Registered private provider" means a nonpublic school or 45848
other nonpublic entity that has been approved by the department of 45849
education to participate in the program established under this 45850
section. 45851

(9) "Special education program" means a school or facility 45852
that provides special education and related services to children 45853
with disabilities. 45854

(B) There is hereby established the autism scholarship 45855
program. Under the program, the department of education shall pay 45856
a scholarship to the parent of each qualified special education 45857

child upon application of that parent pursuant to procedures and 45858
deadlines established by rule of the state board of education. 45859
Each scholarship shall be used only to pay tuition for the child 45860
on whose behalf the scholarship is awarded to attend a special 45861
education program that implements the child's individualized 45862
education program and that is operated by an alternative public 45863
provider or by a registered private provider, and to pay for other 45864
services agreed to by the provider and the parent of a qualified 45865
special education child that are not included in the 45866
individualized education program but are associated with educating 45867
the child. Upon agreement with the parent of a qualified special 45868
education child, the alternative public provider or the registered 45869
private provider may modify the services provided to the child. 45870
Each scholarship shall be in an amount not to exceed the lesser of 45871
the tuition charged for the child by the special education program 45872
or ~~twenty~~ twenty-seven thousand dollars. The purpose of the 45873
scholarship is to permit the parent of a qualified special 45874
education child the choice to send the child to a special 45875
education program, instead of the one operated by or for the 45876
school district in which the child is entitled to attend school, 45877
to receive the services prescribed in the child's individualized 45878
education program once the individualized education program is 45879
finalized and any other services agreed to by the provider and the 45880
parent of a qualified special education child. The services 45881
provided under the scholarship shall include an educational 45882
component or services designed to assist the child to benefit from 45883
the child's education. 45884

A scholarship under this section shall not be awarded to the 45885
parent of a child while the child's individualized education 45886
program is being developed by the school district in which the 45887
child is entitled to attend school, or while any administrative or 45888
judicial mediation or proceedings with respect to the content of 45889
the child's individualized education program are pending. A 45890

scholarship under this section shall not be used for a child to 45891
attend a public special education program that operates under a 45892
contract, compact, or other bilateral agreement between the school 45893
district in which the child is entitled to attend school and 45894
another school district or other public provider, or for a child 45895
to attend a community school established under Chapter 3314. of 45896
the Revised Code. However, nothing in this section or in any rule 45897
adopted by the state board shall prohibit a parent whose child 45898
attends a public special education program under a contract, 45899
compact, or other bilateral agreement, or a parent whose child 45900
attends a community school, from applying for and accepting a 45901
scholarship under this section so that the parent may withdraw the 45902
child from that program or community school and use the 45903
scholarship for the child to attend a special education program 45904
for which the parent is required to pay for services for the 45905
child. 45906

Except for development of the child's individualized 45907
education program, the school district in which a qualified 45908
special education child is entitled to attend school and the 45909
child's school district of residence, as defined in section 45910
3323.01 of the Revised Code, if different, are not obligated to 45911
provide the child with a free appropriate public education under 45912
Chapter 3323. of the Revised Code for as long as the child 45913
continues to attend the special education program operated by 45914
either an alternative public provider or a registered private 45915
provider for which a scholarship is awarded under the autism 45916
scholarship program. If at any time, the eligible applicant for 45917
the child decides no longer to accept scholarship payments and 45918
enrolls the child in the special education program of the school 45919
district in which the child is entitled to attend school, that 45920
district shall provide the child with a free appropriate public 45921
education under Chapter 3323. of the Revised Code. 45922

A child attending a special education program with a 45923
scholarship under this section shall continue to be entitled to 45924
transportation to and from that program in the manner prescribed 45925
by law. 45926

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and 45927
(B)(10) of section 3317.03 of the Revised Code, a child who is not 45928
a preschool child with a disability for whom a scholarship is 45929
awarded under this section shall be counted in the formula ADM and 45930
the category six special education ADM of the district in which 45931
the child is entitled to attend school and not in the formula ADM 45932
and the category six special education ADM of any other school 45933
district. As prescribed in divisions (B)(3)(h) and (B)(10) of 45934
section 3317.03 of the Revised Code, a child who is a preschool 45935
child with a disability for whom a scholarship is awarded under 45936
this section shall be counted in the preschool scholarship ADM and 45937
category six special education ADM of the school district in which 45938
the child is entitled to attend school and not in the preschool 45939
scholarship ADM or category six special education ADM of any other 45940
school district. 45941

(2) In each fiscal year, the department shall deduct from the 45942
amounts paid to each school district under Chapter 3317. of the 45943
Revised Code, and, if necessary, sections 321.24 and 323.156 of 45944
the Revised Code, the aggregate amount of scholarships awarded 45945
under this section for qualified special education children 45946
included in the formula ADM, or preschool scholarship ADM, and in 45947
the category six special education ADM of that school district as 45948
provided in division (C)(1) of this section. 45949

The scholarships deducted shall be considered as an approved 45950
special education and related services expense of the school 45951
district. 45952

(3) From time to time, the department shall make a payment to 45953
the parent of each qualified special education child for whom a 45954

scholarship has been awarded under this section. The scholarship 45955
amount shall be proportionately reduced in the case of any such 45956
child who is not enrolled in the special education program for 45957
which a scholarship was awarded under this section for the entire 45958
school year. The department shall make no payments to the parent 45959
of a child while any administrative or judicial mediation or 45960
proceedings with respect to the content of the child's 45961
individualized education program are pending. 45962

(D) A scholarship shall not be paid to a parent for payment 45963
of tuition owed to a nonpublic entity unless that entity is a 45964
registered private provider. The department shall approve entities 45965
that meet the standards established by rule of the state board for 45966
the program established under this section. 45967

(E) The state board shall adopt rules under Chapter 119. of 45968
the Revised Code prescribing procedures necessary to implement 45969
this section, including, but not limited to, procedures and 45970
deadlines for parents to apply for scholarships, standards for 45971
registered private providers, and procedures for approval of 45972
entities as registered private providers. 45973

The rules also shall specify that intervention services under 45974
the autism scholarship program may be provided by a qualified, 45975
credentialed provider, including, but not limited to, all of the 45976
following: 45977

(1) A behavior analyst certified by a nationally recognized 45978
organization that certifies behavior analysts; 45979

(2) A psychologist licensed to practice in this state under 45980
Chapter 4732. of the Revised Code; 45981

(3) A school psychologist licensed by the state board under 45982
section 3319.22 of the Revised Code; 45983

(4) Any person employed by a licensed psychologist or 45984
licensed school psychologist, while carrying out specific tasks, 45985

under the licensee's supervision, as an extension of the 45986
licensee's legal and ethical authority as specified under Chapter 45987
4732. of the Revised Code who is ascribed as "psychology trainee," 45988
"psychology assistant," "psychology intern," or other appropriate 45989
term that clearly implies their supervised or training status; 45990

(5) Unlicensed persons holding a doctoral degree in 45991
psychology or special education from a program approved by the 45992
state board; 45993

(6) Any other qualified individual as determined by the state 45994
board. 45995

(F) The department shall provide reasonable notice to all 45996
parents of children receiving a scholarship under the autism 45997
scholarship program, alternative public providers, and registered 45998
private providers of any amendment to a rule governing, or change 45999
in the administration of, the autism scholarship program. 46000

Sec. 3310.522. In order to maintain eligibility for a 46001
scholarship under the program, a student shall take each 46002
assessment prescribed by sections 3301.0710 and 3301.0712 of the 46003
Revised Code, unless the student is excused from taking that 46004
assessment under federal law or the student's individualized 46005
education program or the student is enrolled in a chartered 46006
nonpublic school that meets the conditions specified in ~~division~~ 46007
divisions (K)(1)(b)(ii) and (K)(1)(c) of section 3301.0711 of the 46008
Revised Code. 46009

Each registered private provider that is not subject to 46010
division (K)(1)(a) of section 3301.0711 of the Revised Code and 46011
enrolls a student who is awarded a scholarship under this section 46012
shall administer each assessment prescribed by sections 3301.0710 46013
and 3301.0712 of the Revised Code to that student, unless the 46014
student is excused from taking that assessment or the student is 46015
enrolled in a chartered nonpublic school that meets the conditions 46016

specified in ~~division~~ divisions (K)(1)(b)(ii) and (K)(1)(c) of 46017
section 3301.0711 of the Revised Code, and shall report to the 46018
department the results of each assessment so administered. 46019

Nothing in this section requires any chartered nonpublic 46020
school that is a registered private provider to administer any 46021
achievement assessment, except for an Ohio graduation test 46022
prescribed by division (B)(1) of section 3301.0710 or the college 46023
and work ready assessment system prescribed by division (B) of 46024
section 3301.0712 of the Revised Code to any student enrolled in 46025
the school who is not a scholarship student. 46026

Sec. 3310.56. (A) The amount of the scholarship awarded and 46027
paid to an eligible applicant for services for a qualified special 46028
education child under the Jon Peterson special needs scholarship 46029
program in each school year shall be the least of the amounts 46030
prescribed in divisions (A)(1), (2), and (3) of this section, as 46031
follows: 46032

(1) The amount of fees charged for that school year by the 46033
alternative public provider or registered private provider; 46034

(2) The sum of the amounts calculated under divisions 46035
(A)(2)(a) and (b) of this section: 46036

(a) The formula amount; 46037

(b) An amount prescribed for the child's disability as 46038
follows: 46039

(i) For a student in category one, the amount specified in 46040
division (A) of section 3317.013 of the Revised Code; 46041

(ii) For a student in category two, the amount specified in 46042
division (B) of section 3317.013 of the Revised Code; 46043

(iii) For a student in category three, the amount specified 46044
in division (C) of section 3317.013 of the Revised Code; 46045

(iv) For a student in category four, the amount specified in division (D) of section 3317.013 of the Revised Code; 46046
46047

(v) For a student in category five, the amount specified in division (E) of section 3317.013 of the Revised Code; 46048
46049

(vi) For a student in category six, the amount specified in division (F) of section 3317.013 of the Revised Code. 46050
46051

(3) ~~Twenty~~ Twenty-seven thousand dollars. 46052

(B) As used in division (A)(2)(b) of this section, a child with a disability is in: 46053
46054

(1) "Category one" if the child is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code; 46055
46056
46057

(2) "Category two" if the child is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code; 46058
46059
46060

(3) "Category three" if the child is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code; 46061
46062
46063

(4) "Category four" if the child is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code; 46064
46065
46066

(5) "Category five" if the child is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code; 46067
46068
46069

(6) "Category six" if the child is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code. 46070
46071
46072

Sec. 3311.19. (A) The management and control of a joint vocational school district shall be vested in the joint vocational 46073
46074

school district board of education which, beginning on the 46075
~~effective date of this amendment~~ September 29, 2013, shall be 46076
appointed under division (C) of this section. 46077

All members of a joint vocational school district board 46078
serving unexpired terms on ~~the effective date of this amendment~~ 46079
September 29, 2013, may continue in office until the expiration of 46080
their terms. If a member leaves office for any reason prior to the 46081
expiration of that member's term, the vacancy shall be filled only 46082
in the manner provided in division (C) of this section. 46083

(B) ~~Members~~ Except as provided in section 3311.191 of the 46084
Revised Code, members of the joint vocational school district 46085
board appointed on or after ~~the effective date of this amendment~~ 46086
September 29, 2013, shall serve for three-year terms of office. No 46087
member shall hold office for a period of longer than two 46088
consecutive terms. Terms shall be considered consecutive unless 46089
separated by three or more years. 46090

Members of the board shall be selected based on the diversity 46091
of the employers from the geographical region of the state in 46092
which the territory of the joint vocational school district is 46093
located represented by the members. Not less than three-fifths of 46094
the members of the board shall reside in or be employed within the 46095
territory of the joint vocational school district board upon which 46096
the member serves. 46097

(C) The manner of appointment and the total number of members 46098
appointed to the joint vocational school district board shall be 46099
in accordance with the most recent plan for the joint vocational 46100
school district on file with the department of education. An 46101
individual shall not be a member of an appointing board, unless 46102
the individual meets the criteria in division (C)(2) of this 46103
section. 46104

(1) Appointments under this section shall be made as the 46105

terms of members of each joint vocational school district board 46106
who are serving unexpired terms on ~~the effective date of this~~ 46107
~~amendment~~ September 29, 2013, expire or as those offices are 46108
otherwise vacated prior to the expiration date. 46109

(2) Members of the joint vocational board shall have 46110
experience as chief financial officers, chief executive officers, 46111
human resources managers, or other business, industry, or career 46112
counseling professionals who are qualified to discuss the labor 46113
needs of the region with respect to the regional economy. The 46114
appointing board shall appoint individuals who represent employers 46115
in the region served by the joint vocational school district who 46116
are qualified to consider the state's workforce needs with an 46117
understanding of the skills, training, and education needed for 46118
current and future employment opportunities in the state. The 46119
appointing board may give preference to individuals who have 46120
served as members on a joint vocational school business advisory 46121
committee who meet the qualifications in division (C)(2) of this 46122
section. 46123

(D) The vocational schools in the joint vocational school 46124
district shall be available to all youth of school age within the 46125
joint vocational school district subject to the rules adopted by 46126
the joint vocational school district board of education in regard 46127
to the standards requisite to admission. A joint vocational school 46128
district board of education shall have the same powers, duties, 46129
and authority for the management and operation of such joint 46130
vocational school district as is granted by law, except by this 46131
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 46132
Code, to a board of education of a city school district, and shall 46133
be subject to all the provisions of law that apply to a city 46134
school district, except such provisions in this chapter and 46135
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 46136

(E) The superintendent of schools of a joint vocational 46137

school district shall exercise the duties and authority vested by 46138
law in a superintendent of schools pertaining to the operation of 46139
a school district and the employment and supervision of its 46140
personnel. The joint vocational school district board of education 46141
shall appoint a treasurer of the joint vocational school district 46142
who shall be the fiscal officer for such district and who shall 46143
have all the powers, duties, and authority vested by law in a 46144
treasurer of a board of education. 46145

(F) Each member of a joint vocational school district board 46146
of education may be paid such compensation as the board provides 46147
by resolution, but it shall not exceed one hundred twenty-five 46148
dollars per member for each meeting attended plus mileage, at the 46149
rate per mile provided by resolution of the board, to and from 46150
meetings of the board. 46151

The board may provide by resolution for the deduction of 46152
amounts payable for benefits under section 3313.202 of the Revised 46153
Code. 46154

Each member of a joint vocational school district board may 46155
be paid such compensation as the board provides by resolution for 46156
attendance at an approved training program, provided that such 46157
compensation shall not exceed sixty dollars per day for attendance 46158
at a training program three hours or fewer in length and one 46159
hundred twenty-five dollars a day for attendance at a training 46160
program longer than three hours in length. However, no board 46161
member shall be compensated for the same training program under 46162
this section and section 3313.12 of the Revised Code. 46163

Sec. 3311.191. (A) Subject to division (B) of this section, 46164
if a joint vocational school district has an even number of member 46165
districts each appointing a member to the joint vocational school 46166
district board of education and the joint vocational school 46167
district's plan on file with the department of education provides 46168

for one additional board member to be appointed on a rotating 46169
basis by one of the appointing boards, the term of that additional 46170
member shall be for one year. The additional member shall 46171
otherwise meet the requirements for joint vocational school board 46172
members prescribed by section 3311.19 of the Revised Code. 46173

(B) If an additional member of a joint vocational school 46174
district board appointed on a rotating basis, as described in 46175
division (A) of this section, was appointed on or after September 46176
29, 2013, but prior to the effective date of this section, that 46177
member may continue in office until the expiration of the member's 46178
current term of office. If such member vacates that office for any 46179
reason prior to the expiration of that member's term, a new 46180
additional member shall be appointed according to the rotational 46181
basis prescribed by the district's plan, and that member shall 46182
serve for the remainder of the vacating member's term. Thereafter, 46183
the term of office of the additional member shall be as prescribed 46184
by division (A) of this section. 46185

Sec. 3311.221. (A) As used in this section, an "eligible 46186
school district transfer" means the transfer, not later than June 46187
30, 2015, of the entire territory of a local school district that 46188
has fewer than five hundred students to a contiguous local school 46189
district under section 3311.22 of the Revised Code that results in 46190
the cancellation of the amount owed to the solvency assistance 46191
fund by either or both districts under Section 7 of Am. Sub. H.B. 46192
487 of the 130th general assembly. 46193

(B) Notwithstanding anything to the contrary in the Revised 46194
Code, if a joint vocational school district gains territory on or 46195
after January 1, 2015, due to an eligible school district 46196
transfer, the joint vocational school district shall enter into a 46197
two-year transition agreement with the joint vocational school 46198
district that lost the territory gained by the other joint 46199

vocational school district due to the transfer. This agreement 46200
shall require all of the following: 46201

(1) Each student of the local school district that is 46202
transferred who is enrolled, at the time of the transfer, in the 46203
joint vocational school district that lost territory due to the 46204
transfer shall remain enrolled in that joint vocational school 46205
district for the remainder of the student's secondary education, 46206
so long as the student is enrolled in the local school district 46207
that received territory in the transfer and continues to enroll in 46208
a career-technical program. 46209

(2) In the first year following the transfer, the joint 46210
vocational school district that gains territory due to the 46211
transfer shall pay the joint vocational school district that lost 46212
territory due to the transfer an amount equal to one hundred per 46213
cent of the revenue collected from taxes levied under sections 46214
3311.21 and 5705.21 of the Revised Code by the joint vocational 46215
school district that gains territory for the transferred portion 46216
of the district. 46217

(3) In the second year following the transfer, the joint 46218
vocational school district that gains territory due to the 46219
transfer shall pay the joint vocational school district that lost 46220
territory due to the transfer an amount equal to fifty per cent of 46221
the revenue collected from taxes levied under sections 3311.21 and 46222
5705.21 of the Revised Code by the joint vocational school 46223
district that gains territory for the transferred portion of the 46224
district. 46225

Any other terms mutually agreed upon by both joint vocational 46226
school districts to ensure an orderly transition of territory that 46227
maximizes opportunities for students shall also be included in the 46228
agreement. 46229

Sec. 3313.375. The board of education of a city, local, 46230

exempted village, or joint vocational school district, the 46231
governing board of an educational service center, or the governing 46232
authority of a community school may enter into a lease-purchase 46233
agreement providing for construction; enlarging or other 46234
improvement, furnishing, and equipping; lease; and eventual 46235
acquisition of ~~a building~~ facilities or improvements to ~~a building~~ 46236
facilities, including but not limited to buildings, playgrounds, 46237
parking lots, athletic facilities, and safety enhancements for any 46238
school district, educational service center, or community school 46239
purpose. The agreement shall provide for a lease for a series of 46240
one-year renewable lease terms totaling not more than the number 46241
of years equivalent to the useful life of the asset and in no 46242
event more than thirty years. The agreement shall provide that at 46243
the end of the series of lease terms provided for in the agreement 46244
the title to the leased property shall be vested in the school 46245
district or educational service center, if all obligations of the 46246
school district, educational service center, or community school 46247
provided for in the agreement have been satisfied. The agreement 46248
may, in addition to the rental payments, require the school 46249
district, educational service center, or community school to pay 46250
the lessor a lump-sum amount as a condition of obtaining title to 46251
the leased property. In conjunction with the agreement, a school 46252
district board of education, an educational service center 46253
governing board, or a governing authority of a community school 46254
may grant leases, easements, or licenses for underlying land or 46255
facilities under the board's control for terms not exceeding five 46256
years beyond the final renewal term of the lease-purchase 46257
agreement entered into pursuant to this section. Payments under 46258
the agreement may be deemed to be, and paid as, current operating 46259
expenses. 46260

The obligations under a lease-purchase agreement entered into 46261
pursuant to this section shall not be considered to be net 46262
indebtedness of a school district under section 133.06 of the 46263

Revised Code. 46264

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 46265
(F), and (G) of this section and in section 3313.412 of the 46266
Revised Code, when a board of education decides to dispose of real 46267
or personal property that it owns in its corporate capacity and 46268
that exceeds in value ten thousand dollars, it shall sell the 46269
property at public auction, after giving at least thirty days' 46270
notice of the auction by publication in a newspaper of general 46271
circulation in the school district, by publication as provided in 46272
section 7.16 of the Revised Code, or by posting notices in five of 46273
the most public places in the school district in which the 46274
property, if it is real property, is situated, or, if it is 46275
personal property, in the school district of the board of 46276
education that owns the property. The board may offer real 46277
property for sale as an entire tract or in parcels. 46278

(B) When the board of education has offered real or personal 46279
property for sale at public auction at least once pursuant to 46280
division (A) of this section, and the property has not been sold, 46281
the board may sell it at a private sale. Regardless of how it was 46282
offered at public auction, at a private sale, the board shall, as 46283
it considers best, sell real property as an entire tract or in 46284
parcels, and personal property in a single lot or in several lots. 46285

(C) If a board of education decides to dispose of real or 46286
personal property that it owns in its corporate capacity and that 46287
exceeds in value ten thousand dollars, it may sell the property to 46288
the adjutant general; to any subdivision or taxing authority as 46289
respectively defined in section 5705.01 of the Revised Code, 46290
township park district, board of park commissioners established 46291
under Chapter 755. of the Revised Code, or park district 46292
established under Chapter 1545. of the Revised Code; to a wholly 46293
or partially tax-supported university, university branch, or 46294

college; to a nonprofit institution of higher education that has a
certificate of authorization under Chapter 1713. of the Revised
Code; to the governing authority of a chartered nonpublic school;
or to the board of trustees of a school district library, upon
such terms as are agreed upon. The sale of real or personal
property to the board of trustees of a school district library is
limited, in the case of real property, to a school district
library within whose boundaries the real property is situated, or,
in the case of personal property, to a school district library
whose boundaries lie in whole or in part within the school
district of the selling board of education.

(D) When a board of education decides to trade as a part or
an entire consideration, an item of personal property on the
purchase price of an item of similar personal property, it may
trade the same upon such terms as are agreed upon by the parties
to the trade.

(E) The president and the treasurer of the board of education
shall execute and deliver deeds or other necessary instruments of
conveyance to complete any sale or trade under this section.

(F) When a board of education has identified a parcel of real
property that it determines is needed for school purposes, the
board may, upon a majority vote of the members of the board,
acquire that property by exchanging real property that the board
owns in its corporate capacity for the identified real property or
by using real property that the board owns in its corporate
capacity as part or an entire consideration for the purchase price
of the identified real property. Any exchange or acquisition made
pursuant to this division shall be made by a conveyance executed
by the president and the treasurer of the board.

(G) Except as provided in ~~section~~ sections 3313.412 and
3313.413 of the Revised Code, when a school district board of
education decides to dispose of real property, prior to disposing

of that property under divisions (A) to (F) of this section, it 46327
shall first offer that property for sale to the governing 46328
authorities of the start-up community schools established under 46329
Chapter 3314. of the Revised Code, and the board of trustees of 46330
any college-preparatory boarding school established under Chapter 46331
3328. of the Revised Code, that are located within the territory 46332
of the school district. The district board shall offer the 46333
property at a price that is not higher than the appraised fair 46334
market value of that property as determined in an appraisal of the 46335
property that is not more than one year old. If more than one 46336
community school governing authority or college-preparatory 46337
boarding school board of trustees accepts the offer made by the 46338
school district board, the board shall sell the property to the 46339
governing authority or board that accepted the offer first in 46340
time. If no community school governing authority or 46341
college-preparatory boarding school board of trustees accepts the 46342
offer within sixty days after the offer is made by the school 46343
district board, the board may dispose of the property in the 46344
applicable manner prescribed under divisions (A) to (F) of this 46345
section. 46346

(H) When a school district board of education has property 46347
that the board, by resolution, finds is not needed for school 46348
district use, is obsolete, or is unfit for the use for which it 46349
was acquired, the board may donate that property in accordance 46350
with this division if the fair market value of the property is, in 46351
the opinion of the board, two thousand five hundred dollars or 46352
less. 46353

The property may be donated to an eligible nonprofit 46354
organization that is located in this state and is exempt from 46355
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 46356
Before donating any property under this division, the board shall 46357
adopt a resolution expressing its intent to make unneeded, 46358

obsolete, or unfit-for-use school district property available to 46359
these organizations. The resolution shall include guidelines and 46360
procedures the board considers to be necessary to implement the 46361
donation program and shall indicate whether the school district 46362
will conduct the donation program or the board will contract with 46363
a representative to conduct it. If a representative is known when 46364
the resolution is adopted, the resolution shall provide contact 46365
information such as the representative's name, address, and 46366
telephone number. 46367

The resolution shall include within its procedures a 46368
requirement that any nonprofit organization desiring to obtain 46369
donated property under this division shall submit a written notice 46370
to the board or its representative. The written notice shall 46371
include evidence that the organization is a nonprofit organization 46372
that is located in this state and is exempt from federal income 46373
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 46374
the organization's primary purpose; a description of the type or 46375
types of property the organization needs; and the name, address, 46376
and telephone number of a person designated by the organization's 46377
governing board to receive donated property and to serve as its 46378
agent. 46379

After adoption of the resolution, the board shall publish, in 46380
a newspaper of general circulation in the school district or as 46381
provided in section 7.16 of the Revised Code, notice of its intent 46382
to donate unneeded, obsolete, or unfit-for-use school district 46383
property to eligible nonprofit organizations. The notice shall 46384
include a summary of the information provided in the resolution 46385
and shall be published twice. The second notice shall be published 46386
not less than ten nor more than twenty days after the previous 46387
notice. A similar notice also shall be posted continually in the 46388
board's office. If the school district maintains a web site on the 46389
internet, the notice shall be posted continually at that web site. 46390

The board or its representatives shall maintain a list of all nonprofit organizations that notify the board or its representative of their desire to obtain donated property under this division and that the board or its representative determines to be eligible, in accordance with the requirements set forth in this section and in the donation program's guidelines and procedures, to receive donated property.

The board or its representative also shall maintain a list of all school district property the board finds to be unneeded, obsolete, or unfit for use and to be available for donation under this division. The list shall be posted continually in a conspicuous location in the board's office, and, if the school district maintains a web site on the internet, the list shall be posted continually at that web site. An item of property on the list shall be donated to the eligible nonprofit organization that first declares to the board or its representative its desire to obtain the item unless the board previously has established, by resolution, a list of eligible nonprofit organizations that shall be given priority with respect to the item's donation. Priority may be given on the basis that the purposes of a nonprofit organization have a direct relationship to specific school district purposes of programs provided or administered by the board. A resolution giving priority to certain nonprofit organizations with respect to the donation of an item of property shall specify the reasons why the organizations are given that priority.

Members of the board shall consult with the Ohio ethics commission, and comply with Chapters 102. and 2921. of the Revised Code, with respect to any donation under this division to a nonprofit organization of which a board member, any member of a board member's family, or any business associate of a board member is a trustee, officer, board member, or employee.

Sec. 3313.411. (A) As used in this section: 46423

(1) "College-preparatory boarding school" means a 46424
college-preparatory boarding school established under Chapter 46425
3328. of the Revised Code. 46426

(2) "Community school" means a community school established 46427
under Chapter 3314. of the Revised Code. 46428

(3) "Unused school facilities" means any real property that 46429
has been used by a school district for school operations, 46430
including, but not limited to, academic instruction or 46431
administration, since July 1, 1998, but has not been used in that 46432
capacity for two years. 46433

(B)(1) Except as provided in ~~section~~ sections 3313.412 and 46434
3313.413 of the Revised Code, on and after June 30, 2011, any 46435
school district board of education shall offer any unused school 46436
facilities it owns in its corporate capacity for lease or sale to 46437
the governing authorities of community schools, and the board of 46438
trustees of any college-preparatory boarding school, that are 46439
located within the territory of the district. 46440

(2) At the same time that a district board makes the offer 46441
required under division (B)(1) of this section, the board also 46442
may, but shall not be required to, offer that property for sale or 46443
lease to the governing authorities of community schools with 46444
plans, stipulated in their contracts entered into under section 46445
3314.03 of the Revised Code, either to relocate their operations 46446
to the territory of the district or to add facilities, as 46447
authorized by division (B)(3) or (4) of section 3314.05 of the 46448
Revised Code, to be located within the territory of the district. 46449

(C)(1) If, not later than sixty days after the district board 46450
makes the offer, only one qualified party offered the property 46451
under division (B) of this section notifies the district treasurer 46452

in writing of the intention to purchase the property, the district 46453
board shall sell the property to that party for the appraised fair 46454
market value of the property as determined in an appraisal of the 46455
property that is not more than one year old. 46456

(2) If, not later than sixty days after the district board 46457
makes the offer, more than one qualified party offered the 46458
property under division (B) of this section notifies the district 46459
treasurer in writing of the intention to purchase the property, 46460
the board shall conduct a public auction in the manner required 46461
for auctions of district property under division (A) of section 46462
3313.41 of the Revised Code. Only the parties offered the property 46463
under division (B) of this section that notify the district 46464
treasurer of the intention to purchase the property are eligible 46465
to bid at the auction. The district board is not obligated to 46466
accept any bid for the property that is lower than the appraised 46467
fair market value of the property as determined in an appraisal 46468
that is not more than one year old. 46469

(3) If more than one qualified party offered the property 46470
under division (B) of this section notifies the district treasurer 46471
in writing of the intention to lease the property, the district 46472
board shall conduct a lottery to select from among those parties 46473
the one qualified party to which the district board shall lease 46474
the property. 46475

(4) The lease price offered by a district board to a 46476
community school or college-preparatory boarding school under this 46477
section shall not be higher than the fair market value for such a 46478
leasehold as determined in an appraisal that is not more than one 46479
year old. 46480

(5) If no qualified party offered the property under division 46481
(B) of this section accepts the offer to lease or buy the property 46482
within sixty days after the offer is made, the district board may 46483
offer the property to any other entity in accordance with 46484

divisions (A) to (F) of section 3313.41 of the Revised Code. 46485

(D) Notwithstanding division (B) of this section, a school 46486
district board may renew any agreement it originally entered into 46487
prior to June 30, 2011, to lease real property to an entity other 46488
than a community school or college-preparatory boarding school. 46489
Nothing in this section shall affect the leasehold arrangements 46490
between the district board and that other entity. 46491

(E)(1) Except as provided in division (E)(2) of this section, 46492
the governing authority of a community school or the board of 46493
trustees of a college-preparatory boarding school shall not sell 46494
any property purchased under division (B) of this section within 46495
five years of purchasing that property. 46496

(2) The governing authority or board of trustees may sell a 46497
property purchased under division (B) of this section within five 46498
years of the purchase, only if the governing authority or board of 46499
trustees sells or transfers that property to another entity 46500
described in that division. 46501

Sec. 3313.413. (A) As used in this section, "high-performing 46502
community school" means a community school established under 46503
Chapter 3314. of the Revised Code that meets the following 46504
conditions: 46505

(1) Except as provided in division (A)(2) or (3) of this 46506
section, the school both: 46507

(a) Has received a grade of "A," "B," or "C" for the 46508
performance index score under division (C)(1)(b) of section 46509
3302.03 of the Revised Code or has increased its performance index 46510
score under division (C)(1)(b) of section 3302.03 of the Revised 46511
Code in each of the previous three years of operation; and 46512

(b) Has received a grade of "A" or "B" for the value-added 46513
progress dimension under division (C)(1)(e) of section 3302.03 of 46514

the Revised Code on its most recent report card rating issued 46515
under that section. 46516

(2) If the school serves only grades kindergarten through 46517
three, the school received a grade of "A" or "B" for making 46518
progress in improving literacy in grades kindergarten through 46519
three under division (C)(1)(g) of section 3302.03 of the Revised 46520
Code on its most recent report card issued under that section. 46521

(3) If the school primarily serves students enrolled in a 46522
dropout prevention and recovery program as described in division 46523
(A)(4)(a) of section 3314.35 of the Revised Code, the school 46524
received a rating of "exceeds standards" on its most recent report 46525
card issued under section 3314.017 of the Revised Code. 46526

(B) When a school district board of education decides to 46527
dispose of real property it owns in its corporate capacity under 46528
section 3313.41 of the Revised Code, prior to offering that 46529
property to all start-up community schools and any 46530
college-preparatory boarding school located in the district as 46531
prescribed by division (G) of that section, the board shall first 46532
offer that property for sale to the governing authorities of 46533
high-performing community schools and any newly established 46534
community schools that are implementing a community school model 46535
that has a track record of high quality academic performance, as 46536
determined by the department of education. If no such governing 46537
authority notifies the district treasurer of its intention to 46538
purchase the property within sixty days after the offer is made, 46539
the board shall offer that property to all start-up community 46540
schools and college-preparatory boarding schools located in the 46541
district pursuant to division (G) of section 3313.41 of the 46542
Revised Code and then subsequently may offer the property for sale 46543
in the manner prescribed under divisions (A) to (F) of that 46544
section. 46545

(C) When a school district board of education is required to 46546

offer unused school facilities for lease or sale pursuant to 46547
section 3313.411 of the Revised Code, prior to offering those 46548
facilities to all start-up community schools and any 46549
college-preparatory boarding school located in the district as 46550
prescribed by that section, the board shall first offer those 46551
facilities for lease or sale to the governing authorities of 46552
high-performing community schools. If no such governing authority 46553
notifies the district treasurer of its intention to lease or 46554
purchase those facilities within sixty days after the offer is 46555
made, the board shall offer those facilities to all start-up 46556
community schools and college-preparatory boarding schools located 46557
in the district pursuant to section 3313.411 of the Revised Code. 46558

(D) Notwithstanding anything to the contrary in sections 46559
3313.41 and 3313.411 of the Revised Code, the purchase price of 46560
any real property sold to the governing authority of a 46561
high-performing community school in accordance with division (B) 46562
of this section and of any unused school facilities sold to any of 46563
those entities in accordance with division (C) of this section 46564
shall not be more than the appraised fair market value of that 46565
property as determined in an appraisal of the property that is not 46566
more than one year old. 46567

Sec. 3313.603. (A) As used in this section: 46568

(1) "One unit" means a minimum of one hundred twenty hours of 46569
course instruction, except that for a laboratory course, "one 46570
unit" means a minimum of one hundred fifty hours of course 46571
instruction. 46572

(2) "One-half unit" means a minimum of sixty hours of course 46573
instruction, except that for physical education courses, "one-half 46574
unit" means a minimum of one hundred twenty hours of course 46575
instruction. 46576

(B) Beginning September 15, 2001, except as required in 46577

division (C) of this section and division (C) of section 3313.614 46578
of the Revised Code, the requirements for graduation from every 46579
high school shall include twenty units earned in grades nine 46580
through twelve and shall be distributed as follows: 46581

(1) English language arts, four units; 46582

(2) Health, one-half unit; 46583

(3) Mathematics, three units; 46584

(4) Physical education, one-half unit; 46585

(5) Science, two units until September 15, 2003, and three 46586
units thereafter, which at all times shall include both of the 46587
following: 46588

(a) Biological sciences, one unit; 46589

(b) Physical sciences, one unit. 46590

(6) History and government, one unit, which shall comply with 46591
division (M) of this section and shall include both of the 46592
following: 46593

(a) American history, one-half unit; 46594

(b) American government, one-half unit. 46595

(7) Social studies, two units. 46596

Beginning with students who enter ninth grade for the first 46597
time on or after July 1, 2017, the two units of instruction 46598
prescribed by division (B)(7) of this section shall include at 46599
least one-half unit of instruction in the study of world history 46600
and civilizations. 46601

(8) Elective units, seven units until September 15, 2003, and 46602
six units thereafter. 46603

Each student's electives shall include at least one unit, or 46604
two half units, chosen from among the areas of 46605
business/technology, fine arts, and/or foreign language. 46606

(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;

(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II; However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II, and instead may complete a career-based pathway mathematics course as an alternative.

(4) Physical education, one-half unit;

(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:

(a) Physical sciences, one unit;

(b) Life sciences, one unit;

(c) Advanced study in one or more of the following sciences, one unit:

(i) Chemistry, physics, or other physical science;

(ii) Advanced biology or other life science;

(iii) Astronomy, physical geology, or other earth or space science.

(6) History and government, one unit, which shall comply with 46637
division (M) of this section and shall include both of the 46638
following: 46639

(a) American history, one-half unit; 46640

(b) American government, one-half unit. 46641

(7) Social studies, two units. 46642

Each school shall integrate the study of economics and 46643
financial literacy, as expressed in the social studies academic 46644
content standards adopted by the state board of education under 46645
division (A)(1) of section 3301.079 of the Revised Code and the 46646
academic content standards for financial literacy and 46647
entrepreneurship adopted under division (A)(2) of that section, 46648
into one or more existing social studies credits required under 46649
division (C)(7) of this section, or into the content of another 46650
class, so that every high school student receives instruction in 46651
those concepts. In developing the curriculum required by this 46652
paragraph, schools shall use available public-private partnerships 46653
and resources and materials that exist in business, industry, and 46654
through the centers for economics education at institutions of 46655
higher education in the state. 46656

Beginning with students who enter ninth grade for the first 46657
time on or after July 1, 2017, the two units of instruction 46658
prescribed by division (C)(7) of this section shall include at 46659
least one-half unit of instruction in the study of world history 46660
and civilizations. 46661

(8) Five units consisting of one or any combination of 46662
foreign language, fine arts, business, career-technical education, 46663
family and consumer sciences, technology, agricultural education, 46664
a junior reserve officer training corps (JROTC) program approved 46665
by the congress of the United States under title 10 of the United 46666
States Code, or English language arts, mathematics, science, or 46667

social studies courses not otherwise required under division (C) 46668
of this section. 46669

Ohioans must be prepared to apply increased knowledge and 46670
skills in the workplace and to adapt their knowledge and skills 46671
quickly to meet the rapidly changing conditions of the 46672
twenty-first century. National studies indicate that all high 46673
school graduates need the same academic foundation, regardless of 46674
the opportunities they pursue after graduation. The goal of Ohio's 46675
system of elementary and secondary education is to prepare all 46676
students for and seamlessly connect all students to success in 46677
life beyond high school graduation, regardless of whether the next 46678
step is entering the workforce, beginning an apprenticeship, 46679
engaging in post-secondary training, serving in the military, or 46680
pursuing a college degree. 46681

The requirements for graduation prescribed in division (C) of 46682
this section are the standard expectation for all students 46683
entering ninth grade for the first time at a public or chartered 46684
nonpublic high school on or after July 1, 2010. A student may 46685
satisfy this expectation through a variety of methods, including, 46686
but not limited to, integrated, applied, career-technical, and 46687
traditional coursework. 46688

Whereas teacher quality is essential for student success when 46689
completing the requirements for graduation, the general assembly 46690
shall appropriate funds for strategic initiatives designed to 46691
strengthen schools' capacities to hire and retain highly qualified 46692
teachers in the subject areas required by the curriculum. Such 46693
initiatives are expected to require an investment of \$120,000,000 46694
over five years. 46695

Stronger coordination between high schools and institutions 46696
of higher education is necessary to prepare students for more 46697
challenging academic endeavors and to lessen the need for academic 46698
remediation in college, thereby reducing the costs of higher 46699

education for Ohio's students, families, and the state. The state 46700
board and the chancellor of the ~~Ohio board of regents~~ higher 46701
education shall develop policies to ensure that only in rare 46702
instances will students who complete the requirements for 46703
graduation prescribed in division (C) of this section require 46704
academic remediation after high school. 46705

School districts, community schools, and chartered nonpublic 46706
schools shall integrate technology into learning experiences 46707
across the curriculum in order to maximize efficiency, enhance 46708
learning, and prepare students for success in the 46709
technology-driven twenty-first century. Districts and schools 46710
shall use distance and web-based course delivery as a method of 46711
providing or augmenting all instruction required under this 46712
division, including laboratory experience in science. Districts 46713
and schools shall utilize technology access and electronic 46714
learning opportunities provided by the broadcast educational media 46715
commission, chancellor, the Ohio learning network, education 46716
technology centers, public television stations, and other public 46717
and private providers. 46718

(D) Except as provided in division (E) of this section, a 46719
student who enters ninth grade on or after July 1, 2010, and 46720
before July 1, 2016, may qualify for graduation from a public or 46721
chartered nonpublic high school even though the student has not 46722
completed the requirements for graduation prescribed in division 46723
(C) of this section if all of the following conditions are 46724
satisfied: 46725

(1) During the student's third year of attending high school, 46726
as determined by the school, the student and the student's parent, 46727
guardian, or custodian sign and file with the school a written 46728
statement asserting the parent's, guardian's, or custodian's 46729
consent to the student's graduating without completing the 46730
requirements for graduation prescribed in division (C) of this 46731

section and acknowledging that one consequence of not completing 46732
those requirements is ineligibility to enroll in most state 46733
universities in Ohio without further coursework. 46734

(2) The student and parent, guardian, or custodian fulfill 46735
any procedural requirements the school stipulates to ensure the 46736
student's and parent's, guardian's, or custodian's informed 46737
consent and to facilitate orderly filing of statements under 46738
division (D)(1) of this section. Annually, each district or school 46739
shall notify the department of education of the number of students 46740
who choose to qualify for graduation under division (D) of this 46741
section and the number of students who complete the student's 46742
success plan and graduate from high school. 46743

(3) The student and the student's parent, guardian, or 46744
custodian and a representative of the student's high school 46745
jointly develop a student success plan for the student in the 46746
manner described in division (C)(1) of section 3313.6020 of the 46747
Revised Code that specifies the student matriculating to a 46748
two-year degree program, acquiring a business and 46749
industry-recognized credential, or entering an apprenticeship. 46750

(4) The student's high school provides counseling and support 46751
for the student related to the plan developed under division 46752
(D)(3) of this section during the remainder of the student's high 46753
school experience. 46754

(5)(a) Except as provided in division (D)(5)(b) of this 46755
section, the student successfully completes, at a minimum, the 46756
curriculum prescribed in division (B) of this section. 46757

(b) Beginning with students who enter ninth grade for the 46758
first time on or after July 1, 2014, a student shall be required 46759
to complete successfully, at the minimum, the curriculum 46760
prescribed in division (B) of this section, except as follows: 46761

(i) Mathematics, four units, one unit which shall be one of 46762

the following: 46763

(I) Probability and statistics; 46764

(II) Computer programming; 46765

(III) Applied mathematics or quantitative reasoning; 46766

(IV) Any other course approved by the department using 46767
standards established by the superintendent not later than October 46768
1, 2014. 46769

(ii) Elective units, five units; 46770

(iii) Science, three units as prescribed by division (B) of 46771
this section which shall include inquiry-based laboratory 46772
experience that engages students in asking valid scientific 46773
questions and gathering and analyzing information. 46774

The department, in collaboration with the chancellor, shall 46775
analyze student performance data to determine if there are 46776
mitigating factors that warrant extending the exception permitted 46777
by division (D) of this section to high school classes beyond 46778
those entering ninth grade before July 1, 2016. The department 46779
shall submit its findings and any recommendations not later than 46780
December 1, 2015, to the speaker and minority leader of the house 46781
of representatives, the president and minority leader of the 46782
senate, the chairpersons and ranking minority members of the 46783
standing committees of the house of representatives and the senate 46784
that consider education legislation, the state board of education, 46785
and the superintendent of public instruction. 46786

(E) Each school district and chartered nonpublic school 46787
retains the authority to require an even more challenging minimum 46788
curriculum for high school graduation than specified in division 46789
(B) or (C) of this section. A school district board of education, 46790
through the adoption of a resolution, or the governing authority 46791
of a chartered nonpublic school may stipulate any of the 46792

following: 46793

(1) A minimum high school curriculum that requires more than 46794
twenty units of academic credit to graduate; 46795

(2) An exception to the district's or school's minimum high 46796
school curriculum that is comparable to the exception provided in 46797
division (D) of this section but with additional requirements, 46798
which may include a requirement that the student successfully 46799
complete more than the minimum curriculum prescribed in division 46800
(B) of this section; 46801

(3) That no exception comparable to that provided in division 46802
(D) of this section is available. 46803

(F) A student enrolled in a dropout prevention and recovery 46804
program, which program has received a waiver from the department, 46805
may qualify for graduation from high school by successfully 46806
completing a competency-based instructional program administered 46807
by the dropout prevention and recovery program in lieu of 46808
completing the requirements for graduation prescribed in division 46809
(C) of this section. The department shall grant a waiver to a 46810
dropout prevention and recovery program, within sixty days after 46811
the program applies for the waiver, if the program meets all of 46812
the following conditions: 46813

(1) The program serves only students not younger than sixteen 46814
years of age and not older than twenty-one years of age. 46815

(2) The program enrolls students who, at the time of their 46816
initial enrollment, either, or both, are at least one grade level 46817
behind their cohort age groups or experience crises that 46818
significantly interfere with their academic progress such that 46819
they are prevented from continuing their traditional programs. 46820

(3) The program requires students to attain at least the 46821
applicable score designated for each of the assessments prescribed 46822
under division (B)(1) of section 3301.0710 of the Revised Code or, 46823

to the extent prescribed by rule of the state board under division 46824
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 46825
of that section. 46826

(4) The program develops a student success plan for the 46827
student in the manner described in division (C)(1) of section 46828
3313.6020 of the Revised Code that specifies the student's 46829
matriculating to a two-year degree program, acquiring a business 46830
and industry-recognized credential, or entering an apprenticeship. 46831

(5) The program provides counseling and support for the 46832
student related to the plan developed under division (F)(4) of 46833
this section during the remainder of the student's high school 46834
experience. 46835

(6) The program requires the student and the student's 46836
parent, guardian, or custodian to sign and file, in accordance 46837
with procedural requirements stipulated by the program, a written 46838
statement asserting the parent's, guardian's, or custodian's 46839
consent to the student's graduating without completing the 46840
requirements for graduation prescribed in division (C) of this 46841
section and acknowledging that one consequence of not completing 46842
those requirements is ineligibility to enroll in most state 46843
universities in Ohio without further coursework. 46844

(7) Prior to receiving the waiver, the program has submitted 46845
to the department an instructional plan that demonstrates how the 46846
academic content standards adopted by the state board under 46847
section 3301.079 of the Revised Code will be taught and assessed. 46848

(8) Prior to receiving the waiver, the program has submitted 46849
to the department a policy on career advising that satisfies the 46850
requirements of section 3313.6020 of the Revised Code, with an 46851
emphasis on how every student will receive career advising. 46852

(9) Prior to receiving the waiver, the program has submitted 46853
to the department a written agreement outlining the future 46854

cooperation between the program and any combination of local job 46855
training, postsecondary education, nonprofit, and health and 46856
social service organizations to provide services for students in 46857
the program and their families. 46858

Divisions (F)(8) and (9) of this section apply only to 46859
waivers granted on or after July 1, 2015. 46860

If the department does not act either to grant the waiver or 46861
to reject the program application for the waiver within sixty days 46862
as required under this section, the waiver shall be considered to 46863
be granted. 46864

(G) Every high school may permit students below the ninth 46865
grade to take advanced work. If a high school so permits, it shall 46866
award high school credit for successful completion of the advanced 46867
work and shall count such advanced work toward the graduation 46868
requirements of division (B) or (C) of this section if the 46869
advanced work was both: 46870

(1) Taught by a person who possesses a license or certificate 46871
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 46872
Code that is valid for teaching high school; 46873

(2) Designated by the board of education of the city, local, 46874
or exempted village school district, the board of the cooperative 46875
education school district, or the governing authority of the 46876
chartered nonpublic school as meeting the high school curriculum 46877
requirements. 46878

Each high school shall record on the student's high school 46879
transcript all high school credit awarded under division (G) of 46880
this section. In addition, if the student completed a seventh- or 46881
eighth-grade fine arts course described in division (K) of this 46882
section and the course qualified for high school credit under that 46883
division, the high school shall record that course on the 46884
student's high school transcript. 46885

(H) The department shall make its individual academic career 46886
plan available through its Ohio career information system web site 46887
for districts and schools to use as a tool for communicating with 46888
and providing guidance to students and families in selecting high 46889
school courses. 46890

(I) Units earned in English language arts, mathematics, 46891
science, and social studies that are delivered through integrated 46892
academic and career-technical instruction are eligible to meet the 46893
graduation requirements of division (B) or (C) of this section. 46894

(J)(1) The state board, in consultation with the chancellor, 46895
shall adopt a statewide plan implementing methods for students to 46896
earn units of high school credit based on a demonstration of 46897
subject area competency, instead of or in combination with 46898
completing hours of classroom instruction. The state board shall 46899
adopt the plan not later than March 31, 2009, and commence phasing 46900
in the plan during the 2009-2010 school year. The plan shall 46901
include a standard method for recording demonstrated proficiency 46902
on high school transcripts. Each school district and community 46903
school shall comply with the state board's plan adopted under this 46904
division and award units of high school credit in accordance with 46905
the plan. The state board may adopt existing methods for earning 46906
high school credit based on a demonstration of subject area 46907
competency as necessary prior to the 2009-2010 school year. 46908

(2) Not later than December 31, 2015, the state board shall 46909
update the statewide plan adopted pursuant to division (J)(1) of 46910
this section to also include methods for students enrolled in 46911
seventh and eighth grade to meet curriculum requirements based on 46912
a demonstration of subject area competency, instead of or in 46913
combination with completing hours of classroom instruction. 46914
Beginning with the 2017-2018 school year, each school district and 46915
community school also shall comply with the updated plan adopted 46916
pursuant to this division and permit students enrolled in seventh 46917

and eighth grade to meet curriculum requirements based on subject 46918
area competency in accordance with the plan. 46919

(K) This division does not apply to students who qualify for 46920
graduation from high school under division (D) or (F) of this 46921
section, or to students pursuing a career-technical instructional 46922
track as determined by the school district board of education or 46923
the chartered nonpublic school's governing authority. 46924
Nevertheless, the general assembly encourages such students to 46925
consider enrolling in a fine arts course as an elective. 46926

Beginning with students who enter ninth grade for the first 46927
time on or after July 1, 2010, each student enrolled in a public 46928
or chartered nonpublic high school shall complete two semesters or 46929
the equivalent of fine arts to graduate from high school. The 46930
coursework may be completed in any of grades seven to twelve. Each 46931
student who completes a fine arts course in grade seven or eight 46932
may elect to count that course toward the five units of electives 46933
required for graduation under division (C)(8) of this section, if 46934
the course satisfied the requirements of division (G) of this 46935
section. In that case, the high school shall award the student 46936
high school credit for the course and count the course toward the 46937
five units required under division (C)(8) of this section. If the 46938
course in grade seven or eight did not satisfy the requirements of 46939
division (G) of this section, the high school shall not award the 46940
student high school credit for the course but shall count the 46941
course toward the two semesters or the equivalent of fine arts 46942
required by this division. 46943

(L) Notwithstanding anything to the contrary in this section, 46944
the board of education of each school district and the governing 46945
authority of each chartered nonpublic school may adopt a policy to 46946
excuse from the high school physical education requirement each 46947
student who, during high school, has participated in 46948
interscholastic athletics, marching band, or cheerleading for at 46949

least two full seasons or in the junior reserve officer training 46950
corps for at least two full school years. If the board or 46951
authority adopts such a policy, the board or authority shall not 46952
require the student to complete any physical education course as a 46953
condition to graduate. However, the student shall be required to 46954
complete one-half unit, consisting of at least sixty hours of 46955
instruction, in another course of study. In the case of a student 46956
who has participated in the junior reserve officer training corps 46957
for at least two full school years, credit received for that 46958
participation may be used to satisfy the requirement to complete 46959
one-half unit in another course of study. 46960

(M) It is important that high school students learn and 46961
understand United States history and the governments of both the 46962
United States and the state of Ohio. Therefore, beginning with 46963
students who enter ninth grade for the first time on or after July 46964
1, 2012, the study of American history and American government 46965
required by divisions (B)(6) and (C)(6) of this section shall 46966
include the study of all of the following documents: 46967

(1) The Declaration of Independence; 46968

(2) The Northwest Ordinance; 46969

(3) The Constitution of the United States with emphasis on 46970
the Bill of Rights; 46971

(4) The Ohio Constitution. 46972

The study of each of the documents prescribed in divisions 46973
(M)(1) to (4) of this section shall include study of that document 46974
in its original context. 46975

The study of American history and government required by 46976
divisions (B)(6) and (C)(6) of this section shall include the 46977
historical evidence of the role of documents such as the 46978
Federalist Papers and the Anti-Federalist Papers to firmly 46979
establish the historical background leading to the establishment 46980

of the provisions of the Constitution and Bill of Rights. 46981

Sec. 3313.608. (A)(1) Beginning with students who enter third 46982
grade in the school year that starts July 1, 2009, and until June 46983
30, 2013, unless the student is excused under division (C) of 46984
section 3301.0711 of the Revised Code from taking the assessment 46985
described in this section, for any student who does not attain at 46986
least the equivalent level of achievement designated under 46987
division (A)(3) of section 3301.0710 of the Revised Code on the 46988
assessment prescribed under that section to measure skill in 46989
English language arts expected at the end of third grade, each 46990
school district, in accordance with the policy adopted under 46991
section 3313.609 of the Revised Code, shall do one of the 46992
following: 46993

(a) Promote the student to fourth grade if the student's 46994
principal and reading teacher agree that other evaluations of the 46995
student's skill in reading demonstrate that the student is 46996
academically prepared to be promoted to fourth grade; 46997

(b) Promote the student to fourth grade but provide the 46998
student with intensive intervention services in fourth grade; 46999

(c) Retain the student in third grade. 47000

(2) Beginning with students who enter third grade in the 47001
2013-2014 school year, unless the student is excused under 47002
division (C) of section 3301.0711 of the Revised Code from taking 47003
the assessment described in this section, no school district shall 47004
promote to fourth grade any student who does not attain at least 47005
the equivalent level of achievement designated under division 47006
(A)(3) of section 3301.0710 of the Revised Code on the assessment 47007
prescribed under that section to measure skill in English language 47008
arts expected at the end of third grade, unless one of the 47009
following applies: 47010

(a) The student is a limited English proficient student who 47011
has been enrolled in United States schools for less than three 47012
full school years and has had less than three years of instruction 47013
in an English as a second language program. 47014

(b) The student is a child with a disability entitled to 47015
special education and related services under Chapter 3323. of the 47016
Revised Code and the student's individualized education program 47017
exempts the student from retention under this division. 47018

(c) The student demonstrates an acceptable level of 47019
performance on an alternative standardized reading assessment as 47020
determined by the department of education. 47021

(d) All of the following apply: 47022

(i) The student is a child with a disability entitled to 47023
special education and related services under Chapter 3323. of the 47024
Revised Code. 47025

(ii) The student has taken the third grade English language 47026
arts achievement assessment prescribed under section 3301.0710 of 47027
the Revised Code. 47028

(iii) The student's individualized education program or plan 47029
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 47030
355, 29 U.S.C. 794, as amended, shows that the student has 47031
received intensive remediation in reading for two school years but 47032
still demonstrates a deficiency in reading. 47033

(iv) The student previously was retained in any of grades 47034
kindergarten to three. 47035

(e)(i) The student received intensive remediation for reading 47036
for two school years but still demonstrates a deficiency in 47037
reading and was previously retained in any of grades kindergarten 47038
to three. 47039

(ii) A student who is promoted under division (A)(2)(e)(i) of 47040

this section shall continue to receive intensive reading 47041
instruction in grade four. The instruction shall include an 47042
altered instructional day that includes specialized diagnostic 47043
information and specific research-based reading strategies for the 47044
student that have been successful in improving reading among 47045
low-performing readers. 47046

(B)(1) Beginning in the 2012-2013 school year, to assist 47047
students in meeting the third grade guarantee established by this 47048
section, each school district board of education shall adopt 47049
policies and procedures with which it annually shall assess the 47050
reading skills of each student, except those students with 47051
significant cognitive disabilities or other disabilities as 47052
authorized by the department on a case-by-case basis, enrolled in 47053
kindergarten to third grade and shall identify students who are 47054
reading below their grade level. The reading skills assessment 47055
shall be completed by the thirtieth day of September for students 47056
in grades one to three, and by the first day of November for 47057
students in kindergarten. Each district shall use the diagnostic 47058
assessment to measure reading ability for the appropriate grade 47059
level adopted under section 3301.079 of the Revised Code, or a 47060
comparable tool approved by the department of education, to 47061
identify such students. The policies and procedures shall require 47062
the students' classroom teachers to be involved in the assessment 47063
and the identification of students reading below grade level. The 47064
assessment may be administered electronically using live, two-way 47065
video and audio connections whereby the teacher administering the 47066
assessment may be in a separate location from the student. 47067

(2) For each student identified by the diagnostic assessment 47068
prescribed under this section as having reading skills below grade 47069
level, the district shall do both of the following: 47070

(a) Provide to the student's parent or guardian, in writing, 47071
all of the following: 47072

- (i) Notification that the student has been identified as 47073
having a substantial deficiency in reading; 47074
- (ii) A description of the current services that are provided 47075
to the student; 47076
- (iii) A description of the proposed supplemental 47077
instructional services and supports that will be provided to the 47078
student that are designed to remediate the identified areas of 47079
reading deficiency; 47080
- (iv) Notification that if the student attains a score in the 47081
range designated under division (A)(3) of section 3301.0710 of the 47082
Revised Code on the assessment prescribed under that section to 47083
measure skill in English language arts expected at the end of 47084
third grade, the student shall be retained unless the student is 47085
exempt under division (A) of this section. The notification shall 47086
specify that the assessment under section 3301.0710 of the Revised 47087
Code is not the sole determinant of promotion and that additional 47088
evaluations and assessments are available to the student to assist 47089
parents and the district in knowing when a student is reading at 47090
or above grade level and ready for promotion. 47091
- (b) Provide intensive reading instruction services and 47092
regular diagnostic assessments to the student immediately 47093
following identification of a reading deficiency until the 47094
development of the reading improvement and monitoring plan 47095
required by division (C) of this section. These intervention 47096
services shall include research-based reading strategies that have 47097
been shown to be successful in improving reading among 47098
low-performing readers and instruction targeted at the student's 47099
identified reading deficiencies. 47100
- (3) For each student retained under division (A) of this 47101
section, the district shall do all of the following: 47102
- (a) Provide intense remediation services until the student is 47103

able to read at grade level. The remediation services shall 47104
include intensive interventions in reading that address the areas 47105
of deficiencies identified under this section including, but not 47106
limited to, not less than ninety minutes of reading instruction 47107
per day, and may include any of the following: 47108

(i) Small group instruction; 47109

(ii) Reduced teacher-student ratios; 47110

(iii) More frequent progress monitoring; 47111

(iv) Tutoring or mentoring; 47112

(v) Transition classes containing third and fourth grade 47113
students; 47114

(vi) Extended school day, week, or year; 47115

(vii) Summer reading camps. 47116

(b) Establish a policy for the mid-year promotion of a 47117
student retained under division (A) of this section who 47118
demonstrates that the student is reading at or above grade level; 47119

(c) Provide each student with a teacher who satisfies one or 47120
more of the criteria set forth in division (H) of this section. 47121

The district shall offer the option for students to receive 47122
applicable services from one or more providers other than the 47123
district. Providers shall be screened and approved by the district 47124
or the department of education. If the student participates in the 47125
remediation services and demonstrates reading proficiency in 47126
accordance with standards adopted by the department prior to the 47127
start of fourth grade, the district shall promote the student to 47128
that grade. 47129

(4) For each student retained under division (A) of this 47130
section who has demonstrated proficiency in a specific academic 47131
ability field, each district shall provide instruction 47132
commensurate with student achievement levels in that specific 47133

academic ability field. 47134

As used in this division, "specific academic ability field" 47135
has the same meaning as in section 3324.01 of the Revised Code. 47136

(C) For each student required to be provided intervention 47137
services under this section, the district shall develop a reading 47138
improvement and monitoring plan within sixty days after receiving 47139
the student's results on the diagnostic assessment or comparable 47140
tool administered under division (B)(1) of this section. The 47141
district shall involve the student's parent or guardian and 47142
classroom teacher in developing the plan. The plan shall include 47143
all of the following: 47144

(1) Identification of the student's specific reading 47145
deficiencies; 47146

(2) A description of the additional instructional services 47147
and support that will be provided to the student to remediate the 47148
identified reading deficiencies; 47149

(3) Opportunities for the student's parent or guardian to be 47150
involved in the instructional services and support described in 47151
division (C)(2) of this section; 47152

(4) A process for monitoring the extent to which the student 47153
receives the instructional services and support described in 47154
division (C)(2) of this section; 47155

(5) A reading curriculum during regular school hours that 47156
does all of the following: 47157

(a) Assists students to read at grade level; 47158

(b) Provides scientifically based and reliable assessment; 47159

(c) Provides initial and ongoing analysis of each student's 47160
reading progress. 47161

(6) A statement that if the student does not attain at least 47162
the equivalent level of achievement designated under division 47163

(A)(3) of section 3301.0710 of the Revised Code on the assessment 47164
prescribed under that section to measure skill in English language 47165
arts expected by the end of third grade, the student may be 47166
retained in third grade. 47167

Each student with a reading improvement and monitoring plan 47168
under this division who enters third grade after July 1, 2013, 47169
shall be assigned to a teacher who satisfies one or more of the 47170
criteria set forth in division (H) of this section. 47171

The district shall report any information requested by the 47172
department about the reading improvement monitoring plans 47173
developed under this division in the manner required by the 47174
department. 47175

(D) Each school district shall report annually to the 47176
department on its implementation and compliance with this section 47177
using guidelines prescribed by the superintendent of public 47178
instruction. The superintendent of public instruction annually 47179
shall report to the governor and general assembly the number and 47180
percentage of students in grades kindergarten through four reading 47181
below grade level based on the diagnostic assessments administered 47182
under division (B) of this section and the achievement assessments 47183
administered under divisions (A)(1)(a) and (b) of section 47184
3301.0710 of the Revised Code in English language arts, aggregated 47185
by school district and building; the types of intervention 47186
services provided to students; and, if available, an evaluation of 47187
the efficacy of the intervention services provided. 47188

(E) Any summer remediation services funded in whole or in 47189
part by the state and offered by school districts to students 47190
under this section shall meet the following conditions: 47191

(1) The remediation methods are based on reliable educational 47192
research. 47193

(2) The school districts conduct assessment before and after 47194

students participate in the program to facilitate monitoring 47195
results of the remediation services. 47196

(3) The parents of participating students are involved in 47197
programming decisions. 47198

(F) Any intervention or remediation services required by this 47199
section shall include intensive, explicit, and systematic 47200
instruction. 47201

(G) This section does not create a new cause of action or a 47202
substantive legal right for any person. 47203

(H)(1) Except as provided under divisions (H)(2), (3), and 47204
(4) of this section, each student described in division (B)(3) or 47205
(C) of this section who enters third grade for the first time on 47206
or after July 1, 2013, shall be assigned a teacher who has at 47207
least one year of teaching experience and who satisfies one or 47208
more of the following criteria: 47209

(a) The teacher holds a reading endorsement on the teacher's 47210
license and has attained a passing score on the corresponding 47211
assessment for that endorsement, as applicable. 47212

(b) The teacher has completed a master's degree program with 47213
a major in reading. 47214

(c) The teacher was rated "most effective" for reading 47215
instruction consecutively for the most recent two years based on 47216
assessments of student growth measures developed by a vendor and 47217
that is on the list of student assessments approved by the state 47218
board under division (B)(2) of section 3319.112 of the Revised 47219
Code. 47220

(d) The teacher was rated "above expected value added," in 47221
reading instruction, as determined by criteria established by the 47222
department, for the most recent, consecutive two years. 47223

(e) The teacher has earned a passing score on a rigorous test 47224

of principles of scientifically research-based reading instruction 47225
as approved by the state board. 47226

(f) The teacher holds an educator license for teaching grades 47227
pre-kindergarten through three or four through nine issued on or 47228
after July 1, 2017. 47229

(2) Notwithstanding division (H)(1) of this section, a 47230
student described in division (B)(3) or (C) of this section who 47231
enters third grade for the first time on or after July 1, 2013, 47232
may be assigned to a teacher with less than one year of teaching 47233
experience provided that the teacher meets one or more of the 47234
criteria described in divisions (H)(1)(a) to (f) of this section 47235
and that teacher is assigned a teacher mentor who meets the 47236
qualifications of division (H)(1) of this section. 47237

(3) Notwithstanding division (H)(1) of this section, a 47238
student described in division (B)(3) or (C) of this section who 47239
enters third grade for the first time on or after July 1, 2013, 47240
but prior to July 1, 2016, may be assigned to a teacher who holds 47241
an alternative credential approved by the department or who has 47242
successfully completed training that is based on principles of 47243
scientifically research-based reading instruction that has been 47244
approved by the department. Beginning on July 1, 2014, the 47245
alternative credentials and training described in division (H)(3) 47246
of this section shall be aligned with the reading competencies 47247
adopted by the state board of education under section 3301.077 of 47248
the Revised Code. 47249

(4) Notwithstanding division (H)(1) of this section, a 47250
student described in division (B)(3) or (C) of this section who 47251
enters third grade for the first time on or after July 1, 2013, 47252
may receive reading intervention or remediation services under 47253
this section from an individual employed as a speech-language 47254
pathologist who holds a license issued by the board of 47255
speech-language pathology and audiology under Chapter 4753. of the 47256

Revised Code and a professional pupil services license as a school 47257
speech-language pathologist issued by the state board of 47258
education. 47259

(5) A teacher, other than a student's teacher of record, may 47260
provide any services required under this section, so long as that 47261
other teacher meets the requirements of division (H) of this 47262
section and the teacher of record and the school principal agree 47263
to the assignment. Any such assignment shall be documented in the 47264
student's reading improvement and monitoring plan. 47265

As used in this division, "teacher of record" means the 47266
classroom teacher to whom a student is assigned. 47267

(I) Notwithstanding division (H) of this section, a teacher 47268
may teach reading to any student who is an English language 47269
learner, and has been in the United States for three years or 47270
less, or to a student who has an individualized education program 47271
developed under Chapter 3323. of the Revised Code if that teacher 47272
holds an alternative credential approved by the department or has 47273
successfully completed training that is based on principles of 47274
scientifically research-based reading instruction that has been 47275
approved by the department. Beginning on July 1, 2014, the 47276
alternative credentials and training described in this division 47277
shall be aligned with the reading competencies adopted by the 47278
state board of education under section 3301.077 of the Revised 47279
Code. 47280

(J) If, on or after June 4, 2013, a school district or 47281
community school cannot furnish the number of teachers needed who 47282
satisfy one or more of the criteria set forth in division (H) of 47283
this section for the 2013-2014 school year, the school district or 47284
community school shall develop and submit a staffing plan by June 47285
30, 2013. The staffing plan shall include criteria that will be 47286
used to assign a student described in division (B)(3) or (C) of 47287
this section to a teacher, credentials or training held by 47288

teachers currently teaching at the school, and how the school 47289
district or community school will meet the requirements of this 47290
section. The school district or community school shall post the 47291
staffing plan on its web site for the applicable school year. 47292

Not later than March 1, 2014, and on the first day of March 47293
in each year thereafter, a school district or community school 47294
that has submitted a plan under this division shall submit to the 47295
department a detailed report of the progress the district or 47296
school has made in meeting the requirements under this section. 47297

A school district or community school may request an 47298
extension of a staffing plan beyond the 2013-2014 school year. 47299
Extension requests must be submitted to the department not later 47300
than the thirtieth day of April prior to the start of the 47301
applicable school year. The department may grant extensions valid 47302
through the 2015-2016 school year. 47303

Until June 30, 2015, the department annually shall review all 47304
staffing plans and report to the state board not later than the 47305
thirtieth day of June of each year the progress of school 47306
districts and community schools in meeting the requirements of 47307
this section. 47308

(K) The department of education shall designate one or more 47309
staff members to provide guidance and assistance to school 47310
districts and community schools in implementing the third grade 47311
guarantee established by this section, including any standards or 47312
requirements adopted to implement the guarantee and to provide 47313
information and support for reading instruction and achievement. 47314

Sec. 3313.6010. The state board of education shall adopt 47315
~~rules permitting of a school districts to~~ district may contract 47316
with public and private providers of academic remediation and 47317
intervention in mathematics, science, reading, writing, and social 47318
studies for the purpose of assisting pupils in ~~grades one through~~ 47319

~~six~~ any grade outside of regular school hours. 47320

Sec. 3313.612. (A) No nonpublic school chartered by the state 47321
board of education shall grant a high school diploma to any person 47322
unless, subject to section 3313.614 of the Revised Code, the 47323
person has met the assessment requirements of division (A)(1) or 47324
(2) of this section, as applicable. 47325

(1) If the person entered the ninth grade prior to July 1, 47326
2014, the person has attained at least the applicable scores 47327
designated under division (B)(1) of section 3301.0710 of the 47328
Revised Code on all the assessments required by that division, or 47329
has satisfied the alternative conditions prescribed in section 47330
3313.615 of the Revised Code. 47331

(2) If the person entered the ninth grade on or after July 1, 47332
2014, the person has met the requirement prescribed by section 47333
3313.618 or 3313.619 of the Revised Code. 47334

(B) This section does not apply to any of the following: 47335

(1) Any person with regard to any assessment from which the 47336
person was excused pursuant to division (C)(1)(c) of section 47337
3301.0711 of the Revised Code; 47338

(2) Any person ~~that~~ who attends a nonpublic school acting in 47339
accordance with division (D) of this section with regard to any 47340
end-of-course examination ~~required~~ prescribed under 47341
~~divisions~~division (B)~~(2) and (3)~~ of section 3301.0712 of the 47342
Revised Code, including a student attending the school under a 47343
state scholarship program as defined in section 3301.0711 of the 47344
Revised Code; 47345

(3) Any person who attends a nonpublic school accredited 47346
through the independent school association of the central states, 47347
except for a student attending the school under a state 47348
scholarship program as defined in section 3301.0711 of the Revised 47349

Code. 47350

(4) Any person with regard to the social studies assessment 47351
under division (B)(1) of section 3301.0710 of the Revised Code, 47352
any American history end-of-course examination and any American 47353
government end-of-course examination required under division (B) 47354
of section 3301.0712 of the Revised Code if such an exemption is 47355
prescribed by rule of the state board of education under division 47356
(D)(3) of section 3301.0712 of the Revised Code, or the 47357
citizenship test under former division (B) of section 3301.0710 of 47358
the Revised Code as it existed prior to September 11, 2001, if all 47359
of the following apply: 47360

(a) The person is not a citizen of the United States; 47361

(b) The person is not a permanent resident of the United 47362
States; 47363

(c) The person indicates no intention to reside in the United 47364
States after completion of high school. 47365

(C) As used in this division, "limited English proficient 47366
student" has the same meaning as in division (C)(3) of section 47367
3301.0711 of the Revised Code. 47368

Notwithstanding division (C)(3) of section 3301.0711 of the 47369
Revised Code, no limited English proficient student who has not 47370
either attained the applicable scores designated under division 47371
(B)(1) of section 3301.0710 of the Revised Code on all the 47372
assessments required by that division, or met the requirement 47373
prescribed by section 3313.618 or 3313.619 of the Revised Code, 47374
shall be awarded a diploma under this section. 47375

(D) A nonpublic school chartered by the state board that is 47376
not accredited through the independent school association of the 47377
central states may forgo the end-of-course examinations ~~required~~ 47378
~~by divisions under division~~ (B)(2) ~~and (3)~~ of section 3301.0712 of 47379
the Revised Code, if ~~that~~ either of the following apply: 47380

(1) The school publishes the results of the standardized 47381
assessment prescribed under division (B)(1) of section 3301.0712 47382
of the Revised Code for each graduating class. The published 47383
results shall include the overall composite scores, mean scores, 47384
twenty-fifth percentile scores, and seventy-fifth percentile 47385
scores for each subject area of the assessment. 47386

(2) The school administers to its students an alternative 47387
assessment specified under section 3313.619 of the Revised Code. 47388

(3) Notwithstanding anything in the Revised Code to the 47389
contrary, division (D)(2) of this section applies to all students 47390
enrolled in a chartered nonpublic school, including students 47391
attending the school under a state scholarship program. 47392

(E) The state board shall not impose additional requirements 47393
or assessments for the granting of a high school diploma under 47394
this section that are not prescribed by this section. 47395

(F) The department of education shall furnish the assessment 47396
administered by a nonpublic school pursuant to division (B)(1) of 47397
section 3301.0712 of the Revised Code. 47398

~~(G) The exemption provided for in divisions (B)(2) and (D) of~~ 47399
~~this section shall be effective on and after October 1, 2015, but~~ 47400
~~only if the general assembly does not enact different requirements~~ 47401
~~regarding end-of-course examinations for chartered nonpublic~~ 47402
~~schools that are effective by that date.~~ 47403

Sec. 3313.614. (A) As used in this section, a person 47404
"fulfills the curriculum requirement for a diploma" at the time 47405
one of the following conditions is satisfied: 47406

(1) The person successfully completes the high school 47407
curriculum of a school district, a community school, a chartered 47408
nonpublic school, or a correctional institution. 47409

(2) The person successfully completes the individualized 47410

education program developed for the person under section 3323.08 47411
of the Revised Code. 47412

(3) A board of education issues its determination under 47413
section 3313.611 of the Revised Code that the person qualifies as 47414
having successfully completed the curriculum required by the 47415
district. 47416

(B) This division specifies the assessment requirements that 47417
must be fulfilled as a condition toward granting high school 47418
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 47419
of the Revised Code. 47420

(1) A person who fulfills the curriculum requirement for a 47421
diploma before September 15, 2000, is not required to pass any 47422
proficiency test or achievement test in science as a condition to 47423
receiving a diploma. 47424

(2) A person who began ninth grade for the first time prior 47425
to July 1, 2003, is not required to pass the Ohio graduation test 47426
prescribed under division (B)(1) of section 3301.0710 or any 47427
assessment prescribed under division (B)(2) of that section in any 47428
subject as a condition to receiving a diploma once the person has 47429
passed the ninth grade proficiency test in the same subject, so 47430
long as the person passed the ninth grade proficiency test prior 47431
to September 15, 2008. However, any such person who passes the 47432
Ohio graduation test in any subject prior to passing the ninth 47433
grade proficiency test in the same subject shall be deemed to have 47434
passed the ninth grade proficiency test in that subject as a 47435
condition to receiving a diploma. For this purpose, the ninth 47436
grade proficiency test in citizenship substitutes for the Ohio 47437
graduation test in social studies. If a person began ninth grade 47438
prior to July 1, 2003, but does not pass a ninth grade proficiency 47439
test or the Ohio graduation test in a particular subject before 47440
September 15, 2008, and passage of a test in that subject is a 47441
condition for the person to receive a diploma, the person must 47442

pass the Ohio graduation test instead of the ninth grade 47443
proficiency test in that subject to receive a diploma. 47444

(3) A (a) Except as provided in division (B)(3)(b) of this 47445
section, a person who begins ninth grade for the first time on or 47446
after July 1, 2003, in a school district, community school, or 47447
chartered nonpublic school is not eligible to receive a diploma 47448
based on passage of ninth grade proficiency tests. Each such 47449
person who begins ninth grade prior to July 1, 2014, must pass 47450
Ohio graduation tests to meet the assessment requirements 47451
applicable to that person as a condition to receiving a diploma or 47452
satisfy one of the conditions prescribed in division (B)(3)(b) of 47453
this section. 47454

(b) A person who began ninth grade for the first time prior 47455
to July 1, 2014, shall be eligible to receive a diploma if the 47456
person meets the requirement prescribed by section 3313.618 or 47457
3313.619 of the Revised Code. 47458

(c) A person who began ninth grade for the first time prior 47459
to July 1, 2014, and who has not attained at least the applicable 47460
scores designated under division (B)(1) of section 3301.0710 of 47461
the Revised Code on all the assessments required by that division 47462
shall be eligible to receive a diploma if the person meets the 47463
requirement prescribed by rule of the state board of education as 47464
prescribed under division (B)(3)(d) of this section. 47465

(d) Not later than December 31, 2015, the state board of 47466
education shall adopt rules prescribing the manner in which a 47467
person who began ninth grade for the first time prior to July 1, 47468
2014, may be eligible for a high school diploma by combining the 47469
requirement prescribed by section 3313.618 or 3313.619 of the 47470
Revised Code and the requirement to attain at least the applicable 47471
scores designated under division (B)(1) of section 3301.0710 of 47472
the Revised Code on the assessments required by that division. The 47473
rules shall ensure that the combined requirements require a 47474

demonstration of mastery that is equivalent or greater to the 47475
expectations of the assessments prescribed by division (B)(1) of 47476
section 3301.0710 of the Revised Code. The rules shall include the 47477
following: 47478

(i) The date by which a person who began ninth grade for the 47479
first time prior to July 1, 2014, may be eligible for a high 47480
school diploma under division (B)(3)(c) of this section; 47481

(ii) Methods of replacing individual assessments prescribed 47482
by division (B)(1) of section 3301.0710 of the Revised Code; 47483

(iii) Methods of integrating the pathways prescribed by 47484
division (A) of section 3313.618 or section 3313.619 of the 47485
Revised Code. 47486

(4) A Except as provided in division (B)(3)(b) of this 47487
section, a person who begins ninth grade on or after July 1, 2014, 47488
is not eligible to receive a diploma based on passage of the Ohio 47489
graduation tests. Each such person must meet the requirement 47490
prescribed by section 3313.618 or 3313.619 of the Revised Code. 47491

(C) This division specifies the curriculum requirement that 47492
shall be completed as a condition toward granting high school 47493
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 47494
of the Revised Code. 47495

(1) A person who is under twenty-two years of age when the 47496
person fulfills the curriculum requirement for a diploma shall 47497
complete the curriculum required by the school district or school 47498
issuing the diploma for the first year that the person originally 47499
enrolled in high school, except for a person who qualifies for 47500
graduation from high school under either division (D) or (F) of 47501
section 3313.603 of the Revised Code. 47502

(2) Once a person fulfills the curriculum requirement for a 47503
diploma, the person is never required, as a condition of receiving 47504
a diploma, to meet any different curriculum requirements that take 47505

effect pending the person's passage of proficiency tests or 47506
achievement tests or assessments, including changes mandated by 47507
section 3313.603 of the Revised Code, the state board, a school 47508
district board of education, or a governing authority of a 47509
community school or chartered nonpublic school. 47510

Sec. 3313.615. This section shall apply to diplomas awarded 47511
after September 15, 2006, to students who are required to take the 47512
five Ohio graduation tests prescribed by division (B)(1) of 47513
section 3301.0710 of the Revised Code. This section does not apply 47514
to any student who enters ninth grade for the first time on or 47515
after July 1, 2014. 47516

(A) As an alternative to the requirement that a person attain 47517
the scores designated under division (B)(1) of section 3301.0710 47518
of the Revised Code on all the assessments required under that 47519
division in order to be eligible for a high school diploma or an 47520
honors diploma under sections 3313.61, 3313.612, or 3325.08 of the 47521
Revised Code or for a diploma of adult education under section 47522
3313.611 of the Revised Code, a person who has attained at least 47523
the applicable scores designated under division (B)(1) of section 47524
3301.0710 of the Revised Code on all but one of the assessments 47525
required by that division and from which the person was not 47526
excused or exempted, pursuant to division (L) of section 3313.61, 47527
division (B)(1) of section 3313.612, or section 3313.532 of the 47528
Revised Code, may be awarded a diploma or honors diploma if the 47529
person has satisfied all of the following conditions: 47530

(1) On the one assessment required under division (B)(1) of 47531
section 3301.0710 of the Revised Code for which the person failed 47532
to attain the designated score, the person missed that score by 47533
ten points or less; 47534

(2) Has a ninety-seven per cent school attendance rate in 47535
each of the last four school years, excluding any excused 47536

absences; 47537

(3) Has not been expelled from school under section 3313.66 47538
of the Revised Code in any of the last four school years; 47539

(4) Has a grade point average of at least 2.5 out of 4.0, or 47540
its equivalent as designated in rules adopted by the state board 47541
of education, in the subject area of the assessment required under 47542
division (B)(1) of section 3301.0710 of the Revised Code for which 47543
the person failed to attain the designated score; 47544

(5) Has completed the high school curriculum requirements 47545
prescribed in section 3313.603 of the Revised Code or has 47546
qualified under division (D) or (F) of that section; 47547

(6) Has taken advantage of any intervention programs provided 47548
by the school district or school in the subject area described in 47549
division (A)(4) of this section and has a ninety-seven per cent 47550
attendance rate, excluding any excused absences, in any of those 47551
programs that are provided at times beyond the normal school day, 47552
school week, or school year or has received comparable 47553
intervention services from a source other than the school district 47554
or school; 47555

(7) Holds a letter recommending graduation from each of the 47556
person's high school teachers in the subject area described in 47557
division (A)(4) of this section and from the person's high school 47558
principal. 47559

(B) The state board of education shall establish rules 47560
designating grade point averages equivalent to the average 47561
specified in division (A)(4) of this section for use by school 47562
districts and schools with different grading systems. 47563

(C) Any student who is exempt from attaining the applicable 47564
score designated under division (B)(1) of section 3301.0710 of the 47565
Revised Code on the Ohio graduation test in social studies 47566
pursuant to division (H) of section 3313.61 or division (B)(~~3~~)(4) 47567

of section 3313.612 of the Revised Code shall not qualify for a 47568
high school diploma under this section, unless, notwithstanding 47569
the exemption, the student attains the applicable score on that 47570
assessment. If the student attains the applicable score on that 47571
assessment, the student may qualify for a diploma under this 47572
section in the same manner as any other student who is required to 47573
take the five Ohio graduation tests prescribed by division (B)(1) 47574
of section 3301.0710 of the Revised Code. 47575

Sec. 3313.617. (A) A person who meets all of the following 47576
criteria shall be permitted to take the tests of general 47577
educational development: 47578

(1) The person is at least eighteen years of age. 47579

(2) The person is officially withdrawn from school. 47580

(3) The person has not received a high school diploma or 47581
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 47582
or 3325.08 of the Revised Code. 47583

(B) ~~When a~~ (1) A person who is at least sixteen years of age 47584
but less than eighteen years of age ~~applies~~ may apply to the 47585
department of education to take the tests of general educational 47586
development, so long as the person has not received a high school 47587
diploma or honors diploma awarded under section 3313.61, 3313.611, 47588
3313.612, or 3325.08 of the Revised Code. 47589

In order to apply, the person shall submit, along with the 47590
application written, both of the following: 47591

(a) Written approval from the person's parent or guardian or 47592
a court official; 47593

(b) The person's official high school transcript. The 47594
transcript shall include, at a minimum, the previous twelve months 47595
of the person's enrollment in a program approved to grant a high 47596
school diploma. 47597

(2) The department shall determine whether to approve or deny applications submitted under division (B)(1) of this section. The department shall approve a person's application only if the person meets both of the following criteria:

(a) The person has been continuously enrolled in a program approved to grant a high school diploma for at least one semester and attained an attendance rate of at least seventy-five per cent during that semester.

(b) The person shows good cause, as determined by rules adopted by the department pursuant to division (B)(3) of this section.

(3) The state board of education shall adopt rules, in accordance with Chapter 119. of the Revised Code, for the administration of division (B) of this section. The rules shall include what qualifies as good cause for purposes of that division.

(C) If a person's application is approved under division (B) of this section, that person shall remain enrolled in school and maintain an attendance rate of at least seventy-five per cent until either:

(1) The person passes all required sections of the tests of general educational development; or

(2) The person is eighteen years of age.

~~(C)~~(D) Notwithstanding divisions (A) and (B) of this section, a person who meets any of the following criteria shall be permitted to take the tests of general educational development:

(1) The person has a bodily or mental condition as described in division (A)(1) of section 3321.04 of the Revised Code that does not permit attendance at school.

(2) The person is receiving or has completed the final year

of instruction at home as authorized under division (A)(2) of 47628
section 3321.04 of the Revised Code. 47629

(3) The person is moving or has moved out of state after 47630
previously attending school in the state. 47631

(4) The person has an extreme, extenuating circumstance, as 47632
determined by the department, that requires the person to withdraw 47633
from school. 47634

(E) For the purpose of calculating graduation rates for the 47635
school district and building report cards under section 3302.03 of 47636
the Revised Code, the department shall count any person ~~for whom~~ 47637
~~approval is obtained from the person's parent or guardian or a~~ 47638
~~court official who officially withdraws from school to take the~~ 47639
~~tests of general educational development under division (B) of~~ 47640
this section as a dropout from the district or school in which the 47641
person was last enrolled ~~prior to obtaining the approval.~~ 47642

(F) If a person takes the tests of general educational 47643
development and fails to attain the scores required to earn a high 47644
school equivalence diploma, as defined in section 5107.40 of the 47645
Revised Code, on the entire battery of tests, that person shall be 47646
required to retake only the specific test on which the person did 47647
not attain a passing score in order to earn a high school 47648
equivalence diploma. If a person retakes a specific test, that 47649
person shall be responsible only for the cost of that test and not 47650
for the cost of the entire battery of tests, unless that person is 47651
retaking the entire battery. 47652

Sec. 3313.619. This section shall apply only to a chartered 47653
nonpublic school that is not accredited through the independent 47654
school association of the central states. 47655

(A) In lieu of the requirement prescribed by section 3313.618 47656
of the Revised Code, a chartered nonpublic school to which this 47657

section applies may grant a high school diploma to a student who 47658
attains at least the designated score on an assessment approved by 47659
the department of education under division (B) of this section and 47660
selected by the school's governing authority. 47661

(B) For purposes of division (A) of this section, the 47662
department shall approve assessments that meet the conditions 47663
specified under division (C) of this section and shall designate 47664
passing scores for each of those assessments. 47665

(C) Each assessment approved under division (B) of this 47666
section shall be nationally norm-referenced, have internal 47667
consistency reliability coefficients of at least "0.8," be 47668
standardized, have specific evidence of content, concurrent, or 47669
criterion validity, have evidence of norming studies in the 47670
previous ten years, have a measure of student achievement in core 47671
academic areas, and have high validity evidenced by the alignment 47672
of the assessment with nationally recognized content. 47673

(D) Nothing in this section shall prohibit a chartered 47674
nonpublic school to which this section applies from granting a 47675
high school diploma to a student if the student satisfies the 47676
requirement prescribed by section 3313.618 of the Revised Code. 47677

Sec. 3313.6110. (A) A person who has completed the final year 47678
of instruction at home, as authorized under section 3321.04 of the 47679
Revised Code, and has successfully fulfilled the high school 47680
curriculum applicable to that person may be granted a high school 47681
diploma by the person's parent, guardian, or other person having 47682
charge or care of a child, as defined in division (A)(1) of 47683
section 3321.01 of the Revised Code. 47684

(B) Beginning with diplomas issued on or after July 1, 2015, 47685
each diploma granted under division (A) of this section shall 47686
contain either of the following: 47687

(1) Certification signed by the superintendent of the school district in which the student is entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code that the student and the student's parent have complied with state law regarding home instruction. The statement of certification shall read as follows:

"I certify that the student named in this diploma and the student's parent have complied with division (A)(2) of section 3321.04 of the Ohio Revised Code regarding instruction at home and the related rules of the Ohio State Board of Education."

A superintendent presented with such diploma for signature shall sign the diploma if the student and the parent have complied with division (A)(2) of section 3321.04 of the Revised Code.

(2) The official letter of excuse issued by the district superintendent for the student's final year of home education.

(C) A person who has graduated from a nonchartered nonpublic school in Ohio and who has successfully fulfilled that school's high school curriculum may be granted a high school diploma by the governing authority of that school.

(D) Notwithstanding anything in the Revised Code to the contrary, a diploma granted under this section shall serve as proof of the successful completion of that person's applicable high school curriculum and satisfactory to fulfill any legal requirement to show such proof.

(E) For the purposes of an application for employment, a diploma granted under this section shall be considered proof of completion of a high school education, regardless of whether the person to which the diploma was granted participated in the assessments prescribed by division (A)(1) or (B)(1) or (2) of section 3301.0710 and section 3301.0712 of the Revised Code.

Sec. 3313.674. (A) Except as provided in division (D) of this 47718
section, the board of education of each city, exempted village, or 47719
local school district and the governing authority of each 47720
chartered nonpublic school may require each student enrolled in 47721
kindergarten, third grade, fifth grade, and ninth grade to undergo 47722
a screening for body mass index and weight status category. 47723

(B) The board or governing authority may provide any 47725
screenings authorized by this section itself, contract with 47726
another entity for provision of the screenings, or request the 47727
parent or guardian of each student subject to the screening to 47728
obtain the screening from a provider selected by the parent or 47729
guardian and to submit the results to the board or governing 47730
authority. If the board or governing authority provides the 47731
screenings itself or contracts with another entity for provision 47732
of the screenings, the board or governing authority shall protect 47733
student privacy by ensuring that each student is screened alone 47734
and not in the presence of other students or staff. 47735

(C) Each school year, each board or governing authority 47736
electing to require the screening shall provide the parent or 47737
guardian of each student subject to the screening with information 47738
about the screening program. If the board or governing authority 47739
requests parents and guardians to obtain a screening from a 47740
provider of their choosing, the board or governing authority shall 47741
provide them with a list of providers and information about 47742
screening services available in the community to parents and 47743
guardians who cannot afford a private provider. 47744

(D) If the parent or guardian of a student subject to the 47745
screening signs and submits to the board or governing authority a 47746
written statement indicating that the parent or guardian does not 47747
wish to have the student undergo the screening, the board or 47748

governing authority shall not require the student to be screened. 47749

(E) The board or governing authority shall notify the parent 47750
or guardian of each student screened under this section of any 47751
health risks associated with the student's results and shall 47752
provide the parent or guardian with information about 47753
appropriately addressing the risks. For this purpose, the 47754
department of health, in consultation with the department of 47755
education ~~and the healthy choices for healthy children council~~ 47756
~~established under section 3301.92 of the Revised Code,~~ shall 47757
develop a list of documents, pamphlets, or other resources that 47758
may be distributed to parents and guardians under this division. 47759

(F) The board or governing authority shall maintain the 47760
confidentiality of each student's individual screening results at 47761
all times. No board or governing authority shall report a 47762
student's individual screening results to any person other than 47763
the student's parent or guardian. 47764

(G) In a manner prescribed by rule of the director of health, 47765
each board or governing authority electing to require the 47766
screening shall report aggregated body mass index and weight 47767
status category data collected under this section, and any other 47768
demographic data required by the director, to the department of 47769
health. In the case of a school district, data shall be aggregated 47770
for the district as a whole and not for individual schools within 47771
the district, unless the district operates only one school. In the 47772
case of a chartered nonpublic school, data shall be aggregated for 47773
the school as a whole. The department annually may publish the 47774
data reported under this division, aggregated by county. For each 47775
county in which a district, community school, STEM school, or 47776
chartered nonpublic school has elected not to require the 47777
screening for a school year for which data is published, the 47778
department shall note that the data for the county in which the 47779
district or school is located is incomplete. The department may 47780

share data reported under this division with other governmental 47781
entities for the purpose of monitoring population health, making 47782
reports, or public health promotional activities. 47783

Sec. 3313.68. (A) The board of education of each city, 47784
exempted village, or local school district may appoint one or more 47785
school physicians and one or more school dentists. Two or more 47786
school districts may unite and employ one such physician and at 47787
least one such dentist whose duties shall be such as are 47788
prescribed by law. Said school physician shall hold a license to 47789
practice medicine in Ohio, and each school dentist shall be 47790
licensed to practice in this state. School physicians and dentists 47791
may be discharged at any time by the board of education. School 47792
physicians and dentists shall serve one year and until their 47793
successors are appointed and shall receive such compensation as 47794
the board of education determines. The board of education may also 47795
employ registered nurses, as defined by section 4723.01 and 47796
licensed as school nurses under section 3319.221 of the Revised 47797
Code, to aid in such inspection in such ways as are prescribed by 47798
it, and to aid in the conduct and coordination of the school 47799
health service program. The school dentists shall make such 47800
examinations and diagnoses and render such remedial or corrective 47801
treatment for the school children as is prescribed by the board of 47802
education; provided that all such remedial or corrective treatment 47803
shall be limited to the children whose parents cannot otherwise 47804
provide for same, and then only with the written consent of the 47805
parents or guardians of such children. School dentists may also 47806
conduct such oral hygiene educational work as is authorized by the 47807
board of education. 47808

The board of education may delegate the duties and powers 47809
provided for in this section to the board of health or officer 47810
performing the functions of a board of health within the school 47811
district, if such board or officer is willing to assume the same. 47812

Boards of education shall co-operate with boards of health in the 47813
prevention and control of epidemics. 47814

(B) Notwithstanding any provision of the Revised Code to the 47815
contrary, the board of education of each city, exempted village, 47816
or local school district may contract with an educational service 47817
center for the services of a school nurse, licensed under section 47818
3319.221 of the Revised Code, or of a registered nurse or licensed 47819
practical nurse, licensed under Chapter 4723. of the Revised Code, 47820
to provide services to students in the district pursuant to 47821
section 3313.7112 of the Revised Code. 47822

(C) In lieu of appointing or employing a school physician or 47823
dentist pursuant to division (A) of this section or entering into 47824
a contract for the services of a school nurse pursuant to division 47825
(B) of this section, the board of education of each city, exempted 47826
village, or local school district may enter into a contract under 47827
section 3313.721 of the Revised Code for the purpose of providing 47828
health care services to students. 47829

Sec. 3313.72. The board of education of a city, exempted 47830
village, or local school district may enter into a contract with a 47831
health district for the purpose of providing the services of a 47832
school physician, dentist, or nurse. The board may also enter into 47833
a contract under section 3313.721 of the Revised Code for the 47834
purpose of providing health care services to students. 47835

Sec. 3313.721. (A) Notwithstanding anything to the contrary 47836
in the Revised Code, the board of education of a school district 47837
may enter into a contract with a hospital registered under section 47838
3701.07 of the Revised Code or an appropriately licensed health 47839
care provider for the purpose of providing health care services 47840
specifically authorized by the Revised Code to students. 47841

(B) Notwithstanding anything to the contrary in the Revised 47842

Code, the board of education of a school district may enter into a 47843
contract with a federally qualified health center or federally 47844
qualified health center look-alike for the purpose of providing 47845
health care services specifically authorized by the Revised Code 47846
to students. 47847

(C) If the board enters into a contract with a hospital or 47848
health care provider under division (A) of this section or with a 47849
federally qualified health center or federally qualified health 47850
center look-alike under division (B) of this section, the 47851
requirement to obtain a school nurse license or school nurse 47852
wellness coordinator license under section 3319.221 of the Revised 47853
Code, or any rules related to this requirement, shall not apply to 47854
an employee of the hospital, health care provider, federally 47855
qualified health center, or federally qualified health center 47856
look-alike who is providing the services of a nurse under that 47857
contract. However, at a minimum, the employee shall hold a 47858
credential that is equivalent to being licensed as a registered 47859
nurse or licensed practical nurse under Chapter 4723. of the 47860
Revised Code. 47861

(D) As used in this section, "federally qualified health 47862
center" and "federally qualified health center look-alike" have 47863
the same meanings as in section 3701.047 of the Revised Code. 47864

Sec. 3313.902. (A) As used in this section: 47865

(1) "Approved industry credential or certificate" means a 47866
credential or certificate that is approved by the chancellor of 47867
~~the Ohio board of regents~~ higher education. 47868

(2) "Approved institution" means an eligible institution that 47869
has been approved to participate in the adult diploma pilot 47870
program under this section. 47871

(3) "Approved program of study" means a program of study 47872

offered by an approved institution that satisfies the requirements 47873
of division (B) of this section. 47874

(4) An eligible student's "career pathway training program 47875
amount" means the following: 47876

(a) If the student is enrolled in a tier one career pathway 47877
training program, \$4,800; 47878

(b) If the student is enrolled in a tier two career pathway 47879
training program, \$3,200; 47880

(c) If the student is enrolled in a tier three career pathway 47881
training program, \$1,600. 47882

(5) "Eligible institution" means any of the following: 47883

(a) A community college established under Chapter 3354. of 47884
the Revised Code; 47885

(b) A technical college established under Chapter 3357. of 47886
the Revised Code; 47887

(c) A state community college established under Chapter 3358. 47888
of the Revised Code; 47889

(d) An Ohio technical center recognized by the chancellor 47890
that provides post-secondary workforce education. 47891

~~(3)~~(6) "Eligible student" means an individual who is at least 47892
twenty-two years of age and has not received a high school diploma 47893
or a certificate of high school equivalence, as defined in section 47894
4109.06 of the Revised Code. 47895

(7) A "tier one career pathway training program" is a career 47896
pathway training program that requires more than six hundred hours 47897
of technical training, as determined by the department of 47898
education. 47899

(8) A "tier two career pathway training program" is a career 47900
pathway training program that requires more than three hundred 47901

hours of technical training but less than six hundred hours of 47902
technical training, as determined by the department. 47903

(9) A "tier three career pathway training program" is a 47904
career pathway training program that requires three hundred hours 47905
or less of technical training, as determined by the department. 47906

(10) An eligible student's "work readiness training amount" 47907
means the following: 47908

(a) If the student's grade level upon initial enrollment in 47909
an approved program of study at an approved institution is below 47910
the ninth grade, as determined in accordance with rules adopted 47911
under division (E) of this section, \$1,500. 47912

(b) If the student's grade level upon initial enrollment in 47913
an approved program of study at an approved institution is at or 47914
above the ninth grade, as determined in accordance with rules 47915
adopted under division (E) of this section, \$750. 47916

(B) The adult ~~career opportunity diploma~~ pilot program is 47917
hereby established to permit an eligible institution to obtain 47918
approval from the ~~state board of education~~ superintendent of 47919
public instruction and the chancellor to develop and offer a 47920
program of study that allows an eligible student to obtain a high 47921
school diploma. A program shall be eligible for this approval if 47922
it satisfies all of the following requirements: 47923

(1) The program allows an eligible student to complete the 47924
requirements for obtaining a high school diploma that are 47925
specified in rules adopted by the superintendent under division 47926
(E) of this section while also completing requirements for an 47927
approved industry credential or certificate. 47928

(2) The program includes career advising and outreach. 47929

(3) The program includes opportunities for students to 47930
receive a competency-based education. 47931

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 47932
3313.614, 3313.618, and 3313.319 of the Revised Code, the state 47933
board of education shall grant a high school diploma to each 47934
eligible student who enrolls in an approved program of study at an 47935
approved institution and completes the requirements for obtaining 47936
a high school diploma that are specified in rules adopted by the 47937
superintendent under division (E) of this section. 47938

(D)(1) The department shall calculate the following amount 47939
for each eligible student enrolled in each approved institution's 47940
approved program of study: 47941

(The student's career pathway training program amount + the 47942
student's work readiness training amount) X 1.2 47943

(2) The department shall pay the amount calculated for an 47944
eligible student under division (D)(1) of this section to the 47945
approved institution in which the student is enrolled in the 47946
following manner: 47947

(a) Twenty-five per cent of the amount calculated under 47948
division (D)(1) of this section shall be paid to the approved 47949
institution after the student successfully completes the first 47950
third of the approved program of study, as determined by the 47951
department; 47952

(b) Twenty-five per cent of the amount calculated under 47953
division (D)(1) of this section shall be paid to the approved 47954
institution after the student successfully completes the second 47955
third of the approved program of study, as determined by the 47956
department; 47957

(c) Fifty per cent of the amount calculated under division 47958
(D)(1) of this section shall be paid to the approved institution 47959
after the student successfully completes the final third of the 47960
approved program of study, as determined by the department. 47961

(3) Of the amount paid to an approved institution under 47962

division (D)(2) of this section, the institution may use the 47963
amount that is in addition to the student's career pathway 47964
training amount and the student's work readiness training amount 47965
for the associated services of the approved program of study. 47966
These services include counseling, advising, assessment, and other 47967
services as determined or required by the department. 47968

(E) The superintendent of ~~public instruction~~, in consultation 47969
with the chancellor, shall adopt rules for the implementation of 47970
the adult ~~career opportunity diploma~~ pilot program, including the 47971
all of the following: 47972

(1) The requirements for applying for program approval; 47973

(2) The requirements for obtaining a high school diploma 47974
through the program, including the requirement to obtain a passing 47975
score on an assessment that is appropriate for the career pathway 47976
training program that is being completed by the eligible student, 47977
and the date on which these requirements take effect; 47978

(3) The assessment or assessments that may be used to 47979
complete the assessment requirement for each career pathway 47980
training program under division (E)(2) of this section and the 47981
score that must be obtained on each assessment in order to pass 47982
the assessment; 47983

(4) Guidelines regarding the funding of the program under 47984
division (D) of this section, including a method of funding for 47985
students who transfer from one approved institution to another 47986
approved institution prior to completing an approved program of 47987
study; 47988

(5) Circumstances under which an eligible student may be 47989
charged for tuition, supplies, or associated fees while enrolled 47990
in an approved institution's approved program of study; 47991

(6) A requirement that an eligible student may not be charged 47992
for tuition, supplies, or associated fees while enrolled in an 47993

approved institution's approved program of study except in the 47994
circumstances described under division (E)(5) of this section; 47995

(7) The payment of federal funds that are to be used by 47996
approved programs of study at approved institutions. 47997

Sec. 3313.975. As used in this section and in sections 47998
3313.976 to 3313.979 of the Revised Code, "the pilot project 47999
school district" or "the district" means any school district 48000
included in the pilot project scholarship program pursuant to this 48001
section. 48002

(A) The superintendent of public instruction shall establish 48003
a pilot project scholarship program and shall include in such 48004
program any school districts that are or have ever been under 48005
federal court order requiring supervision and operational 48006
management of the district by the state superintendent. The 48007
program shall provide for a number of students residing in any 48008
such district to receive scholarships to attend alternative 48009
schools, and for an equal number of students to receive tutorial 48010
assistance grants while attending public school in any such 48011
district. 48012

(B) The state superintendent shall establish an application 48013
process and deadline for accepting applications from students 48014
residing in the district to participate in the scholarship 48015
program. In the initial year of the program students may only use 48016
a scholarship to attend school in grades kindergarten through 48017
third. 48018

The state superintendent shall award as many scholarships and 48019
tutorial assistance grants as can be funded given the amount 48020
appropriated for the program. ~~In no case, however, shall more than~~ 48021
~~fifty per cent of all scholarships awarded be used by students who~~ 48022
~~were enrolled in a nonpublic school during the school year of~~ 48023
~~application for a scholarship.~~ 48024

(C)(1) The pilot project program shall continue in effect 48025
each year that the general assembly has appropriated sufficient 48026
money to fund scholarships and tutorial assistance grants. In each 48027
year the program continues, new students may receive scholarships 48028
in grades kindergarten to twelve. A student who has received a 48029
scholarship may continue to receive one until the student has 48030
completed grade twelve. 48031

(2) If the general assembly discontinues the scholarship 48032
program, all students who are attending an alternative school 48033
under the pilot project shall be entitled to continued admittance 48034
to that specific school through all grades that are provided in 48035
such school, under the same conditions as when they were 48036
participating in the pilot project. The state superintendent shall 48037
continue to make scholarship payments in accordance with division 48038
(A) or (B) of section 3313.979 of the Revised Code for students 48039
who remain enrolled in an alternative school under this provision 48040
in any year that funds have been appropriated for this purpose. 48041

If funds are not appropriated, the tuition charged to the 48042
parents of a student who remains enrolled in an alternative school 48043
under this provision shall not be increased beyond the amount 48044
equal to the amount of the scholarship plus any additional amount 48045
charged that student's parent in the most recent year of 48046
attendance as a participant in the pilot project, except that 48047
tuition for all the students enrolled in such school may be 48048
increased by the same percentage. 48049

(D) Notwithstanding sections 124.39 and 3311.83 of the 48050
Revised Code, if the pilot project school district experiences a 48051
decrease in enrollment due to participation in a state-sponsored 48052
scholarship program pursuant to sections 3313.974 to 3313.979 of 48053
the Revised Code, the district board of education may enter into 48054
an agreement with any teacher it employs to provide to that 48055
teacher severance pay or early retirement incentives, or both, if 48056

the teacher agrees to terminate the employment contract with the 48057
district board, provided any collective bargaining agreement in 48058
force pursuant to Chapter 4117. of the Revised Code does not 48059
prohibit such an agreement for termination of a teacher's 48060
employment contract. 48061

Sec. 3313.976. (A) No private school may receive scholarship 48062
payments from parents pursuant to section 3313.979 of the Revised 48063
Code until the chief administrator of the private school registers 48064
the school with the superintendent of public instruction. The 48065
state superintendent shall register any school that meets the 48066
following requirements: 48067

(1) The school either: 48068

(a) Offers any of grades kindergarten through twelve and is 48069
located within the boundaries of the pilot project school 48070
district; 48071

(b) Offers any of grades nine through twelve and is located 48072
within the boundaries of a city, local, or exempted village school 48073
district that is both: 48074

(i) Located in a municipal corporation with a population of 48075
fifty thousand or more; 48076

(ii) ~~Adjacent to~~ Located within five miles of the border of 48077
the pilot project school district. 48078

(2) The school indicates in writing its commitment to follow 48079
all requirements for a state-sponsored scholarship program 48080
specified under sections 3313.974 to 3313.979 of the Revised Code, 48081
including, but not limited to, the requirements for admitting 48082
students pursuant to section 3313.977 of the Revised Code; 48083

(3) The school meets all state minimum standards for 48084
chartered nonpublic schools in effect on July 1, 1992, except that 48085
the state superintendent at the superintendent's discretion may 48086

register nonchartered nonpublic schools meeting the other 48087
requirements of this division; 48088

(4) The school does not discriminate on the basis of race, 48089
religion, or ethnic background; 48090

(5) The school enrolls a minimum of ten students per class or 48091
a sum of at least twenty-five students in all the classes offered; 48092

(6) The school does not advocate or foster unlawful behavior 48093
or teach hatred of any person or group on the basis of race, 48094
ethnicity, national origin, or religion; 48095

(7) The school does not provide false or misleading 48096
information about the school to parents, students, or the general 48097
public; 48098

(8) For students in grades kindergarten through eight with 48099
family incomes at or below two hundred per cent of the federal 48100
poverty guidelines, as defined in section 5104.46 of the Revised 48101
Code, the school agrees not to charge any tuition in excess of the 48102
scholarship amount established pursuant to division (C)(1) of 48103
section 3313.978 of the Revised Code, excluding any increase 48104
described in division (C)(2) of that section. 48105

(9) For students in grades kindergarten through eight with 48106
family incomes above two hundred per cent of the federal poverty 48107
guidelines, whose scholarship amounts are less than the actual 48108
tuition charge of the school, the school agrees not to charge any 48109
tuition in excess of the difference between the actual tuition 48110
charge of the school and the scholarship amount established 48111
pursuant to division (C)(1) of section 3313.978 of the Revised 48112
Code, excluding any increase described in division (C)(2) of that 48113
section. The school shall permit such tuition, at the discretion 48114
of the parent, to be satisfied by the family's provision of 48115
in-kind contributions or services. 48116

(10) The school agrees not to charge any tuition to families 48117

of students in grades nine through twelve receiving a scholarship 48118
in excess of the actual tuition charge of the school less the 48119
scholarship amount established pursuant to division (C)(1) of 48120
section 3313.978 of the Revised Code, excluding any increase 48121
described in division (C)(2) of that section. 48122

(11) If Except as provided in division (K)(1)(b)(ii) of 48123
section 3301.0711 of the Revised Code, if the school is not 48124
subject to division (K)(1)(a) of section 3301.0711 of the Revised 48125
Code, it annually administers the applicable assessments 48126
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 48127
to each scholarship student enrolled in the school in accordance 48128
with section 3301.0711 or 3301.0712 of the Revised Code and 48129
reports to the department of education the results of each such 48130
assessment administered to each scholarship student. 48131

(B) The state superintendent shall revoke the registration of 48132
any school if, after a hearing, the superintendent determines that 48133
the school is in violation of any of the provisions of division 48134
(A) of this section. 48135

(C) Any public school located in a school district adjacent 48136
to the pilot project district may receive scholarship payments on 48137
behalf of parents pursuant to section 3313.979 of the Revised Code 48138
if the superintendent of the district in which such public school 48139
is located notifies the state superintendent prior to the first 48140
day of March that the district intends to admit students from the 48141
pilot project district for the ensuing school year pursuant to 48142
section 3327.06 of the Revised Code. 48143

(D) Any parent wishing to purchase tutorial assistance from 48144
any person or governmental entity pursuant to the pilot project 48145
program under sections 3313.974 to 3313.979 of the Revised Code 48146
shall apply to the state superintendent. The state superintendent 48147
shall approve providers who appear to possess the capability of 48148
furnishing the instructional services they are offering to 48149

provide. 48150

Sec. 3313.981. (A) The state board of education shall adopt 48151
rules requiring all of the following: 48152

(1) The board of education of each city, exempted village, 48153
and local school district to annually report to the department of 48154
education all of the following: 48155

(a) The number of adjacent district or other district 48156
students in grades kindergarten through twelve, as applicable, the 48157
number of adjacent district or other district students who are 48158
preschool children with disabilities, as applicable, and the 48159
number of adjacent district or other district joint vocational 48160
students, as applicable, enrolled in the district ~~and the, in~~ 48161
accordance with a policy adopted under division (B) of section 48162
3313.98 of the Revised Code; 48163

(b) The number of native students in grades kindergarten 48164
through twelve enrolled in adjacent or other districts and the 48165
number of native students who are preschool children with 48166
disabilities enrolled in adjacent or other districts, in 48167
accordance with a policy adopted under division (B) of section 48168
3313.98 of the Revised Code; 48169

~~(b)~~(c) Each adjacent district or other district student's or 48170
adjacent district or other district joint vocational student's 48171
date of enrollment in the district; 48172

~~(c)~~(d) The full-time equivalent number of adjacent district 48173
or other district students enrolled in each of the categories of 48174
career-technical education programs or classes described in 48175
section 3317.014 of the Revised Code; 48176

~~(d)~~(e) Each native student's date of enrollment in an 48177
adjacent or other district. 48178

(2) The board of education of each joint vocational school 48179

district to annually report to the department all of the 48180
following: 48181

(a) The number of adjacent district or other district joint 48182
vocational students, as applicable, enrolled in the district; 48183

(b) The full-time equivalent number of adjacent district or 48184
other district joint vocational students enrolled in each category 48185
of career-technical education programs or classes described in 48186
section 3317.014 of the Revised Code; 48187

(c) For each adjacent district or other district joint 48188
vocational student, the city, exempted village, or local school 48189
district in which the student is also enrolled. 48190

(3) Prior to the end of each reporting period specified in 48191
section 3317.03 of the Revised Code, the superintendent of each 48192
city, local, or exempted village school district that admits 48193
adjacent district or other district students who are in grades 48194
kindergarten through twelve, adjacent district or other district 48195
students who are preschool children with disabilities, or adjacent 48196
district or other district joint vocational students in accordance 48197
with a policy adopted under division (B) of section 3313.98 of the 48198
Revised Code to report to the department of education each 48199
adjacent or other district's students and where those students who 48200
are enrolled in the superintendent's district under the policy are 48201
entitled to attend school under section 3313.64 or 3313.65 of the 48202
Revised Code. 48203

The rules shall provide for the method of counting students 48204
who are enrolled for part of a school year in an adjacent or other 48205
district or as an adjacent district or other district joint 48206
vocational student. 48207

(B) From the payments made to a city, exempted village, or 48208
local school district under Chapter 3317. of the Revised Code and, 48209
if necessary, from the payments made to the district under 48210

sections 321.24 and 323.156 of the Revised Code, the department of
education shall annually subtract ~~both~~ all of the following:

(1) An amount equal to the number of the district's native
students in grades kindergarten through twelve reported under
division (A)(1) of this section who are enrolled in adjacent or
other school districts pursuant to policies adopted by such
districts under division (B) of section 3313.98 of the Revised
Code multiplied by the formula amount;

(2) The excess costs computed in accordance with division (E)
of this section for any such native students in grades
kindergarten through twelve receiving special education and
related services in adjacent or other school districts or as an
adjacent district or other district joint vocational student;

(3) For ~~the~~ each of the district's native students reported
under division (A)(1)~~(c)~~(d) or (2)(b) of this section as enrolled
in career-technical education programs or classes described in
section 3317.014 of the Revised Code, the per pupil amount
prescribed by that section for the student's respective
career-technical category, on a full-time equivalency basis;

(4) For each native student who is a preschool child with a
disability reported under division (A)(1) of this section who is
enrolled in an adjacent or other district pursuant to policies
adopted by such a district under division (B) of section 3313.98
of the Revised Code, \$4,000.

(C) To the payments made to a city, exempted village, or
local school district under Chapter 3317. of the Revised Code, the
department of education shall annually add all of the following:

(1) An amount equal to the formula amount multiplied by the
remainder obtained by subtracting the number of adjacent district
or other district joint vocational students from the number of
adjacent district or other district students in grades

kindergarten through twelve enrolled in the district, as reported 48242
under division (A)(1) of this section; 48243

(2) The excess costs computed in accordance with division (E) 48244
of this section for any adjacent district or other district 48245
students in grades kindergarten through twelve, except for any 48246
adjacent or other district joint vocational students, receiving 48247
special education and related services in the district; 48248

(3) For ~~the~~ each of the adjacent or other district students 48249
who are not adjacent district or other district joint vocational 48250
students and are reported under division (A)(1)~~(e)~~(d) of this 48251
section as enrolled in career-technical education programs or 48252
classes described in section 3317.014 of the Revised Code, the per 48253
pupil amount prescribed by that section for the student's 48254
respective career-technical category, on a full-time equivalency 48255
basis; 48256

(4) An amount equal to the number of adjacent district or 48257
other district joint vocational students reported under division 48258
(A)(1) of this section multiplied by an amount equal to twenty per 48259
cent of the formula amount; 48260

(5) For each adjacent district or other district student who 48261
is a preschool child with a disability reported under division 48262
(A)(1) of this section who is enrolled in the district, \$4,000. 48263

(D) To the payments made to a joint vocational school 48264
district under Chapter 3317. of the Revised Code, the department 48265
of education shall add, for each adjacent district or other 48266
district joint vocational student reported under division (A)(2) 48267
of this section, both of the following: 48268

(1) The formula amount; 48269

(2) The per pupil amount for each of the students reported 48270
pursuant to division (A)(2)(b) of this section prescribed by 48271
section 3317.014 of the Revised Code for the student's respective 48272

career-technical category, on a full-time equivalency basis. 48273

(E)(1) A city, exempted village, or local school board 48274
providing special education and related services to an adjacent or 48275
other district student in grades kindergarten through twelve in 48276
accordance with an IEP shall, pursuant to rules of the state 48277
board, compute the excess costs to educate such student as 48278
follows: 48279

(a) Subtract the formula amount from the actual costs to 48280
educate the student; 48281

(b) From the amount computed under division (E)(1)(a) of this 48282
section subtract the amount of any funds received by the district 48283
under Chapter 3317. of the Revised Code to provide special 48284
education and related services to the student. 48285

(2) The board shall report the excess costs computed under 48286
this division to the department of education. 48287

(3) If any student for whom excess costs are computed under 48288
division (E)(1) of this section is an adjacent or other district 48289
joint vocational student, the department of education shall add 48290
the amount of such excess costs to the payments made under Chapter 48291
3317. of the Revised Code to the joint vocational school district 48292
enrolling the student. 48293

(F) As provided in division (D)(1)(b) of section 3317.03 of 48294
the Revised Code, no joint vocational school district shall count 48295
any adjacent or other district joint vocational student enrolled 48296
in the district in its enrollment certified under section 3317.03 48297
of the Revised Code. 48298

(G) No city, exempted village, or local school district shall 48299
receive a payment under division (C) of this section for a 48300
student, and no joint vocational school district shall receive a 48301
payment under division (D) of this section for a student, if for 48302
the same school year that student is counted in the district's 48303

enrollment certified under section 3317.03 of the Revised Code. 48304

(H) Upon request of a parent, and provided the board offers 48305
transportation to native students of the same grade level and 48306
distance from school under section 3327.01 of the Revised Code, a 48307
city, exempted village, or local school board enrolling an 48308
adjacent or other district student shall provide transportation 48309
for the student within the boundaries of the board's district, 48310
except that the board shall be required to pick up and drop off a 48311
nonhandicapped student only at a regular school bus stop 48312
designated in accordance with the board's transportation policy. 48313
Pursuant to rules of the state board of education, such board may 48314
reimburse the parent from funds received for pupil transportation 48315
under section 3317.0212 of the Revised Code, or other provisions 48316
of law, for the reasonable cost of transportation from the 48317
student's home to the designated school bus stop if the student's 48318
family has an income below the federal poverty line. 48319

Sec. 3314.02. (A) As used in this chapter: 48320

(1) "Sponsor" means the board of education of a school 48321
district or the governing board of an educational service center 48322
that agrees to the conversion of all or part of a school or 48323
building under division (B) of this section, or an entity listed 48324
in division (C)(1) of this section, which ~~either~~ has been approved 48325
by the department of education to sponsor community schools or is 48326
exempted by section 3314.021 or 3314.027 of the Revised Code from 48327
obtaining approval, and with which the governing authority of a 48328
community school enters into a contract under section 3314.03 of 48329
the Revised Code. 48330

(2) "Pilot project area" means the school districts included 48331
in the territory of the former community school pilot project 48332
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 48333
the 122nd general assembly. 48334

- (3) "Challenged school district" means any of the following: 48335
- (a) A school district that is part of the pilot project area; 48336
- (b) A school district that meets one of the following 48337
conditions: 48338
- (i) On March 22, 2013, the district was in a state of 48339
academic emergency or in a state of academic watch under section 48340
3302.03 of the Revised Code, as that section existed prior to 48341
March 22, 2013; 48342
- (ii) For two of the 2012-2013, 2013-2014, ~~and 2014-2015,~~ and 48343
2015-2016 school years, the district received a grade of "D" or 48344
"F" for the performance index score and a grade of "F" for the 48345
value-added progress dimension under section 3302.03 of the 48346
Revised Code; 48347
- (iii) For the ~~2015-2016~~ 2016-2017 school year and for any 48348
school year thereafter, the district has received an overall grade 48349
of "D" or "F" under division (C)(3) of section 3302.03 of the 48350
Revised Code, or, for at least two of the three most recent school 48351
years, the district received a grade of "F" for the value-added 48352
progress dimension under division (C)(1)(e) of that section. 48353
- (c) A big eight school district; 48354
- (d) A school district ranked in the lowest five per cent of 48355
school districts according to performance index score under 48356
section 3302.21 of the Revised Code. 48357
- (4) "Big eight school district" means a school district that 48358
for fiscal year 1997 had both of the following: 48359
- (a) A percentage of children residing in the district and 48360
participating in the predecessor of Ohio works first greater than 48361
thirty per cent, as reported pursuant to section 3317.10 of the 48362
Revised Code; 48363
- (b) An average daily membership greater than twelve thousand, 48364

as reported pursuant to former division (A) of section 3317.03 of the Revised Code. 48365
48366

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code. 48367
48368
48369
48370
48371

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998. 48372
48373
48374
48375

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities unless a student receives career-technical education under section 3314.086 of the Revised Code. 48376
48377
48378
48379
48380
48381
48382
48383
48384
48385

A community school that operates mainly as an internet- or computer-based community school and provides career-technical education under section 3314.086 of the Revised Code shall be considered an internet- or computer-based community school, even if it provides some classroom-based instruction, so long as it provides instruction via the methods described in this division. 48386
48387
48388
48389
48390
48391

(8) "Operator" means either of the following: 48392

(a) An individual or organization that manages the daily operations of a community school pursuant to a contract between the operator and the school's governing authority; 48393
48394
48395

(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards.

(9) "Alliance municipal school district" has the same meaning as in section 3311.86 of the Revised Code.

(B)(1) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted.

(2) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a building operated by an educational service center to a community school. The proposal shall be made to the governing board of the service center.

~~A service center that proposes the establishment of a conversion community school located in a county within the territory of the service center or in a county contiguous to such county is exempt from approval from the department of education, except as provided under division (B)(4) of this section, and from the agreement required under division (B)(1) of section 3314.015 of the Revised Code.~~

~~However, a service center that proposes the establishment of a conversion community school located in a county outside of the territory of the service center or a county contiguous to such county shall be subject to approval from the department of education and from the agreement required under that section.~~

~~Division (B)(2) of this section does not apply to an~~

~~educational service center that sponsors community schools and 48427~~
~~that is exempted under section 3314.021 or 3314.027 of the Revised 48428~~
~~Code from the requirement to be approved for sponsorship under 48429~~
~~divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 48430~~
~~Code. 48431~~

An educational service center that sponsors a community 48432
school in accordance with this division shall be approved by and 48433
enter into a written agreement with the department as described in 48434
section 3314.015 of the Revised Code. 48435

(3) Upon receipt of a proposal, a board may enter into a 48436
preliminary agreement with the person or group proposing the 48437
conversion of the public school or service center building, 48438
indicating the intention of the board to support the conversion to 48439
a community school. A proposing person or group that has a 48440
preliminary agreement under this division may proceed to finalize 48441
plans for the school, establish a governing authority for the 48442
school, and negotiate a contract with the board. Provided the 48443
proposing person or group adheres to the preliminary agreement and 48444
all provisions of this chapter, the board shall negotiate in good 48445
faith to enter into a contract in accordance with section 3314.03 48446
of the Revised Code and division (C) of this section. 48447

(4) The sponsor of a conversion community school proposed to 48448
open in an alliance municipal school district shall be subject to 48449
approval by the department of education for sponsorship of that 48450
school using the criteria established under division (A) of 48451
section 3311.87 of the Revised Code. 48452

Division (B)(4) of this section does not apply to a sponsor 48453
that is, on or before the effective date of this amendment, was 48454
exempted under section 3314.021 or 3314.027 of the Revised Code 48455
from the requirement to be approved for sponsorship under 48456
divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 48457
Code. 48458

(C)(1) Any person or group of individuals may propose under 48459
this division the establishment of a new start-up school to be 48460
located in a challenged school district. The proposal may be made 48461
to any of the following entities: 48462

(a) The board of education of the district in which the 48463
school is proposed to be located; 48464

(b) The board of education of any joint vocational school 48465
district with territory in the county in which is located the 48466
majority of the territory of the district in which the school is 48467
proposed to be located; 48468

(c) The board of education of any other city, local, or 48469
exempted village school district having territory in the same 48470
county where the district in which the school is proposed to be 48471
located has the major portion of its territory; 48472

(d) The governing board of any educational service center, 48473
regardless of the location of the proposed school, may sponsor a 48474
new start-up school in any challenged school district in the state 48475
if all of the following are satisfied: 48476

(i) If applicable, it satisfies the requirements of division 48477
(E) of section 3311.86 of the Revised Code; 48478

(ii) It is approved to do so by the department; 48479

(iii) It enters into an agreement with the department under 48480
section 3314.015 of the Revised Code. 48481

(e) A sponsoring authority designated by the board of 48482
trustees of any of the thirteen state universities listed in 48483
section 3345.011 of the Revised Code or the board of trustees 48484
itself as long as a mission of the proposed school to be specified 48485
in the contract under division (A)(2) of section 3314.03 of the 48486
Revised Code and as approved by the department under division 48487
(B)(2) of section 3314.015 of the Revised Code will be the 48488

practical demonstration of teaching methods, educational 48489
technology, or other teaching practices that are included in the 48490
curriculum of the university's teacher preparation program 48491
approved by the state board of education; 48492

(f) Any qualified tax-exempt entity under section 501(c)(3) 48493
of the Internal Revenue Code as long as all of the following 48494
conditions are satisfied: 48495

(i) The entity has been in operation for at least five years 48496
prior to applying to be a community school sponsor. 48497

(ii) The entity has assets of at least five hundred thousand 48498
dollars and a demonstrated record of financial responsibility. 48499

(iii) The department has determined that the entity is an 48500
education-oriented entity under division (B)(3) of section 48501
3314.015 of the Revised Code and the entity has a demonstrated 48502
record of successful implementation of educational programs. 48503

(iv) The entity is not a community school. 48504

(g) The mayor of a city in which the majority of the 48505
territory of a school district to which section 3311.60 of the 48506
Revised Code applies is located, regardless of whether that 48507
district has created the position of independent auditor as 48508
prescribed by that section. The mayor's sponsorship authority 48509
under this division is limited to community schools that are 48510
located in that school district. Such mayor may sponsor community 48511
schools only with the approval of the city council of that city, 48512
after establishing standards with which community schools 48513
sponsored by the mayor must comply, and after entering into a 48514
sponsor agreement with the department as prescribed under section 48515
3314.015 of the Revised Code. The mayor shall establish the 48516
standards for community schools sponsored by the mayor not later 48517
than one hundred eighty days after July 15, 2013, and shall submit 48518
them to the department upon their establishment. The department 48519

shall approve the mayor to sponsor community schools in the 48520
district, upon receipt of an application by the mayor to do so. 48521
Not later than ninety days after the department's approval of the 48522
mayor as a community school sponsor, the department shall enter 48523
into the sponsor agreement with the mayor. 48524

Any entity described in division (C)(1) of this section may 48525
enter into a preliminary agreement pursuant to division (C)(2) of 48526
this section with the proposing person or group. 48527

(2) A preliminary agreement indicates the intention of an 48528
entity described in division (C)(1) of this section to sponsor the 48529
community school. A proposing person or group that has such a 48530
preliminary agreement may proceed to finalize plans for the 48531
school, establish a governing authority as described in division 48532
(E) of this section for the school, and negotiate a contract with 48533
the entity. Provided the proposing person or group adheres to the 48534
preliminary agreement and all provisions of this chapter, the 48535
entity shall negotiate in good faith to enter into a contract in 48536
accordance with section 3314.03 of the Revised Code. 48537

(3) A new start-up school that is established in a school 48538
district described in either division (A)(3)(b) or (d) of this 48539
section may continue in existence once the school district no 48540
longer meets the conditions described in either division, provided 48541
there is a valid contract between the school and a sponsor. 48542

(4) A copy of every preliminary agreement entered into under 48543
this division shall be filed with the superintendent of public 48544
instruction. 48545

(D) A majority vote of the board of a sponsoring entity and a 48546
majority vote of the members of the governing authority of a 48547
community school shall be required to adopt a contract and convert 48548
the public school or educational service center building to a 48549
community school or establish the new start-up school. Beginning 48550

September 29, 2005, adoption of the contract shall occur not later 48551
than the fifteenth day of March, and signing of the contract shall 48552
occur not later than the fifteenth day of May, prior to the school 48553
year in which the school will open. The governing authority shall 48554
notify the department of education when the contract has been 48555
signed. Subject to sections 3314.013 and 3314.016 of the Revised 48556
Code, an unlimited number of community schools may be established 48557
in any school district provided that a contract is entered into 48558
for each community school pursuant to this chapter. 48559

(E)(1) As used in this division, "immediate relatives" are 48560
limited to spouses, children, parents, grandparents, siblings, and 48561
in-laws. 48562

Each new start-up community school established under this 48563
chapter shall be under the direction of a governing authority 48564
which shall consist of a board of not less than five individuals. 48565

No person shall serve on the governing authority or operate 48566
the community school under contract with the governing authority 48567
so long as the person owes the state any money or is in a dispute 48568
over whether the person owes the state any money concerning the 48569
operation of a community school that has closed. 48570

(2) No person shall serve on the governing authorities of 48571
more than five start-up community schools at the same time. 48572

(3) No present or former member, or immediate relative of a 48573
present or former member, of the governing authority of any 48574
community school established under this chapter shall be an owner, 48575
employee, or consultant of any sponsor or operator of a community 48576
school, unless at least one year has elapsed since the conclusion 48577
of the person's membership. 48578

(4) The governing authority of a start-up community school 48579
may provide by resolution for the compensation of its members. 48580
However, no individual who serves on the governing authority of a 48581

start-up community school shall be compensated more than four 48582
hundred twenty-five dollars per meeting of that governing 48583
authority and no such individual shall be compensated more than a 48584
total amount of five thousand dollars per year for all governing 48585
authorities upon which the individual serves. 48586

(F)(1) A new start-up school that is established prior to 48587
August 15, 2003, in an urban school district that is not also a 48588
big-eight school district may continue to operate after that date 48589
and the contract between the school's governing authority and the 48590
school's sponsor may be renewed, as provided under this chapter, 48591
after that date, but no additional new start-up schools may be 48592
established in such a district unless the district is a challenged 48593
school district as defined in this section as it exists on and 48594
after that date. 48595

(2) A community school that was established prior to June 29, 48596
1999, and is located in a county contiguous to the pilot project 48597
area and in a school district that is not a challenged school 48598
district may continue to operate after that date, provided the 48599
school complies with all provisions of this chapter. The contract 48600
between the school's governing authority and the school's sponsor 48601
may be renewed, but no additional start-up community school may be 48602
established in that district unless the district is a challenged 48603
school district. 48604

(3) Any educational service center that, on June 30, 2007, 48605
sponsors a community school that is not located in a county within 48606
the territory of the service center or in a county contiguous to 48607
such county may continue to sponsor that community school on and 48608
after June 30, 2007, and may renew its contract with the school. 48609
However, the educational service center shall not enter into a 48610
contract with any additional community school, ~~unless the school~~ 48611
~~is located in a county within the territory of the service center~~ 48612
~~or in a county contiguous to such county, or unless the governing~~ 48613

board of the service center has entered into an agreement with the 48614
department authorizing the service center to sponsor a community 48615
school in any challenged school district in the state. 48616

Sec. 3314.03. A copy of every contract entered into under 48617
this section shall be filed with the superintendent of public 48618
instruction. The department of education shall make available on 48619
its web site a copy of every approved, executed contract filed 48620
with the superintendent under this section. 48621

(A) Each contract entered into between a sponsor and the 48622
governing authority of a community school shall specify the 48623
following: 48624

(1) That the school shall be established as either of the 48625
following: 48626

(a) A nonprofit corporation established under Chapter 1702. 48627
of the Revised Code, if established prior to April 8, 2003; 48628

(b) A public benefit corporation established under Chapter 48629
1702. of the Revised Code, if established after April 8, 2003. 48630

(2) The education program of the school, including the 48631
school's mission, the characteristics of the students the school 48632
is expected to attract, the ages and grades of students, and the 48633
focus of the curriculum; 48634

(3) The academic goals to be achieved and the method of 48635
measurement that will be used to determine progress toward those 48636
goals, which shall include the statewide achievement assessments; 48637

(4) Performance standards by which the success of the school 48638
will be evaluated by the sponsor; 48639

(5) The admission standards of section 3314.06 of the Revised 48640
Code and, if applicable, section 3314.061 of the Revised Code; 48641

(6)(a) Dismissal procedures; 48642

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) The facilities to be used and their locations;

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs,

admission policies, employment practices, and all other 48673
operations, and will not be operated by a sectarian school or 48674
religious institution. 48675

(d) The school will comply with sections 9.90, 9.91, 109.65, 48676
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 48677
3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 3313.536, 48678
3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 48679
3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 48680
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 48681
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 48682
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 48683
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 48684
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 48685
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 48686
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 48687
4123., 4141., and 4167. of the Revised Code as if it were a school 48688
district and will comply with section 3301.0714 of the Revised 48689
Code in the manner specified in section 3314.17 of the Revised 48690
Code. 48691

(e) The school shall comply with Chapter 102. and section 48692
2921.42 of the Revised Code. 48693

(f) The school will comply with sections 3313.61, 3313.611, 48694
and 3313.614 of the Revised Code, except that for students who 48695
enter ninth grade for the first time before July 1, 2010, the 48696
requirement in sections 3313.61 and 3313.611 of the Revised Code 48697
that a person must successfully complete the curriculum in any 48698
high school prior to receiving a high school diploma may be met by 48699
completing the curriculum adopted by the governing authority of 48700
the community school rather than the curriculum specified in Title 48701
XXXIII of the Revised Code or any rules of the state board of 48702
education. Beginning with students who enter ninth grade for the 48703
first time on or after July 1, 2010, the requirement in sections 48704

3313.61 and 3313.611 of the Revised Code that a person must 48705
successfully complete the curriculum of a high school prior to 48706
receiving a high school diploma shall be met by completing the 48707
requirements prescribed in division (C) of section 3313.603 of the 48708
Revised Code, unless the person qualifies under division (D) or 48709
(F) of that section. Each school shall comply with the plan for 48710
awarding high school credit based on demonstration of subject area 48711
competency, and beginning with the 2016-2017 school year, with the 48712
updated plan that permits students enrolled in seventh and eighth 48713
grade to meet curriculum requirements based on subject area 48714
competency adopted by the state board of education under ~~division~~ 48715
divisions (J)(1) and (2) of section 3313.603 of the Revised Code. 48716

(g) The school governing authority will submit within four 48717
months after the end of each school year a report of its 48718
activities and progress in meeting the goals and standards of 48719
divisions (A)(3) and (4) of this section and its financial status 48720
to the sponsor and the parents of all students enrolled in the 48721
school. 48722

(h) The school, unless it is an internet- or computer-based 48723
community school, will comply with section 3313.801 of the Revised 48724
Code as if it were a school district. 48725

(i) If the school is the recipient of moneys from a grant 48726
awarded under the federal race to the top program, Division (A), 48727
Title XIV, Sections 14005 and 14006 of the "American Recovery and 48728
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 48729
school will pay teachers based upon performance in accordance with 48730
section 3317.141 and will comply with section 3319.111 of the 48731
Revised Code as if it were a school district. 48732

(j) If the school operates a preschool program that is 48733
licensed by the department of education under sections 3301.52 to 48734
3301.59 of the Revised Code, the school shall comply with sections 48735
3301.50 to 3301.59 of the Revised Code and the minimum standards 48736

for preschool programs prescribed in rules adopted by the state 48737
board under section 3301.53 of the Revised Code. 48738

(12) Arrangements for providing health and other benefits to 48739
employees; 48740

(13) The length of the contract, which shall begin at the 48741
beginning of an academic year. No contract shall exceed five years 48742
unless such contract has been renewed pursuant to division (E) of 48743
this section. 48744

(14) The governing authority of the school, which shall be 48745
responsible for carrying out the provisions of the contract; 48746

(15) A financial plan detailing an estimated school budget 48747
for each year of the period of the contract and specifying the 48748
total estimated per pupil expenditure amount for each such year. 48749

(16) Requirements and procedures regarding the disposition of 48750
employees of the school in the event the contract is terminated or 48751
not renewed pursuant to section 3314.07 of the Revised Code; 48752

(17) Whether the school is to be created by converting all or 48753
part of an existing public school or educational service center 48754
building or is to be a new start-up school, and if it is a 48755
converted public school or service center building, specification 48756
of any duties or responsibilities of an employer that the board of 48757
education or service center governing board that operated the 48758
school or building before conversion is delegating to the 48759
governing authority of the community school with respect to all or 48760
any specified group of employees provided the delegation is not 48761
prohibited by a collective bargaining agreement applicable to such 48762
employees; 48763

(18) Provisions establishing procedures for resolving 48764
disputes or differences of opinion between the sponsor and the 48765
governing authority of the community school; 48766

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to

take such action. 48797

(23) A description of the learning opportunities that will be 48798
offered to students including both classroom-based and 48799
non-classroom-based learning opportunities that is in compliance 48800
with criteria for student participation established by the 48801
department under division (H)(2) of section 3314.08 of the Revised 48802
Code; 48803

(24) The school will comply with sections 3302.04 and 48804
3302.041 of the Revised Code, except that any action required to 48805
be taken by a school district pursuant to those sections shall be 48806
taken by the sponsor of the school. However, the sponsor shall not 48807
be required to take any action described in division (F) of 48808
section 3302.04 of the Revised Code. 48809

(25) Beginning in the 2006-2007 school year, the school will 48810
open for operation not later than the thirtieth day of September 48811
each school year, unless the mission of the school as specified 48812
under division (A)(2) of this section is solely to serve dropouts. 48813
In its initial year of operation, if the school fails to open by 48814
the thirtieth day of September, or within one year after the 48815
adoption of the contract pursuant to division (D) of section 48816
3314.02 of the Revised Code if the mission of the school is solely 48817
to serve dropouts, the contract shall be void. 48818

(26) Whether the school's governing authority is planning to 48819
seek designation for the school as a STEM school equivalent under 48820
section 3326.032 of the Revised Code. 48821

(B) The community school shall also submit to the sponsor a 48822
comprehensive plan for the school. The plan shall specify the 48823
following: 48824

(1) The process by which the governing authority of the 48825
school will be selected in the future; 48826

(2) The management and administration of the school; 48827

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in 48859
complying with laws applicable to the school and terms of the 48860
contract; 48861

(5) Take steps to intervene in the school's operation to 48862
correct problems in the school's overall performance, declare the 48863
school to be on probationary status pursuant to section 3314.073 48864
of the Revised Code, suspend the operation of the school pursuant 48865
to section 3314.072 of the Revised Code, or terminate the contract 48866
of the school pursuant to section 3314.07 of the Revised Code as 48867
determined necessary by the sponsor; 48868

(6) Have in place a plan of action to be undertaken in the 48869
event the community school experiences financial difficulties or 48870
closes prior to the end of a school year. 48871

(E) Upon the expiration of a contract entered into under this 48872
section, the sponsor of a community school may, with the approval 48873
of the governing authority of the school, renew that contract for 48874
a period of time determined by the sponsor, but not ending earlier 48875
than the end of any school year, if the sponsor finds that the 48876
school's compliance with applicable laws and terms of the contract 48877
and the school's progress in meeting the academic goals prescribed 48878
in the contract have been satisfactory. Any contract that is 48879
renewed under this division remains subject to the provisions of 48880
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 48881

(F) If a community school fails to open for operation within 48882
one year after the contract entered into under this section is 48883
adopted pursuant to division (D) of section 3314.02 of the Revised 48884
Code or permanently closes prior to the expiration of the 48885
contract, the contract shall be void and the school shall not 48886
enter into a contract with any other sponsor. A school shall not 48887
be considered permanently closed because the operations of the 48888
school have been suspended pursuant to section 3314.072 of the 48889
Revised Code. 48890

Sec. 3314.05. (A) The contract between the community school 48891
and the sponsor shall specify the facilities to be used for the 48892
community school and the method of acquisition. Except as provided 48893
in divisions (B)(3) and (4) of this section, no community school 48894
shall be established in more than one school district under the 48895
same contract. 48896

(B) Division (B) of this section shall not apply to internet- 48897
or computer-based community schools. 48898

(1) A community school may be located in multiple facilities 48899
under the same contract only if the limitations on availability of 48900
space prohibit serving all the grade levels specified in the 48901
contract in a single facility or division (B)(2), (3), or (4) of 48902
this section applies to the school. The school shall not offer the 48903
same grade level classrooms in more than one facility. 48904

(2) A community school may be located in multiple facilities 48905
under the same contract and, notwithstanding division (B)(1) of 48906
this section, may assign students in the same grade level to 48907
multiple facilities, as long as all of the following apply: 48908

(a) The governing authority has entered into and maintains a 48909
contract with an operator of the type described in division 48910
(A)(8)(b) of section 3314.02 of the Revised Code. 48911

(b) The contract with that operator qualified the school to 48912
be established pursuant to division (A) of former section 3314.016 48913
of the Revised Code. 48914

(c) The school's rating under section 3302.03 of the Revised 48915
Code does not fall below a combination of any of the following for 48916
two or more consecutive years: 48917

(i) A rating of "in need of continuous improvement" under 48918
section 3302.03 of the Revised Code, as that section existed prior 48919
to March 22, 2013; 48920

(ii) For the 2012-2013 ~~and, 2013-2014, 2014-2015, and~~ 48921
~~2015-2016~~ school years, a rating of "C" for both the performance 48922
index score under division (A)(1)(b) or (B)(1)(b) and the 48923
value-added dimension under division (A)(1)(e) or (B)(1)(e) of 48924
section 3302.03 of the Revised Code; or if the building serves 48925
only grades ten through twelve, the building received a grade of 48926
"C" for the performance index score under division (A)(1)(b) or 48927
(B)(1)(b) of section 3302.03 of the Revised Code; 48928

(iii) For the ~~2014-2015~~ 2016-2017 school year and for any 48929
school year thereafter, an overall grade of "C" under division 48930
(C)(3) of section 3302.03 of the Revised Code or an overall 48931
performance designation of "meets standards" under division 48932
(E)(3)(e) of section 3314.017 of the Revised Code. 48933

(3) A new start-up community school may be established in two 48934
school districts under the same contract if all of the following 48935
apply: 48936

(a) At least one of the school districts in which the school 48937
is established is a challenged school district; 48938

(b) The school operates not more than one facility in each 48939
school district and, in accordance with division (B)(1) of this 48940
section, the school does not offer the same grade level classrooms 48941
in both facilities; and 48942

(c) Transportation between the two facilities does not 48943
require more than thirty minutes of direct travel time as measured 48944
by school bus. 48945

In the case of a community school to which division (B)(3) of 48946
this section applies, if only one of the school districts in which 48947
the school is established is a challenged school district, that 48948
district shall be considered the school's primary location and the 48949
district in which the school is located for the purposes of 48950
division (A)(19) of section 3314.03 and divisions (C) and (H) of 48951

section 3314.06 of the Revised Code and for all other purposes of 48952
this chapter. If both of the school districts in which the school 48953
is established are challenged school districts, the school's 48954
governing authority shall designate one of those districts to be 48955
considered the school's primary location and the district in which 48956
the school is located for the purposes of those divisions and all 48957
other purposes of this chapter and shall notify the department of 48958
education of that designation. 48959

(4) A community school may be located in multiple facilities 48960
under the same contract and, notwithstanding division (B)(1) of 48961
this section, may assign students in the same grade level to 48962
multiple facilities, as long as both of the following apply: 48963

(a) The facilities are all located in the same county. 48964

(b) Either of the following conditions are satisfied: 48965

(i) The community school is sponsored by a board of education 48966
of a city, local, or exempted village school district having 48967
territory in the same county where the facilities of the community 48968
school are located; 48969

(ii) The community school is managed by an operator. 48970

In the case of a community school to which division (B)(4) of 48971
this section applies and that maintains facilities in more than 48972
one school district, the school's governing authority shall 48973
designate one of those districts to be considered the school's 48974
primary location and the district in which the school is located 48975
for the purposes of division (A)(19) of section 3314.03 and 48976
divisions (C) and (H) of section 3314.06 of the Revised Code and 48977
for all other purposes of this chapter and shall notify the 48978
department of that designation. 48979

(5) Any facility used for a community school shall meet all 48980
health and safety standards established by law for school 48981
buildings. 48982

(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school.

(D) Two or more separate community schools may be located in the same facility.

(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole.

Sec. 3314.06. The governing authority of each community school established under this chapter shall adopt admission procedures that specify the following:

(A) That, except as otherwise provided in this section, admission to the school shall be open to any individual age five to twenty-two entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

Additionally, except as otherwise provided in this section, admission to the school may be open on a tuition basis to any individual age five to twenty-two who is not a resident of this

state. The school shall not receive state funds under section 49014
3314.08 of the Revised Code for any student who is not a resident 49015
of this state. 49016

An individual younger than five years of age may be admitted 49017
to the school in accordance with division (A)(2) of section 49018
3321.01 of the Revised Code. The school shall receive funds for an 49019
individual admitted under that division in the manner provided 49020
under section 3314.08 of the Revised Code. 49021

If the school operates a program that uses the Montessori 49022
method endorsed by the American Montessori society, the Montessori 49023
accreditation council for teacher education, or the association 49024
Montessori internationale as its primary method of instruction, 49025
admission to the school may be open to individuals younger than 49026
five years of age, but the school shall not receive funds under 49027
this chapter for those individuals. Notwithstanding anything to 49028
the contrary in this chapter, individuals younger than five years 49029
of age who are enrolled in a Montessori program shall be offered 49030
at least four hundred fifty-five hours of learning opportunities 49031
per school year. 49032

If the school operates a preschool program that is licensed 49033
by the department of education under sections 3301.52 to 3301.59 49034
of the Revised Code, admission to the school may be open to 49035
individuals who are younger than five years of age, but the school 49036
shall not receive funds under this chapter for those individuals. 49037

(B)(1) That admission to the school may be limited to 49038
students who have attained a specific grade level or are within a 49039
specific age group; to students that meet a definition of 49040
"at-risk," as defined in the contract; to residents of a specific 49041
geographic area within the district, as defined in the contract; 49042
or to separate groups of autistic students and nondisabled 49043
students, as authorized in section 3314.061 of the Revised Code 49044
and as defined in the contract. 49045

(2) For purposes of division (B)(1) of this section, 49046
"at-risk" students may include those students identified as gifted 49047
students under section 3324.03 of the Revised Code. 49048

(C) Whether enrollment is limited to students who reside in 49049
the district in which the school is located or is open to 49050
residents of other districts, as provided in the policy adopted 49051
pursuant to the contract. 49052

(D)(1) That there will be no discrimination in the admission 49053
of students to the school on the basis of race, creed, color, 49054
disability, or sex except that: 49055

(a) The governing authority may do either of the following 49056
for the purpose described in division (G) of this section: 49057

(i) Establish a single-gender school for either sex; 49058

(ii) Establish single-gender schools for each sex under the 49059
same contract, provided substantially equal facilities and 49060
learning opportunities are offered for both boys and girls. Such 49061
facilities and opportunities may be offered for each sex at 49062
separate locations. 49063

(b) The governing authority may establish a school that 49064
simultaneously serves a group of students identified as autistic 49065
and a group of students who are not disabled, as authorized in 49066
section 3314.061 of the Revised Code. However, unless the total 49067
capacity established for the school has been filled, no student 49068
with any disability shall be denied admission on the basis of that 49069
disability. 49070

(2) That upon admission of any student with a disability, the 49071
community school will comply with all federal and state laws 49072
regarding the education of students with disabilities. 49073

(E) That the school may not limit admission to students on 49074
the basis of intellectual ability, measures of achievement or 49075

aptitude, or athletic ability, except that a school may limit its 49076
enrollment to students as described in division (B) of this 49077
section. 49078

(F) That the community school will admit the number of 49079
students that does not exceed the capacity of the school's 49080
programs, classes, grade levels, or facilities. 49081

(G) That the purpose of single-gender schools that are 49082
established shall be to take advantage of the academic benefits 49083
some students realize from single-gender instruction and 49084
facilities and to offer students and parents residing in the 49085
district the option of a single-gender education. 49086

(H) That, except as otherwise provided under division (B) of 49087
this section or section 3314.061 of the Revised Code, if the 49088
number of applicants exceeds the capacity restrictions of division 49089
(F) of this section, students shall be admitted by lot from all 49090
those submitting applications, except preference shall be given to 49091
students attending the school the previous year and to students 49092
who reside in the district in which the school is located. 49093
Preference may be given to siblings of students attending the 49094
school the previous year. 49095

Notwithstanding divisions (A) to (H) of this section, in the 49096
event the racial composition of the enrollment of the community 49097
school is violative of a federal desegregation order, the 49098
community school shall take any and all corrective measures to 49099
comply with the desegregation order. 49100

Sec. 3314.08. (A) As used in this section: 49101

(1)(a) "Category one career-technical education student" 49102
means a student who is receiving the career-technical education 49103
services described in division (A) of section 3317.014 of the 49104
Revised Code. 49105

(b) "Category two career-technical student" means a student 49106
who is receiving the career-technical education services described 49107
in division (B) of section 3317.014 of the Revised Code. 49108

(c) "Category three career-technical student" means a student 49109
who is receiving the career-technical education services described 49110
in division (C) of section 3317.014 of the Revised Code. 49111

(d) "Category four career-technical student" means a student 49112
who is receiving the career-technical education services described 49113
in division (D) of section 3317.014 of the Revised Code. 49114

(e) "Category five career-technical education student" means 49115
a student who is receiving the career-technical education services 49116
described in division (E) of section 3317.014 of the Revised Code. 49117

(2)(a) "Category one limited English proficient student" 49118
means a limited English proficient student described in division 49119
(A) of section 3317.016 of the Revised Code. 49120

(b) "Category two limited English proficient student" means a 49121
limited English proficient student described in division (B) of 49122
section 3317.016 of the Revised Code. 49123

(c) "Category three limited English proficient student" means 49124
a limited English proficient student described in division (C) of 49125
section 3317.016 of the Revised Code. 49126

(3)(a) "Category one special education student" means a 49127
student who is receiving special education services for a 49128
disability specified in division (A) of section 3317.013 of the 49129
Revised Code. 49130

(b) "Category two special education student" means a student 49131
who is receiving special education services for a disability 49132
specified in division (B) of section 3317.013 of the Revised Code. 49133

(c) "Category three special education student" means a 49134
student who is receiving special education services for a 49135

disability specified in division (C) of section 3317.013 of the Revised Code.

(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.

(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.

(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.

(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.

(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

(B) The state board of education shall adopt rules requiring both of the following:

(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled.

(2) The governing authority of each community school established under this chapter to annually report all of the

following:	49166
(a) The number of students enrolled in grades one through	49167
twelve and the full-time equivalent number of students enrolled in	49168
kindergarten in the school who are not receiving special education	49169
and related services pursuant to an IEP;	49170
(b) The number of enrolled students in grades one through	49171
twelve and the full-time equivalent number of enrolled students in	49172
kindergarten, who are receiving special education and related	49173
services pursuant to an IEP;	49174
(c) The number of students reported under division (B)(2)(b)	49175
of this section receiving special education and related services	49176
pursuant to an IEP for a disability described in each of divisions	49177
(A) to (F) of section 3317.013 of the Revised Code;	49178
(d) The full-time equivalent number of students reported	49179
under divisions (B)(2)(a) and (b) of this section who are enrolled	49180
in career-technical education programs or classes described in	49181
each of divisions (A) to (E) of section 3317.014 of the Revised	49182
Code that are provided by the community school;	49183
(e) The number of students reported under divisions (B)(2)(a)	49184
and (b) of this section who are not reported under division	49185
(B)(2)(d) of this section but who are enrolled in career-technical	49186
education programs or classes described in each of divisions (A)	49187
to (E) of section 3317.014 of the Revised Code at a joint	49188
vocational school district or another district in the	49189
career-technical planning district to which the school is	49190
assigned;	49191
(f) The number of students reported under divisions (B)(2)(a)	49192
and (b) of this section who are category one to three limited	49193
English proficient students described in each of divisions (A) to	49194
(C) of section 3317.016 of the Revised Code;	49195
(g) The number of students reported under divisions (B)(2)(a)	49196

and (b) who are economically disadvantaged, as defined by the 49197
department. A student shall not be categorically excluded from the 49198
number reported under division (B)(2)(g) of this section based on 49199
anything other than family income. 49200

(h) For each student, the city, exempted village, or local 49201
school district in which the student is entitled to attend school 49202
under section 3313.64 or 3313.65 of the Revised Code. 49203

(i) The number of students enrolled in a preschool program 49204
operated by the school that is licensed by the department of 49205
education under sections 3301.52 to 3301.59 of the Revised Code 49206
who are not receiving special education and related services 49207
pursuant to an IEP. 49208

A school district board and a community school governing 49209
authority shall include in their respective reports under division 49210
(B) of this section any child admitted in accordance with division 49211
(A)(2) of section 3321.01 of the Revised Code. 49212

A governing authority of a community school shall not include 49213
in its report under ~~division (B)(2)~~ divisions (B)(2)(a) to (h) of 49214
this section any student for whom tuition is charged under 49215
division (F) of this section. 49216

(C)(1) Except as provided in division (C)(2) of this section, 49217
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 49218
section, on a full-time equivalency basis, for each student 49219
enrolled in a community school established under this chapter, the 49220
department of education annually shall deduct from the state 49221
education aid of a student's resident district and, if necessary, 49222
from the payment made to the district under sections 321.24 and 49223
323.156 of the Revised Code and pay to the community school the 49224
sum of the following: 49225

(a) An opportunity grant in an amount equal to the formula 49226
amount; 49227

(b) The per pupil amount of targeted assistance funds 49228
calculated under division (A) of section 3317.0217 of the Revised 49229
Code for the student's resident district, as determined by the 49230
department, X 0.25; 49231

(c) Additional state aid for special education and related 49232
services provided under Chapter 3323. of the Revised Code as 49233
follows: 49234

(i) If the student is a category one special education 49235
student, the amount specified in division (A) of section 3317.013 49236
of the Revised Code; 49237

(ii) If the student is a category two special education 49238
student, the amount specified in division (B) of section 3317.013 49239
of the Revised Code; 49240

(iii) If the student is a category three special education 49241
student, the amount specified in division (C) of section 3317.013 49242
of the Revised Code; 49243

(iv) If the student is a category four special education 49244
student, the amount specified in division (D) of section 3317.013 49245
of the Revised Code; 49246

(v) If the student is a category five special education 49247
student, the amount specified in division (E) of section 3317.013 49248
of the Revised Code; 49249

(vi) If the student is a category six special education 49250
student, the amount specified in division (F) of section 3317.013 49251
of the Revised Code. 49252

(d) If the student is in kindergarten through third grade, an 49253
additional amount of ~~\$211~~ \$305, in fiscal year ~~2014~~ 2016, and ~~\$290~~ 49254
\$320, in fiscal year ~~2015~~ 2017; 49255

(e) If the student is economically disadvantaged, an 49256
additional amount equal to the following: 49257

~~(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X~~	49258
~~{the resident district's economically disadvantaged index}~~	49259
(f) Limited English proficiency funds as follows:	49260
(i) If the student is a category one limited English	49261
proficient student, the amount specified in division (A) of	49262
section 3317.016 of the Revised Code;	49263
(ii) If the student is a category two limited English	49264
proficient student, the amount specified in division (B) of	49265
section 3317.016 of the Revised Code;	49266
(iii) If the student is a category three limited English	49267
proficient student, the amount specified in division (C) of	49268
section 3317.016 of the Revised Code.	49269
(g) If the student is reported under division (B)(2)(d) of	49270
this section, career-technical education funds as follows:	49271
(i) If the student is a category one career-technical	49272
education student, the amount specified in division (A) of section	49273
3317.014 of the Revised Code;	49274
(ii) If the student is a category two career-technical	49275
education student, the amount specified in division (B) of section	49276
3317.014 of the Revised Code;	49277
(iii) If the student is a category three career-technical	49278
education student, the amount specified in division (C) of section	49279
3317.014 of the Revised Code;	49280
(iv) If the student is a category four career-technical	49281
education student, the amount specified in division (D) of section	49282
3317.014 of the Revised Code;	49283
(v) If the student is a category five career-technical	49284
education student, the amount specified in division (E) of section	49285
3317.014 of the Revised Code.	49286
Deduction and payment of funds under division (C)(1)(g) of	49287

this section is subject to approval by the lead district of a 49288
career-technical planning district or the department of education 49289
under section 3317.161 of the Revised Code. 49290

(2) When deducting from the state education aid of a 49291
student's resident district for students enrolled in an internet- 49292
or computer-based community school and making payments to such 49293
school under this section, the department shall make the 49294
deductions and payments described in only divisions (C)(1)(a), 49295
(c), and (g) of this section. 49296

No deductions or payments shall be made for a student 49297
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 49298
of this section. 49299

(3)(a) If a community school's costs for a fiscal year for a 49300
student receiving special education and related services pursuant 49301
to an IEP for a disability described in divisions (B) to (F) of 49302
section 3317.013 of the Revised Code exceed the threshold 49303
catastrophic cost for serving the student as specified in division 49304
(B) of section 3317.0214 of the Revised Code, the school may 49305
submit to the superintendent of public instruction documentation, 49306
as prescribed by the superintendent, of all its costs for that 49307
student. Upon submission of documentation for a student of the 49308
type and in the manner prescribed, the department shall pay to the 49309
community school an amount equal to the school's costs for the 49310
student in excess of the threshold catastrophic costs. 49311

(b) The community school shall report under division 49312
(C)(3)(a) of this section, and the department shall pay for, only 49313
the costs of educational expenses and the related services 49314
provided to the student in accordance with the student's 49315
individualized education program. Any legal fees, court costs, or 49316
other costs associated with any cause of action relating to the 49317
student may not be included in the amount. 49318

(4) In any fiscal year, a community school receiving funds 49319
under division (C)(1)(g) of this section shall spend those funds 49320
only for the purposes that the department designates as approved 49321
for career-technical education expenses. Career-technical 49322
education expenses approved by the department shall include only 49323
expenses connected to the delivery of career-technical programming 49324
to career-technical students. The department shall require the 49325
school to report data annually so that the department may monitor 49326
the school's compliance with the requirements regarding the manner 49327
in which funding received under division (C)(1)(g) of this section 49328
may be spent. 49329

(5) All funds received under division (C)(1)(g) of this 49330
section shall be spent in the following manner: 49331

(a) At least seventy-five per cent of the funds shall be 49332
spent on curriculum development, purchase, and implementation; 49333
instructional resources and supplies; industry-based program 49334
certification; student assessment, credentialing, and placement; 49335
curriculum specific equipment purchases and leases; 49336
career-technical student organization fees and expenses; home and 49337
agency linkages; work-based learning experiences; professional 49338
development; and other costs directly associated with 49339
career-technical education programs including development of new 49340
programs. 49341

(b) Not more than twenty-five per cent of the funds shall be 49342
used for personnel expenditures. 49343

(6) A community school shall spend the funds it receives 49344
under division (C)(1)(e) of this section in accordance with 49345
section 3317.25 of the Revised Code. 49346

(7) If the sum of the payments computed under divisions 49347
(C)(1) and (8)(a) of this section for the students entitled to 49348
attend school in a particular school district under sections 49349

3313.64 and 3313.65 of the Revised Code exceeds the sum of that 49350
district's state education aid and its payment under sections 49351
321.24 and 323.156 of the Revised Code, the department shall 49352
calculate and apply a proration factor to the payments to all 49353
community schools under that division for the students entitled to 49354
attend school in that district. 49355

(8)(a) Subject to division (C)(7) of this section, the 49356
department annually shall pay to each community school, including 49357
each internet- or computer-based community school, an amount equal 49358
to the following: 49359

(The number of students reported by the community school 49360
under division (B)(2)(e) of this section X the formula amount X 49361
.20) 49362

(b) For each payment made to a community school under 49363
division (C)(8)(a) of this section, the department shall deduct 49364
from the state education aid of each city, local, and exempted 49365
village school district and, if necessary, from the payment made 49366
to the district under sections 321.24 and 323.156 of the Revised 49367
Code an amount equal to the following: 49368

(The number of the district's students reported by the 49369
community school under division (B)(2)(e) of this section X the 49370
formula amount X .20) 49371

(D) A board of education sponsoring a community school may 49372
utilize local funds to make enhancement grants to the school or 49373
may agree, either as part of the contract or separately, to 49374
provide any specific services to the community school at no cost 49375
to the school. 49376

(E) A community school may not levy taxes or issue bonds 49377
secured by tax revenues. 49378

(F) No community school shall charge tuition for the 49379
enrollment of any student who is a resident of this state. A 49380

community school may charge tuition for the enrollment of any 49381
student who is not a resident of this state. 49382

(G)(1)(a) A community school may borrow money to pay any 49383
necessary and actual expenses of the school in anticipation of the 49384
receipt of any portion of the payments to be received by the 49385
school pursuant to division (C) of this section. The school may 49386
issue notes to evidence such borrowing. The proceeds of the notes 49387
shall be used only for the purposes for which the anticipated 49388
receipts may be lawfully expended by the school. 49389

(b) A school may also borrow money for a term not to exceed 49390
fifteen years for the purpose of acquiring facilities. 49391

(2) Except for any amount guaranteed under section 3318.50 of 49392
the Revised Code, the state is not liable for debt incurred by the 49393
governing authority of a community school. 49394

(H) The department of education shall adjust the amounts 49395
subtracted and paid under division (C) of this section to reflect 49396
any enrollment of students in community schools for less than the 49397
equivalent of a full school year. The state board of education 49398
within ninety days after April 8, 2003, shall adopt in accordance 49399
with Chapter 119. of the Revised Code rules governing the payments 49400
to community schools under this section including initial payments 49401
in a school year and adjustments and reductions made in subsequent 49402
periodic payments to community schools and corresponding 49403
deductions from school district accounts as provided under 49404
division (C) of this section. For purposes of this section: 49405

(1) A student shall be considered enrolled in the community 49406
school for any portion of the school year the student is 49407
participating at a college under Chapter 3365. of the Revised 49408
Code. 49409

(2) A student shall be considered to be enrolled in a 49410
community school for the period of time beginning on the later of 49411

the date on which the school both has received documentation of 49412
the student's enrollment from a parent and the student has 49413
commenced participation in learning opportunities as defined in 49414
the contract with the sponsor, or thirty days prior to the date on 49415
which the student is entered into the education management 49416
information system established under section 3301.0714 of the 49417
Revised Code. For purposes of applying this division and divisions 49418
(H)(3) and (4) of this section to a community school student, 49419
"learning opportunities" shall be defined in the contract, which 49420
shall describe both classroom-based and non-classroom-based 49421
learning opportunities and shall be in compliance with criteria 49422
and documentation requirements for student participation which 49423
shall be established by the department. Any student's instruction 49424
time in non-classroom-based learning opportunities shall be 49425
certified by an employee of the community school. A student's 49426
enrollment shall be considered to cease on the date on which any 49427
of the following occur: 49428

(a) The community school receives documentation from a parent 49429
terminating enrollment of the student. 49430

(b) The community school is provided documentation of a 49431
student's enrollment in another public or private school. 49432

(c) The community school ceases to offer learning 49433
opportunities to the student pursuant to the terms of the contract 49434
with the sponsor or the operation of any provision of this 49435
chapter. 49436

Except as otherwise specified in this paragraph, beginning in 49437
the 2011-2012 school year, any student who completed the prior 49438
school year in an internet- or computer-based community school 49439
shall be considered to be enrolled in the same school in the 49440
subsequent school year until the student's enrollment has ceased 49441
as specified in division (H)(2) of this section. The department 49442
shall continue subtracting and paying amounts for the student 49443

under division (C) of this section without interruption at the 49444
start of the subsequent school year. However, if the student 49445
without a legitimate excuse fails to participate in the first one 49446
hundred five consecutive hours of learning opportunities offered 49447
to the student in that subsequent school year, the student shall 49448
be considered not to have re-enrolled in the school for that 49449
school year and the department shall recalculate the payments to 49450
the school for that school year to account for the fact that the 49451
student is not enrolled. 49452

(3) The department shall determine each community school 49453
student's percentage of full-time equivalency based on the 49454
percentage of learning opportunities offered by the community 49455
school to that student, reported either as number of hours or 49456
number of days, is of the total learning opportunities offered by 49457
the community school to a student who attends for the school's 49458
entire school year. However, no internet- or computer-based 49459
community school shall be credited for any time a student spends 49460
participating in learning opportunities beyond ten hours within 49461
any period of twenty-four consecutive hours. Whether it reports 49462
hours or days of learning opportunities, each community school 49463
shall offer not less than nine hundred twenty hours of learning 49464
opportunities during the school year. 49465

(4) With respect to the calculation of full-time equivalency 49466
under division (H)(3) of this section, the department shall waive 49467
the number of hours or days of learning opportunities not offered 49468
to a student because the community school was closed during the 49469
school year due to disease epidemic, hazardous weather conditions, 49470
law enforcement emergencies, inoperability of school buses or 49471
other equipment necessary to the school's operation, damage to a 49472
school building, or other temporary circumstances due to utility 49473
failure rendering the school building unfit for school use, so 49474
long as the school was actually open for instruction with students 49475

in attendance during that school year for not less than the 49476
minimum number of hours required by this chapter. The department 49477
shall treat the school as if it were open for instruction with 49478
students in attendance during the hours or days waived under this 49479
division. 49480

(I) The department of education shall reduce the amounts paid 49481
under this section to reflect payments made to colleges under 49482
section 3365.07 of the Revised Code. 49483

(J)(1) No student shall be considered enrolled in any 49484
internet- or computer-based community school or, if applicable to 49485
the student, in any community school that is required to provide 49486
the student with a computer pursuant to division (C) of section 49487
3314.22 of the Revised Code, unless both of the following 49488
conditions are satisfied: 49489

(a) The student possesses or has been provided with all 49490
required hardware and software materials and all such materials 49491
are operational so that the student is capable of fully 49492
participating in the learning opportunities specified in the 49493
contract between the school and the school's sponsor as required 49494
by division (A)(23) of section 3314.03 of the Revised Code; 49495

(b) The school is in compliance with division (A) of section 49496
3314.22 of the Revised Code, relative to such student. 49497

(2) In accordance with policies adopted jointly by the 49498
superintendent of public instruction and the auditor of state, the 49499
department shall reduce the amounts otherwise payable under 49500
division (C) of this section to any community school that includes 49501
in its program the provision of computer hardware and software 49502
materials to any student, if such hardware and software materials 49503
have not been delivered, installed, and activated for each such 49504
student in a timely manner or other educational materials or 49505
services have not been provided according to the contract between 49506

the individual community school and its sponsor. 49507

The superintendent of public instruction and the auditor of 49508
state shall jointly establish a method for auditing any community 49509
school to which this division pertains to ensure compliance with 49510
this section. 49511

The superintendent, auditor of state, and the governor shall 49512
jointly make recommendations to the general assembly for 49513
legislative changes that may be required to assure fiscal and 49514
academic accountability for such schools. 49515

(K)(1) If the department determines that a review of a 49516
community school's enrollment is necessary, such review shall be 49517
completed and written notice of the findings shall be provided to 49518
the governing authority of the community school and its sponsor 49519
within ninety days of the end of the community school's fiscal 49520
year, unless extended for a period not to exceed thirty additional 49521
days for one of the following reasons: 49522

(a) The department and the community school mutually agree to 49523
the extension. 49524

(b) Delays in data submission caused by either a community 49525
school or its sponsor. 49526

(2) If the review results in a finding that additional 49527
funding is owed to the school, such payment shall be made within 49528
thirty days of the written notice. If the review results in a 49529
finding that the community school owes moneys to the state, the 49530
following procedure shall apply: 49531

(a) Within ten business days of the receipt of the notice of 49532
findings, the community school may appeal the department's 49533
determination to the state board of education or its designee. 49534

(b) The board or its designee shall conduct an informal 49535
hearing on the matter within thirty days of receipt of such an 49536

appeal and shall issue a decision within fifteen days of the 49537
conclusion of the hearing. 49538

(c) If the board has enlisted a designee to conduct the 49539
hearing, the designee shall certify its decision to the board. The 49540
board may accept the decision of the designee or may reject the 49541
decision of the designee and issue its own decision on the matter. 49542

(d) Any decision made by the board under this division is 49543
final. 49544

(3) If it is decided that the community school owes moneys to 49545
the state, the department shall deduct such amount from the 49546
school's future payments in accordance with guidelines issued by 49547
the superintendent of public instruction. 49548

(L) The department shall not subtract from a school 49549
district's state aid account and shall not pay to a community 49550
school under division (C) of this section any amount for any of 49551
the following: 49552

(1) Any student who has graduated from the twelfth grade of a 49553
public or nonpublic high school; 49554

(2) Any student who is not a resident of the state; 49555

(3) Any student who was enrolled in the community school 49556
during the previous school year when assessments were administered 49557
under section 3301.0711 of the Revised Code but did not take one 49558
or more of the assessments required by that section and was not 49559
excused pursuant to division (C)(1) or (3) of that section, unless 49560
the superintendent of public instruction grants the student a 49561
waiver from the requirement to take the assessment and a parent is 49562
not paying tuition for the student pursuant to section 3314.26 of 49563
the Revised Code. The superintendent may grant a waiver only for 49564
good cause in accordance with rules adopted by the state board of 49565
education. 49566

(4) Any student who has attained the age of twenty-two years, 49567
except for veterans of the armed services whose attendance was 49568
interrupted before completing the recognized twelve-year course of 49569
the public schools by reason of induction or enlistment in the 49570
armed forces and who apply for enrollment in a community school 49571
not later than four years after termination of war or their 49572
honorable discharge. If, however, any such veteran elects to 49573
enroll in special courses organized for veterans for whom tuition 49574
is paid under federal law, or otherwise, the department shall not 49575
subtract from a school district's state aid account and shall not 49576
pay to a community school under division (C) of this section any 49577
amount for that veteran. 49578

Sec. 3314.085. (A) For purposes of this section: 49579

(1) "Formula amount" has the same meaning as in section 49580
3317.02 of the Revised Code. 49581

(2) "Four-year adjusted cohort graduation rate" has the same 49582
meaning as in section 3302.01 of the Revised Code. 49583

(3) A community school's "third-grade reading proficiency 49584
percentage" means the following quotient: 49585

The number of the school's students scoring at a proficient level 49586
of skill or higher on the third-grade English language arts 49587
assessment prescribed under division (A)(1)(a) of section 49588
3301.0710 of the Revised Code for the immediately preceding school 49589
year / the total number of the school's students required to take 49590
that assessment for the immediately preceding school year 49591

(B) In addition to the payments made under section 3314.08 of 49592
the Revised Code, the department of education shall annually pay 49593
to each community school both of the following: 49594

(1) A graduation bonus calculated according to the following 49595
formula: 49596

The school's four-year adjusted cohort graduation rate on its most 49597
recent report card issued by the department under section 3302.03 49598
or 3314.017 of the Revised Code X 0.075 X the formula amount X the 49599
number of the school's graduates reported to the department, in 49600
accordance with the guidelines adopted under section 3301.0714 of 49601
the Revised Code, for the same school year for which the most 49602
recent report card was issued 49603

(2) A third-grade reading bonus calculated according to the 49604
following formula: 49605

The school's third-grade reading proficiency percentage X 0.075 X 49606
the formula amount X the number of the school's students scoring 49607
at a proficient level or higher on the third-grade English 49608
language arts assessment prescribed under division (A)(1)(a) of 49609
section 3301.0710 of the Revised Code for the immediately 49610
preceding school year 49611

Sec. 3314.091. (A) A school district is not required to 49612
provide transportation for any native student enrolled in a 49613
community school if the district board of education has entered 49614
into an agreement with the community school's governing authority 49615
that designates the community school as responsible for providing 49616
or arranging for the transportation of the district's native 49617
students to and from the community school. For any such agreement 49618
to be effective, it must be certified by the superintendent of 49619
public instruction as having met all of the following 49620
requirements: 49621

(1) It is submitted to the department of education by a 49622
deadline which shall be established by the department. 49623

(2) In accordance with divisions (C)(1) and (2) of this 49624
section, it specifies qualifications, such as residing a minimum 49625
distance from the school, for students to have their 49626
transportation provided or arranged. 49627

(3) The transportation provided by the community school is 49628
subject to all provisions of the Revised Code and all rules 49629
adopted under the Revised Code pertaining to pupil transportation. 49630

(4) The sponsor of the community school also has signed the 49631
agreement. 49632

(B)(1) For the school year that begins on July 1, 2007, a 49633
school district is not required to provide transportation for any 49634
native student enrolled in a community school, if the community 49635
school during the previous school year transported the students 49636
enrolled in the school or arranged for the students' 49637
transportation, even if that arrangement consisted of having 49638
parents transport their children to and from the school, but did 49639
not enter into an agreement to transport or arrange for 49640
transportation for those students under division (A) of this 49641
section, and if the governing authority of the community school by 49642
July 15, 2007, submits written notification to the district board 49643
of education stating that the governing authority is accepting 49644
responsibility for providing or arranging for the transportation 49645
of the district's native students to and from the community 49646
school. 49647

(2) Except as provided in division (B)(4) of this section, 49648
for any school year subsequent to the school year that begins on 49649
July 1, 2007, a school district is not required to provide 49650
transportation for any native student enrolled in a community 49651
school if the governing authority of the community school, by the 49652
thirty-first day of January of the previous school year, submits 49653
written notification to the district board of education stating 49654
that the governing authority is accepting responsibility for 49655
providing or arranging for the transportation of the district's 49656
native students to and from the community school. If the governing 49657
authority of the community school has previously accepted 49658
responsibility for providing or arranging for the transportation 49659

of a district's native students to and from the community school, 49660
under division (B)(1) or (2) of this section, and has since 49661
relinquished that responsibility under division (B)(3) of this 49662
section, the governing authority shall not accept that 49663
responsibility again unless the district board consents to the 49664
governing authority's acceptance of that responsibility. 49665

(3) A governing authority's acceptance of responsibility 49666
under division (B)(1) or (2) of this section shall cover an entire 49667
school year, and shall remain in effect for subsequent school 49668
years unless the governing authority submits written notification 49669
to the district board that the governing authority is 49670
relinquishing the responsibility. However, a governing authority 49671
shall not relinquish responsibility for transportation before the 49672
end of a school year, and shall submit the notice relinquishing 49673
responsibility by the thirty-first day of January, in order to 49674
allow the school district reasonable time to prepare 49675
transportation for its native students enrolled in the school. 49676

(4)(a) For any school year that begins on or after July 1, 49677
2014, a school district is not required to provide transportation 49678
for any native student enrolled in a community school scheduled to 49679
open for operation in the current school year, if the governing 49680
authority of the community school, by the fifteenth day of April 49681
of the previous school year, submits written notification to the 49682
district board of education stating that the governing authority 49683
is accepting responsibility for providing or arranging for the 49684
transportation of the district's native students to and from the 49685
community school. 49686

(b) The governing authority of a community school that 49687
accepts responsibility for transporting its students under 49688
division (B)(4)(a) of this section shall comply with divisions 49689
(B)(2) and (3) of this section to renew or relinquish that 49690
authority for subsequent school years. 49691

(C)(1) A community school governing authority that enters 49692
into an agreement under division (A) of this section, or that 49693
accepts responsibility under division (B) of this section, shall 49694
provide or arrange transportation free of any charge for each of 49695
its enrolled students who is required to be transported under 49696
section 3327.01 of the Revised Code ~~or who would otherwise be~~ 49697
~~transported by the school district under the district's~~ 49698
~~transportation policy.~~ The governing authority shall report to the 49699
department of education the number of students transported or for 49700
whom transportation is arranged under this section in accordance 49701
with rules adopted by the state board of education. 49702

(2) The governing authority may provide or arrange 49703
transportation for any other enrolled student who is not eligible 49704
for transportation in accordance with division (C)(1) of this 49705
section and may charge a fee for such service up to the actual 49706
cost of the service. 49707

(3) Notwithstanding anything to the contrary in division 49708
(C)(1) or (2) of this section, a community school governing 49709
authority shall provide or arrange transportation free of any 49710
charge for any disabled student enrolled in the school for whom 49711
the student's individualized education program developed under 49712
Chapter 3323. of the Revised Code specifies transportation. 49713

(D)(1) If a school district board and a community school 49714
governing authority elect to enter into an agreement under 49715
division (A) of this section, the department of education shall 49716
make payments to the community school according to the terms of 49717
the agreement for each student actually transported under division 49718
(C)(1) of this section. 49719

If a community school governing authority accepts 49720
transportation responsibility under division (B) of this section, 49721
the department shall make payments to the community school for 49722
each student actually transported or for whom transportation is 49723

arranged by the community school under division (C)(1) of this 49724
section, calculated as follows: 49725

(a) For any fiscal year which the general assembly has 49726
specified that transportation payments to school districts be 49727
based on an across-the-board percentage of the district's payment 49728
for the previous school year, the per pupil payment to the 49729
community school shall be the following quotient: 49730

(i) The total amount calculated for the school district in 49731
which the child is entitled to attend school for student 49732
transportation other than transportation of children with 49733
disabilities; divided by 49734

(ii) The number of students included in the district's 49735
transportation ADM for the current fiscal year, as calculated 49736
under section 3317.03 of the Revised Code, plus the number of 49737
students enrolled in the community school not counted in the 49738
district's transportation ADM who are transported under division 49739
(B)(1) or (2) of this section. 49740

(b) For any fiscal year which the general assembly has 49741
specified that the transportation payments to school districts be 49742
calculated in accordance with section 3317.0212 of the Revised 49743
Code and any rules of the state board of education implementing 49744
that section, the payment to the community school shall be the 49745
amount so calculated on a per rider basis that otherwise would be 49746
paid to the school district in which the student is entitled to 49747
attend school by the method of transportation the district would 49748
have used. The community school, however, is not required to use 49749
the same method to transport that student. 49750

(c) Divisions (D)(1)(a) and (b) of this section do not apply 49751
to fiscal years 2012 and 2013. Rather, for each of those fiscal 49752
years, the per pupil payment to a community school for 49753
transporting a student shall be the total amount paid under former 49754

section 3306.12 of the Revised Code for fiscal year 2011 to the 49755
school district in which the child is entitled to attend school 49756
divided by that district's "qualifying ridership," as defined in 49757
that section for fiscal year 2011. 49758

As used in this division "entitled to attend school" means 49759
entitled to attend school under section 3313.64 or 3313.65 of the 49760
Revised Code. 49761

(2) The department shall deduct the payment under division 49762
(D)(1) of this section from the state education aid, as defined in 49763
section 3314.08 of the Revised Code, and, if necessary, the 49764
payment under sections 321.14 and 323.156 of the Revised Code, 49765
that is otherwise paid to the school district in which the student 49766
enrolled in the community school is entitled to attend school. The 49767
department shall include the number of the district's native 49768
students for whom payment is made to a community school under 49769
division (D)(1) of this section in the calculation of the 49770
district's transportation payment under section 3317.0212 of the 49771
Revised Code and the operating appropriations act. 49772

(3) A community school shall be paid under division (D)(1) of 49773
this section only for students who are eligible as specified in 49774
section 3327.01 of the Revised Code and division (C)(1) of this 49775
section, and whose transportation to and from school is actually 49776
provided, who actually utilized transportation arranged, or for 49777
whom a payment in lieu of transportation is made by the community 49778
school's governing authority. To qualify for the payments, the 49779
community school shall report to the department, in the form and 49780
manner required by the department, data on the number of students 49781
transported or whose transportation is arranged, the number of 49782
miles traveled, cost to transport, and any other information 49783
requested by the department. 49784

(4) A community school shall use payments received under this 49785
section solely to pay the costs of providing or arranging for the 49786

transportation of students who are eligible as specified in 49787
section 3327.01 of the Revised Code and division (C)(1) of this 49788
section, which may include payments to a parent, guardian, or 49789
other person in charge of a child in lieu of transportation. 49790

(E) Except when arranged through payment to a parent, 49791
guardian, or person in charge of a child, transportation provided 49792
or arranged for by a community school pursuant to an agreement 49793
under this section is subject to all provisions of the Revised 49794
Code, and all rules adopted under the Revised Code, pertaining to 49795
the construction, design, equipment, and operation of school buses 49796
and other vehicles transporting students to and from school. The 49797
drivers and mechanics of the vehicles are subject to all 49798
provisions of the Revised Code, and all rules adopted under the 49799
Revised Code, pertaining to drivers and mechanics of such 49800
vehicles. The community school also shall comply with sections 49801
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 49802
of section 3327.16 of the Revised Code and, subject to division 49803
(C)(1) of this section, sections 3327.01 and 3327.02 of the 49804
Revised Code, as if it were a school district. 49805

Sec. 3314.38. (A) An individual who is at least twenty-two 49806
years of age and who is an eligible individual as defined in 49807
section 3317.23 of the Revised Code may enroll for up to two 49808
~~cumulative~~ consecutive school years in a dropout prevention and 49809
recovery program operated by a community school that is designed 49810
to allow enrollees to earn a high school diploma. An individual 49811
enrolled under this division may elect to satisfy the requirements 49812
to earn a high school diploma by successfully completing a 49813
competency-based ~~instructional~~ educational program, as defined in 49814
section 3317.23 of the Revised Code, that complies with the 49815
standards adopted by the ~~state board~~ department of education under 49816
section 3317.231 of the Revised Code. The community school shall 49817
report that individual's enrollment on a full-time equivalency 49818

basis to the department ~~of education~~. This report shall be in 49819
addition to the report required under division (B) of section 49820
3314.08 of the Revised Code. An individual enrolled under this 49821
division shall not be assigned to classes or settings with 49822
students who are younger than eighteen years of age. 49823

(B)(1) For each community school that enrolls individuals 49824
under division (A) of this section, the department ~~of education~~ 49825
annually shall certify the enrollment and attendance, on a 49826
full-time equivalency basis, of each individual reported by the 49827
school under that division. 49828

(2) For each individual enrolled in a community school under 49829
division (A) of this section, the department annually shall pay to 49830
the community school ~~an amount equal to the following:~~ 49831

~~\$5,000 X the individual's enrollment on a full-time 49832~~
~~equivalency basis as certified under division (B)(1) of this 49833~~
~~section X the portion of the school year in which the individual 49834~~
~~is enrolled in the school expressed as a percentage up to \$5,000, 49835~~
~~as determined by the department based on the extent of the 49836~~
~~individual's successful completion of the graduation requirements 49837~~
~~prescribed under division (A)(11)(f) of section 3314.03 of the 49838~~
~~Revised Code. 49839~~

(C) A community school that enrolls individuals under 49840
division (A) of this section shall be subject to the program 49841
administration standards adopted by the ~~state board~~ department 49842
under section 3317.231 of the Revised Code, as applicable. 49843

Sec. 3315.08. In any school district the salaries of all 49844
employees and officers of the board of education and all payrolls 49845
may be paid in such manner as the board may authorize. To provide 49846
money for such payment if made in cash, the president and the 49847
treasurer of the board shall, upon receipt of the proper payroll 49848
and warrant, issue checks upon the depositories payable to the 49849

treasurer of the board for the aggregate amounts stated in such 49850
payrolls. The treasurer may thereupon make payments to employees 49851
and officers in cash, or the board may provide that the sums 49852
called for by such checks, instead of being paid to the treasurer, 49853
shall be transferred to special payroll accounts established in 49854
depositories by the board upon such terms with the respective 49855
banks as to interest upon daily cash balances in said special 49856
payroll accounts, and under such other conditions as the board 49857
prescribes. In the event such special payroll accounts are 49858
established by a board, such accounts may be drawn against by 49859
check of the treasurer of the board according to such procedure as 49860
the board may prescribe. In the event a board creates a payroll 49861
account, any bond given by the depository, under section 135.18 49862
~~or~~, 135.181, or 135.182 of the Revised Code, shall also be for the 49863
protection of such special payroll account as may be deposited in 49864
said bank. The aggregate of all board deposits in a bank, 49865
including special payroll accounts as authorized in this section, 49866
must not exceed the aggregate of the bond given by the bank. The 49867
aggregate of all deposits in a bank, including special payroll 49868
accounts, shall be subject to sections 135.01 to 135.21 of the 49869
Revised Code. 49870

Sec. 3317.01. As used in this section, "school district," 49871
unless otherwise specified, means any city, local, exempted 49872
village, joint vocational, or cooperative education school 49873
district and any educational service center. 49874

This chapter shall be administered by the state board of 49875
education. The superintendent of public instruction shall 49876
calculate the amounts payable to each school district and shall 49877
certify the amounts payable to each eligible district to the 49878
treasurer of the district as provided by this chapter. As soon as 49879
possible after such amounts are calculated, the superintendent 49880
shall certify to the treasurer of each school district the 49881

district's adjusted charge-off increase, as defined in section 49882
5705.211 of the Revised Code. Certification of moneys pursuant to 49883
this section shall include the amounts payable to each school 49884
building, at a frequency determined by the superintendent, for 49885
each subgroup of students, as defined in section 3317.40 of the 49886
Revised Code, receiving services, provided for by state funding, 49887
from the district or school. No moneys shall be distributed 49888
pursuant to this chapter without the approval of the controlling 49889
board. 49890

The state board of education shall, in accordance with 49891
appropriations made by the general assembly, meet the financial 49892
obligations of this chapter. 49893

Moneys distributed to school districts pursuant to this 49894
chapter shall be calculated based on the annual enrollment 49895
calculated from the three reports required under sections 3317.03 49896
and 3317.036 of the Revised Code and paid on a fiscal year basis, 49897
beginning with the first day of July and extending through the 49898
thirtieth day of June. In any given fiscal year, prior to school 49899
districts submitting the first report required under section 49900
3317.03 of the Revised Code, enrollment for the districts shall be 49901
calculated based on the third report submitted by the districts 49902
for the previous fiscal year. The moneys appropriated for each 49903
fiscal year shall be distributed periodically to each school 49904
district unless otherwise provided for. The state board, in June 49905
of each year, shall submit to the controlling board the state 49906
board's year-end distributions pursuant to this chapter. 49907

Except as otherwise provided, payments under this chapter 49908
shall be made only to those school districts in which: 49909

(A) The school district, except for any educational service 49910
center and any joint vocational or cooperative education school 49911
district, levies for current operating expenses at least twenty 49912
mills. Levies for joint vocational or cooperative education school 49913

districts or county school financing districts, limited to or to 49914
the extent apportioned to current expenses, shall be included in 49915
this qualification requirement. School district income tax levies 49916
under Chapter 5748. of the Revised Code, limited to or to the 49917
extent apportioned to current operating expenses, shall be 49918
included in this qualification requirement to the extent 49919
determined by the tax commissioner under division (D) of section 49920
3317.021 of the Revised Code. 49921

(B) The school year next preceding the fiscal year for which 49922
such payments are authorized meets the requirement of section 49923
3313.48 of the Revised Code, with regard to the minimum number of 49924
hours school must be open for instruction with pupils in 49925
attendance, for individualized parent-teacher conference and 49926
reporting periods, and for professional meetings of teachers. 49927

A school district shall not be considered to have failed to 49928
comply with this division because schools were open for 49929
instruction but either twelfth grade students were excused from 49930
attendance for up to the equivalent of three school days or only a 49931
portion of the kindergarten students were in attendance for up to 49932
the equivalent of three school days in order to allow for the 49933
gradual orientation to school of such students. 49934

A board of education or governing board of an educational 49935
service center which has not conformed with other law and the 49936
rules pursuant thereto, shall not participate in the distribution 49937
of funds authorized by this chapter, except for good and 49938
sufficient reason established to the satisfaction of the state 49939
board of education and the state controlling board. 49940

All funds allocated to school districts under this chapter, 49941
except those specifically allocated for other purposes, shall be 49942
used to pay current operating expenses only. 49943

Sec. 3317.013. The amounts for the following categories of 49944

special education programs, as these programs are defined for 49945
purposes of Chapter 3323. of the Revised Code, are as follows: 49946

(A) An amount of ~~\$1,503~~ \$1,547, in fiscal year ~~2014~~ 2016, or 49947
~~\$1,517~~ \$1,578, in fiscal year ~~2015~~ 2017, for each student whose 49948
primary or only identified disability is a speech and language 49949
disability, as this term is defined pursuant to Chapter 3323. of 49950
the Revised Code; 49951

(B) An amount of ~~\$3,813~~ \$3,926, in fiscal year ~~2014~~ 2016, or 49952
~~\$3,849~~ \$4,005, in fiscal year ~~2015~~ 2017, for each student 49953
identified as specific learning disabled or developmentally 49954
disabled, as these terms are defined pursuant to Chapter 3323. of 49955
the Revised Code, identified as having an other health 49956
impairment-minor, or identified as a preschool child who is 49957
developmentally delayed; 49958

(C) An amount of ~~\$9,160~~ \$9,433, in fiscal year ~~2014~~ 2016, or 49959
~~\$9,248~~ \$9,622, in fiscal year ~~2015~~ 2017, for each student 49960
identified as hearing disabled or severe behavior disabled, as 49961
these terms are defined pursuant to Chapter 3323. of the Revised 49962
Code; 49963

(D) An amount of ~~\$12,225~~ \$12,589, in fiscal year ~~2014~~ 2016, 49964
or ~~\$12,342~~ \$12,841, in fiscal year ~~2015~~ 2017, for each student 49965
identified as vision impaired, as this term is defined pursuant to 49966
Chapter 3323. of the Revised Code, or as having an other health 49967
impairment-major; 49968

(E) An amount of ~~\$16,557~~ \$17,049, in fiscal year ~~2014~~ 2016, 49969
or ~~\$16,715~~ \$17,390, in fiscal year ~~2015~~ 2017, for each student 49970
identified as orthopedically disabled or as having multiple 49971
disabilities, as these terms are defined pursuant to Chapter 3323. 49972
of the Revised Code; 49973

(F) An amount of ~~\$24,407~~ \$25,134, in fiscal year ~~2014~~ 2016, 49974
or ~~\$24,641~~ \$25,637, in fiscal year ~~2015~~ 2017, for each student 49975

identified as autistic, having traumatic brain injuries, or as 49976
both visually and hearing impaired, as these terms are defined 49977
pursuant to Chapter 3323. of the Revised Code. 49978

Sec. 3317.014. The career-technical education additional 49979
amount per pupil for each student enrolled in career-technical 49980
education programs approved by the department of education under 49981
section 3317.161 of the Revised Code shall be as follows: 49982

(A) An amount of ~~\$4,750~~ \$4,992, in fiscal year ~~2014~~ 2016, or 49983
~~\$4,800~~ \$5,192, in fiscal year ~~2015~~ 2017, for each student enrolled 49984
in career-technical education workforce development programs in 49985
agricultural and environmental systems, construction technologies, 49986
engineering and science technologies, finance, health science, 49987
information technology, and manufacturing technologies, each of 49988
which shall be defined by the department in consultation with the 49989
governor's office of workforce transformation; 49990

(B) An amount of ~~\$4,500~~ \$4,732, in fiscal year ~~2014~~ 2016, or 49991
~~\$4,550~~ \$4,921, in fiscal year ~~2015~~ 2017, for each student enrolled 49992
in workforce development programs in business and administration, 49993
hospitality and tourism, human services, law and public safety, 49994
transportation systems, and arts and communications, each of which 49995
shall be defined by the department in consultation with the 49996
governor's office of workforce transformation; 49997

(C) An amount of ~~\$1,650~~ \$1,726, in fiscal year ~~2014~~ 2016, or 49998
~~\$1,660~~ \$1,795, in fiscal year ~~2015~~ 2017, for students enrolled in 49999
career-based intervention programs, which shall be defined by the 50000
department in consultation with the governor's office of workforce 50001
transformation; 50002

(D) An amount of ~~\$1,400~~ \$1,466, in fiscal year ~~2014~~ 2016, or 50003
~~\$1,410~~ \$1,525, in fiscal year ~~2015~~ 2017, for students enrolled in 50004
workforce development programs in education and training, 50005
marketing, workforce development academics, public administration, 50006

and career development, each of which shall be defined by the 50007
department of education in consultation with the governor's office 50008
of workforce transformation; 50009

(E) An amount of ~~\$1,200~~ \$1,258, in fiscal year ~~2014~~ 2016, or 50010
~~\$1,210~~ \$1,308, in fiscal year ~~2015~~ 2017, for students enrolled in 50011
family and consumer science programs, which shall be defined by 50012
the department of education in consultation with the governor's 50013
office of workforce transformation. 50014

The amount for career-technical education associated 50015
services, as defined by the department, shall be ~~\$225~~ \$236, in 50016
fiscal year ~~2014~~ 2016, or ~~\$227~~ \$245, in fiscal year ~~2015~~ 2017. 50017

Sec. 3317.016. The amounts for limited English proficient 50018
students shall be as follows: 50019

(A) An amount of ~~\$1,500, in fiscal year 2014, and \$1,515, in~~ 50020
~~fiscal year 2015,~~ for each student who has been enrolled in 50021
schools in the United States for 180 school days or less and was 50022
not previously exempted from taking the spring administration of 50023
either of the state's English language arts assessments prescribed 50024
by section 3301.0710 of the Revised Code (reading or writing). 50025

(B) An amount of ~~\$1,125, in fiscal year 2014, and \$1,136, in~~ 50026
~~fiscal year 2015,~~ for each student who has been enrolled in 50027
schools in the United States for more than 180 school days or was 50028
previously exempted from taking the spring administration of 50029
either of the state's English language arts assessments prescribed 50030
by section 3301.0710 of the Revised Code (reading or writing). 50031

(C) An amount of ~~\$750, in fiscal year 2014, and \$758, in~~ 50032
~~fiscal year 2015,~~ for each student who does not qualify for 50033
inclusion under division (A) or (B) of this section and is in a 50034
trial-mainstream period, as defined by the department. 50035

Sec. 3317.017. The department of education shall compute a 50036

school district's state share index as follows: 50037

(A) Calculate the district's valuation index, which equals 50038
the following quotient: 50039

(The district's three-year average valuation / the district's 50040
total ADM) / (the statewide three-year average valuation for 50041
school districts with a total ADM greater than zero / the 50042
statewide total ADM) 50043

(B)(1) Calculate the district's median income index, which 50044
equals the following quotient: 50045

(The district's median Ohio adjusted gross income / the 50046
median of the median Ohio adjusted gross income of all districts 50047
statewide with a total ADM greater than zero) 50048

(2) Calculate the district's income index, which equals the 50049
following sum: 50050

(The district's median income index X 0.5) + {[the three-year 50051
average federal adjusted gross income of the school district's 50052
residents / the district's formula ADM) / (the three-year average 50053
federal adjusted gross income of all districts statewide with a 50054
formula ADM greater than zero / the statewide formula ADM)] X 0.5} 50055

(C) Determine the district's wealth index as follows: 50056

(1) If the district's ~~median~~ income index is less than the 50057
district's valuation index and the district's median income index 50058
is less than or equal to 1.5, then the district's wealth index 50059
shall be equal to [(1/3 0.4 X the district's ~~median~~ income index) 50060
+ (2/3 0.6 X the district's valuation index)]. 50061

(2) If the district's ~~median~~ income index ~~is greater than or 50062
equal to the district's valuation index~~ does not meet both of the 50063
conditions described in division (C)(1) of this section, then the 50064
district's wealth index shall be equal to the district's valuation 50065
index. 50066

(D) Determine the district's state share index as follows: 50067

(1) If the district's wealth index is less than or equal to 50068
0.35, then the district's state share index shall be equal to 50069
0.90. 50070

(2) If the district's wealth index is greater than 0.35 but 50071
less than or equal to 0.90, then the district's state share index 50072
shall be equal to $\{0.40 \times [(0.90 - \text{the district's wealth index}) /$ 50073
 $0.55]\} + 0.50$. 50074

(3) If the district's wealth index is greater than 0.90 but 50075
less than 1.8, then the district's state share index shall be 50076
equal to $\{0.45 \times [(1.8 - \text{the district's wealth index}) / 0.9]\} +$ 50077
0.05. 50078

(4) If the district's wealth index is greater than or equal 50079
to 1.8, then the district's state share index shall be equal to 50080
0.05. 50081

(E)(1) For each school district for which the tax-exempt 50082
value of the district, as certified under division (A)(4) of 50083
section 3317.021 of the Revised Code, equals or exceeds thirty per 50084
cent of the potential value of the district, the department shall 50085
calculate the difference between the district's tax-exempt value 50086
and thirty per cent of the district's potential value. For this 50087
purpose, the "potential value" of a school district is the 50088
three-year average valuation of the district plus the tax-exempt 50089
value of the district. 50090

(2) For each school district to which division (E)(1) of this 50091
section applies, the department shall adjust the three-year 50092
average valuation used in the calculation under division (A) of 50093
this section by subtracting from it the amount calculated under 50094
division (E)(1) of this section. 50095

(F) When performing the calculations required under this 50096
section, the department shall not round to fewer than four decimal 50097

places. 50098

For purposes of these calculations for fiscal years ~~2014~~ 2016 50099
and ~~2015~~ 2017, "~~three-year average valuation~~" means the average of 50100
~~total taxable value for fiscal years 2012, 2013, and 2014~~; "total 50101
ADM" means the total ADM for fiscal year ~~2014~~ 2015; "median Ohio 50102
adjusted gross income" means the median Ohio adjusted gross 50103
income, as that term is defined in section 5747.01 of the Revised 50104
Code, for tax year ~~2011~~ 2013; "~~three-year average federal adjusted~~ 50105
~~gross income~~" means the average of the federal adjusted gross 50106
income for tax years 2011, 2012, and 2013 as reported under 50107
section 3317.021 of the Revised Code; and "tax-exempt value" means 50108
the tax-exempt value for fiscal ~~tax~~ year 2014. 50109

Sec. 3317.018. The department of education shall compute a 50110
school district's capacity measure as follows: 50111

(A) Calculate the district's valuation index, which equals 50112
the following quotient: 50113

(The district's three-year average valuation / the district's 50114
total ADM) / (the statewide three-year average valuation for 50115
school districts with a total ADM greater than zero / the 50116
statewide total ADM) 50117

(B) Calculate the district's median income index, which 50118
equals the following quotient: 50119

(The district's median Ohio adjusted gross income / the 50120
median of the median Ohio adjusted gross income of all districts 50121
statewide with a total ADM greater than zero) 50122

(C) Determine the district's capacity measure as follows: 50123

(1) If the district's median income index is less than the 50124
lower limit, then the district's capacity measure shall be equal 50125
to [the district's valuation index - (the lower limit - the 50126
district's median income index)]. 50127

(2) If the district's median income index is greater than or equal to the lower limit and less than or equal to the upper limit, then the district's capacity measure shall be equal to the district's valuation index.

(3) If the district's median income index is greater than the upper limit, then the district's capacity measure shall be equal to {the district's valuation index + [(the district's median income index - the upper limit) X (0.20 in fiscal year 2016 or 0.40 in fiscal year 2017)]}.

For purposes of these calculations, "upper limit" and "lower limit" shall be computed pursuant to section 3317.019 of the Revised Code.

(D) Unless otherwise specified in this section, when performing the calculations required under this section, the department shall not round to fewer than four decimal places.

(E) For purposes of these calculations:

(1) For fiscal year 2016, "total ADM" means the total ADM for fiscal year 2015.

(2) For fiscal year 2017, "total ADM" means the total ADM for fiscal year 2016.

(3) "Median Ohio adjusted gross income" means the median Ohio adjusted gross income for tax year 2012 or 2013, whichever is the most recent tax year for which data is available.

(4) "Tax-exempt value" means the tax-exempt value for the most recent tax year for which data is available.

Sec. 3317.019. (A) The department of education shall calculate the mean and standard deviation of the median income indices calculated for all school districts in this state under division (B) of section 3317.018 of the Revised Code other than kelley's island local school district, Erie county.

(B) The department shall add one-half of the standard deviation determined under division (A) of this section to the mean determined under division (A) of this section and then round up the sum to two decimal places. This number shall be the "upper limit" for purposes of the calculations in division (C) of section 3317.018 of the Revised Code.

(C) The department shall subtract one-half of the standard deviation determined under division (A) of this section from the mean determined under division (A) of this section and then round down the difference to two decimal places. This number shall be the "lower limit" for purposes of the calculations in division (C) of section 3317.018 of the Revised Code.

Sec. 3317.02. As used in this chapter:

(A)(1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) of section 3317.014 of the Revised Code and certified under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code.

(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (B) of section 3317.014 of the Revised Code and certified under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code.

(3) "Category three career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (C) of section 3317.014 of the Revised Code and certified under division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised Code.

(4) "Category four career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (D) of section 3317.014 of the Revised Code and certified under division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised Code.

(5) "Category five career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and certified under division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised Code.

(B)(1) "Category one limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (A) of section 3317.016 of the Revised Code and certified under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code.

(2) "Category two limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (B) of section 3317.016 of the Revised Code and certified under division (B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code.

(3) "Category three limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (C) of section 3317.016 of the Revised Code and certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code.

(C)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and

certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 50220
50221

(2) "Category two special education ADM" means the full-time 50222
equivalent number of children with disabilities receiving special 50223
education services for those disabilities specified in division 50224
(B) of section 3317.013 of the Revised Code and certified under 50225
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 50226
Code. 50227

(3) "Category three special education ADM" means the 50228
full-time equivalent number of students receiving special 50229
education services for those disabilities specified in division 50230
(C) of section 3317.013 of the Revised Code, and certified under 50231
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 50232
Code. 50233

(4) "Category four special education ADM" means the full-time 50234
equivalent number of students receiving special education services 50235
for those disabilities specified in division (D) of section 50236
3317.013 of the Revised Code and certified under division (B)(8) 50237
or (D)(2)(e) of section 3317.03 of the Revised Code. 50238

(5) "Category five special education ADM" means the full-time 50239
equivalent number of students receiving special education services 50240
for the disabilities specified in division (E) of section 3317.013 50241
of the Revised Code and certified under division (B)(9) or 50242
(D)(2)(f) of section 3317.03 of the Revised Code. 50243

(6) "Category six special education ADM" means the full-time 50244
equivalent number of students receiving special education services 50245
for the disabilities specified in division (F) of section 3317.013 50246
of the Revised Code and certified under division (B)(10) or 50247
(D)(2)(g) of section 3317.03 of the Revised Code. 50248

(D) "County DD board" means a county board of developmental 50249
disabilities. 50250

(E) "Economically disadvantaged index for a school district" 50251
means the square of the quotient of that district's percentage of 50252
students in its total ADM who are identified as economically 50253
disadvantaged as defined by the department of education, divided 50254
by the statewide percentage of students in the statewide total ADM 50255
identified as economically disadvantaged. For purposes of this 50256
calculation: 50257

(1) For a city, local, or exempted village school district, 50258
the "statewide total ADM" equals the sum of the total ADM for all 50259
city, local, and exempted village school districts combined. 50260

(2) For a joint vocational school district, the "statewide 50261
total ADM" equals the sum of the formula ADM for all joint 50262
vocational school districts combined. 50263

(F)(1) "Formula ADM" means, for a city, local, or exempted 50264
village school district, the enrollment reported under division 50265
(A) of section 3317.03 of the Revised Code, as verified by the 50266
superintendent of public instruction and adjusted if so ordered 50267
under division (K) of that section, and as further adjusted by the 50268
department of education, as follows: 50269

(a) Count only twenty per cent of the number of joint 50270
vocational school district students counted under division (A)(3) 50271
of section 3317.03 of the Revised Code; 50272

(b) Add twenty per cent of the number of students who are 50273
entitled to attend school in the district under section 3313.64 or 50274
3313.65 of the Revised Code and are enrolled in another school 50275
district under a career-technical education compact. 50276

(2) "Formula ADM" means, for a joint vocational school 50277
district, the final number verified by the superintendent of 50278
public instruction, based on the enrollment reported and certified 50279
under division (D) of section 3317.03 of the Revised Code, as 50280
adjusted, if so ordered, under division (K) of that section. 50281

(G) "Formula amount" means ~~\$5,745~~ \$5,900, for fiscal year 50282
~~2014~~ 2016, and ~~\$5,800~~ \$6,000, for fiscal year ~~2015~~ 2017. 50283

(H) "FTE basis" means a count of students based on full-time 50284
equivalency, in accordance with rules adopted by the department of 50285
education pursuant to section 3317.03 of the Revised Code. In 50286
adopting its rules under this division, the department shall 50287
provide for counting any student in category one, two, three, 50288
four, five, or six special education ADM or in category one, two, 50289
three, four, or five career technical education ADM in the same 50290
proportion the student is counted in formula ADM. 50291

(I) "Internet- or computer-based community school" has the 50292
same meaning as in section 3314.02 of the Revised Code. 50293

(J) "Medically fragile child" means a child to whom all of 50294
the following apply: 50295

(1) The child requires the services of a doctor of medicine 50296
or osteopathic medicine at least once a week due to the 50297
instability of the child's medical condition. 50298

(2) The child requires the services of a registered nurse on 50299
a daily basis. 50300

(3) The child is at risk of institutionalization in a 50301
hospital, skilled nursing facility, or intermediate care facility 50302
for individuals with intellectual disabilities. 50303

(K)(1) A child may be identified as having an "other health 50304
impairment-major" if the child's condition meets the definition of 50305
"other health impaired" established in rules previously adopted by 50306
the state board of education and if either of the following apply: 50307

(a) The child is identified as having a medical condition 50308
that is among those listed by the superintendent of public 50309
instruction as conditions where a substantial majority of cases 50310
fall within the definition of "medically fragile child." 50311

(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division (K)(1)(a) or (b) of this section.

(L) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(M) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.

(N) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (B)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	50343 50344 50345
(4) Any service included in units funded under former division (0)(1) of section 3317.024 of the Revised Code;	50346 50347
(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.	50348 50349 50350
(0) "School district," unless otherwise specified, means city, local, and exempted village school districts.	50351 50352
(P) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	50353 50354
(Q) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.	50355 50356 50357
(R) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	50358 50359 50360 50361
<u>(S)(1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the average of total taxable value for tax years 2012, 2013, and 2014.</u>	50362 50363 50364
<u>(2) For purposes of section 3317.018 of the Revised Code, "three-year average valuation" means the following:</u>	50365 50366
<u>(a) For fiscal year 2016, the average of total taxable value for tax years 2013, 2014, and 2015;</u>	50367 50368
<u>(b) For fiscal year 2017, the average of total taxable value for tax years 2014, 2015, and 2016.</u>	50369 50370
<u>(3) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means</u>	50371 50372

<u>the following:</u>	50373
<u>(a) For fiscal year 2016, the average of total taxable value</u>	50374
<u>for tax years 2012, 2013, and 2014;</u>	50375
<u>(b) For fiscal year 2017, the average of total taxable value</u>	50376
<u>for tax years 2013, 2014, and 2015.</u>	50377
<u>(T)</u> "Total ADM" means, for a city, local, or exempted village	50378
school district, the enrollment reported under division (A) of	50379
section 3317.03 of the Revised Code, as verified by the	50380
superintendent of public instruction and adjusted if so ordered	50381
under division (K) of that section.	50382
~~(T)~~ <u>(U)</u> "Total special education ADM" means the sum of	50383
categories one through six special education ADM.	50384
~~(U)~~ <u>(V)</u> "Total taxable value" means the sum of the amounts	50385
certified for a city, local, exempted village, or joint vocational	50386
school district under divisions (A)(1) and (2) of section 3317.021	50387
of the Revised Code, <u>adjusted as follows:</u>	50388
<u>(1) Subtract the amount certified under division (A)(6) of</u>	50389
<u>that section;</u>	50390
<u>(2) Add the amount certified under division (A)(7) of that</u>	50391
<u>section.</u>	50392
Sec. 3317.021. (A) On or before the first day of June of each	50393
year, the tax commissioner shall certify to the department of	50394
education and the office of budget and management the information	50395
described in divisions (A)(1) to (5) of this section for each	50396
city, exempted village, and local school district, and the	50397
information required by divisions (A)(1) and (2) of this section	50398
for each joint vocational school district, and it shall be used,	50399
along with the information certified under division (B) of this	50400
section, in making the computations for the district under this	50401
chapter.	50402

(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.	50403 50404 50405
(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.	50406 50407 50408
(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.	50409 50410 50411 50412 50413 50414
(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.	50415 50416 50417 50418
(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:	50419 50420 50421
(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;	50422 50423 50424
(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.	50425 50426 50427 50428
(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available, and the median Ohio adjusted gross income of the residents of the school district determined on the	50429 50430 50431 50432 50433

basis of tax returns filed for the second preceding tax year by 50434
the residents of the district. 50435

(6) The value of tangible personal property of an electric 50436
company or energy company described in division (B)(3) of section 50437
5727.09 of the Revised Code and apportioned to the school district 50438
multiplied by a percentage equal to the difference between the 50439
percentage determined under that division for the preceding tax 50440
year and eighty-five per cent. 50441

(7) The value of qualified generation equipment as defined by 50442
section 5727.09 of the Revised Code for the preceding tax year 50443
multiplied by twenty-four per cent. 50444

(B) On or before the first day of May each year, the tax 50445
commissioner shall certify to the department of education and the 50446
office of budget and management the total taxable real property 50447
value of railroads and, separately, the total taxable tangible 50448
personal property value of all public utilities for the preceding 50449
tax year, by school district and by county of location. 50450

(C) If a public utility has properly and timely filed a 50451
petition for reassessment under section 5727.47 of the Revised 50452
Code with respect to an assessment issued under section 5727.23 of 50453
the Revised Code affecting taxable property apportioned by the tax 50454
commissioner to a school district, the taxable value of public 50455
utility tangible personal property included in the certification 50456
under divisions (A)(2) and (B) of this section for the school 50457
district shall include only the amount of taxable value on the 50458
basis of which the public utility paid tax for the preceding year 50459
as provided in division (B)(1) or (2) of section 5727.47 of the 50460
Revised Code. 50461

(D) If on the basis of the information certified under 50462
division (A) of this section, the department determines that any 50463
district fails in any year to meet the qualification requirement 50464

specified in division (A) of section 3317.01 of the Revised Code, 50465
the department shall immediately request the tax commissioner to 50466
determine the extent to which any school district income tax 50467
levied by the district under Chapter 5748. of the Revised Code 50468
shall be included in meeting that requirement. Within five days of 50469
receiving such a request from the department, the tax commissioner 50470
shall make the determination required by this division and report 50471
the quotient obtained under division (D)(3) of this section to the 50472
department and the office of budget and management. This quotient 50473
represents the number of mills that the department shall include 50474
in determining whether the district meets the qualification 50475
requirement of division (A) of section 3317.01 of the Revised 50476
Code. 50477

The tax commissioner shall make the determination required by 50478
this division as follows: 50479

(1) Multiply one mill times the total taxable value of the 50480
district as determined in divisions (A)(1) and (2) of this 50481
section; 50482

(2) Estimate the total amount of tax liability for the 50483
current tax year under taxes levied by Chapter 5748. of the 50484
Revised Code that are apportioned to current operating expenses of 50485
the district, excluding any income tax receipts allocated for the 50486
project cost, debt service, or maintenance set-aside associated 50487
with a state-assisted classroom facilities project as authorized 50488
by section 3318.052 of the Revised Code; 50489

(3) Divide the amount estimated under division (D)(2) of this 50490
section by the product obtained under division (D)(1) of this 50491
section. 50492

Sec. 3317.022. (A) The department of education shall compute 50493
and distribute state core foundation funding to each eligible 50494
school district for the fiscal year, using the information 50495

obtained under section 3317.021 of the Revised Code in the	50496
calendar year in which the fiscal year begins, as prescribed in	50497
the following divisions:	50498
(1) An opportunity grant calculated according to the	50499
following formula:	50500
The formula amount X (formula ADM + preschool scholarship	50501
ADM) X the district's state share index	50502
(2) Targeted assistance funds calculated under divisions (A)	50503
and (B) of section 3317.0217 of the Revised Code;	50504
(3) Additional state aid for special education and related	50505
services provided under Chapter 3323. of the Revised Code	50506
calculated as the sum of the following:	50507
(a) The district's category one special education ADM X the	50508
amount specified in division (A) of section 3317.013 of the	50509
Revised Code X the district's state share index;	50510
(b) The district's category two special education ADM X the	50511
amount specified in division (B) of section 3317.013 of the	50512
Revised Code X the district's state share index;	50513
(c) The district's category three special education ADM X the	50514
amount specified in division (C) of section 3317.013 of the	50515
Revised Code X the district's state share index;	50516
(d) The district's category four special education ADM X the	50517
amount specified in division (D) of section 3317.013 of the	50518
Revised Code X the district's state share index;	50519
(e) The district's category five special education ADM X the	50520
amount specified in division (E) of section 3317.013 of the	50521
Revised Code X the district's state share index;	50522
(f) The district's category six special education ADM X the	50523
amount specified in division (F) of section 3317.013 of the	50524

Revised Code X the district's state share index. 50525

(4) Kindergarten through third grade literacy funds 50526
calculated according to the following formula: 50527

$$\begin{aligned} & [(\text{\$125 } \text{\$184}, \text{ in fiscal year } \text{2014 } \text{2016}, \text{ or } \text{\$175 } \text{\$193}, \text{ in} & 50528 \\ & \text{fiscal year } \text{2015 } \text{2017}) \times \text{formula ADM for grades kindergarten} & 50529 \\ & \text{through three} \times \text{the district's state share index}] + [(\text{\$100 } \text{\$121}, & 50530 \\ & \text{in fiscal year } \text{2014 } \text{2016}, \text{ or } \text{\$160 } \text{\$127}, \text{ in fiscal year } \text{2015 } \text{2017}) & 50531 \\ & \times \text{formula ADM for grades kindergarten through three}] & 50532 \end{aligned}$$

For purposes of this calculation, the department shall 50533
subtract from a district's formula ADM for grades kindergarten 50534
through three the number of students reported under division 50535
(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an 50536
internet- or computer-based community school who are in grades 50537
kindergarten through three. 50538

(5) Economically disadvantaged funds calculated according to 50539
the following formula: 50540

~~$$(\text{\$250}, \text{ in fiscal year } \text{2014}, \text{ or } \text{\$253}, \text{ in fiscal year } \text{2015})$$~~ 50541
\\$272 X (the district's economically disadvantaged index) X the 50542
number of students who are economically disadvantaged as certified 50543
under division (B)(21) of section 3317.03 of the Revised Code 50544

(6) Limited English proficiency funds calculated as the sum 50545
of the following: 50546

(a) The district's category one limited English proficient 50547
ADM X the amount specified in division (A) of section 3317.016 of 50548
the Revised Code X the district's state share index; 50549

(b) The district's category two limited English proficient 50550
ADM X the amount specified in division (B) of section 3317.016 of 50551
the Revised Code X the district's state share index; 50552

(c) The district's category three limited English proficient 50553
ADM X the amount specified in division (C) of section 3317.016 of 50554

the Revised Code X the district's state share index. 50555

(7)(a) Gifted identification funds calculated according to 50556
the following formula: 50557
~~(\$5, in fiscal year 2014, or \$5.05, in fiscal year 2015)~~ X the 50558
district's formula ADM 50559

(b) Gifted unit funding calculated under section 3317.051 of 50560
the Revised Code. 50561

(8) Career-technical education funds calculated as the sum of 50562
the following: 50563

(a) The district's category one career-technical education 50564
ADM X the amount specified in division (A) of section 3317.014 of 50565
the Revised Code X the district's state share index; 50566

(b) The district's category two career-technical education 50567
ADM X the amount specified in division (B) of section 3317.014 of 50568
the Revised Code X the district's state share index; 50569

(c) The district's category three career-technical education 50570
ADM X the amount specified in division (C) of section 3317.014 of 50571
the Revised Code X the district's state share index; 50572

(d) The district's category four career-technical education 50573
ADM X the amount specified in division (D) of section 3317.014 of 50574
the Revised Code X the district's state share index; 50575

(e) The district's category five career-technical education 50576
ADM X the amount specified in division (E) of section 3317.014 of 50577
the Revised Code X the district's state share index. 50578

Payment of funds under division (A)(8) of this section is 50579
subject to approval under section 3317.161 of the Revised Code. 50580

(9) Career-technical education associated services funds 50581
calculated according to the following formula: 50582
The district's state share index X the amount for career-technical 50583
education associated services specified in section 3317.014 of the 50584

Revised Code X the sum of categories one through five	50585
career-technical education ADM	50586
<u>(10) Capacity aid funds calculated under section 3317.0218 of</u>	50587
<u>the Revised Code;</u>	50588
<u>(11) A graduation bonus calculated under section 3317.0215 of</u>	50589
<u>the Revised Code;</u>	50590
<u>(12) A third-grade reading bonus calculated under section</u>	50591
<u>3317.0216 of the Revised Code.</u>	50592
(B) In any fiscal year, a school district shall spend for	50593
purposes that the department designates as approved for special	50594
education and related services expenses at least the amount	50595
calculated as follows:	50596
(The formula amount X the total special education ADM) + (the	50597
district's category one special education ADM X the amount	50598
specified in division (A) of section 3317.013 of the Revised Code)	50599
+ (the district's category two special education ADM X the amount	50600
specified in division (B) of section 3317.013 of the Revised Code)	50601
+ (the district's category three special education ADM X the	50602
amount specified in division (C) of section 3317.013 of the	50603
Revised Code) + (the district's category four special education	50604
ADM X the amount specified in division (D) of section 3317.013 of	50605
the Revised Code) + (the district's category five special	50606
education ADM X the amount specified in division (E) of section	50607
3317.013 of the Revised Code) + (the district's category six	50608
special education ADM X the amount specified in division (F) of	50609
section 3317.013 of the Revised Code)	50610
The purposes approved by the department for special education	50611
expenses shall include, but shall not be limited to,	50612
identification of children with disabilities, compliance with	50613
state rules governing the education of children with disabilities	50614
and prescribing the continuum of program options for children with	50615
disabilities, provision of speech language pathology services, and	50616

the portion of the school district's overall administrative and 50617
overhead costs that are attributable to the district's special 50618
education student population. 50619

The scholarships deducted from the school district's account 50620
under sections 3310.41 and 3310.55 of the Revised Code shall be 50621
considered to be an approved special education and related 50622
services expense for the purpose of the school district's 50623
compliance with this division. 50624

(C) In any fiscal year, a school district receiving funds 50625
under division (A)(8) of this section shall spend those funds only 50626
for the purposes that the department designates as approved for 50627
career-technical education expenses. Career-technical ~~educational~~ 50628
education expenses approved by the department shall include only 50629
expenses connected to the delivery of career-technical programming 50630
to career-technical students. The department shall require the 50631
school district to report data annually so that the department may 50632
monitor the district's compliance with the requirements regarding 50633
the manner in which funding received under division (A)(8) of this 50634
section may be spent. 50635

(D) In any fiscal year, a school district receiving funds 50636
under division (A)(9) of this section, or through a transfer of 50637
funds pursuant to division (I) of section 3317.023 of the Revised 50638
Code, shall spend those funds only for the purposes that the 50639
department designates as approved for career-technical education 50640
associated services expenses, which may include such purposes as 50641
apprenticeship coordinators, coordinators for other 50642
career-technical education services, career-technical evaluation, 50643
and other purposes designated by the department. The department 50644
may deny payment under division (A)(9) of this section to any 50645
district that the department determines is not operating those 50646
services or is using funds paid under division (A)(9) of this 50647
section, or through a transfer of funds pursuant to division (I) 50648

of section 3317.023 of the Revised Code, for other purposes. 50649

(E) All funds received under division (A)(8) of this section 50650
shall be spent in the following manner: 50651

(1) At least seventy-five per cent of the funds shall be 50652
spent on curriculum development, purchase, and implementation; 50653
instructional resources and supplies; industry-based program 50654
certification; student assessment, credentialing, and placement; 50655
curriculum specific equipment purchases and leases; 50656
career-technical student organization fees and expenses; home and 50657
agency linkages; work-based learning experiences; professional 50658
development; and other costs directly associated with 50659
career-technical education programs including development of new 50660
programs. 50661

(2) Not more than twenty-five per cent of the funds shall be 50662
used for personnel expenditures. 50663

(F) A school district shall spend the funds it receives under 50664
division (A)(5) of this section in accordance with section 3317.25 50665
of the Revised Code. 50666

Sec. 3317.0212. (A) As used in this section: 50667

(1) "Qualifying riders" means resident students enrolled in 50668
regular education in grades kindergarten to twelve who are 50669
provided school bus service by a school district and who live more 50670
than one mile from the school they attend, including students with 50671
dual enrollment in a joint vocational school district or a 50672
cooperative education school district, and students enrolled in a 50673
community school, STEM school, or nonpublic school. 50674

(2) "Qualifying ridership" means the average number of 50675
qualifying riders who are provided school bus service by a school 50676
district during the first full week of October. 50677

(3) "Rider density" means the total ADM per square mile of a 50678

school district. 50679

(4) "School bus service" means a school district's 50680
transportation of qualifying riders in any of the following types 50681
of vehicles: 50682

(a) School buses owned or leased by the district; 50683

(b) School buses operated by a private contractor hired by 50684
the district; 50685

(c) School buses operated by another school district or 50686
entity with which the district has contracted, either as part of a 50687
consortium for the provision of transportation or otherwise. 50688

(B) Not later than the fifteenth day of October each year, 50689
each city, local, and exempted village school district shall 50690
report to the department of education its qualifying ridership and 50691
any other information requested by the department. Subsequent 50692
adjustments to the reported numbers shall be made only in 50693
accordance with rules adopted by the department. 50694

(C) The department shall calculate the statewide 50695
transportation cost per student as follows: 50696

(1) Determine each city, local, and exempted village school 50697
district's transportation cost per student by dividing the 50698
district's total costs for school bus service in the previous 50699
fiscal year by its qualifying ridership in the previous fiscal 50700
year. 50701

(2) After excluding districts that do not provide school bus 50702
service and the ten districts with the highest transportation 50703
costs per student and the ten districts with the lowest 50704
transportation costs per student, divide the aggregate cost for 50705
school bus service for the remaining districts in the previous 50706
fiscal year by the aggregate qualifying ridership of those 50707
districts in the previous fiscal year. 50708

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation payment as follows:

(1) Multiply the statewide transportation cost per student by the district's qualifying ridership for the current fiscal year.

(2) Multiply the statewide transportation cost per mile by the district's total number of miles driven for school bus service in the current fiscal year.

(3) Multiply the greater of the amounts calculated under divisions (E)(1) and (2) of this section by the greater of sixty fifty per cent or the district's state share index, as defined in section 3317.02 of the Revised Code.

(F) In addition to funds paid under division (E) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under

division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

~~(G)(1) In fiscal years 2014 and 2015, the department shall pay each district a pro rata portion of the amounts calculated under division (E) of this section and described in division (F) of this section, based on state appropriations.~~

~~(2) In addition to the prorated payment under division (G)(1) of this section, in fiscal years 2014 and 2015, the department shall pay each school district that meets the conditions prescribed in division (G)(3) of this section an additional amount equal to the difference of (a) the amounts calculated under division (E) of this section and prescribed in division (F) of this section minus (b) that prorated payment.~~

~~(3) Division (G)(2) of this section applies to each school district that meets all of the following conditions:~~

~~(a) The district qualifies for the calculation of a payment under division (E) of this section because it transports students on board-owned or contractor-owned school buses.~~

~~(b) The district's state share index is greater than or equal to 0.50.~~

~~(c) The district's rider density is at or below the median rider density of all districts that qualify for calculation of a payment under division (E) of this section.~~

~~(H) Each city, local, and exempted village school district shall report all data used to calculate funding for transportation under this section through the education management information system pursuant to section 3301.0714 of the Revised Code. For purposes of division (G) of this section, a school district's "transportation supplement percentage" means the following quotient:~~

[(35, in fiscal year 2016, or 50, in fiscal year 2017) - the 50771
district's rider density] / 100 50772

If the result of the calculation for a district under 50773
division (G)(1) of this section is less than zero, the district's 50774
transportation supplement percentage shall be zero. 50775

(2) The department shall pay each district a transportation 50776
supplement calculated according to the following formula: 50777

The district's transportation supplement percentage X the amount 50778
calculated for the district under division (E)(2) of this section 50779
X 0.55 50780

Sec. 3317.0213. (A) The department of education shall compute 50781
and pay in accordance with this section additional state aid for 50782
preschool ~~special education~~ children with disabilities to each 50783
city, local, and exempted village school district and to each 50784
institution, as defined in section 3323.091 of the Revised Code. 50785
Funding shall be provided for children who are not enrolled in 50786
kindergarten and who are under age six on the thirtieth day of 50787
September of the academic year, or on the first day of August of 50788
the academic year if the school district in which the child is 50789
enrolled has adopted a resolution under division (A)(3) of section 50790
3321.01 of the Revised Code, but not less than age three on the 50791
first day of December of the academic year. 50792

The additional state aid shall be calculated under the 50793
following formula: 50794

(\$4,000 X the number of students who are preschool ~~special~~ 50795
education children with disabilities) + the sum of the following: 50796

(1) The district's or institution's category one special 50797
education ~~preschool~~ students who are preschool children with 50798
disabilities X the amount specified in division (A) of section 50799
3317.013 of the Revised Code X the district's state share index X 50800
0.50; 50801

(2) The district's or institution's category two special 50802
education ~~preschool~~ students who are preschool children with 50803
disabilities X the amount specified in division (B) of section 50804
3317.013 of the Revised Code X the district's state share index X 50805
0.50; 50806

(3) The district's or institution's category three special 50807
education ~~preschool~~ students who are preschool children with 50808
disabilities X the amount specified in division (C) of section 50809
3317.013 of the Revised Code X the district's state share index X 50810
0.50; 50811

(4) The district's or institution's category four special 50812
education ~~preschool~~ students who are preschool children with 50813
disabilities X the amount specified in division (D) of section 50814
3317.013 of the Revised Code X the district's state share index X 50815
0.50; 50816

(5) The district's or institution's category five special 50817
education ~~preschool~~ students who are preschool children with 50818
disabilities X the amount specified in division (E) of section 50819
3317.013 of the Revised Code X the district's state share index X 50820
0.50; 50821

(6) The district's or institution's category six special 50822
education ~~preschool~~ students who are preschool children with 50823
disabilities X the amount specified in division (F) of section 50824
3317.013 of the Revised Code X the district's state share index X 50825
0.50. 50826

The special education disability categories for preschool 50827
children used in this section are the same categories prescribed 50828
in section 3317.013 of the Revised Code. 50829

As used in division (A) of this section, the state share 50830
index of a student enrolled in an institution is the state share 50831
index of the school district in which the student is entitled to 50832

attend school under section 3313.64 or 3313.65 of the Revised Code. 50833
50834

(B) If an educational service center is providing services to 50835
~~preschool special education~~ students who are preschool children 50836
with disabilities under agreement with the city, local, or 50837
exempted village school district in which the students are 50838
entitled to attend school, that district may authorize the 50839
department to transfer funds computed under this section to the 50840
service center providing those services. 50841

(C) If a county DD board is providing services to ~~preschool~~ 50842
~~special education~~ students who are preschool children with 50843
disabilities under agreement with the city, local, or exempted 50844
village school district in which the students are entitled to 50845
attend school, the department shall deduct from the district's 50846
payment computed under division (A) of this section the total 50847
amount of those funds that are attributable to the students served 50848
by the county DD board and pay that amount to that board. 50849

Sec. 3317.0215. (A) For purposes of this section, "four-year 50850
adjusted cohort graduation rate" has the same meaning as in 50851
section 3302.01 of the Revised Code. 50852

(B) The department of education shall annually calculate a 50853
graduation bonus for each city, local, and exempted village school 50854
district according to the following formula: 50855

The district's four-year adjusted cohort graduation rate on its 50856
most recent report card issued by the department under section 50857
3302.03 of the Revised Code X 0.075 X the formula amount X the 50858
number of the district's graduates reported to the department, in 50859
accordance with the guidelines adopted under section 3301.0714 of 50860
the Revised Code, for the same school year for which the most 50861
recent report card was issued X the district's state share index 50862

Sec. 3317.0216. (A) For purposes of this section, a city, 50863
local, or exempted village school district's "third-grade reading 50864
proficiency percentage" means the following quotient: 50865

The number of the district's students scoring at a proficient 50866
level of skill or higher on the third-grade English language arts 50867
assessment prescribed under division (A)(1)(a) of section 50868
3301.0710 of the Revised Code for the immediately preceding school 50869
year / the total number of the district's students required to 50870
take that assessment for the immediately preceding school year 50871

(B) The department of education shall annually calculate a 50872
third-grade reading bonus for each city, local, and exempted 50873
village school district according to the following formula: 50874

The district's third-grade reading proficiency percentage X 0.075 50875
X the formula amount X the number of the district's students 50876
scoring at a proficient level of skill or higher on the 50877
third-grade English language arts assessment prescribed under 50878
division (A)(1)(a) of section 3301.0710 of the Revised Code for 50879
the immediately preceding school year X the district's state share 50880
index 50881

Sec. 3317.0217. Payment of the amount calculated for a school 50882
district under this section shall be made under division (A) of 50883
section 3317.022 of the Revised Code. 50884

(A) The department of education shall annually compute 50885
targeted assistance funds to school districts, as follows: 50886

(1) Calculate the local wealth per pupil of each school 50887
district, which equals the following sum: 50888

(a) One-half times the quotient of (i) the district's 50889
three-year average valuation divided by (ii) its formula ADM; plus 50890

(b) One-half times the quotient of (i) the average of the 50891
total federal adjusted gross income of the school district's 50892

residents for the three years most recently reported under section 50893
3317.021 of the Revised Code divided by (ii) its formula ADM. 50894

(2) Rank all school districts in order of local wealth per 50895
pupil, from the district with the lowest local wealth per pupil to 50896
the district with the highest local wealth per pupil. 50897

(3) Compute the statewide wealth per pupil, which equals the 50898
following sum: 50899

(a) One-half times the quotient of (i) the sum of the 50900
three-year average valuations for all school districts divided by 50901
(ii) the sum of formula ADM counts for all school districts; plus 50902

(b) One-half times the quotient of (i) the sum of the 50903
three-year average total federal adjusted gross incomes for all 50904
school districts divided by (ii) the sum of formula ADM counts for 50905
all school districts. 50906

(4) Compute each district's wealth index by dividing the 50907
statewide wealth per pupil by the district's local wealth per 50908
pupil. 50909

(5) Compute the per pupil targeted assistance for each 50910
eligible school district in accordance with the following formula: 50911

(Threshold local wealth per pupil - the district's local wealth 50912
per pupil) 50913

X target millage X the district's wealth index 50914

Where: 50915

(a) An "eligible school district" means a school district 50916
with a local wealth per pupil less than that of the school 50917
district with the 490th lowest local wealth per pupil. 50918

(b) "Threshold local wealth per pupil" means the local wealth 50919
per pupil of the school district with the 490th lowest local 50920
wealth per pupil. 50921

(c) "Target millage" means 0.006. 50922

If the result of the calculation for a school district under division (A)(5) of this section is less than zero, the district's targeted assistance shall be zero.

(6) Calculate the aggregate amount to be paid as targeted assistance funds to each school district under division (A) of section 3317.022 of the Revised Code by multiplying the per pupil targeted assistance computed under division (A)(5) of this section by the district's net formula ADM.

As used in this division, a district's "net formula ADM" means its formula ADM minus the number of community school students certified under division (B)(3)(d) of section 3317.03 of the Revised Code X 0.75, the number of internet- and computer-based community school students certified under division (B)(3)(e) of that section, the number of science, technology, engineering, and mathematics school students certified under division (B)(3)(j) of that section X 0.75, and the number of scholarship students certified under divisions (B)(3)(f), (g), and (l) of that section.

(B) The department shall annually compute supplemental targeted assistance funds to school districts, as follows:

(1) Compute each district's agricultural percentage as the quotient of (a) the three-year average ~~tax~~ valuation of real property in the district that is classified as agricultural property divided by (b) the three-year average ~~tax~~ valuation of all of the real property in the district. ~~For purposes of this computation, a district's "three-year average tax valuation" means the average of a district's tax valuation for fiscal years 2012, 2013, and 2014.~~

~~(2) Determine each district's agricultural targeted percentage as follows:~~

~~(a) If a district's agricultural percentage is greater than~~

~~or equal to 0.10, then the district's agricultural targeted~~ 50954
~~percentage shall be equal to 0.40.~~ 50955

~~(b) If a district's agricultural percentage is less than~~ 50956
~~0.10, then the district's agricultural targeted percentage shall~~ 50957
~~be equal to 4 X the district's agricultural percentage.~~ 50958

~~(3) Calculate the aggregate amount to be paid as supplemental~~ 50959
~~targeted assistance funds to each school district under division~~ 50960
~~(A) of section 3317.022 of the Revised Code by multiplying the~~ 50961
~~district's agricultural targeted percentage by the amount~~ 50962
~~calculated for the district under division (A)(6) of this~~ 50963
~~section., as follows:~~ 50964

(The district's agricultural percentage - 0.1) X (0.4 X the 50965
formula amount) X the district's net formula ADM, as that term is 50966
defined in division (A) of this section 50967

If the result of the calculation for a school district under 50968
division (B)(2) of this section is less than zero, the district's 50969
supplemental targeted assistance shall be zero. 50970

Sec. 3317.0218. The department of education shall annually 50971
compute capacity aid funds to school districts, as follows: 50972

(A) For each school district, multiply the district's 50973
three-year average valuation by 0.001; 50974

(B) Determine the median amount of all of the amounts 50975
calculated under division (A) of this section; 50976

(C) Calculate each school district's capacity ratio, which 50977
equals the greater of zero or the amount calculated as follows: 50978

(The amount determined under division (B) of this section / the 50979
amount calculated for the district under division (A) of this 50980
section) - 1 50981

If the result of a calculation for a school district under 50982
division (C) of this section is greater than 2.5, the district's 50983

capacity ratio shall be 2.5. 50984

(D) Calculate the capacity aid per pupil amount, which equals 50985
the following quotient: 50986

(The amount determined under division (B) of this section) / (the 50987
average of the formula ADMs of all of the districts for which the 50988
amount calculated under division (A) of this section is less than 50989
the amount determined under division (B) of this section) 50990

(E) Calculate each school district's capacity aid, which 50991
equals the following product: 50992

The capacity aid per pupil amount calculated under division (D) of 50993
this section X the district's formula ADM X (2.75, for fiscal year 50994
2016, or 3.5, for fiscal year 2017) X the district's capacity 50995
ratio calculated under division (C) of this section 50996

Sec. 3317.051. (A) As used in this section, "gifted unit ADM" 50997
means a school district's formula ADM minus the number of students 50998
reported by a district under divisions (A)(2)(a) and (i) of 50999
section 3317.03 of the Revised Code. 51000

(B) The department of education shall compute and pay to a 51001
school district funds based on units for services to students 51002
identified as gifted under Chapter 3324. of the Revised Code as 51003
prescribed by this section. 51004

(C) The department shall allocate gifted units for a school 51005
district as follows: 51006

(1) One gifted coordinator unit shall be allocated for every 51007
3,300 students in a district's gifted unit ADM, with a minimum of 51008
0.5 units and a maximum of 8 units allocated for the district. 51009

(2) One gifted intervention specialist unit shall be 51010
allocated for every 1,100 students in a district's gifted unit 51011
ADM, with a minimum of 0.3 units allocated for the district. 51012

(D) The department shall pay the following amount to a school 51013

district for gifted units: 51014

~~(1) In fiscal year 2014, \$37,000 multiplied by the number of~~ 51015
~~units allocated to a school district under division (C) of this~~ 51016
~~section;~~ 51017

~~(2) In fiscal year 2015, \$37,370 multiplied by the number of units~~ 51018
~~allocated to a school district under division (C) of this section;~~ 51019

(E) A school district may assign gifted unit funding that it 51020
receives under division (D) of this section to another school 51021
district, an educational service center, a community school, or a 51022
STEM school as part of an arrangement to provide services to the 51023
district. 51024

Sec. 3317.06. Moneys paid to school districts under division 51025
(E) of section 3317.024 of the Revised Code shall be used for the 51026
following independent and fully severable purposes: 51027

(A) To purchase such secular textbooks or digital texts as 51028
have been approved by the superintendent of public instruction for 51029
use in public schools in the state and to loan such textbooks or 51030
digital texts to pupils attending nonpublic schools within the 51031
district or to their parents and to hire clerical personnel to 51032
administer such lending program. Such loans shall be based upon 51033
individual requests submitted by such nonpublic school pupils or 51034
parents. Such requests shall be submitted to the school district 51035
in which the nonpublic school is located. Such individual requests 51036
for the loan of textbooks or digital texts shall, for 51037
administrative convenience, be submitted by the nonpublic school 51038
pupil or the pupil's parent to the nonpublic school, which shall 51039
prepare and submit collective summaries of the individual requests 51040
to the school district. As used in this section: 51041

(1) "Textbook" means any book or book substitute that a pupil 51042
uses as a consumable or nonconsumable text, text substitute, or 51043
text supplement in a particular class or program in the school the 51044

pupil regularly attends. 51045

(2) "Digital text" means a consumable book or book substitute 51046
that a student accesses through the use of a computer or other 51047
electronic medium or that is available through an internet-based 51048
provider of course content, or any other material that contributes 51049
to the learning process through electronic means. 51050

(B) To provide speech and hearing diagnostic services to 51051
pupils attending nonpublic schools within the district. Such 51052
service shall be provided in the nonpublic school attended by the 51053
pupil receiving the service. 51054

(C) To provide physician, nursing, dental, and optometric 51055
services to pupils attending nonpublic schools within the 51056
district. Such services shall be provided in the school attended 51057
by the nonpublic school pupil receiving the service. 51058

(D) To provide diagnostic psychological services to pupils 51059
attending nonpublic schools within the district. Such services 51060
shall be provided in the school attended by the pupil receiving 51061
the service. 51062

(E) To provide therapeutic psychological and speech and 51063
hearing services to pupils attending nonpublic schools within the 51064
district. Such services shall be provided in the public school, in 51065
nonpublic schools, in public centers, or in mobile units located 51066
on or off of the nonpublic premises. If such services are provided 51067
in the public school or in public centers, transportation to and 51068
from such facilities shall be provided by the school district in 51069
which the nonpublic school is located. 51070

(F) To provide guidance, counseling, and social work services 51071
to pupils attending nonpublic schools within the district. Such 51072
services shall be provided in the public school, in nonpublic 51073
schools, in public centers, or in mobile units located on or off 51074
of the nonpublic premises. If such services are provided in the 51075

public school or in public centers, transportation to and from 51076
such facilities shall be provided by the school district in which 51077
the nonpublic school is located. 51078

(G) To provide remedial services to pupils attending 51079
nonpublic schools within the district. Such services shall be 51080
provided in the public school, in nonpublic schools, in public 51081
centers, or in mobile units located on or off of the nonpublic 51082
premises. If such services are provided in the public school or in 51083
public centers, transportation to and from such facilities shall 51084
be provided by the school district in which the nonpublic school 51085
is located. 51086

(H) To supply for use by pupils attending nonpublic schools 51087
within the district such standardized tests and scoring services 51088
as are in use in the public schools of the state; 51089

(I) To provide programs for children who attend nonpublic 51090
schools within the district and are children with disabilities as 51091
defined in section 3323.01 of the Revised Code or gifted children. 51092
Such programs shall be provided in the public school, in nonpublic 51093
schools, in public centers, or in mobile units located on or off 51094
of the nonpublic premises. If such programs are provided in the 51095
public school or in public centers, transportation to and from 51096
such facilities shall be provided by the school district in which 51097
the nonpublic school is located. 51098

(J) To hire clerical personnel to assist in the 51099
administration of programs pursuant to divisions (B), (C), (D), 51100
(E), (F), (G), and (I) of this section and to hire supervisory 51101
personnel to supervise the providing of services and textbooks 51102
pursuant to this section. 51103

(K) To purchase or lease any secular, neutral, and 51104
nonideological computer application software designed to assist 51105
students in performing a single task or multiple related tasks, 51106

device management software, learning management software, 51107
site-licensing, digital video on demand (DVD), wide area 51108
connectivity and related technology as it relates to internet 51109
access, mathematics or science equipment and materials, 51110
instructional materials, and school library materials that are in 51111
general use in the public schools of the state and loan such items 51112
to pupils attending nonpublic schools within the district or to 51113
their parents, and to hire clerical personnel to administer the 51114
lending program. Only such items that are incapable of diversion 51115
to religious use and that are susceptible of loan to individual 51116
pupils and are furnished for the use of individual pupils shall be 51117
purchased and loaned under this division. As used in this section, 51118
"instructional materials" means prepared learning materials that 51119
are secular, neutral, and nonideological in character and are of 51120
benefit to the instruction of school children. "Instructional 51121
materials" includes media content that a student may access 51122
through the use of a computer or electronic device. 51123

Mobile applications that are secular, neutral, and 51124
nonideological in character and that are purchased for less than 51125
~~ten~~ twenty dollars for instructional use shall be considered to be 51126
consumable and shall be distributed to students without the 51127
expectation that the applications must be returned. 51128

(L) To purchase or lease instructional equipment, including 51129
computer hardware and related equipment in general use in the 51130
public schools of the state, for use by pupils attending nonpublic 51131
schools within the district and to loan such items to pupils 51132
attending nonpublic schools within the district or to their 51133
parents, and to hire clerical personnel to administer the lending 51134
program. "Computer hardware and related equipment" includes 51135
desktop computers and workstations; laptop computers, computer 51136
tablets, and other mobile handheld devices; ~~and~~ their operating 51137
systems and accessories; and any equipment designed to make 51138

accessible the environment of a classroom to a student, who is 51139
physically unable to attend classroom activities due to 51140
hospitalization or other circumstances, by allowing real-time 51141
interaction with other students both one-on-one and in group 51142
discussion. 51143

(M) To purchase mobile units to be used for the provision of 51144
services pursuant to divisions (E), (F), (G), and (I) of this 51145
section and to pay for necessary repairs and operating costs 51146
associated with these units. 51147

(N) To reimburse costs the district incurred to store the 51148
records of a chartered nonpublic school that closes. 51149
Reimbursements under this division shall be made one time only for 51150
each chartered nonpublic school that closes. 51151

(O) To purchase life-saving medical or other emergency 51152
equipment for placement in nonpublic schools within the district 51153
or to maintain such equipment. 51154

Clerical and supervisory personnel hired pursuant to division 51155
(J) of this section shall perform their services in the public 51156
schools, in nonpublic schools, public centers, or mobile units 51157
where the services are provided to the nonpublic school pupil, 51158
except that such personnel may accompany pupils to and from the 51159
service sites when necessary to ensure the safety of the children 51160
receiving the services. 51161

All services provided pursuant to this section may be 51162
provided under contract with educational service centers, the 51163
department of health, city or general health districts, or private 51164
agencies whose personnel are properly licensed by an appropriate 51165
state board or agency. 51166

Transportation of pupils provided pursuant to divisions (E), 51167
(F), (G), and (I) of this section shall be provided by the school 51168
district from its general funds and not from moneys paid to it 51169

under division (E) of section 3317.024 of the Revised Code unless 51170
a special transportation request is submitted by the parent of the 51171
child receiving service pursuant to such divisions. If such an 51172
application is presented to the school district, it may pay for 51173
the transportation from moneys paid to it under division (E) of 51174
section 3317.024 of the Revised Code. 51175

No school district shall provide health or remedial services 51176
to nonpublic school pupils as authorized by this section unless 51177
such services are available to pupils attending the public schools 51178
within the district. 51179

Materials, equipment, computer hardware or software, 51180
textbooks, digital texts, and health and remedial services 51181
provided for the benefit of nonpublic school pupils pursuant to 51182
this section and the admission of pupils to such nonpublic schools 51183
shall be provided without distinction as to race, creed, color, or 51184
national origin of such pupils or of their teachers. 51185

No school district shall provide services, materials, or 51186
equipment that contain religious content for use in religious 51187
courses, devotional exercises, religious training, or any other 51188
religious activity. 51189

As used in this section, "parent" includes a person standing 51190
in loco parentis to a child. 51191

Notwithstanding section 3317.01 of the Revised Code, payments 51192
shall be made under this section to any city, local, or exempted 51193
village school district within which is located one or more 51194
nonpublic elementary or high schools and any payments made to 51195
school districts under division (E) of section 3317.024 of the 51196
Revised Code for purposes of this section may be disbursed without 51197
submission to and approval of the controlling board. 51198

The allocation of payments for materials, equipment, 51199
textbooks, digital texts, health services, and remedial services 51200

to city, local, and exempted village school districts shall be on 51201
the basis of the state board of education's estimated annual 51202
average daily membership in nonpublic elementary and high schools 51203
located in the district. 51204

Payments made to city, local, and exempted village school 51205
districts under this section shall be equal to specific 51206
appropriations made for the purpose. All interest earned by a 51207
school district on such payments shall be used by the district for 51208
the same purposes and in the same manner as the payments may be 51209
used. 51210

The department of education shall adopt guidelines and 51211
procedures under which such programs and services shall be 51212
provided, under which districts shall be reimbursed for 51213
administrative costs incurred in providing such programs and 51214
services, and under which any unexpended balance of the amounts 51215
appropriated by the general assembly to implement this section may 51216
be transferred to the auxiliary services personnel unemployment 51217
compensation fund established pursuant to section 4141.47 of the 51218
Revised Code. The department shall also adopt guidelines and 51219
procedures limiting the purchase and loan of the items described 51220
in division (K) of this section to items that are in general use 51221
in the public schools of the state, that are incapable of 51222
diversion to religious use, and that are susceptible to individual 51223
use rather than classroom use. Within thirty days after the end of 51224
each biennium, each board of education shall remit to the 51225
department all moneys paid to it under division (E) of section 51226
3317.024 of the Revised Code and any interest earned on those 51227
moneys that are not required to pay expenses incurred under this 51228
section during the biennium for which the money was appropriated 51229
and during which the interest was earned. If a board of education 51230
subsequently determines that the remittal of moneys leaves the 51231
board with insufficient money to pay all valid expenses incurred 51232

under this section during the biennium for which the remitted 51233
money was appropriated, the board may apply to the department of 51234
education for a refund of money, not to exceed the amount of the 51235
insufficiency. If the department determines the expenses were 51236
lawfully incurred and would have been lawful expenditures of the 51237
refunded money, it shall certify its determination and the amount 51238
of the refund to be made to the director of job and family 51239
services who shall make a refund as provided in section 4141.47 of 51240
the Revised Code. 51241

Each school district shall label materials, equipment, 51242
computer hardware or software, textbooks, and digital texts 51243
purchased or leased for loan to a nonpublic school under this 51244
section, acknowledging that they were purchased or leased with 51245
state funds under this section. However, a district need not label 51246
materials, equipment, computer hardware or software, textbooks, or 51247
digital texts that the district determines are consumable in 51248
nature or have a value of less than two hundred dollars. 51249

Sec. 3317.16. (A) The department of education shall compute 51250
and distribute state core foundation funding to each joint 51251
vocational school district for the fiscal year as prescribed in 51252
the following divisions: 51253

(1) An opportunity grant calculated according to the 51254
following formula: 51255

(The formula amount X formula ADM) - (0.0005 X the 51256
district's three-year average valuation) 51257

~~If the result of the calculation for a joint vocational 51258
school district under division (A)(1) of this section is less than 51259
zero, the joint vocational school district's opportunity grant 51260
shall be zero. 51261~~

However, no district shall receive an opportunity grant that 51262
is less than 0.05 times the formula amount times formula ADM. 51263

(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share percentage;

(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage;

(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;

(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;

(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage;

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage.

(3) Economically disadvantaged funds calculated according to the following formula:

~~(\$250, in fiscal year 2014, or \$253, in fiscal year 2015)~~ \$272 X {the district's economically disadvantaged index} X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code

(4) Limited English proficiency funds calculated as the sum of the following:

(a) The district's category one limited English proficient

ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage; 51294
51295

(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage; 51296
51297
51298

(c) The district's category three limited English proficient ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share percentage; 51299
51300
51301

(5) Career-technical education funds calculated as the sum of the following: 51302
51303

(a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share percentage; 51304
51305
51306

(b) The district's category two career-technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share percentage; 51307
51308
51309

(c) The district's category three career-technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share percentage; 51310
51311
51312

(d) The district's category four career-technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share percentage; 51313
51314
51315

(e) The district's category five career-technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share percentage. 51316
51317
51318

Payment of funds under division (A)(5) of this section is subject to approval under section 3317.161 of the Revised Code. 51319
51320

(6) Career-technical education associated services funds calculated under the following formula: 51321
51322

The district's state share percentage X the 51323

amount for career-technical education associated services 51324
specified in section 3317.014 of the Revised Code X the sum of 51325
categories one through five career-technical 51326
education ADM X the district's state share percentage 51327

(7) A graduation bonus calculated according to the following 51328
formula: 51329

The district's graduation rate as reported on its most recent 51330
report card issued by the department under section 3302.033 of the 51331
Revised Code X 0.075 X the formula amount X the number of the 51332
district's students who received high school or honors high school 51333
diplomas as reported by the district to the department, in 51334
accordance with the guidelines adopted under section 3301.0714 of 51335
the Revised Code, for the same school year for which the most 51336
recent report card was issued X the district's state share 51337
percentage 51338

(B)(1) If a joint vocational school district's costs for a 51339
fiscal year for a student in its categories two through six 51340
special education ADM exceed the threshold catastrophic cost for 51341
serving the student, as specified in division (B) of section 51342
3317.0214 of the Revised Code, the district may submit to the 51343
superintendent of public instruction documentation, as prescribed 51344
by the superintendent, of all of its costs for that student. Upon 51345
submission of documentation for a student of the type and in the 51346
manner prescribed, the department shall pay to the district an 51347
amount equal to the sum of the following: 51348

(a) One-half of the district's costs for the student in 51349
excess of the threshold catastrophic cost; 51350

(b) The product of one-half of the district's costs for the 51351
student in excess of the threshold catastrophic cost multiplied by 51352
the district's state share percentage. 51353

(2) The district shall report under division (B)(1) of this 51354
section, and the department shall pay for, only the costs of 51355

educational expenses and the related services provided to the 51356
student in accordance with the student's individualized education 51357
program. Any legal fees, court costs, or other costs associated 51358
with any cause of action relating to the student may not be 51359
included in the amount. 51360

(C)(1) For each student with a disability receiving special 51361
education and related services under an individualized education 51362
program, as defined in section 3323.01 of the Revised Code, at a 51363
joint vocational school district, the resident district or, if the 51364
student is enrolled in a community school, the community school 51365
shall be responsible for the amount of any costs of providing 51366
those special education and related services to that student that 51367
exceed the sum of the amount calculated for those services 51368
attributable to that student under division (A) of this section. 51369

Those excess costs shall be calculated ~~by subtracting the sum~~ 51370
~~of the following from the actual cost to provide special education~~ 51371
~~and related services to the student:~~ 51372

~~(a) The formula amount;~~ 51373

~~(b) The amount specified in section 3317.013 of the Revised~~ 51374
~~Code that is applicable to the student;~~ 51375

~~(c) Any funds paid under section 3317.0214 for the student~~ 51376
~~using a formula approved by the department.~~ 51377

(2) The board of education of the joint vocational school 51378
district may report the excess costs calculated under division 51379
(C)(1) of this section to the department of education. 51380

(3) If the board of education of the joint vocational school 51381
district reports excess costs under division (C)(2) of this 51382
section, the department shall pay the amount of excess cost 51383
calculated under division (C)(2) of this section to the joint 51384
vocational school district and shall deduct that amount as 51385
provided in division (C)(3)(a) or (b) of this section, as 51386

applicable: 51387

(a) If the student is not enrolled in a community school, the 51388
department shall deduct the amount from the account of the 51389
student's resident district pursuant to division (J) of section 51390
3317.023 of the Revised Code. 51391

(b) If the student is enrolled in a community school, the 51392
department shall deduct the amount from the account of the 51393
community school pursuant to section 3314.083 of the Revised Code. 51394

(D){1} In any fiscal year, a school district receiving funds 51395
under division (A)(5) of this section shall spend those funds only 51396
for the purposes that the department designates as approved for 51397
career-technical education expenses. Career-technical ~~educational~~ 51398
education expenses approved by the department shall include only 51399
expenses connected to the delivery of career-technical programming 51400
to career-technical students. The department shall require the 51401
school district to report data annually so that the department may 51402
monitor the district's compliance with the requirements regarding 51403
the manner in which funding received under division (A)(5) of this 51404
section may be spent. 51405

~~(2) All funds received under division (A)(5) of this section 51406
shall be spent in the following manner: 51407~~

~~(a) At least seventy-five per cent of the funds shall be 51408
spent on curriculum development, purchase, and implementation; 51409
instructional resources and supplies; industry-based program 51410
certification; student assessment, credentialing, and placement; 51411
curriculum specific equipment purchases and leases; 51412
career-technical student organization fees and expenses; home and 51413
agency linkages; work-based learning experiences; professional 51414
development; and other costs directly associated with 51415
career-technical education programs including development of new 51416
programs. 51417~~

~~(b) Not more than twenty-five per cent of the funds shall be~~ 51418
~~used for personnel expenditures.~~ 51419

(E) In any fiscal year, a school district receiving funds 51420
under division (A)(6) of this section, or through a transfer of 51421
funds pursuant to division (I) of section 3317.023 of the Revised 51422
Code, shall spend those funds only for the purposes that the 51423
department designates as approved for career-technical education 51424
associated services expenses, which may include such purposes as 51425
apprenticeship coordinators, coordinators for other 51426
career-technical education services, career-technical evaluation, 51427
and other purposes designated by the department. The department 51428
may deny payment under division (A)(6) of this section to any 51429
district that the department determines is not operating those 51430
services or is using funds paid under division (A)(6) of this 51431
section, or through a transfer of funds pursuant to division (I) 51432
of section 3317.023 of the Revised Code, for other purposes. 51433

(F) A joint vocational school district shall spend the funds 51434
it receives under division (A)(3) of this section in accordance 51435
with section 3317.25 of the Revised Code. 51436

(G) As used in this section: 51437

(1) "Community school" means a community school established 51438
under Chapter 3314. of the Revised Code. 51439

(2) "Resident district" means the city, local, or exempted 51440
village school district in which a student is entitled to attend 51441
school under section 3313.64 or 3313.65 of the Revised Code. 51442

(3) "State share percentage" is equal to the following: 51443
The amount computed under division (A)(1) of this section / 51444
(the formula amount X formula ADM) 51445

Sec. 3317.161. (A) As used in this section, "lead district" 51446
has the same meaning as in section 3317.023 of the Revised Code. 51447

(B)(1) A career-technical education program of a city, local, 51448
or exempted village school district, community school, or STEM 51449
school shall be subject to approval under this section in order 51450
for the district or school to qualify for state funding for the 51451
program. Approval granted under this section shall be valid for 51452
the five fiscal years following the fiscal year in which the 51453
program is approved and may be renewed. Approval shall be subject 51454
to annual review under division (E) of this section. 51455

(2) If a district or school becomes a new member of a 51456
career-technical planning district, its career-technical education 51457
programs shall be approved or disapproved by the lead district of 51458
the career-technical planning district during the fiscal year in 51459
which the district or school becomes a member of the 51460
career-technical planning district. Any program of the district or 51461
school that was approved by the department of education for an 51462
approval period that includes the fiscal year in which the 51463
district or school becomes a new member of the career-technical 51464
planning district shall retain its approved status during that 51465
fiscal year. 51466

(3) If an existing member of a career-technical planning 51467
district develops a new career-technical education program, that 51468
program shall be approved or disapproved by the lead district of 51469
the career-technical planning district prior to the first fiscal 51470
year for which the district or school is seeking funding for the 51471
program. 51472

(4) Except as provided in division (B)(2) of this section, if 51473
a career-technical education program was approved by the 51474
department prior to ~~the effective date of this section~~ September 51475
29, 2013, that approval remains valid for the unexpired remainder 51476
of the approval period specified by the department. Approval of 51477
that program may then be renewed in accordance with this section 51478
on a date prior to the expiration of the approval period. 51479

(C)(1) The lead district of a career-technical planning 51480
district shall approve or disapprove for a five-year period each 51481
career-technical education program of the city, local, and 51482
exempted village school districts, community schools, and STEM 51483
schools that are assigned by the department to the 51484
career-technical planning district. The lead district's decision 51485
to approve or disapprove a program shall be based on requirements 51486
for career-technical education programs that are specified in 51487
rules adopted by the department. These requirements shall include, 51488
but are not limited to, all of the following: 51489

(a) Demand for the career-technical education program by 51490
industries in the state; 51491

(b) Quality of the program; 51492

(c) Potential for a student enrolled in the program to 51493
receive the training that will qualify the student for industry 51494
credentials or post-secondary education; 51495

(d) Admission requirements of the lead district; 51496

(e) Past performance of the district or school that is 51497
offering the program; 51498

(f) Traveling distance; 51499

(g) Sustainability; 51500

(h) Capacity; 51501

(i) Availability of the program within the career-technical 51502
planning district; 51503

(j) In the case of a new program, the cost to begin the 51504
program. 51505

(2) The lead district shall approve or disapprove each 51506
program not later than the first day of March prior to the first 51507
fiscal year for which the district or school is seeking funding 51508
for the program. If a program is approved, the lead district shall 51509

notify the department of its decision. If a program is 51510
disapproved, the lead district shall notify the district or school 51511
of its decision. 51512

If the lead district disapproves the program or does not take 51513
any action to approve or disapprove the program by the first day 51514
of March, the district or school may appeal the lead district's 51515
decision or failure to take action to the department by the 51516
fifteenth day of March. 51517

(D)(1) Upon receiving notification of a lead district's 51518
approval of a district's or school's career-technical education 51519
program, the department shall review the lead district's decision 51520
and determine whether to approve or disapprove the program not 51521
later than the fifteenth day of May prior to the first fiscal year 51522
for which the district or school is seeking funding for the 51523
program. The department shall notify the district or school and 51524
the lead district of the district's or school's career-technical 51525
planning district of its determination. 51526

(2) Upon receiving an appeal from a district or school of a 51527
lead district's disapproval of a career-technical education 51528
program or failure to take action to approve or disapprove the 51529
program, the department shall review the lead district's 51530
disapproval or failure to take action. The department shall decide 51531
whether to approve or disapprove the program as a result of this 51532
review not later than the fifteenth day of May prior to the first 51533
fiscal year for which the district or school is seeking funding 51534
for the program. The department shall notify the lead district and 51535
the appealing district or school of its determination. 51536

(3) In conducting a review under division (D)(1) or (2) of 51537
this section, the department shall consider the criteria 51538
prescribed under division (C)(1) of this section. 51539

(4) If the department approves a program under division 51540

(D)(1) or (2) of this section, it shall authorize the payment to 51541
the district, or the deduction from the state education aid of a 51542
district and payment to a community school or STEM school, of the 51543
funds attributed to the career-technical students enrolled in that 51544
program in the next fiscal year according to a payment schedule 51545
prescribed by the department. 51546

(5) The department's decisions under divisions (D)(1) and (2) 51547
of this section shall be final and not appealable. 51548

(6) The superintendent of public instruction may adopt 51549
guidelines identifying circumstances in which the department may, 51550
after consulting with a lead district, approve or disapprove a 51551
program that has been approved or disapproved by the lead district 51552
after the deadline prescribed in division (D)(1) or (2) of this 51553
section has passed. 51554

(E) The department and the lead district of each 51555
career-technical planning district shall conduct an annual review 51556
of each career-technical education program in the lead district's 51557
career-technical planning district that receives approval under 51558
this section. Continued funding of the program during the 51559
five-year approval period shall be subject to the school's 51560
compliance with any directives for performance improvement that 51561
are issued by the department or the lead district as a result of 51562
any review conducted under this section. 51563

Sec. 3317.23. (A) For purposes of this section, ~~an~~ 51564

(1) "Competency-based educational program" means any system 51565
of academic instruction, assessment, grading, and reporting where 51566
students receive credit based on demonstrations and assessments of 51567
their learning rather than the amount of time they spend studying 51568
a subject. A competency-based educational program shall encourage 51569
accelerated learning among students who master academic materials 51570
quickly while providing additional instructional support time for 51571

students who need it. 51572

(2) An "eligible individual" is an individual who satisfies 51573
both of the following criteria: 51574

~~(1)(a)~~ The individual is at least twenty-two years of age. 51575

~~(2)(b)~~ The individual has not been awarded a high school 51576
diploma or a certificate of high school equivalence as defined in 51577
section 4109.06 of the Revised Code. 51578

(B) An eligible individual may enroll in a city, local, or 51579
exempted village school district that operates a dropout 51580
prevention and recovery program for up to two ~~cumulative~~ 51581
consecutive school years for the purpose of earning a high school 51582
diploma. An individual enrolled under this division may elect to 51583
satisfy the requirements to earn a high school diploma by 51584
successfully completing a competency-based ~~instructional~~ 51585
educational program that complies with the standards adopted by 51586
the ~~state board of~~ department of education under section 3317.231 of 51587
the Revised Code. The district shall report that individual's 51588
enrollment on a full-time equivalency basis under division (A) of 51589
section 3317.036 of the Revised Code and shall not report that 51590
individual's enrollment under section 3317.03 of the Revised Code. 51591
An individual enrolled under this division shall not be assigned 51592
to classes or settings with students who are younger than eighteen 51593
years of age. 51594

(C)(1) For each district that enrolls individuals under 51595
division (B) of this section, the department ~~of education~~ annually 51596
shall certify the enrollment and attendance, on a full-time 51597
equivalency basis, of each individual reported by the district 51598
under division (A) of section 3317.036 of the Revised Code. 51599

(2) For each individual enrolled in a district under division 51600
(B) of this section, the department annually shall pay ~~to~~ the 51601
district ~~an amount equal to the following:~~ 51602

~~\$5,000 X the individual's enrollment on a full-time~~ 51603
~~equivalency basis as certified under division (C)(1) of this~~ 51604
~~section X the portion of the school year in which the individual~~ 51605
~~is enrolled in the district expressed as a percentage up to~~ 51606
~~\$5,000, as determined by the department based on the extent of the~~ 51607
~~individual's successful completion of the graduation requirements~~ 51608
~~prescribed under sections 3313.603, 3313.61, 3313.611, and~~ 51609
~~3313.614 of the Revised Code.~~ 51610

(D) A district that enrolls individuals under division (B) of 51611
this section shall be subject to the program administration 51612
standards adopted by the ~~state board~~ department under section 51613
3317.231 of the Revised Code, as applicable. 51614

Sec. 3317.231. ~~Not later than December 31, 2014, the state~~ 51615
~~board~~ The department of education shall adopt rules regarding the 51616
administration of programs that enroll individuals who are at 51617
least twenty-two years of age under sections 3314.38, 3317.23, 51618
3317.24, and 3345.86 of the Revised Code, including data 51619
collection, the reporting and certification of enrollment in the 51620
programs, the measurement of the academic performance of 51621
individuals enrolled in the programs, and the standards for 51622
competency-based ~~instructional~~ educational programs, as defined in 51623
section 3317.23 of the Revised Code. 51624

Sec. 3317.24. (A) For purposes of this section, ~~an~~ 51625
"competency-based educational program" and "eligible individual" 51626
~~has~~ have the same ~~meaning~~ meanings as in section 3317.23 of the 51627
Revised Code. 51628

(B) An eligible individual may enroll in a joint vocational 51629
school district that operates an adult education program for up to 51630
two cumulative school years for the purpose of completing the 51631
requirements to earn a high school diploma. An individual enrolled 51632

under this division may elect to satisfy these requirements by 51633
successfully completing a competency-based ~~instructional~~ 51634
educational program that complies with the standards adopted by 51635
the ~~state board~~ department of education under section 3317.231 of 51636
the Revised Code. The district shall report an individual's 51637
enrollment under this division on a full-time equivalency basis 51638
under division (B) of section 3317.036 of the Revised Code and 51639
shall not report that individual's enrollment under section 51640
3317.03 of the Revised Code. An individual enrolled under this 51641
division shall not be assigned to classes or settings with 51642
students who are younger than eighteen years of age. 51643

(C)(1) For each joint vocational school district that enrolls 51644
individuals under division (B) of this section, the department ~~of~~ 51645
~~education~~ annually shall certify the enrollment and attendance, on 51646
a full-time equivalency basis, of each individual reported by the 51647
district under division (B) of section 3317.036 of the Revised 51648
Code. 51649

(2) For each individual enrolled in a joint vocational school 51650
district under division (B) of this section, the department 51651
annually shall pay ~~to the district an amount equal to the~~ 51652
~~following:~~ 51653

~~\$5,000 X the individual's enrollment on a full-time~~ 51654
~~equivalency basis as certified under division (C)(1) of this~~ 51655
~~section X the portion of the school year in which the individual~~ 51656
~~is enrolled in the district expressed as a percentage up to~~ 51657
\$5,000, as determined by the department based on the extent of the 51658
individual's successful completion of the graduation requirements 51659
prescribed under sections 3313.603, 3313.61, 3313.611, and 51660
3313.614 of the Revised Code. 51661

(D) If an individual enrolled in a joint vocational school 51662
district under division (B) of this section completes the 51663
requirements to earn a high school diploma, the joint vocational 51664

school district shall certify the completion of those requirements 51665
to the city, local, or exempted village school district in which 51666
the individual resides. Upon receiving certification under this 51667
division, the city, local, or exempted village school district in 51668
which the individual resides shall issue a high school diploma to 51669
the individual within sixty days of receiving the certification. 51670

(E) A joint vocational school district that enrolls 51671
individuals under division (B) of this section shall be subject to 51672
the program administration standards adopted by the ~~state board~~ 51673
department under section 3317.231 of the Revised Code, as 51674
applicable. 51675

Sec. 3317.26. (A) The department of education shall pay a 51676
city, local, or exempted village school district additional funds 51677
computed as follows: 51678

[(0.20 X the formula amount) - (the sum of the district's payments 51679
under sections 3317.022 and 3317.0212 of the Revised Code and 51680
Section 263.230 of H.B. 64 of the 131st general assembly / its 51681
formula ADM)] X the district's formula ADM 51682

If the result is a negative number, no payment shall be made 51683
under this section. 51684

(B) The department shall pay a joint vocational school 51685
district additional funds computed as follows: 51686

[(0.20 X the formula amount) - (the sum of the district's payments 51687
under section 3317.16 of the Revised Code and Section 263.240 of 51688
H.B. 64 of the 131st general assembly / its formula ADM)] X the 51689
district's formula ADM 51690

If the result is a negative number, no payment shall be made 51691
under this section. 51692

(C)(1) For fiscal year 2016, the department shall pay a city, 51693
local, or exempted village school district fifteen per cent of the 51694

amount calculated under division (A) of this section and shall pay 51695
a joint vocational school district fifteen per cent of the amount 51696
calculated under division (B) of this section. 51697

(2) For fiscal year 2017, the department shall pay a city, 51698
local, or exempted village school district twenty-five per cent of 51699
the amount calculated under division (A) of this section and shall 51700
pay a joint vocational school district twenty-five per cent of the 51701
amount calculated under division (B) of this section. 51702

Sec. 3318.02. (A) For purposes of sections 3318.01 to ~~3318.33~~ 51703
~~3318.32~~ of the Revised Code, the Ohio school facilities commission 51704
shall periodically perform an assessment of the classroom facility 51705
needs in the state to identify school districts in need of 51706
additional classroom facilities, or replacement or reconstruction 51707
of existent classroom facilities, and the cost to each such 51708
district of constructing or acquiring such additional facilities 51709
or making such renovations. 51710

(B) Based upon the most recent assessment conducted pursuant 51711
to division (A) of this section, the commission shall conduct 51712
on-site visits to school districts identified as having classroom 51713
facility needs to confirm the findings of the periodic assessment 51714
and further evaluate the classroom facility needs of the district. 51715
The evaluation shall assess the district's need to construct or 51716
acquire new classroom facilities and may include an assessment of 51717
the district's need for building additions or for the 51718
reconstruction of existent buildings in lieu of constructing or 51719
acquiring replacement buildings. 51720

(C)(1) Except as provided in division (C)(2) of this section, 51721
on-site visits performed on or after May 20, 1997, shall be 51722
performed in the order specified in this division. The first round 51723
of on-site visits first succeeding the effective date of this 51724
amendment, May 20, 1997, shall be limited to the school districts 51725

in the first through fifth percentiles, excluding districts that 51726
are ineligible for funding under this chapter pursuant to section 51727
3318.04 of the Revised Code. The second round of on-site visits 51728
shall be limited to the school districts in the first through 51729
tenth percentiles, excluding districts that are ineligible for 51730
funding under this chapter pursuant to section 3318.04 of the 51731
Revised Code. Each succeeding round of on-site visits shall be 51732
limited to the percentiles included in the immediately preceding 51733
round of on-site visits plus the next five percentiles. Except for 51734
the first round of on-site visits, no round of on-site visits 51735
shall commence unless eighty per cent of the districts for which 51736
on-site visits were performed during the immediately preceding 51737
round, have had projects approved under section 3318.04 of the 51738
Revised Code. 51739

(2) Notwithstanding division (C)(1) of this section, the 51740
commission may perform on-site visits for school districts in the 51741
next highest percentile to the percentiles included in the current 51742
round of on-site visits, and then to succeeding percentiles one at 51743
a time, not to exceed the twenty-fifth percentile, if all of the 51744
following apply: 51745

(a) Less than eighty per cent of the districts for which 51746
on-site visits were performed in the current round, and in any 51747
percentiles for which on-site visits were performed in addition to 51748
the current round pursuant to this division, have had projects 51749
approved under section 3318.04 of the Revised Code; 51750

(b) There are funds appropriated for the purpose of sections 51751
3318.01 to 3318.20 of the Revised Code that are not reserved and 51752
encumbered for projects pursuant to section 3318.04 of the Revised 51753
Code; 51754

(c) The commission makes a finding that such available funds 51755
would be more thoroughly utilized if on-site visits were extended 51756
to the next highest percentile. 51757

(D) Notwithstanding divisions (B) and (C) of this section, in any fiscal year, the commission may limit the number of districts for which it conducts on-site visits based upon its projections of the moneys available and moneys necessary to undertake projects under sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code for that year.

Sec. 3318.024. In the first year of a capital biennium, any funds appropriated to the Ohio school facilities commission for classroom facilities projects under this chapter in the previous capital biennium that were not spent or encumbered, or for which an encumbrance has been canceled under section 3318.05 of the Revised Code, shall be used by the commission only for projects under sections 3318.01 to 3318.20 of the Revised Code, subject to appropriation by the general assembly.

In the second year of a capital biennium, any funds appropriated to the Ohio school facilities commission for classroom facilities projects under this chapter that were not spent or encumbered in the first year of the biennium and which are in excess of an amount equal to half of the appropriations for the capital biennium, or for which an encumbrance has been canceled under section 3318.05 of the Revised Code, shall be used by the commission only for projects under sections 3318.01 to 3318.20, 3318.32, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, and 3318.40 to 3318.46 of the Revised Code, subject to appropriation by the general assembly.

Sec. 3318.054. (A) If conditional approval of a city, exempted village, or local school district's project lapses as provided in section 3318.05 of the Revised Code, or if conditional approval of a joint vocational school district's project lapses as provided in division (D) of section 3318.41 of the Revised Code, because the district's electors have not approved the ballot

measures necessary to generate the district's portion of the basic 51789
project cost, and if the district board desires to seek a new 51790
conditional approval of the project, the district board shall 51791
request that the Ohio school facilities commission set the scope, 51792
basic project cost, and school district portion of the basic 51793
project cost prior to resubmitting the ballot measures to the 51794
electors. To do so, the commission shall use the district's 51795
current assessed tax valuation and the district's percentile for 51796
the prior fiscal year. For a district that has entered into an 51797
agreement under section 3318.36 of the Revised Code and desires to 51798
proceed with a project under sections 3318.01 to 3318.20 of the 51799
Revised Code, the district's portion of the basic project cost 51800
shall be the percentage specified in that agreement. The project 51801
scope and basic costs established under this division shall be 51802
valid for ~~one year~~ thirteen months from the date the commission 51803
approves them. 51804

(B) Upon the commission's approval under division (A) of this 51805
section, the district board may submit the ballot measures to the 51806
district's electors for approval of the project based on the new 51807
project scope and estimated costs. Upon electoral approval of 51808
those measures, the district shall be given first priority for 51809
project funding as such funds become available. 51810

(C) When the commission determines that funds are available 51811
for the district's project, the commission shall do all of the 51812
following: 51813

(1) Determine the school district portion of the basic 51814
project cost under section 3318.032 of the Revised Code, in the 51815
case of a city, exempted village, or local school district, or 51816
under section 3318.42 of the Revised Code, in the case of a joint 51817
vocational school district; 51818

(2) Conditionally approve the project and submit it to the 51819

controlling board for approval pursuant to section 3318.04 of the Revised Code;

(3) Encumber funds for the project under section 3318.11 of the Revised Code;

(4) Enter into an agreement with the district board under section 3318.08 of the Revised Code.

Sec. 3318.30. (A) There is hereby created the Ohio school facilities commission as an independent agency of the state within the Ohio facilities construction commission, which is created under section 123.20 of the Revised Code. The Ohio school facilities commission shall administer the provision of financial assistance to school districts for the acquisition or construction of classroom facilities in accordance with sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code.

The Ohio school facilities commission is a body corporate and politic, an agency of state government and an instrumentality of the state, performing essential governmental functions of this state. The carrying out of the purposes and the exercise by the Ohio school facilities commission of its powers conferred by sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code are essential public functions and public purposes of the state. The Ohio school facilities commission may, in its own name, sue and be sued, enter into contracts, and perform all the powers and duties given to it by sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code, but it does not have and shall not exercise the power of eminent domain. In its discretion and as it determines appropriate, the Ohio school facilities commission may delegate to any of its members, executive director, or other employees any of the Ohio school facilities commission's powers and duties to carry out its functions.

(B) The Ohio school facilities commission shall consist of

seven members, three of whom are voting members. The voting 51851
members of the Ohio school facilities commission shall be the 51852
director of the office of budget and management, the director of 51853
administrative services, and the superintendent of public 51854
instruction, or their designees. Of the nonvoting members, two 51855
shall be members of the senate appointed by the president of the 51856
senate, and two shall be members of the house of representatives 51857
appointed by the speaker of the house. Each of the appointees of 51858
the president, and each of the appointees of the speaker, shall be 51859
members of different political parties. 51860

Nonvoting members shall serve as members of the Ohio school 51861
facilities commission during the legislative biennium for which 51862
they are appointed, except that any such member who ceases to be a 51863
member of the legislative house from which the member was 51864
appointed shall cease to be a member of the Ohio school facilities 51865
commission. Each nonvoting member shall be appointed within 51866
thirty-one days of the end of the term of that member's 51867
predecessor. Such members may be reappointed. Vacancies of 51868
nonvoting members shall be filled in the manner provided for 51869
original appointments. 51870

Members of the Ohio school facilities commission shall serve 51871
without compensation. 51872

After the initial nonvoting members of the Ohio school 51873
facilities commission have been appointed, the Ohio school 51874
facilities commission shall meet and organize by electing voting 51875
members as the chairperson and vice-chairperson of the Ohio school 51876
facilities commission, who shall hold their offices until the next 51877
organizational meeting of the Ohio school facilities commission. 51878
Organizational meetings of the Ohio school facilities commission 51879
shall be held at the first meeting of each calendar year. At each 51880
organizational meeting, the Ohio school facilities commission 51881
shall elect from among its voting members a chairperson and 51882

vice-chairperson, who shall serve until the next annual 51883
organizational meeting. The Ohio school facilities commission 51884
shall adopt rules pursuant to section 111.15 of the Revised Code 51885
for the conduct of its internal business and shall keep a journal 51886
of its proceedings. Including the organizational meeting, the Ohio 51887
school facilities commission shall meet at least once each 51888
calendar quarter. 51889

Two voting members of the Ohio school facilities commission 51890
constitute a quorum, and the affirmative vote of two members is 51891
necessary for approval of any action taken by the Ohio school 51892
facilities commission. A vacancy in the membership of the Ohio 51893
school facilities commission does not impair a quorum from 51894
exercising all the rights and performing all the duties of the 51895
Ohio school facilities commission. Meetings of the Ohio school 51896
facilities commission may be held anywhere in the state and shall 51897
be held in compliance with section 121.22 of the Revised Code. 51898

(C) The Ohio school facilities commission shall file an 51899
annual report of its activities and finances with the governor, 51900
speaker of the house of representatives, president of the senate, 51901
and chairpersons of the house and senate finance committees. 51902

(D) The Ohio school facilities commission shall be exempt 51903
from the requirements of sections 101.82 to 101.87 of the Revised 51904
Code. 51905

(E) The Ohio school facilities commission may share employees 51906
and facilities with the Ohio facilities construction commission. 51907

Sec. 3318.40. (A)(1) Sections 3318.40 to 3318.45 of the 51908
Revised Code apply only to joint vocational school districts. 51909

(2) As used in sections 3318.40 to 3318.45 of the Revised 51910
Code: 51911

(a) "Ohio school facilities commission," "classroom 51912

facilities," "project," and "basic project cost" have the same 51913
meanings as in section 3318.01 of the Revised Code. 51914

(b) "Acquisition of classroom facilities" means constructing, 51915
reconstructing, repairing, or making additions to classroom 51916
facilities. 51917

(B) There is hereby established the vocational school 51918
facilities assistance program. Under the program, the Ohio school 51919
facilities commission shall provide assistance to joint vocational 51920
school districts for the acquisition of classroom facilities 51921
suitable to the vocational education programs of the districts in 51922
accordance with sections 3318.40 to 3318.45 of the Revised Code. 51923
For purposes of the program, beginning July 1, 2003, the 51924
commission annually may set aside up to two per cent of the 51925
aggregate amount appropriated to it for classroom facilities 51926
assistance projects in ~~the education facilities trust fund,~~ 51927
~~established under section 183.26 of the Revised Code;~~ the public 51928
school building fund, established under section 3318.15 of the 51929
Revised Code~~;~~ and the school building program assistance fund, 51930
established under section 3318.25 of the Revised Code. 51931

(C) The commission shall not provide assistance for any 51932
distinct part of a project under sections 3318.40 to 3318.45 of 51933
the Revised Code that when completed will be used exclusively for 51934
an adult education program or exclusively for operation of a 51935
driver training school for instruction leading to the issuance of 51936
a commercial driver's license under Chapter 4506. of the Revised 51937
Code, except for life safety items and basic building components 51938
necessary for complete and continuous construction or renovation 51939
of a classroom facility as determined by the commission. 51940

(D) The commission shall not provide assistance under 51941
sections 3318.40 to 3318.45 of the Revised Code to acquire 51942
classroom facilities for vocational educational instruction at a 51943
location under the control of a school district that is a member 51944

of a joint vocational school district. Any assistance to acquire 51945
classroom facilities for vocational educational instruction at 51946
such location shall be provided to the school district that is a 51947
member of the joint vocational school district through other 51948
provisions of this chapter when that member school district is 51949
eligible for assistance under those provisions. 51950

(E) By September 1, 2003, the commission shall assess the 51951
classroom facilities needs of at least five joint vocational 51952
school districts, according to the order of priority prescribed in 51953
division (B) of section 3318.42 of the Revised Code, and based on 51954
the results of those assessments shall determine the extent to 51955
which amendments to the specifications adopted under section 51956
3318.311 of the Revised Code are warranted. The commission, 51957
thereafter, may amend the specifications as provided in that 51958
section. 51959

(F) After the commission has conducted the assessments 51960
prescribed in division (E) of this section, the commission shall 51961
establish, by rule adopted in accordance with section 111.15 of 51962
the Revised Code, guidelines for the commission to use in deciding 51963
whether to waive compliance with the design specifications adopted 51964
under section 3318.311 of the Revised Code when determining the 51965
number of facilities and the basic project cost of projects as 51966
prescribed in division (A)(1)(a) of section 3318.41 of the Revised 51967
Code. The guidelines shall address the following situations: 51968

(1) Under what circumstances, if any, particular classroom 51969
facilities are adequate to meet the needs of the school district 51970
even though the facilities do not comply with the specifications 51971
adopted under section 3318.311 of the Revised Code; 51972

(2) Under what circumstances, if any, particular classroom 51973
facilities will be renovated or repaired rather than replaced by 51974
construction of new facilities. 51975

Sec. 3318.71. (A) As used in this section: 51976

(1) "Acquisition of classroom facilities" has the same 51977
meaning as in section 3318.40 of the Revised Code. 51978

(2) "Classroom facilities" has the same meaning as in section 51979
3318.01 of the Revised Code. 51980

(3) "Qualifying partnership" means a group of city, exempted 51981
village, or local school districts that are part of a 51982
career-technical education compact and have entered into an 51983
agreement for joint or cooperative establishment and operation of 51984
a science, technology, engineering, and mathematics education 51985
program under section 3313.842 of the Revised Code. The aggregate 51986
territory of the school districts composing a qualifying 51987
partnership shall be located in two adjacent counties, each having 51988
a population greater than forty thousand, but less than fifty 51989
thousand, and at least one of which borders another state. 51990

(B) The Ohio school facilities commission shall establish 51991
guidelines for assisting a qualifying partnership in the 51992
acquisition of classroom facilities to be used for a joint 51993
science, technology, engineering, and mathematics education 51994
program. 51995

(C) Upon receipt of a written proposal from a qualifying 51996
partnership, the commission, subject to approval of the 51997
controlling board, shall provide funding to assist that qualifying 51998
partnership in the acquisition of classroom facilities described 51999
in division (B) of this section. The proposal of the qualifying 52000
partnership shall be submitted in a form and in the manner 52001
prescribed by the commission. The proposal shall indicate both the 52002
total amount of funding requested from the commission and the 52003
amount of other funding pledged for the acquisition of the 52004
classroom facilities, the latter of which shall not be less than 52005
the total amount of funding requested from the commission. Once 52006

the commission determines a proposal meets its established 52007
guidelines and if the controlling board approves that funding, the 52008
commission shall enter into an agreement with the qualifying 52009
partnership for the acquisition of the classroom facilities and 52010
shall encumber, in accordance with section 3318.11 of the Revised 52011
Code, the approved funding from the amounts appropriated to the 52012
commission for classroom facilities assistance projects. The 52013
agreement shall include a stipulation of the ownership of the 52014
classroom facilities in the event the qualifying partnership 52015
ceases to exist. 52016

(D) A qualifying partnership may levy taxes under section 52017
5705.2112 of the Revised Code to use for all or part of the 52018
funding pledged for the acquisition of classroom facilities under 52019
division (C) of this section. If a qualifying partnership chooses 52020
to levy taxes for this purpose, it shall select one of the 52021
districts that is a member of the qualifying partnership to be the 52022
fiscal agent of the qualifying partnership for purposes of section 52023
5705.2112 of the Revised Code. 52024

Sec. 3319.113. (A) Not later than May 31, 2016, the state 52025
board of education shall develop a standards-based state framework 52026
for the evaluation of school counselors. The state board may 52027
update the framework periodically by adoption of a resolution. The 52028
framework shall establish an evaluation system that does the 52029
following: 52030

(1) Requires school counselors to demonstrate their ability 52031
to produce positive student outcomes using metrics, including 52032
those from the school or school district's report card issued 52033
under section 3302.03 of the Revised Code when appropriate; 52034

(2) Is aligned with the standards for school counselors 52035
adopted under section 3319.61 of the Revised Code and requires 52036
school counselors to demonstrate their ability in all the areas 52037

<u>identified by those standards;</u>	52038
<u>(3) Requires that all school counselors be evaluated</u>	52039
<u>annually, except as otherwise appropriate for high-performing</u>	52040
<u>school counselors;</u>	52041
<u>(4) Assigns a rating on each evaluation in accordance with</u>	52042
<u>division (B) of this section;</u>	52043
<u>(5) Designates the personnel that may conduct evaluations of</u>	52044
<u>school counselors in accordance with this framework;</u>	52045
<u>(6) Requires that each school counselor be provided with a</u>	52046
<u>written report of the results of that school counselor's</u>	52047
<u>evaluation;</u>	52048
<u>(7) Provides for professional development to accelerate and</u>	52049
<u>continue school counselor growth and provide support to poorly</u>	52050
<u>performing school counselors.</u>	52051
<u>(B)(1) The state board shall develop specific standards and</u>	52052
<u>criteria that distinguish between the following levels of</u>	52053
<u>performance for school counselors for the purposes of assigning</u>	52054
<u>ratings on the evaluations conducted under this section:</u>	52055
<u>(a) Accomplished;</u>	52056
<u>(b) Skilled;</u>	52057
<u>(c) Developing;</u>	52058
<u>(d) Ineffective.</u>	52059
<u>(2) The state board shall consult with experts, school</u>	52060
<u>counselors and principals employed in public schools, and</u>	52061
<u>representatives of stakeholder groups in developing the standards</u>	52062
<u>and criteria required by division (B)(1) of this section.</u>	52063
<u>(C)(1) Not later than September 30, 2016, each school</u>	52064
<u>district board of education shall adopt a standards-based school</u>	52065
<u>counselor evaluation policy that conforms with the framework for</u>	52066

the evaluation of school counselors developed under this section. 52067
The policy shall become operative at the expiration of any 52068
collective bargaining agreement covering school counselors 52069
employed by the board that is in effect on the effective date of 52070
this section and shall be included in any renewal or extension of 52071
such an agreement. 52072

(2) A district board shall include both of the following in 52073
its evaluation policy: 52074

(a) The implementation of the framework for the evaluation of 52075
school counselors developed under this section beginning in the 52076
2016-2017 school year; 52077

(b) Procedures for using the evaluation results, beginning in 52078
the 2017-2018 school year, for both of the following: 52079

(i) Decisions regarding retention and promotion of school 52080
counselors; 52081

(ii) Removal of poorly performing school counselors. 52082

(D) Each district board shall annually submit a report to the 52083
department of education, in a form and manner prescribed by the 52084
department, regarding its implementation of division (C) of this 52085
section. At no time shall the department permit or require that 52086
the name or personally identifiable information of any school 52087
counselor be reported to the department under this division. 52088

(E) Notwithstanding any provision to the contrary in Chapter 52089
4117. of the Revised Code, the requirements of this section 52090
prevail over any conflicting provision of a collective bargaining 52091
agreement entered into on or after the effective date of this 52092
section. 52093

Sec. 3319.114. (A) Beginning with the 2014-2015 school year, 52094
a district or school may choose to use the alternative framework 52095
prescribed by divisions (B) and (C) of this section when 52096

evaluating teachers under section 3319.111 of the Revised Code. 52097

(B) If a district or school chooses to use the alternative 52098
framework for the 2014-2015 school year, that district or school 52099
shall calculate ratings assigned for teacher evaluations according 52100
to the following: 52101

(1) The teacher performance measure, as defined by the 52102
department of education, shall account for forty-two and one-half 52103
per cent of each rating. 52104

(2) The student academic growth measure, as defined by the 52105
department, shall account for forty-two and one-half per cent of 52106
each rating. 52107

(3) Only one of the following components shall account for 52108
fifteen per cent of each rating: 52109

(a) Student surveys; 52110

(b) Teacher self-evaluations; 52111

(c) Peer review evaluations; 52112

(d) Student portfolios. 52113

(C) If a district or school chooses to use the alternative 52114
framework for the 2015-2016 school year or any school year 52115
thereafter, that district or school shall calculate ratings 52116
assigned for teacher evaluations according to the following: 52117

(1) The teacher performance measure, as defined by the 52118
department, shall account for ~~forty-two and one-half to~~ fifty per 52119
cent of each rating. 52120

(2) The student academic growth measure, as defined by the 52121
department, shall account for ~~forty-two and one-half to fifty~~ 52122
thirty-five per cent of each rating. 52123

(3) The remainder shall be one, or any combination, of the 52124
following components: 52125

(a) Student surveys;	52126
(b) Teacher self-evaluations;	52127
(c) Peer review evaluations;	52128
(d) Student portfolios;	52129
<u>(e) Any other component determined appropriate by the</u>	52130
<u>district board or school governing authority.</u>	52131
~~(4) The teacher performance measure and the student academic~~	52132
~~growth measure shall account for an equal percentage of each~~	52133
~~rating.~~	52134
(D) The department shall compile a list of approved	52135
instruments ~~for that~~ districts and schools ~~to~~ <u>may</u> use, beginning	52136
with the 2014-2015 school year, when evaluating the components	52137
described under divisions (B)(3) and (C)(3) of this section. ~~Each~~	52138
~~district or school shall choose one of the approved instruments to~~	52139
~~evaluate the applicable component selected by the district or~~	52140
~~school under that section.~~	52141
Sec. 3319.22. (A)(1) The state board of education shall issue	52142
the following educator licenses:	52143
(a) A resident educator license, which shall be valid for	52144
four years and shall be renewable for reasons specified by rules	52145
adopted by the state board pursuant to division (A)(3) of this	52146
section. The state board, on a case-by-case basis, may extend the	52147
license's duration as necessary to enable the license holder to	52148
complete the Ohio teacher residency program established under	52149
section 3319.223 of the Revised Code;	52150
(b) A professional educator license, which shall be valid for	52151
five years and shall be renewable;	52152
(c) A senior professional educator license, which shall be	52153
valid for five years and shall be renewable;	52154

(d) A lead professional educator license, which shall be 52155
valid for five years and shall be renewable. 52156

(2) The state board may issue any additional educator 52157
licenses of categories, types, and levels the board elects to 52158
provide. 52159

(3) The state board shall adopt rules establishing the 52160
standards and requirements for obtaining each educator license 52161
issued under this section. The rules shall also include the 52162
reasons for which a resident educator license may be renewed under 52163
division (A)(1)(a) of this section. 52164

(B) The rules adopted under this section shall require at 52165
least the following standards and qualifications for the educator 52166
licenses described in division (A)(1) of this section: 52167

(1) An applicant for a resident educator license shall hold 52168
at least a bachelor's degree from an accredited teacher 52169
preparation program or be a participant in the teach for America 52170
program and meet the qualifications required under section 52171
3319.227 of the Revised Code. 52172

(2) An applicant for a professional educator license shall: 52173

(a) Hold at least a bachelor's degree from an institution of 52174
higher education accredited by a regional accrediting 52175
organization; 52176

(b) Have successfully completed the Ohio teacher residency 52177
program established under section 3319.223 of the Revised Code, if 52178
the applicant's current or most recently issued license is a 52179
resident educator license issued under this section or an 52180
alternative resident educator license issued under section 3319.26 52181
of the Revised Code. 52182

(3) An applicant for a senior professional educator license 52183
shall: 52184

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	52185 52186 52187
(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	52188 52189 52190
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	52191 52192 52193 52194
(4) An applicant for a lead professional educator license shall:	52195 52196
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	52197 52198 52199
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	52200 52201 52202 52203
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	52204 52205 52206
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.	52207 52208 52209 52210 52211
(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section	52212 52213 52214

3319.61 of the Revised Code. 52215

(D) If the state board requires any examinations for educator 52216
licensure, the department of education shall provide the results 52217
of such examinations received by the department to the chancellor 52218
of ~~the Ohio board of regents~~ higher education, in the manner and 52219
to the extent permitted by state and federal law. 52220

(E) Any rules the state board of education adopts, amends, or 52221
rescinds for educator licenses under this section, division (D) of 52222
section 3301.07 of the Revised Code, or any other law shall be 52223
adopted, amended, or rescinded under Chapter 119. of the Revised 52224
Code except as follows: 52225

(1) Notwithstanding division (E) of section 119.03 and 52226
division (A)(1) of section 119.04 of the Revised Code, in the case 52227
of the adoption of any rule or the amendment or rescission of any 52228
rule that necessitates institutions' offering preparation programs 52229
for educators and other school personnel that are approved by the 52230
chancellor of ~~the Ohio board of regents~~ higher education under 52231
section 3333.048 of the Revised Code to revise the curriculum of 52232
those programs, the effective date shall not be as prescribed in 52233
division (E) of section 119.03 and division (A)(1) of section 52234
119.04 of the Revised Code. Instead, the effective date of such 52235
rules, or the amendment or rescission of such rules, shall be the 52236
date prescribed by section 3333.048 of the Revised Code. 52237

(2) Notwithstanding the authority to adopt, amend, or rescind 52238
emergency rules in division (G) of section 119.03 of the Revised 52239
Code, this authority shall not apply to the state board of 52240
education with regard to rules for educator licenses. 52241

(F)(1) The rules adopted under this section establishing 52242
standards requiring additional coursework for the renewal of any 52243
educator license shall require a school district and a chartered 52244
nonpublic school to establish local professional development 52245

committees. In a nonpublic school, the chief administrative 52246
officer shall establish the committees in any manner acceptable to 52247
such officer. The committees established under this division shall 52248
determine whether coursework that a district or chartered 52249
nonpublic school teacher proposes to complete meets the 52250
requirement of the rules. The department of education shall 52251
provide technical assistance and support to committees as the 52252
committees incorporate the professional development standards 52253
adopted by the state board of education pursuant to section 52254
3319.61 of the Revised Code into their review of coursework that 52255
is appropriate for license renewal. The rules shall establish a 52256
procedure by which a teacher may appeal the decision of a local 52257
professional development committee. 52258

(2) In any school district in which there is no exclusive 52259
representative established under Chapter 4117. of the Revised 52260
Code, the professional development committees shall be established 52261
as described in division (F)(2) of this section. 52262

Not later than the effective date of the rules adopted under 52263
this section, the board of education of each school district shall 52264
establish the structure for one or more local professional 52265
development committees to be operated by such school district. The 52266
committee structure so established by a district board shall 52267
remain in effect unless within thirty days prior to an anniversary 52268
of the date upon which the current committee structure was 52269
established, the board provides notice to all affected district 52270
employees that the committee structure is to be modified. 52271
Professional development committees may have a district-level or 52272
building-level scope of operations, and may be established with 52273
regard to particular grade or age levels for which an educator 52274
license is designated. 52275

Each professional development committee shall consist of at 52276
least three classroom teachers employed by the district, one 52277

principal employed by the district, and one other employee of the 52278
district appointed by the district superintendent. For committees 52279
with a building-level scope, the teacher and principal members 52280
shall be assigned to that building, and the teacher members shall 52281
be elected by majority vote of the classroom teachers assigned to 52282
that building. For committees with a district-level scope, the 52283
teacher members shall be elected by majority vote of the classroom 52284
teachers of the district, and the principal member shall be 52285
elected by a majority vote of the principals of the district, 52286
unless there are two or fewer principals employed by the district, 52287
in which case the one or two principals employed shall serve on 52288
the committee. If a committee has a particular grade or age level 52289
scope, the teacher members shall be licensed to teach such grade 52290
or age levels, and shall be elected by majority vote of the 52291
classroom teachers holding such a license and the principal shall 52292
be elected by all principals serving in buildings where any such 52293
teachers serve. The district superintendent shall appoint a 52294
replacement to fill any vacancy that occurs on a professional 52295
development committee, except in the case of vacancies among the 52296
elected classroom teacher members, which shall be filled by vote 52297
of the remaining members of the committee so selected. 52298

Terms of office on professional development committees shall 52299
be prescribed by the district board establishing the committees. 52300
The conduct of elections for members of professional development 52301
committees shall be prescribed by the district board establishing 52302
the committees. A professional development committee may include 52303
additional members, except that the majority of members on each 52304
such committee shall be classroom teachers employed by the 52305
district. Any member appointed to fill a vacancy occurring prior 52306
to the expiration date of the term for which a predecessor was 52307
appointed shall hold office as a member for the remainder of that 52308
term. 52309

The initial meeting of any professional development 52310
committee, upon election and appointment of all committee members, 52311
shall be called by a member designated by the district 52312
superintendent. At this initial meeting, the committee shall 52313
select a chairperson and such other officers the committee deems 52314
necessary, and shall adopt rules for the conduct of its meetings. 52315
Thereafter, the committee shall meet at the call of the 52316
chairperson or upon the filing of a petition with the district 52317
superintendent signed by a majority of the committee members 52318
calling for the committee to meet. 52319

(3) In the case of a school district in which an exclusive 52320
representative has been established pursuant to Chapter 4117. of 52321
the Revised Code, professional development committees shall be 52322
established in accordance with any collective bargaining agreement 52323
in effect in the district that includes provisions for such 52324
committees. 52325

If the collective bargaining agreement does not specify a 52326
different method for the selection of teacher members of the 52327
committees, the exclusive representative of the district's 52328
teachers shall select the teacher members. 52329

If the collective bargaining agreement does not specify a 52330
different structure for the committees, the board of education of 52331
the school district shall establish the structure, including the 52332
number of committees and the number of teacher and administrative 52333
members on each committee; the specific administrative members to 52334
be part of each committee; whether the scope of the committees 52335
will be district levels, building levels, or by type of grade or 52336
age levels for which educator licenses are designated; the lengths 52337
of terms for members; the manner of filling vacancies on the 52338
committees; and the frequency and time and place of meetings. 52339
However, in all cases, except as provided in division (F)(4) of 52340
this section, there shall be a majority of teacher members of any 52341

professional development committee, there shall be at least five 52342
total members of any professional development committee, and the 52343
exclusive representative shall designate replacement members in 52344
the case of vacancies among teacher members, unless the collective 52345
bargaining agreement specifies a different method of selecting 52346
such replacements. 52347

(4) Whenever an administrator's coursework plan is being 52348
discussed or voted upon, the local professional development 52349
committee shall, at the request of one of its administrative 52350
members, cause a majority of the committee to consist of 52351
administrative members by reducing the number of teacher members 52352
voting on the plan. 52353

(G)(1) The department of education, educational service 52354
centers, county boards of developmental disabilities, regional 52355
professional development centers, special education regional 52356
resource centers, college and university departments of education, 52357
head start programs, and the Ohio education computer network may 52358
establish local professional development committees to determine 52359
whether the coursework proposed by their employees who are 52360
licensed or certificated under this section or section 3319.222 of 52361
the Revised Code, or under the former version of either section as 52362
it existed prior to October 16, 2009, meet the requirements of the 52363
rules adopted under this section. They may establish local 52364
professional development committees on their own or in 52365
collaboration with a school district or other agency having 52366
authority to establish them. 52367

Local professional development committees established by 52368
county boards of developmental disabilities shall be structured in 52369
a manner comparable to the structures prescribed for school 52370
districts in divisions (F)(2) and (3) of this section, as shall 52371
the committees established by any other entity specified in 52372
division (G)(1) of this section that provides educational services 52373

by employing or contracting for services of classroom teachers 52374
licensed or certificated under this section or section 3319.222 of 52375
the Revised Code, or under the former version of either section as 52376
it existed prior to October 16, 2009. All other entities specified 52377
in division (G)(1) of this section shall structure their 52378
committees in accordance with guidelines which shall be issued by 52379
the state board. 52380

(2) Any public agency that is not specified in division 52381
(G)(1) of this section but provides educational services and 52382
employs or contracts for services of classroom teachers licensed 52383
or certificated under this section or section 3319.222 of the 52384
Revised Code, or under the former version of either section as it 52385
existed prior to October 16, 2009, may establish a local 52386
professional development committee, subject to the approval of the 52387
department of education. The committee shall be structured in 52388
accordance with guidelines issued by the state board. 52389

(H) Not later than July 1, 2016, the state board, in 52390
accordance with Chapter 119. of the Revised Code, shall adopt 52391
rules pursuant to division (A)(3) of this section that do both of 52392
the following: 52393

(1) Exempt consistently high-performing teachers from the 52394
requirement to complete any additional coursework for the renewal 52395
of an educator license issued under this section or section 52396
3319.26 of the Revised Code. The rules also shall specify that 52397
such teachers are exempt from any requirements prescribed by 52398
professional development committees established under divisions 52399
(F) and (G) of this section. 52400

(2) For purposes of division (H)(1) of this section, the 52401
state board shall define the term "consistently high-performing 52402
teacher." 52403

Sec. 3319.223. (A) Not later than January 1, 2011, the 52404

superintendent of public instruction and the chancellor of the 52405
~~Ohio board of regents~~ higher education jointly shall establish the 52406
Ohio teacher residency program, which shall be a four-year, 52407
entry-level program for classroom teachers. The teacher residency 52408
program shall include at least the following components: 52409

(1) Mentoring by teachers ~~who hold a lead professional~~ 52410
~~educator license issued under section 3319.22 of the Revised Code~~ 52411
for the first two years of the program; 52412

(2) Counseling, as determined necessary by the school 52413
district or school, to ensure that program participants receive 52414
needed professional development; 52415

(3) Measures of appropriate progression through the program, 52416
which shall include the performance-based assessment prescribed by 52417
the state board of education for resident educators in the third 52418
year of the program. 52419

An individual who is teaching career-technical courses under 52420
an alternative resident educator license issued under section 52421
3319.26 of the Revised Code shall not be required to complete the 52422
conditions of the Ohio teacher residency program that a 52423
participant, as of the effective date of this amendment, would 52424
have been required to complete during the participant's first and 52425
second year of teaching under an alternative resident educator 52426
license. Such an individual shall complete all the conditions 52427
that, as of the effective date of this amendment, were necessary 52428
for a participant in the third and fourth year of the program 52429
prior to applying for a professional educator license under 52430
division (A)(2) of section 3319.22 of the Revised Code. 52431

(B) The teacher residency program shall be aligned with the 52432
standards for teachers adopted by the state board ~~of education~~ 52433
under section 3319.61 of the Revised Code and best practices 52434
identified by the superintendent of public instruction. 52435

(C) Each person who holds a resident educator license issued 52436
under section 3319.22 or 3319.227 of the Revised Code or an 52437
alternative resident educator license issued under section 3319.26 52438
of the Revised Code shall participate in the teacher residency 52439
program. Successful completion of the program shall be required to 52440
qualify any such person for a professional educator license issued 52441
under section 3319.22 of the Revised Code. 52442

Sec. 3319.271. (A) As used in this section, the "bright new 52443
leaders for Ohio schools program" means the program created and 52444
implemented by the nonprofit corporation incorporated pursuant to 52445
Section 733.40 of Am. Sub. H.B. 59 of the 130th general assembly 52446
to provide an alternative path for individuals to receive training 52447
and development in the administration of primary and secondary 52448
education and leadership, enable those individuals to earn degrees 52449
and obtain licenses in public school administration, and promote 52450
the placement of those individuals in public schools that have a 52451
poverty percentage greater than fifty per cent. 52452

(B) The state board of education shall issue an alternative 52453
principal license or an alternative administrator license, as 52454
applicable, to an individual who successfully completes the bright 52455
new leaders for Ohio schools program and satisfies the 52456
requirements in rules adopted by the state board under division 52457
(C) of this section. 52458

(C) The state board, in consultation with the board of 52459
directors of the bright new leaders for Ohio schools program, 52460
shall adopt rules that prescribe the requirements for obtaining an 52461
alternative principal license or an alternative administrator 52462
license under this section. The state board shall use the rules 52463
adopted under section 3319.27 of the Revised Code as guidance in 52464
developing the rules adopted under this division. 52465

Sec. 3319.303. (A) The state board of education shall adopt 52466
rules establishing standards and requirements for obtaining a 52467
pupil-activity program permit for any individual who does not hold 52468
a valid educator license, certificate, or permit issued by the 52469
state board under section 3319.22, 3319.26, or 3319.27 of the 52470
Revised Code. The permit issued under this section shall be valid 52471
for coaching, supervising, or directing a pupil-activity program 52472
under section 3313.53 of the Revised Code. Subject to the 52473
provisions of section 3319.31 of the Revised Code, a permit issued 52474
under this ~~section~~ division shall be valid for three years and 52475
shall be renewable. 52476

(B) The state board shall adopt rules applicable to 52477
individuals who hold valid educator licenses, certificates, or 52478
permits issued by the state board under section 3319.22, 3319.26, 52479
or 3319.27 of the Revised Code setting forth standards to assure 52480
any such individual's competence to direct, supervise, or coach a 52481
pupil-activity program described in section 3313.53 of the Revised 52482
Code. The rules adopted under this division shall not be more 52483
stringent than the standards set forth in rules applicable to 52484
individuals who do not hold such licenses, certificates, or 52485
permits adopted under division (A) of this section. Subject to the 52486
provisions of section 3319.31 of the Revised Code, a permit issued 52487
to an individual under this division shall be valid for the same 52488
number of years as the individual's educator license, certificate, 52489
or permit issued under section 3319.22, 3319.26, or 3319.27 of the 52490
Revised Code and shall be renewable. 52491

(C) As a condition to issuing or renewing a pupil-activity 52492
program permit to coach interscholastic athletics: 52493

(1) The state board shall require each individual applying 52494
for a first permit on or after April 26, 2013, to successfully 52495
complete a training program that is specifically focused on brain 52496

trauma and brain injury management. 52497

(2) The state board shall require each individual applying 52498
for a permit renewal on or after that date to present evidence 52499
that the individual has successfully completed, within the 52500
previous three years, a training program in recognizing the 52501
symptoms of concussions and head injuries to which the department 52502
of health has provided a link on its internet web site under 52503
section 3707.52 of the Revised Code or a training program 52504
authorized and required by an organization that regulates 52505
interscholastic athletic competition and conducts interscholastic 52506
athletic events. 52507

Sec. 3319.323. During the course of transferring a student's 52508
record to an educational institution for a legitimate educational 52509
purpose as specified under division (C) of section 3319.321 of the 52510
Revised Code, no school district or school shall alter, truncate, 52511
or redact any part of a student's record so that any information 52512
on the student's record is rendered unreadable or unintelligible. 52513

Sec. 3319.51. (A)(1) The state board of education shall 52514
annually establish the amount of the fees required to be paid for 52515
any license, certificate, or permit issued under this chapter or 52516
division (B) of section 3301.071 or section 3301.074 of the 52517
Revised Code. The Except as provided in division (A)(2) of this 52518
section, the amount of these fees shall be such that they, along 52519
with any appropriation made to the fund established under division 52520
(B) of this section, will be sufficient to cover the annual 52521
estimated cost of administering the requirements described under 52522
division (B) of this section. 52523

(2) The state board shall not require any fee to be paid 52524
under division (A)(1) of this section for a license, certificate, 52525
or permit issued for the purpose of teaching in a junior reserve 52526

officer training corps (JROTC) program approved by the congress of 52527
the United States under title 10 of the United States Code. 52528

(B) There is hereby established in the state treasury the 52529
state board of education licensure fund, which shall be used by 52530
the state board of education solely to pay the cost of 52531
administering requirements related to the issuance and renewal of 52532
licenses, certificates, and permits described in this chapter and 52533
sections 3301.071 and 3301.074 of the Revised Code. The fund shall 52534
consist of the amounts paid into the fund pursuant to division (B) 52535
of section 3301.071 and sections 3301.074 and 3319.29 of the 52536
Revised Code and any appropriations to the fund by the general 52537
assembly. 52538

Sec. 3319.61. (A) The educator standards board, in 52539
consultation with the chancellor of ~~the Ohio board of regents~~ 52540
higher education, shall do all of the following: 52541

(1) Develop state standards for teachers and principals that 52542
reflect what teachers and principals are expected to know and be 52543
able to do at all stages of their careers. These standards shall 52544
be aligned with the statewide academic content standards for 52545
students adopted pursuant to section 3301.079 of the Revised Code, 52546
be primarily based on educator performance instead of years of 52547
experience or certain courses completed, and rely on 52548
evidence-based factors. These standards shall also be aligned with 52549
the operating standards adopted under division (D)(3) of section 52550
3301.07 of the Revised Code. 52551

(a) The standards for teachers shall reflect the following 52552
additional criteria: 52553

(i) Alignment with the interstate new teacher assessment and 52554
support consortium standards; 52555

(ii) Differentiation among novice, experienced, and advanced 52556

teachers;	52557
(iii) Reliance on competencies that can be measured;	52558
(iv) Reliance on content knowledge, teaching skills,	52559
discipline-specific teaching methods, and requirements for	52560
professional development;	52561
(v) Alignment with a career-long system of professional	52562
development and evaluation that ensures teachers receive the	52563
support and training needed to achieve the teaching standards as	52564
well as reliable feedback about how well they meet the standards;	52565
(vi) The standards under section 3301.079 of the Revised	52566
Code, including standards on collaborative learning environments	52567
and interdisciplinary, project-based, real-world learning and	52568
differentiated instruction;	52569
(vii) The Ohio leadership framework.	52570
(b) The standards for principals shall be aligned with the	52571
interstate school leaders licensing consortium standards.	52572
(2) Develop standards for school district superintendents	52573
that reflect what superintendents are expected to know and be able	52574
to do at all stages of their careers. The standards shall reflect	52575
knowledge of systems theory and effective management principles	52576
and be aligned with the buckeye association of school	52577
administrators standards and the operating standards developed	52578
under division (D)(3) of section 3301.07 of the Revised Code.	52579
(3) Develop standards for school district treasurers and	52580
business managers that reflect what treasurers and business	52581
managers are expected to know and be able to do at all stages of	52582
their careers. The standards shall reflect knowledge of systems	52583
theory and effective management principles and be aligned with the	52584
association of school business officials international standards	52585
and the operating standards developed under division (D)(3) of	52586

section 3301.07 of the Revised Code. 52587

(4) Develop standards for the renewal of licenses under 52588
sections 3301.074 and 3319.22 of the Revised Code; 52589

(5) Develop standards for educator professional development; 52590

(6) Investigate and make recommendations for the creation, 52591
expansion, and implementation of school building and school 52592
district leadership academies; 52593

(7) Develop standards for school counselors that reflect what 52594
school counselors are expected to know and be able to do at all 52595
stages of their careers. The standards shall reflect knowledge of 52596
academic, personal, and social counseling for students and 52597
effective principles to implement an effective school counseling 52598
program. The standards also shall reflect Ohio-specific knowledge 52599
of career counseling for students and education options that 52600
provide flexibility for earning credit, such as earning units of 52601
high school credit using the methods adopted by the state board of 52602
education under division (J) of section 3313.603 of the Revised 52603
Code and earning college credit through the college credit plus 52604
program established under Chapter 3365. of the Revised Code. The 52605
standards shall align with the American school counselor 52606
association's professional standards and the operating standards 52607
developed under division (D)(3) of section 3301.07 of the Revised 52608
Code. 52609

The superintendent of public instruction, the chancellor of 52610
~~the Ohio board of regents~~ higher education, or the education 52611
standards board itself may request that the educator standards 52612
board update, review, or reconsider any standards developed under 52613
this section. 52614

(B) The educator standards board shall incorporate indicators 52615
of cultural competency into the standards developed under division 52616
(A) of this section. For this purpose, the educator standards 52617

board shall develop a definition of cultural competency based upon 52618
content and experiences that enable educators to know, understand, 52619
and appreciate the students, families, and communities that they 52620
serve and skills for addressing cultural diversity in ways that 52621
respond equitably and appropriately to the cultural needs of 52622
individual students. 52623

(C) In developing the standards under division (A) of this 52624
section, the educator standards board shall consider the impact of 52625
the standards on closing the achievement gap between students of 52626
different subgroups. 52627

(D) In developing the standards under division (A) of this 52628
section, the educator standards board shall ensure both of the 52629
following: 52630

(1) That teachers have sufficient knowledge to provide 52631
appropriate instruction for students identified as gifted pursuant 52632
to Chapter 3324. of the Revised Code and to assist in the 52633
identification of such students, and have sufficient knowledge 52634
that will enable teachers to provide learning opportunities for 52635
all children to succeed; 52636

(2) That principals, superintendents, school treasurers, and 52637
school business managers have sufficient knowledge to provide 52638
principled, collaborative, foresighted, and data-based leadership 52639
that will provide learning opportunities for all children to 52640
succeed. 52641

(E) The standards for educator professional development 52642
developed under division (A)(5) of this section shall include the 52643
following: 52644

(1) Standards for the inclusion of local professional 52645
development committees established under section 3319.22 of the 52646
Revised Code in the planning and design of professional 52647
development; 52648

(2) Standards that address the crucial link between academic 52649
achievement and mental health issues. 52650

(F) The educator standards board shall also perform the 52651
following functions: 52652

(1) Monitor compliance with the standards developed under 52653
division (A) of this section and make recommendations to the state 52654
board of education for appropriate corrective action if such 52655
standards are not met; 52656

(2) Research, develop, and recommend policies on the 52657
professions of teaching and school administration; 52658

(3) Recommend policies to close the achievement gap between 52659
students of different subgroups; 52660

(4) Define a "master teacher" in a manner that can be used 52661
uniformly by all school districts; 52662

(5) Adopt criteria that a candidate for a lead professional 52663
educator license under section 3319.22 of the Revised Code who 52664
does not hold a valid certificate issued by the national board for 52665
professional teaching standards must meet to be considered a lead 52666
teacher for purposes of division (B)(4)(d) of that section. It is 52667
the intent of the general assembly that the educator standards 52668
board shall adopt multiple, equal-weighted criteria to use in 52669
determining whether a person is a lead teacher. The criteria shall 52670
be in addition to the other standards and qualifications 52671
prescribed in division (B)(4) of section 3319.22 of the Revised 52672
Code. The criteria may include, but shall not be limited to, 52673
completion of educational levels beyond a master's degree or other 52674
professional development courses or demonstration of a leadership 52675
role in the teacher's school building or district. The board shall 52676
determine the number of criteria that a teacher shall satisfy to 52677
be recognized as a lead teacher, which shall not be the total 52678
number of criteria adopted by the board. 52679

(6) Develop model teacher and principal evaluation instruments and processes. The models shall be based on the standards developed under division (A) of this section.

(7) Develop a method of measuring the academic improvement made by individual students during a one-year period and make recommendations for incorporating the measurement as one of multiple evaluation criteria into each of the following:

(a) Eligibility for a professional educator license, senior professional educator license, lead professional educator license, or principal license issued under section 3319.22 of the Revised Code;

(b) The Ohio teacher residency program established under section 3319.223 of the Revised Code;

(c) The model teacher and principal evaluation instruments and processes developed under division (F)(6) of this section.

(G) The educator standards board shall submit recommendations of standards developed under division (A) of this section to the state board of education not later than September 1, 2010. The state board of education shall review those recommendations at the state board's regular meeting that next succeeds the date that the recommendations are submitted to the state board. At that meeting, the state board of education shall vote to either adopt standards based on those recommendations or request that the educator standards board reconsider its recommendations. The state board of education shall articulate reasons for requesting reconsideration of the recommendations but shall not direct the content of the recommendations. The educator standards board shall reconsider its recommendations if the state board of education so requests, may revise the recommendations, and shall resubmit the recommendations, whether revised or not, to the state board not later than two weeks prior to the state board's regular meeting

that next succeeds the meeting at which the state board requested 52711
reconsideration of the initial recommendations. The state board of 52712
education shall review the recommendations as resubmitted by the 52713
educator standards board at the state board's regular meeting that 52714
next succeeds the meeting at which the state board requested 52715
reconsideration of the initial recommendations and may adopt the 52716
standards as resubmitted or, if the resubmitted standards have not 52717
addressed the state board's concerns, the state board may modify 52718
the standards prior to adopting them. The final responsibility to 52719
determine whether to adopt standards as described in division (A) 52720
of this section and the content of those standards, if adopted, 52721
belongs solely to the state board of education. 52722

Sec. 3319.67. (A) The state board of education may establish 52723
an annual teacher of the year recognition program for outstanding 52724
teachers. 52725

(B) Notwithstanding division (A) of section 2921.43 of the 52726
Revised Code, a person or entity may make a voluntary contribution 52727
to the recognition program described in division (A) of this 52728
section. 52729

(C) Notwithstanding division (A) of section 2921.43 of the 52730
Revised Code, a teacher who is recognized as a teacher of the year 52731
by the recognition program described in division (A) of this 52732
section may accept gifts and privileges as part of the recognition 52733
program. 52734

Sec. 3323.13. (A) If a child who is a school resident of one 52735
school district receives special education from another district, 52736
the board of education of the district providing the education, 52737
subject to division (C) of this section, may require the payment 52738
by the board of education of the district of residence of a sum 52739
not to exceed one of the following, as applicable: 52740

(1) For any child except a preschool child with a disability described in division (A)(2) of this section, the tuition of the district providing the education for a child of normal needs of the same school grade. The determination of the amount of such tuition shall be in the manner provided for by division (A) of section 3317.08 of the Revised Code.

(2) For any preschool child with a disability, the tuition of the district providing the education for the child as calculated under division (B) of section 3317.08 of the Revised Code, ~~multiplied by 0.50.~~

(B) The board of the district of residence may contract with the board of another district for the transportation of such child into any school in such other district, on terms agreed upon by such boards. Upon direction of the state board of education, the board of the district of residence shall pay for the child's transportation and the tuition.

(C) The board of education of a district providing the education for a child shall be entitled to require payment from the district of residence under this section or section 3323.14 of the Revised Code only if the district providing the education has done at least one of the following:

(1) Invited the district of residence to send representatives to attend the meetings of the team developing the child's individualized education program;

(2) Received from the district of residence a copy of the individualized education program or a multifactored evaluation developed for the child by the district of residence;

(3) Informed the district of residence in writing that the district is providing the education for the child.

As used in division (C)(2) of this section, "multifactored evaluation" means an evaluation, conducted by a multidisciplinary

team, of more than one area of the child's functioning so that no 52772
single procedure shall be the sole criterion for determining an 52773
appropriate educational program placement for the child. 52774

Sec. 3326.10. Each science, technology, engineering, and 52775
mathematics school shall adopt admission procedures that specify 52776
the following: 52777

(A)(1) Admission shall be open to individuals entitled and 52778
eligible to attend school pursuant to section 3313.64 or 3313.65 52779
of the Revised Code in a school district in the state. 52780

~~(2) Students who are not residents of Ohio shall not be~~ 52781
~~permitted to enroll in a science, technology, engineering, and~~ 52782
~~mathematics school~~ (a) Admission may be open on a tuition basis to 52783
individuals who are not residents of this state. The school shall 52784
not receive state funds under sections 3326.33 to 3326.51 of the 52785
Revised Code for any student who is not a resident of this state. 52786

(b) The school shall charge tuition for a student who is not 52787
a resident of this state in an amount equal to the amount 52788
calculated by the department of education under section 3326.101 52789
of the Revised Code. 52790

(B) There will be no discrimination in the admission of 52791
students to the school on the basis of race, creed, color, 52792
disability, or sex. 52793

(C) The school will comply with all federal and state laws 52794
regarding the education of students with disabilities. 52795

(D) Unless the school serves only students identified as 52796
gifted under Chapter 3324. of the Revised Code, the school will 52797
not limit admission to students on the basis of intellectual 52798
ability, measures of achievement or aptitude, or athletic or 52799
artistic ability. 52800

(E) The school will assert its best effort to attract a 52801

diverse student body that reflects the community, and the school 52802
will recruit students from disadvantaged and underrepresented 52803
groups. 52804

Sec. 3326.101. For each student who is not a resident of this 52805
state and is enrolled in a science, technology, engineering, and 52806
mathematics school under division (A)(2) of section 3326.10 of the 52807
Revised Code, the department of education shall calculate the 52808
amount that the school would have received for that student under 52809
section 3326.33 of the Revised Code if that student were a 52810
resident of this state. The department shall not pay that amount 52811
to the school, but the school shall charge that amount to the 52812
student as tuition. 52813

Sec. 3326.11. Each science, technology, engineering, and 52814
mathematics school established under this chapter and its 52815
governing body shall comply with sections 9.90, 9.91, 109.65, 52816
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 52817
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 52818
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 52819
3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 52820
3313.6014, 3313.6015, 3313.6020, 3313.61, 3313.611, 3313.614, 52821
3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 52822
3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 52823
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 52824
3313.7112, 3317.721, 3313.80, 3313.801, 3313.814, 3313.816, 52825
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 52826
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 52827
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 52828
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 52829
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 52830
4123., 4141., and 4167. of the Revised Code as if it were a school 52831
district. 52832

Sec. 3326.32. Each science, technology, engineering, and 52833
mathematics school shall report to the department of education, in 52834
the form and manner required by the department, all of the 52835
following information: 52836

(A) The total number of students enrolled in the school who 52837
are residents of this state; 52838

(B) The number of students reported under division (A) of 52839
this section who are receiving special education and related 52840
services pursuant to an IEP; 52841

(C) For each student reported under division (B) of this 52842
section, which category specified in divisions (A) to (F) of 52843
section 3317.013 of the Revised Code applies to the student; 52844

(D) The full-time equivalent number of students reported 52845
under division (A) of this section who are enrolled in 52846
career-technical education programs or classes described in each 52847
of divisions (A), (B), (C), (D), and (E) of section 3317.014 of 52848
the Revised Code that are provided by the STEM school; 52849

(E) The number of students reported under division (A) of 52850
this section who are limited English proficient students and which 52851
category specified in divisions (A) to (C) of section 3317.016 of 52852
the Revised Code applies to each student; 52853

(F) The number of students reported under division (A) of 52854
this section who are economically disadvantaged, as defined by the 52855
department. A student shall not be categorically excluded from the 52856
number reported under division (F) of this section based on 52857
anything other than family income. 52858

(G) The resident district of each student reported under 52859
division (A) of this section; 52860

(H) The total number of students enrolled in the school who 52861
are not residents of this state and any additional information 52862

regarding these students that the department requires the school 52863
to report. The school shall not receive any payments under this 52864
chapter for students reported under this division. 52865

(I) Any additional information the department determines 52866
necessary to make payments under this chapter. 52867

Sec. 3326.33. For each student enrolled in a science, 52868
technology, engineering, and mathematics school established under 52869
this chapter, on a full-time equivalency basis, the department of 52870
education annually shall deduct from the state education aid of a 52871
student's resident school district and, if necessary, from the 52872
payment made to the district under sections 321.24 and 323.156 of 52873
the Revised Code and pay to the school the sum of the following: 52874

(A) An opportunity grant in an amount equal to the formula 52875
amount; 52876

(B) The per pupil amount of targeted assistance funds 52877
calculated under division (A) of section 3317.0217 of the Revised 52878
Code for the student's resident district, as determined by the 52879
department, X 0.25; 52880

(C) Additional state aid for special education and related 52881
services provided under Chapter 3323. of the Revised Code as 52882
follows: 52883

(1) If the student is a category one special education 52884
student, the amount specified in division (A) of section 3317.013 52885
of the Revised Code; 52886

(2) If the student is a category two special education 52887
student, the amount specified in division (B) of section 3317.013 52888
of the Revised Code; 52889

(3) If the student is a category three special education 52890
student, the amount specified in division (C) of section 3317.013 52891
of the Revised Code; 52892

(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code; 52893
52894
52895

(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code; 52896
52897
52898

(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code. 52899
52900
52901

(D) If the student is in kindergarten through third grade, ~~\$211~~ \$305, in fiscal year ~~2014~~ 2016, or ~~\$290~~ \$320, in fiscal year ~~2015~~ 2017; 52902
52903
52904

(E) If the student is economically disadvantaged, an amount equal to the following: 52905
52906
~~(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the~~ 52907
resident district's economically disadvantaged index} 52908

(F) Limited English proficiency funds, as follows: 52909

(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code; 52910
52911
52912

(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code; 52913
52914
52915

(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code. 52916
52917
52918

(G) Career-technical education funds as follows: 52919

(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code; 52920
52921
52922

(2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code; 52923
52924
52925

(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code; 52926
52927
52928

(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code; 52929
52930
52931

(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code. 52932
52933
52934

Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code. 52935
52936
52937

Sec. 3326.41. (A) For purposes of this section: 52938

(1) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 52939
52940

(2) "Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code. 52941
52942

(B) In addition to the payments made under section 3326.33 of the Revised Code, the department of education shall annually pay to each science, technology, engineering, and mathematics school a graduation bonus calculated according to the following formula: The school's four-year adjusted cohort graduation rate on its most recent report card issued by the department under section 3302.03 of the Revised Code X 0.075 X the formula amount X the number of the school's graduates reported to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report 52943
52944
52945
52946
52947
52948
52949
52950
52951
52952

card was issued 52953

Sec. 3326.50. A Except as provided in division (A)(2) of 52954
section 3326.10 of the Revised Code, a science, technology, 52955
engineering, and mathematics school shall not charge tuition for 52956
any student enrolled in the school. 52957

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 52958
and division (D) of section 3311.52 of the Revised Code, this 52959
section and sections 3327.011, 3327.012, and 3327.02 of the 52960
Revised Code do not apply to any joint vocational or cooperative 52961
education school district. 52962

In all city, local, and exempted village school districts 52963
where resident school pupils in grades kindergarten through eight 52964
live more than two miles from the school for which the state board 52965
of education prescribes minimum standards pursuant to division (D) 52966
of section 3301.07 of the Revised Code and to which they are 52967
assigned by the board of education of the district of residence or 52968
to and from the nonpublic or community school which they attend, 52969
the board of education shall provide transportation for such 52970
pupils to and from that school except as provided in section 52971
3327.02 of the Revised Code. 52972

In all city, local, and exempted village school districts 52973
where pupil transportation is required under a career-technical 52974
plan approved by the state board of education under section 52975
3313.90 of the Revised Code, for any student attending a 52976
career-technical program operated by another school district, 52977
including a joint vocational school district, as prescribed under 52978
that section, the board of education of the student's district of 52979
residence shall provide transportation from the public high school 52980
operated by that district to which the student is assigned to the 52981
career-technical program. 52982

In all city, local, and exempted village school districts, 52983
the board may provide transportation for resident school pupils in 52984
grades nine through twelve to and from the high school to which 52985
they are assigned by the board of education of the district of 52986
residence or to and from the nonpublic or community high school 52987
which they attend for which the state board of education 52988
prescribes minimum standards pursuant to division (D) of section 52989
3301.07 of the Revised Code. 52990

A board of education shall not be required to transport 52991
elementary or high school pupils to and from a nonpublic or 52992
community school where such transportation would require more than 52993
thirty minutes of direct travel time as measured by school bus 52994
from the public school building to which the pupils would be 52995
assigned if attending the public school designated by the district 52996
of residence. 52997

Where it is impractical to transport a pupil by school 52998
conveyance, a board of education may offer payment, in lieu of 52999
providing such transportation in accordance with section 3327.02 53000
of the Revised Code. 53001

A board of education shall not be required to transport 53002
elementary or high school pupils to and from a nonpublic or 53003
community school on Saturday or Sunday, unless a board of 53004
education and a nonpublic or community school have an agreement in 53005
place to do so before the first day of July 1, 2014 of the school 53006
year in which the agreement takes effect. 53007

In all city, local, and exempted village school districts, 53008
the board shall provide transportation for all children who are so 53009
disabled that they are unable to walk to and from the school for 53010
which the state board of education prescribes minimum standards 53011
pursuant to division (D) of section 3301.07 of the Revised Code 53012
and which they attend. In case of dispute whether the child is 53013
able to walk to and from the school, the health commissioner shall 53014

be the judge of such ability. In all city, exempted village, and 53015
local school districts, the board shall provide transportation to 53016
and from school or special education classes for mentally disabled 53017
children in accordance with standards adopted by the state board 53018
of education. 53019

When transportation of pupils is provided the conveyance 53020
shall be run on a time schedule that shall be adopted and put in 53021
force by the board not later than ten days after the beginning of 53022
the school term. 53023

The cost of any transportation service authorized by this 53024
section shall be paid first out of federal funds, if any, 53025
available for the purpose of pupil transportation, and secondly 53026
out of state appropriations, in accordance with regulations 53027
adopted by the state board of education. 53028

No transportation of any pupils shall be provided by any 53029
board of education to or from any school which in the selection of 53030
pupils, faculty members, or employees, practices discrimination 53031
against any person on the grounds of race, color, religion, or 53032
national origin. 53033

Sec. 3327.02. (A) After considering each of the following 53034
factors, the board of education of a city, exempted village, or 53035
local school district, or a community school governing authority 53036
providing transportation pursuant to section 3314.091 of the 53037
Revised Code, may determine that it is impractical to transport a 53038
pupil who is eligible for transportation to and from a school 53039
under section 3327.01 of the Revised Code: 53040

(1) The time and distance required to provide the 53041
transportation; 53042

(2) The number of pupils to be transported; 53043

(3) The cost of providing transportation in terms of 53044

equipment, maintenance, personnel, and administration; 53045

(4) Whether similar or equivalent service is provided to 53046
other pupils eligible for transportation; 53047

(5) Whether and to what extent the additional service 53048
unavoidably disrupts current transportation schedules; 53049

(6) Whether other reimbursable types of transportation are 53050
available. 53051

(B)~~(1)~~ Based on its consideration of the factors established 53052
in division (A) of this section, the board or governing authority 53053
may pass a resolution declaring the impracticality of 53054
transportation. The resolution shall include each pupil's name and 53055
the reason for impracticality. 53056

~~(2)~~ The board or governing authority shall report its 53057
determination to the state board of education in a manner 53058
determined by the state board. 53059

~~(3) The board of education of a local school district 53060
additionally shall submit the resolution for concurrence to the 53061
educational service center that contains the local district's 53062
territory. If the educational service center governing board 53063
considers transportation by school conveyance practicable, it 53064
shall so inform the local board and transportation shall be 53065
provided by such local board. If the educational service center 53066
board agrees with the view of the local board, the local board may 53067
offer payment in lieu of transportation as provided in this 53068
section. 53069~~

(C) After passing the resolution declaring the impracticality 53070
of transportation, the district board or governing authority shall 53071
offer to provide payment in lieu of transportation by doing the 53072
following: 53073

(1) In accordance with guidelines established by the 53074

department of education, informing the pupil's parent, guardian, 53075
or other person in charge of the pupil of both of the following: 53076

(a) The ~~board's~~ resolution; 53077

(b) The right of the pupil's parent, guardian, or other 53078
person in charge of the pupil to accept the offer of payment in 53079
lieu of transportation or to reject the offer and instead request 53080
the department to initiate mediation procedures. 53081

(2) Issuing the pupil's parent, guardian, or other person in 53082
charge of the pupil a contract or other form on which the parent, 53083
guardian, or other person in charge of the pupil is given the 53084
option to accept or reject the board's offer of payment in lieu of 53085
transportation. 53086

(D) If the parent, guardian, or other person in charge of the 53087
pupil accepts the offer of payment in lieu of providing 53088
transportation, the board or governing authority shall pay the 53089
parent, guardian, or other person in charge of the pupil an amount 53090
that shall be not less than the amount determined by the general 53091
assembly as the minimum for payment in lieu of transportation, and 53092
not more than the amount determined by the department of education 53093
as the average cost of pupil transportation for the previous 53094
school year. Payment may be prorated if the time period involved 53095
is only a part of the school year. 53096

(E)(1)(a) Upon the request of a parent, guardian, or other 53097
person in charge of the pupil who rejected the payment in lieu of 53098
transportation, the department shall conduct mediation procedures. 53099

(b) If the mediation does not resolve the dispute, the state 53100
board of education shall conduct a hearing in accordance with 53101
Chapter 119. of the Revised Code. The state board may approve the 53102
payment in lieu of transportation or may order the district board 53103
of education or governing authority to provide transportation. The 53104
decision of the state board is binding in subsequent years and on 53105

future parties in interest provided the facts of the determination 53106
remain comparable. 53107

(2) The school district or governing authority shall provide 53108
transportation for the pupil from the time the parent, guardian, 53109
or other person in charge of the pupil requests mediation until 53110
the matter is resolved under division (E)(1)(a) or (b) of this 53111
section. 53112

(F)(1) If the department determines that a school district 53113
board or governing authority has failed or is failing to provide 53114
transportation as required by division (E)(2) of this section or 53115
as ordered by the state board under division (E)(1)(b) of this 53116
section, the department shall order the school district board or 53117
governing authority to pay to the pupil's parent, guardian, or 53118
other person in charge of the pupil, an amount equal to the state 53119
average daily cost of transportation as determined by the state 53120
board of education for the previous year. The school district 53121
board or governing authority shall make payments on a schedule 53122
ordered by the department. 53123

(2) If the department subsequently finds that a school 53124
district board is not in compliance with an order issued under 53125
division (F)(1) of this section and the affected pupils are 53126
enrolled in a nonpublic or community school, the department shall 53127
deduct the amount that the board is required to pay under that 53128
order from any pupil transportation payments the department makes 53129
to the school district board under section 3317.0212 of the 53130
Revised Code or other provisions of law. The department shall use 53131
the moneys so deducted to make payments to the nonpublic or 53132
community school attended by the pupil. The department shall 53133
continue to make the deductions and payments required under this 53134
division until the school district board either complies with the 53135
department's order issued under division (F)(1) of this section or 53136
begins providing transportation. 53137

(G) A nonpublic or community school that receives payments 53138
from the department under division (F)(2) of this section shall do 53139
either of the following: 53140

(1) Disburse the entire amount of the payments to the parent, 53141
guardian, or other person in charge of the pupil affected by the 53142
failure of the school district of residence to provide 53143
transportation; 53144

(2) Use the entire amount of the payments to provide 53145
acceptable transportation for the affected pupil. 53146

Sec. 3328.24. A college-preparatory boarding school 53147
established under this chapter and its board of trustees shall 53148
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 53149
3301.0714, 3301.948, 3313.536, 3313.6013, 3313.6411, 3313.7112, 53150
3313.721, 3313.89, 3319.39, 3319.391, and 3319.46 and Chapter 53151
3365. of the Revised Code as if the school were a school district 53152
and the school's board of trustees were a district board of 53153
education. 53154

Sec. 3332.10. (A) No individual shall sell any program or 53155
solicit students therefor in this state unless the individual is 53156
an employee of the school. Any individual whose primary duty, 53157
whether on or off school premises, is to solicit prospective 53158
students shall first secure a permit as an agent from the state 53159
board of career colleges and schools. If the agent represents more 53160
than one school, a separate permit shall be obtained for each 53161
school represented by the agent. An agent who represents a person 53162
that operates more than one school in the same geographical area, 53163
as determined by the board, need not obtain a separate permit for 53164
each such school. Upon approval for a permit, the board shall 53165
issue a pocket card to the individual, giving the individual's 53166
name, address, permit number, and the name and address of the 53167

employing school, and certifying that the individual whose name 53168
appears on the card is an authorized agent of the school. 53169

(B) The application for a permit shall be made on forms to be 53170
furnished by the board and accompanied by the fee established in 53171
accordance with section 3332.07 of the Revised Code. A permit 53172
shall be ~~renewed every twelve~~ granted for a period not to exceed 53173
twenty-four months and shall be valid for up to thirty days after 53174
its expiration date. An application for a renewal permit shall be 53175
accompanied by the fee established in accordance with section 53176
3332.07 of the Revised Code. 53177

(C) Each school subject to this chapter shall assume full 53178
responsibility for the actions, statements, and conduct of its 53179
agents, and shall provide them with adequate training and arrange 53180
for proper supervision of their work. The board shall hold schools 53181
liable for the actions, statements, and conduct of agents that 53182
violate any provision of this chapter, unless an agent's acts or 53183
omissions were manifestly outside the scope of the agent's 53184
employment or official responsibilities. 53185

Sec. 3333.01. (A) There is hereby created the Ohio board of 53186
regents as an advisory board to the chancellor of higher education 53187
appointed under section 3333.03 of the Revised Code. The board 53188
shall consist of nine members to be appointed by the governor with 53189
the advice and consent of the senate. The members shall be 53190
residents of this state who possess an interest in and knowledge 53191
of higher education. No member shall be a trustee, officer, or 53192
employee of any Ohio public or private college or university while 53193
serving as a member of the board. In addition to the members 53194
appointed by the governor, the chairperson of the education 53195
committee of the senate and the chairperson of the education 53196
committee of the house of representatives shall, after January 1, 53197
1967, be ex officio members of the board without a vote. 53198

(B) Prior to September 20, 2008, terms of office shall be for 53199
nine years, commencing on the twenty-first day of September and 53200
ending on the twentieth day of September. 53201

(C) Beginning on September 20, 2008, the terms of office for 53202
the members of the board of regents shall be as follows: 53203

(1) The terms of office of the three members whose terms 53204
under division (B) of this section are scheduled to expire on 53205
September 20, 2008, shall expire on September 20, 2008. The 53206
governor, with the advice and consent of the senate, shall appoint 53207
successors for terms beginning on September 21, 2008, and ending 53208
on September 20, 2014. 53209

(2) Notwithstanding division (B) of this section, the terms 53210
of office of the three members whose terms under division (B) of 53211
this section otherwise are scheduled to expire on September 20, 53212
2011, shall expire on September 20, 2010. The governor, with the 53213
advice and consent of the senate, shall appoint successors for 53214
terms beginning on September 21, 2010, and ending on September 20, 53215
2016. 53216

(3) Notwithstanding division (B) of this section, the terms 53217
of office of the three members whose terms under division (B) of 53218
this section otherwise are scheduled to expire on September 20, 53219
2014, shall expire on September 20, 2012. The governor, with the 53220
advice and consent of the senate, shall appoint successors for 53221
terms beginning on September 21, 2012, and ending on September 20, 53222
2018. 53223

Thereafter, the terms of office of all subsequent members of 53224
the board of regents shall be for six years beginning on the 53225
twenty-first day of September and ending on the twentieth day of 53226
September. 53227

(D) Except as provided in division (C) of this section, each 53228
member shall hold office from the date of appointment until the 53229

end of the term for which the member was appointed. Any member 53230
appointed to fill a vacancy occurring prior to the expiration of 53231
the term for which the member's predecessor was appointed shall 53232
hold office for the remainder of such term. Any member shall 53233
continue in office subsequent to the expiration date of the 53234
member's term until a successor takes office, or until a period of 53235
sixty days has elapsed, whichever occurs first. 53236

No person who has served a full nine-year term under division 53237
(B) of this section or two full six-year terms under division (C) 53238
of this section shall be eligible for reappointment. 53239

(E) Board members shall serve without compensation, but shall 53240
be reimbursed for necessary expenses incurred in the conduct of 53241
board business. 53242

Sec. 3333.011. No member of the Ohio board of regents, 53243
created by section 3333.01 of the Revised Code, shall be a 53244
trustee, officer, or employee of a technical college while serving 53245
as a member of the board. Neither the chancellor of higher 53246
education nor any staff member or employee of the ~~board department~~ 53247
of higher education shall be a trustee, officer, or employee of a 53248
technical college while serving on the board. 53249

Sec. ~~3333.031~~ 3333.012. Whenever the term "Ohio board of 53250
regents" is used, referred to, or designated in any statute, rule, 53251
contract, grant, or other document, the use, reference, or 53252
designation shall be construed to mean the "chancellor of ~~the Ohio~~ 53253
~~board of regents~~ higher education," except in sections 3333.01, 53254
3333.011, 3333.02, and 3333.032 of the Revised Code or unless the 53255
use, reference, or designation of the term "Ohio board of regents" 53256
relates to the board's duties to give advice to the chancellor ~~of~~ 53257
~~the Ohio board of regents~~ or unless another section of law 53258
expressly provides otherwise. 53259

Whenever the term "chancellor of the Ohio board of regents" 53260
or "chancellor" is used, referred to, or designated in any 53261
statute, rule, contract, grant, or other document, the use, 53262
reference, or designation shall be construed to mean the 53263
chancellor of higher education. 53264

Sec. 3333.021. As used in this section, "university" means 53265
any college or university that receives a state appropriation. 53266

(A) This division does not apply to proposed rules, 53267
amendments, or rescissions subject to legislative review under 53268
section 106.02 of the Revised Code. No action taken by the 53269
chancellor of ~~the Ohio board of regents~~ higher education that 53270
could reasonably be expected to have an effect on the revenue or 53271
expenditures of any university shall take effect unless at least 53272
two weeks prior to the date on which the action is taken, the 53273
chancellor has filed with the speaker of the house of 53274
representatives, the president of the senate, ~~the legislative~~ 53275
~~budget office of~~ the legislative service commission, and the 53276
director of budget and management a fiscal analysis of the 53277
proposed action. The analysis shall include an estimate of the 53278
amount by which, during the current and ensuing fiscal biennium, 53279
the action would increase or decrease the university's revenues or 53280
expenditures and increase or decrease any state expenditures and 53281
any other information the chancellor considers necessary to 53282
explain the action's fiscal effect. 53283

(B) Within three days of the date the chancellor files with 53284
the clerk of the senate a proposed rule, amendment, or rescission 53285
that is subject to legislative review and invalidation under 53286
section 106.02 of the Revised Code, the chancellor shall file with 53287
the speaker of the house of representatives, the president of the 53288
senate, the legislative service commission, and the director of 53289
budget and management a fiscal analysis of the proposed rule. The 53290

analysis shall include an estimate of the amount by which, during 53291
the current and ensuing fiscal biennium, the action would increase 53292
or decrease any university's revenues or expenditures and increase 53293
or decrease state revenues or expenditures and any other 53294
information the chancellor considers necessary to explain the 53295
fiscal effect of the rule, amendment, or rescission. No rule, 53296
amendment, or rescission shall take effect unless the chancellor 53297
has complied with this division. 53298

Sec. 3333.03. (A) There is hereby created the department of 53299
higher education, which shall be composed of the chancellor of 53300
higher education and the chancellor's employees, agents, and 53301
representatives. The chancellor shall perform the functions, 53302
exercise the powers, and discharge the duties as are assigned to 53303
the chancellor by law. 53304

(B) The governor, with the advice and consent of the senate, 53305
shall appoint the chancellor of ~~the Ohio board of regents~~ higher 53306
education. The chancellor shall serve at the pleasure of the 53307
governor, and the governor shall prescribe the chancellor's duties 53308
in addition to the chancellor's duties prescribed by law. The 53309
governor shall fix the compensation for the chancellor. The 53310
chancellor shall be a member of the governor's cabinet. 53311

~~(B) The term of the chancellor in office on the effective 53312~~
~~date of this amendment shall coincide with the term of that 53313~~
~~chancellor's appointing governor. Subsequent appointments to the 53314~~
~~office of chancellor shall be made pursuant to division (A) of 53315~~
~~this section.~~ 53316

(C) The chancellor is responsible for appointing and fixing 53317
the compensation of all professional, administrative, and clerical 53318
employees and staff members necessary to assist in the performance 53319
of the chancellor's duties. All employees and staff shall serve at 53320
the chancellor's pleasure. 53321

(D) The chancellor shall be a person qualified by training 53322
and experience to understand the problems and needs of the state 53323
in the field of higher education and to devise programs, plans, 53324
and methods of solving the problems and meeting the needs. 53325

(E) Neither the chancellor nor any staff member or employee 53326
of the chancellor shall be a trustee, officer, or employee of any 53327
public or private college or university while serving as 53328
chancellor, staff member, or employee. 53329

Sec. 3333.032. The Ohio board of regents shall submit to the 53330
general assembly, in accordance with division (B) of section 53331
101.68 of the Revised Code, and to the governor, an annual report 53332
on the condition of higher education in this state, including the 53333
performance of the chancellor of ~~the board~~ higher education. 53334

Sec. 3333.04. The chancellor of ~~the Ohio board of regents~~ 53335
higher education shall: 53336

(A) Make studies of state policy in the field of higher 53337
education and formulate a master plan for higher education for the 53338
state, considering the needs of the people, the needs of the 53339
state, and the role of individual public and private institutions 53340
within the state in fulfilling these needs; 53341

(B)(1) Report annually to the governor and the general 53342
assembly on the findings from the chancellor's studies and the 53343
master plan for higher education for the state; 53344

(2) Report at least semiannually to the general assembly and 53345
the governor the enrollment numbers at each state-assisted 53346
institution of higher education. 53347

(C) Approve or disapprove the establishment of new branches 53348
or academic centers of state colleges and universities; 53349

(D) Approve or disapprove the establishment of state 53350

technical colleges or any other state institution of higher 53351
education; 53352

(E) Recommend the nature of the programs, undergraduate, 53353
graduate, professional, state-financed research, and public 53354
services which should be offered by the state colleges, 53355
universities, and other state-assisted institutions of higher 53356
education in order to utilize to the best advantage their 53357
facilities and personnel; 53358

(F) Recommend to the state colleges, universities, and other 53359
state-assisted institutions of higher education graduate or 53360
professional programs, including, but not limited to, doctor of 53361
philosophy, doctor of education, and juris doctor programs, that 53362
could be eliminated because they constitute unnecessary 53363
duplication, as shall be determined using the process developed 53364
pursuant to this division, or for other good and sufficient cause. 53365
Prior to recommending a program for elimination, the chancellor 53366
shall request the board of regents to hold at least one public 53367
hearing on the matter and advise the chancellor on whether the 53368
program should be recommended for elimination. The board shall 53369
provide notice of each hearing within a reasonable amount of time 53370
prior to its scheduled date. Following the hearing, the board 53371
shall issue a recommendation to the chancellor. The chancellor 53372
shall consider the board's recommendation but shall not be 53373
required to accept it. 53374

For purposes of determining the amounts of any state 53375
instructional subsidies paid to state colleges, universities, and 53376
other state-assisted institutions of higher education, the 53377
chancellor may exclude students enrolled in any program that the 53378
chancellor has recommended for elimination pursuant to this 53379
division except that the chancellor shall not exclude any such 53380
student who enrolled in the program prior to the date on which the 53381
chancellor initially commences to exclude students under this 53382

division. 53383

The chancellor and state colleges, universities, and other 53384
state-assisted institutions of higher education shall jointly 53385
develop a process for determining which existing graduate or 53386
professional programs constitute unnecessary duplication. 53387

(G) Recommend to the state colleges, universities, and other 53388
state-assisted institutions of higher education programs which 53389
should be added to their present programs; 53390

(H) Conduct studies for the state colleges, universities, and 53391
other state-assisted institutions of higher education to assist 53392
them in making the best and most efficient use of their existing 53393
facilities and personnel; 53394

(I) Make recommendations to the governor and general assembly 53395
concerning the development of state-financed capital plans for 53396
higher education; the establishment of new state colleges, 53397
universities, and other state-assisted institutions of higher 53398
education; and the establishment of new programs at the existing 53399
state colleges, universities, and other institutions of higher 53400
education; 53401

(J) Review the appropriation requests of the public community 53402
colleges and the state colleges and universities and submit to the 53403
office of budget and management and to the chairpersons of the 53404
finance committees of the house of representatives and of the 53405
senate the chancellor's recommendations in regard to the biennial 53406
higher education appropriation for the state, including 53407
appropriations for the individual state colleges and universities 53408
and public community colleges. For the purpose of determining the 53409
amounts of instructional subsidies to be paid to state-assisted 53410
colleges and universities, the chancellor shall define "full-time 53411
equivalent student" by program per academic year. The definition 53412
may take into account the establishment of minimum enrollment 53413

levels in technical education programs below which support 53414
allowances will not be paid. Except as otherwise provided in this 53415
section, the chancellor shall make no change in the definition of 53416
"full-time equivalent student" in effect on November 15, 1981, 53417
which would increase or decrease the number of subsidy-eligible 53418
full-time equivalent students, without first submitting a fiscal 53419
impact statement to the president of the senate, the speaker of 53420
the house of representatives, the legislative service commission, 53421
and the director of budget and management. The chancellor shall 53422
work in close cooperation with the director of budget and 53423
management in this respect and in all other matters concerning the 53424
expenditures of appropriated funds by state colleges, 53425
universities, and other institutions of higher education. 53426

(K) Seek the cooperation and advice of the officers and 53427
trustees of both public and private colleges, universities, and 53428
other institutions of higher education in the state in performing 53429
the chancellor's duties and making the chancellor's plans, 53430
studies, and recommendations; 53431

(L) Appoint advisory committees consisting of persons 53432
associated with public or private secondary schools, members of 53433
the state board of education, or personnel of the state department 53434
of education; 53435

(M) Appoint advisory committees consisting of college and 53436
university personnel, or other persons knowledgeable in the field 53437
of higher education, or both, in order to obtain their advice and 53438
assistance in defining and suggesting solutions for the problems 53439
and needs of higher education in this state; 53440

(N) Approve or disapprove all new degrees and new degree 53441
programs at all state colleges, universities, and other 53442
state-assisted institutions of higher education; 53443

(O) Adopt such rules as are necessary to carry out the 53444

chancellor's duties and responsibilities. The rules shall 53445
prescribe procedures for the chancellor to follow when taking 53446
actions associated with the chancellor's duties and 53447
responsibilities and shall indicate which types of actions are 53448
subject to those procedures. The procedures adopted under this 53449
division shall be in addition to any other procedures prescribed 53450
by law for such actions. However, if any other provision of the 53451
Revised Code or rule adopted by the chancellor prescribes 53452
different procedures for such an action, the procedures adopted 53453
under this division shall not apply to that action to the extent 53454
they conflict with the procedures otherwise prescribed by law. The 53455
procedures adopted under this division shall include at least the 53456
following: 53457

(1) Provision for public notice of the proposed action; 53458

(2) An opportunity for public comment on the proposed action, 53459
which may include a public hearing on the action by the board of 53460
regents; 53461

(3) Methods for parties that may be affected by the proposed 53462
action to submit comments during the public comment period; 53463

(4) Submission of recommendations from the board of regents 53464
regarding the proposed action, at the request of the chancellor; 53465

(5) Written publication of the final action taken by the 53466
chancellor and the chancellor's rationale for the action; 53467

(6) A timeline for the process described in divisions (0)(1) 53468
to (5) of this section. 53469

(P) Make recommendations to the governor and the general 53470
assembly regarding the design and funding of the student financial 53471
aid programs specified in sections 3333.12, 3333.122, 3333.21 to 53472
3333.26, and 5910.02 of the Revised Code; 53473

(Q) Participate in education-related state or federal 53474

programs on behalf of the state and assume responsibility for the 53475
administration of such programs in accordance with applicable 53476
state or federal law; 53477

(R) Adopt rules for student financial aid programs as 53478
required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 53479
3333.28, and 5910.02 of the Revised Code, and perform any other 53480
administrative functions assigned to the chancellor by those 53481
sections; 53482

(S) Conduct enrollment audits of state-supported institutions 53483
of higher education; 53484

(T) Appoint consortia of college and university personnel to 53485
advise or participate in the development and operation of 53486
statewide collaborative efforts, including the Ohio supercomputer 53487
center, the Ohio academic resources network, OhioLink, and the 53488
Ohio learning network. For each consortium, the chancellor shall 53489
designate a college or university to serve as that consortium's 53490
fiscal agent, financial officer, and employer. Any funds 53491
appropriated for the consortia shall be distributed to the fiscal 53492
agents for the operation of the consortia. A consortium shall 53493
follow the rules of the college or university that serves as its 53494
fiscal agent. The chancellor may restructure existing consortia, 53495
appointed under this division, in accordance with procedures 53496
adopted under divisions (0)(1) to (6) of this section. 53497

(U) Adopt rules establishing advisory duties and 53498
responsibilities of the board of regents not otherwise prescribed 53499
by law; 53500

(V) Respond to requests for information about higher 53501
education from members of the general assembly and direct staff to 53502
conduct research or analysis as needed for this purpose. 53503

Sec. 3333.041. (A) On or before the last day of December of 53504

each year, the chancellor of ~~the Ohio board of regents~~ higher 53505
education shall submit to the governor and, in accordance with 53506
section 101.68 of the Revised Code, the general assembly a report 53507
or reports concerning all of the following: 53508

(1) The status of graduates of Ohio school districts at state 53509
institutions of higher education during the twelve-month period 53510
ending on the thirtieth day of September of the current calendar 53511
year. The report shall list, by school district, the number of 53512
graduates of each school district who attended a state institution 53513
of higher education and the percentage of each district's 53514
graduates enrolled in a state institution of higher education 53515
during the reporting period who were required during such period 53516
by the college or university, as a prerequisite to enrolling in 53517
those courses generally required for first-year students, to 53518
enroll in a remedial course in English, including composition or 53519
reading, mathematics, and any other area designated by the 53520
chancellor. The chancellor also shall make the information 53521
described in division (A)(1) of this section available to the 53522
board of education of each city, exempted village, and local 53523
school district. 53524

Each state institution of higher education shall, by the 53525
first day of November of each year, submit to the chancellor in 53526
the form specified by the chancellor the information the 53527
chancellor requires to compile the report. 53528

~~(2) Aggregate academic growth data for students assigned to~~ 53529
~~graduates of teacher preparation programs approved under section~~ 53530
~~3333.048 of the Revised Code who teach English language arts or~~ 53531
~~mathematics in any of grades four to eight in a public school in~~ 53532
~~Ohio. For this purpose, the chancellor shall use the value-added~~ 53533
~~progress dimension prescribed by section 3302.021 of the Revised~~ 53534
~~Code or the alternative student academic progress measure if~~ 53535
~~adopted under division (C)(1)(e) of section 3302.03 of the Revised~~ 53536

~~Code. The chancellor shall aggregate the data by graduating class 53537
for each approved teacher preparation program, except that if a 53538
particular class has ten or fewer graduates to which this section 53539
applies, the chancellor shall report the data for a group of 53540
classes over a three year period. In no case shall the report 53541
identify any individual graduate. The department of education 53542
shall share any data necessary for the report with the chancellor. 53543~~

~~(3) The following information with respect to the Ohio 53544
tuition trust authority: 53545~~

~~(a) The name of each investment manager that is a minority 53546
business enterprise or a women's business enterprise with which 53547
the chancellor contracts; 53548~~

~~(b) The amount of assets managed by investment managers that 53549
are minority business enterprises or women's business enterprises, 53550
expressed as a percentage of assets managed by investment managers 53551
with which the chancellor has contracted; 53552~~

~~(c) Efforts by the chancellor to increase utilization of 53553
investment managers that are minority business enterprises or 53554
women's business enterprises. 53555~~

~~(4) A description of advanced standing programs, as defined 53556
in section 3313.6013 of the Revised Code, that are offered by 53557
school districts, community schools established under Chapter 53558
3314. of the Revised Code, STEM schools established under Chapter 53559
3326. of the Revised Code, college preparatory boarding schools 53560
established under Chapter 3328. of the Revised Code, and chartered 53561
nonpublic high schools. The chancellor also shall post the 53562
information on the chancellor's web site. 53563~~

~~(5)(3) The chancellor's strategy in assigning choose Ohio 53564
first scholarships, as established under section 3333.61 of the 53565
Revised Code, among state universities and colleges and how the 53566
actual awards fit that strategy. 53567~~

~~(6)~~(4) The academic and economic impact of the Ohio 53568
co-op/internship program established under section 3333.72 of the 53569
Revised Code. At a minimum, the report shall include the 53570
following: 53571

(a) Progress and performance metrics for each initiative that 53572
received an award in the previous fiscal year; 53573

(b) Economic indicators of the impact of each initiative, and 53574
all initiatives as a whole, on the regional economies and the 53575
statewide economy; 53576

(c) The chancellor's strategy in allocating awards among 53577
state institutions of higher education and how the actual awards 53578
fit that strategy. 53579

(B) On or before the fifteenth day of February of each year, 53580
the director shall submit to the governor and, in accordance with 53581
section 101.68 of the Revised Code, the general assembly a report 53582
concerning aggregate academic growth data for students assigned to 53583
graduates of teacher preparation programs approved under section 53584
3333.048 of the Revised Code who teach English language arts or 53585
mathematics in any of grades four to eight in a public school in 53586
Ohio. For this purpose, the director shall use the value-added 53587
progress dimension prescribed by section 3302.021 of the Revised 53588
Code or the alternative student academic progress measure if 53589
adopted under division (C)(1)(e) of section 3302.03 of the Revised 53590
Code. The director shall aggregate the data by graduating class 53591
for each approved teacher preparation program, except that if a 53592
particular class has ten or fewer graduates to which this division 53593
applies, the director shall report the data for a group of classes 53594
over a three-year period. In no case shall the report identify any 53595
individual graduate. The department of education shall share any 53596
data necessary for the report with the director. 53597

(C) As used in this section: 53598

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code. 53599 53600

(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code. 53601 53602 53603

(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code. 53604 53605

(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state. 53606 53607 53608 53609

Sec. 3333.042. The chancellor of the ~~Ohio board of regents~~ higher education may grant money to a nonprofit entity that provides a statewide resource for aerospace research, education, and technology, so long as the nonprofit entity makes its resources accessible to state colleges and universities and to agencies of this and other states and the United States. The chancellor, by rule adopted in accordance with Chapter 119. of the Revised Code, shall establish procedures and forms whereby nonprofit entities may apply for grants; standards and procedures for reviewing applications for and awarding grants; procedures for distributing grants to recipients; procedures for monitoring the use of grants by recipients; requirements, procedures, and forms whereby grant recipients shall report upon their use of grants; and standards and procedures for terminating and requiring repayment of grants in the event of their improper use. 53610 53611 53612 53613 53614 53615 53616 53617 53618 53619 53620 53621 53622 53623 53624

A state college or university or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code and any agency of state government may provide assistance, in any form, to any nonprofit entity that receives a grant under this section. Such 53625 53626 53627 53628 53629

assistance shall be solely for the purpose of assisting the 53630
nonprofit entity in making proper use of the grant. 53631

A nonprofit entity that expends a grant under this section 53632
for a capital project is not thereby subject to Chapter 123. or 53633
153. of the Revised Code. An officer or employee of, or a person 53634
who serves on a governing or advisory board or committee of, a 53635
nonprofit entity that receives a grant under this section is not 53636
thereby an officer or employee of a state college or university or 53637
of the state. An officer or employee of a state college or 53638
university or of the state who is assigned to assist a nonprofit 53639
entity in making proper use of a grant does not, to the extent the 53640
officer or employee provides such assistance, thereby hold an 53641
incompatible office or employment, or have a direct or indirect 53642
interest in a contract or expenditure of the entity. 53643

Sec. 3333.043. (A) As used in this section: 53644

(1) "Institution of higher education" means the state 53645
universities listed in section 3345.011 of the Revised Code, 53646
municipal educational institutions established under Chapter 3349. 53647
of the Revised Code, community colleges established under Chapter 53648
3354. of the Revised Code, university branches established under 53649
Chapter 3355. of the Revised Code, technical colleges established 53650
under Chapter 3357. of the Revised Code, state community colleges 53651
established under Chapter 3358. of the Revised Code, any 53652
institution of higher education with a certificate of registration 53653
from the state board of career colleges and schools, and any 53654
institution for which the chancellor of ~~the Ohio board of regents~~ 53655
higher education receives a notice pursuant to division (C) of 53656
this section. 53657

(2) "Community service" has the same meaning as in section 53658
3313.605 of the Revised Code. 53659

(B)(1) The board of trustees or other governing entity of 53660

each institution of higher education shall encourage and promote 53661
participation of students in community service through a program 53662
appropriate to the mission, student population, and environment of 53663
each institution. The program may include, but not be limited to, 53664
providing information about community service opportunities during 53665
student orientation or in student publications; providing awards 53666
for exemplary community service; encouraging faculty members to 53667
incorporate community service into students' academic experiences 53668
wherever appropriate to the curriculum; encouraging recognized 53669
student organizations to undertake community service projects as 53670
part of their purposes; and establishing advisory committees of 53671
students, faculty members, and community and business leaders to 53672
develop cooperative programs that benefit the community and 53673
enhance student experience. The program shall be flexible in 53674
design so as to permit participation by the greatest possible 53675
number of students, including part-time students and students for 53676
whom participation may be difficult due to financial, academic, 53677
personal, or other considerations. The program shall emphasize 53678
community service opportunities that can most effectively use the 53679
skills of students, such as tutoring or literacy programs. The 53680
programs shall encourage students to perform services that will 53681
not supplant the hiring of, result in the displacement of, or 53682
impair any existing employment contracts of any particular 53683
employee of any private or governmental entity for which services 53684
are performed. 53685

(2) The chancellor of ~~the Ohio board of regents~~ higher 53686
education shall encourage all institutions of higher education in 53687
the development of community service programs. With the assistance 53688
of the Ohio commission on service and volunteerism created in 53689
section 121.40 of the Revised Code, the chancellor shall make 53690
available information about higher education community service 53691
programs to institutions of higher education and to statewide 53692
organizations involved with or promoting volunteerism, including 53693

information about model community service programs, teacher 53694
training courses, and community service curricula and teaching 53695
materials for possible use by institutions of higher education in 53696
their programs. The chancellor shall encourage institutions of 53697
higher education to jointly coordinate higher education community 53698
service programs through consortia of institutions or other 53699
appropriate means of coordination. 53700

(C) The board of trustees of any nonprofit institution with a 53701
certificate of authorization issued pursuant to Chapter 1713. of 53702
the Revised Code or the governing authority of a private 53703
institution exempt from regulation under Chapter 3332. of the 53704
Revised Code as prescribed in section 3333.046 of the Revised Code 53705
may notify the chancellor that it is making itself subject to 53706
divisions (A) and (B) of this section. Upon receipt of such a 53707
notice, these divisions shall apply to that institution. 53708

Sec. 3333.044. (A) The chancellor of ~~the Ohio board of~~ 53709
~~regents~~ higher education may contract with any consultants that 53710
are necessary for the discharge of the chancellor's duties under 53711
this chapter. 53712

(B) The chancellor may purchase, upon the terms that the 53713
chancellor determines to be advisable, one or more policies of 53714
insurance from insurers authorized to do business in this state 53715
that insure consultants who have contracted with the chancellor 53716
under division (A) of this section or members of an advisory 53717
committee appointed under section 3333.04 of the Revised Code, 53718
with respect to the activities of the consultants or advisory 53719
committee members in the course of the performance of their 53720
responsibilities as consultants or advisory committee members. 53721

(C) Subject to the approval of the controlling board, the 53722
chancellor may contract with any entities for the discharge of the 53723
chancellor's duties and responsibilities under any of the programs 53724

established pursuant to sections 3333.12, 3333.122, 3333.21 to 53725
3333.28, and 5120.55, and Chapter 5910. of the Revised Code. The 53726
chancellor shall not enter into a contract under this division 53727
unless the proposed contractor demonstrates that its primary 53728
purpose is to promote access to higher education by providing 53729
student financial assistance through loans, grants, or 53730
scholarships, and by providing high quality support services and 53731
information to students and their families with regard to such 53732
financial assistance. 53733

Chapter 125. of the Revised Code does not apply to contracts 53734
entered into pursuant to this section. In awarding contracts under 53735
this division, the chancellor shall consider factors such as the 53736
cost of the administration of the contract, the experience of the 53737
contractor, and the contractor's ability to properly execute the 53738
contract. 53739

Sec. 3333.045. As used in this section, "state university or 53740
college" means any state university listed in section 3345.011 of 53741
the Revised Code, the northeast Ohio medical university, any 53742
community college under Chapter 3354. of the Revised Code, any 53743
university branch district under Chapter 3355. of the Revised 53744
Code, any technical college under Chapter 3357. of the Revised 53745
Code, and any state community college under Chapter 3358. of the 53746
Revised Code. 53747

The chancellor of ~~the Ohio board of regents~~ higher education 53748
shall work with the attorney general, the auditor of state, and 53749
the Ohio ethics commission to develop a model for training members 53750
of the boards of trustees of all state universities and colleges 53751
and members of the board of regents regarding the authority and 53752
responsibilities of a board of trustees or the board of regents. 53753
This model shall include a review of fiduciary responsibilities, 53754
ethics, and fiscal management. Use of this model by members of 53755

boards of trustees and the board of regents shall be voluntary. 53756

Sec. 3333.047. With regard to any state student financial aid 53757
program established in this chapter, Chapter 5910., or section 53758
5919.34 of the Revised Code, the chancellor of ~~the Ohio board of~~ 53759
~~regents~~ higher education shall conduct audits to: 53760

(A) Determine the validity of information provided by 53761
students and parents regarding eligibility for state student 53762
financial aid. If the chancellor determines that eligibility data 53763
has been reported incorrectly or inaccurately, and where the 53764
chancellor determines an adjustment to be appropriate, the 53765
institution of higher education shall adjust the financial aid 53766
awarded to the student. 53767

(B) Ensure that institutions of higher education are in 53768
compliance with the rules governing state student financial aid 53769
programs. An institution that fails to comply with the rules in 53770
the administration of any state student financial aid program 53771
shall be fully liable to reimburse the state for the unauthorized 53772
use of student financial aid funds. 53773

Sec. 3333.048. (A) Not later than one year after October 16, 53774
2009, the chancellor of ~~the Ohio board of regents~~ higher education 53775
and the superintendent of public instruction jointly shall do the 53776
following: 53777

(1) In accordance with Chapter 119. of the Revised Code, 53778
establish metrics and educator preparation programs for the 53779
preparation of educators and other school personnel and the 53780
institutions of higher education that are engaged in their 53781
preparation. The metrics and educator preparation programs shall 53782
be aligned with the standards and qualifications for educator 53783
licenses adopted by the state board of education under section 53784
3319.22 of the Revised Code and the requirements of the Ohio 53785

teacher residency program established under section 3319.223 of 53786
the Revised Code. The metrics and educator preparation programs 53787
also shall ensure that educators and other school personnel are 53788
adequately prepared to use the value-added progress dimension 53789
prescribed by section 3302.021 of the Revised Code or the 53790
alternative student academic progress measure if adopted under 53791
division (C)(1)(e) of section 3302.03 of the Revised Code. 53792

(2) Provide for the inspection of institutions of higher 53793
education desiring to prepare educators and other school 53794
personnel. 53795

(B) Not later than one year after October 16, 2009, the 53796
chancellor shall approve institutions of higher education engaged 53797
in the preparation of educators and other school personnel that 53798
maintain satisfactory training procedures and records of 53799
performance, as determined by the chancellor. 53800

(C) If the metrics established under division (A)(1) of this 53801
section require an institution of higher education that prepares 53802
teachers to satisfy the standards of an independent accreditation 53803
organization, the chancellor shall permit each institution to 53804
satisfy the standards of any applicable national educator 53805
preparation accrediting agency recognized by the United States 53806
department of education. 53807

(D) The metrics and educator preparation programs established 53808
under division (A)(1) of this section may require an institution 53809
of higher education, as a condition of approval by the chancellor, 53810
to make changes in the curricula of its preparation programs for 53811
educators and other school personnel. 53812

Notwithstanding division ~~(D)~~(E) of section 119.03 and 53813
division (A)(1) of section 119.04 of the Revised Code, any 53814
metrics, educator preparation programs, rules, and regulations, or 53815
any amendment or rescission of such metrics, educator preparation 53816

programs, rules, and regulations, adopted under this section that 53817
necessitate institutions offering preparation programs for 53818
educators and other school personnel approved by the chancellor to 53819
revise the curricula of those programs shall not be effective for 53820
at least one year after the first day of January next succeeding 53821
the publication of the said change. 53822

Each institution shall allocate money from its existing 53823
revenue sources to pay the cost of making the curricular changes. 53824

(E) The chancellor shall notify the state board of the 53825
metrics and educator preparation programs established under 53826
division (A)(1) of this section and the institutions of higher 53827
education approved under division (B) of this section. The state 53828
board shall publish the metrics, educator preparation programs, 53829
and approved institutions with the standards and qualifications 53830
for each type of educator license. 53831

(F) The graduates of educator preparation programs approved 53832
by the chancellor shall be licensed by the state board in 53833
accordance with the standards and qualifications adopted under 53834
section 3319.22 of the Revised Code. 53835

Sec. 3333.049. Not later than July 1, 2016, the chancellor of 53836
~~the Ohio board of regents~~ higher education shall revise the 53837
requirements for reading endorsement programs offered by 53838
institutions of higher education to align those requirements with 53839
the reading competencies adopted by the state board of education 53840
under section 3301.077 of the Revised Code. 53841

Sec. 3333.0410. The chancellor of ~~the Ohio board of regents~~ 53842
higher education shall require each state institution of higher 53843
education, as defined in section 3345.011 of the Revised Code, 53844
when reporting student data to the chancellor under any provision 53845
of law, to use the student's data verification code assigned under 53846

division (D)(2) of section 3301.0714 of the Revised Code, if that 53847
code was included in the student's records submitted to the 53848
institution by the student's high school or by another state 53849
institution of higher education. 53850

Sec. 3333.0411. Not later than December 31, 2014, and 53851
annually thereafter, the chancellor of ~~the Ohio board of regents~~ 53852
higher education shall report for each approved teacher 53853
preparation program, the number and percentage of all graduates of 53854
the program who were rated at each of the performance levels 53855
prescribed by division (B)(1) of section 3319.112 of the Revised 53856
Code on an evaluation conducted in accordance with section 53857
3319.111 of the Revised Code in the previous school year. 53858

In no case shall the report identify any individual graduate. 53859
The department of education shall share any data necessary for the 53860
report with the chancellor. 53861

Sec. 3333.0412. No nonprofit institution that holds a 53862
certificate of authorization issued under Chapter 1713. of the 53863
Revised Code shall be liable for a breach of confidentiality 53864
arising from the institution's submission of student data or 53865
records to the ~~board of regents~~ chancellor of higher education or 53866
any other state agency in compliance with any law, rule, or 53867
regulation, provided that the breach occurs as a result of one of 53868
the following: 53869

(A) An action by a third party during and after the 53870
transmission of the data or records by the institution but prior 53871
to receipt of the data or records by the ~~board of regents~~ 53872
chancellor of higher education or other state agency; 53873

(B) An action by the ~~board of regents~~ chancellor of higher 53874
education or the state agency. 53875

This provision shall apply to the submission of any student 53876

data or records that are subject to any laws of this state or, to 53877
the extent permitted, any federal law, including the "Family 53878
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 53879
U.S.C. 1232g. 53880

Sec. 3333.0413. Not later than December 31, 2014, the 53881
chancellor of ~~the Ohio board of regents~~ higher education shall 53882
make available, in a prominent location on the chancellor's web 53883
site, a complete inventory of education programs that focus on 53884
workforce development and training that includes both of the 53885
following: 53886

(A) Programs offered by state institutions of higher 53887
education, as defined in section 3345.011 of the Revised Code, 53888
adult career-technical institutions, and all private nonprofit and 53889
for-profit postsecondary institutions operating in the state; 53890

(B) Programs registered with the apprenticeship council 53891
established under Chapter 4139. of the Revised Code. 53892

The chancellor may update this inventory as necessary. 53893

Sec. 3333.05. The chancellor of ~~the Ohio board of regents~~ 53894
higher education shall approve or disapprove proposed official 53895
plans of community college districts, prepared and submitted 53896
pursuant to sections 3354.01 to 3354.18 of the Revised Code, and 53897
issue or decline to issue charters for operation of community 53898
colleges, pursuant to section 3354.07 of the Revised Code. 53899

The chancellor shall approve an official plan, and issue a 53900
charter, only upon the following findings: 53901

(A) That the official plan and all past and proposed actions 53902
of the community college district are in conformity to law; 53903

(B) That the proposed community college will not unreasonably 53904
and wastefully duplicate existing educational services available 53905

to students and prospective students residing in the community 53906
college district; 53907

(C) That there is reasonable prospect of adequate current 53908
operating revenue for the proposed community college from its 53909
proposed opening date of operation; 53910

(D) That the proposed lands and facilities of the community 53911
colleges will be adequate and efficient for the purposes of the 53912
proposed community college; 53913

(E) That the proposed curricular programs defined in section 53914
3354.01 of the Revised Code as "arts and sciences" and 53915
"technical," or either, are the programs for which there is 53916
substantial need in the territory of the district. 53917

The employment and separation of individual personnel in a 53918
community college, and the establishing or abolishing of 53919
individual courses of instruction, shall not be subject to the 53920
specific and individual approval or disapproval of the chancellor, 53921
but shall occur in the discretion of the local management of such 53922
college within the limitations of law, the official plan, and the 53923
charter of such college. 53924

Sec. 3333.06. The chancellor of the ~~Ohio board of regents~~ 53925
higher education shall prepare a state plan and do all other 53926
things necessary for participation in federal acts relative to the 53927
construction of higher educational academic facilities. 53928

Such plan shall provide for objective standards and methods 53929
of determining the relative priorities for eligible projects for 53930
the construction of academic facilities submitted by institutions 53931
of higher education within the state and for determining the 53932
federal share of the development for each such project. 53933

The chancellor shall provide for assigning priorities in 53934
accordance with such criteria, standards, and methods to eligible 53935

projects submitted to and approved by the chancellor, shall 53936
recommend to the United States secretary of education, in the 53937
order of such priority, applications covering such eligible 53938
projects, and shall certify to the secretary the federal share of 53939
the development cost of such projects. 53940

The chancellor shall provide a fair hearing to each 53941
institution which has submitted a project as to the priority 53942
assigned to such project by the chancellor or as to any other 53943
determination of the chancellor adversely affecting such 53944
institution. 53945

The chancellor shall receive federal grants for the proper 53946
and efficient administration of the state plan, and shall provide 53947
for such fiscal control and fund accounting procedures as may be 53948
necessary to ensure proper disbursement of, and accounting for, 53949
federal funds paid to the chancellor. 53950

The chancellor shall make such reports in such form and 53951
containing such information as may be reasonably required by the 53952
secretary in the performance of the secretary's functions under 53953
federal law relating to grants for the construction of academic 53954
facilities. 53955

Each federal grant received by the chancellor shall be paid 53956
into the state treasury. 53957

Sec. 3333.07. (A) Colleges, universities, and other 53958
institutions of higher education which receive state assistance, 53959
but are not supported primarily by the state, shall submit to the 53960
chancellor of ~~the Ohio board of regents~~ higher education such 53961
accounting of the expenditure of state funds at such time and in 53962
such form as the chancellor prescribes. 53963

(B) No state institution of higher education shall establish 53964
a new branch or academic center without the approval of the 53965

chancellor. 53966

(C) No state institution of higher education shall offer a 53967
new degree or establish a new degree program without the approval 53968
of the chancellor. No degree approval shall be given for a 53969
technical education program unless such program is offered by a 53970
state assisted university, a university branch, a technical 53971
college, or a community college. 53972

(D) Any state college, university, or other state assisted 53973
institution of higher education not complying with a 53974
recommendation of the chancellor pursuant to division (F) or (G) 53975
of section 3333.04 of the Revised Code shall so notify the 53976
chancellor in writing within one hundred twenty days after receipt 53977
of the recommendation, stating the reasons why it cannot or should 53978
not comply. 53979

(E) The officers, trustees, and employees of all institutions 53980
of higher education which are state supported or state assisted 53981
shall cooperate with the chancellor in supplying information 53982
regarding their institutions, and advising and assisting the 53983
chancellor on matters of higher education in this state in every 53984
way possible when so requested by the chancellor. 53985

(F) Persons associated with the public school systems in this 53986
state, personnel of the state department of education, and members 53987
of the state board of education shall provide such data about high 53988
school students as are requested by the chancellor to aid in the 53989
development of state higher education plans. 53990

Sec. 3333.071. Notwithstanding section 3345.16 of the Revised 53991
Code, no expenditure shall be made for land for higher education 53992
purposes by public institutions of higher education or agents of 53993
such institutions from any fund without the approval of the 53994
chancellor of ~~the Ohio board of regents~~ higher education and the 53995
controlling board. No state appropriation for capital improvements 53996

shall be released by the controlling board for the purchase of 53997
land or buildings from any organization or corporation which has 53998
been established to benefit or assist the institution, except that 53999
such releases may be made if the land is to be used for a 54000
currently state-financed improvement. 54001

Sec. 3333.08. It is the declared policy of this state that 54002
the availability of eminent domain on behalf of educational 54003
institutions of higher education is in the public welfare. A 54004
private college, university, or other institution of higher 54005
education may therefore apply to the chancellor of ~~the Ohio board~~ 54006
~~of regents~~ higher education for the right to appropriate property 54007
when such institution is unable to agree with the owner or owners 54008
of the subject property upon the price to be paid for the 54009
property. The institution shall be one that any educationally 54010
qualified member of the public who desires to attend has, or can 54011
acquire, a right to be admitted upon equal terms without 54012
discrimination. The institution shall certify to the chancellor, 54013
in its application, that the use of the property to be 54014
appropriated is to be for educational purposes, including student 54015
housing and dining facilities, that reasonable efforts have been 54016
made to purchase the property, and that it will be used without 54017
discrimination against any person or group and be equally 54018
available to all qualified persons. The institution also shall 54019
submit to the chancellor its plans for the use of the property and 54020
such other information as the chancellor may require. The 54021
chancellor may, thereafter, and upon a determination that the 54022
intended use is in the public interest, approve the application by 54023
resolution. Upon such approval, the institution may appropriate 54024
the property in the same manner as is provided for the 54025
appropriation of property in Chapter 163. of the Revised Code. 54026

Sec. 3333.09. "Public university or college," as used in this 54027

section, means any ~~non-profit~~ nonprofit university or college 54028
situated within this state which is open to the public on equal 54029
terms and which is not affiliated with or controlled by an 54030
organization which is not primarily educational in nature. Any 54031
such university or college shall be considered to be serving a 54032
public purpose. 54033

The chancellor of ~~the Ohio board of regents~~ higher education 54034
may, upon the chancellor's determination that such action would 54035
serve the interests of higher education in this state, in terms of 54036
expansion of educational opportunity in a major urban area and in 54037
terms of expansion of educational service to a major urban 54038
community, accept conveyances of land, situated within this state, 54039
from any public university or college and enter into an agreement 54040
before or after such conveyance to lease to such public university 54041
or college, upon terms as may be prescribed by the chancellor, 54042
such land together with buildings constructed thereon and 54043
furniture, fixtures, and equipment therein for use as an 54044
educational facility. The lease shall be for a period not to 54045
exceed fifty years, renewable for a like term, and shall provide 54046
that such buildings be used solely for educational purposes and 54047
that the chancellor may cancel such lease if such buildings are 54048
used for other purposes. Such lease may contain provisions for the 54049
sale of such property to the lessee, upon the consent of the 54050
chancellor, for a purchase price not less than the actual cost to 54051
the chancellor, less depreciation, computed at the rate 54052
customarily applied to similar structures. The chancellor, through 54053
the department of administrative services, may construct, equip, 54054
or remodel buildings on lands accepted by the chancellor in the 54055
name of the state pursuant to this section. Title to lands 54056
acquired under this section shall be taken in the name of the 54057
state. 54058

Responsibility for the proper use, maintenance, and repair of 54059

leased buildings shall rest upon the lessee. 54060

Sec. 3333.10. (A) As used in this section: 54061

(1) "Qualified institution of higher education" or 54062
"institution" means a nonprofit educational institution, holding 54063
an effective certificate of authorization issued under section 54064
1713.02 of the Revised Code, operating in the state an eligible 54065
program, and admitting students without discrimination by reason 54066
of race, creed, color, or national origin. 54067

(2) "School of dentistry" means an accredited dental college 54068
as defined under section 4715.10 of the Revised Code. 54069

(3) "Eligible program" means a medical school accredited by 54070
the liaison committee on medical education or an osteopathic 54071
medical school accredited by the American osteopathic association, 54072
or such a school together with a school of dentistry. 54073

(B) In order to provide better for the public health and the 54074
necessary enhancement of instruction in medicine and dentistry in 54075
the state, and to encourage the means of such instruction with the 54076
least economic cost to the people of the state, the chancellor of 54077
~~the Ohio board of regents~~ higher education may enter into 54078
agreements with qualified institutions of higher education 54079
providing for the continued operation by the institution of 54080
eligible programs, conditioned upon continued payments by the 54081
state to such institution for the purposes of such eligible 54082
programs of amounts determined in the manner provided for the 54083
state subsidy from time to time afforded to state universities on 54084
the basis of comparable programs. Before entering into such 54085
agreement, the chancellor shall determine that the institution is 54086
a qualified institution of higher education as defined in division 54087
(A) of this section, and that the operation of such eligible 54088
programs as provided for in such agreement and such payments will 54089
contribute to the objectives stated in this section and to the 54090

objectives of the master plan of higher education formulated under 54091
section 3333.04 of the Revised Code. 54092

(C) Agreements under this section shall contain provisions to 54093
the effect that: 54094

(1) The institution shall submit to the chancellor 54095
accountings for the expenditure of state payments in the manner 54096
and at the times as are requested for state-assisted institutions 54097
of higher education pursuant to division (A) of section 3333.07 of 54098
the Revised Code. 54099

(2) The institution shall notify the chancellor in the manner 54100
provided for state-assisted institutions under division (D) of 54101
section 3333.07 of the Revised Code with regard to program 54102
recommendations by the chancellor in the nature of those provided 54103
for in divisions (F) and (G) of section 3333.04 of the Revised 54104
Code. 54105

(3) The agreement shall terminate if the institution ceases 54106
to be a qualified institution of higher education as determined by 54107
the chancellor in accordance with Chapter 119. of the Revised 54108
Code. 54109

(D) Agreements under this section may make further provision 54110
for any one or more of the following as the parties determine: 54111

(1) The duration of any such agreement, or additional 54112
provision for terminating the agreement; 54113

(2) Additional conditions for the effectiveness or continued 54114
effectiveness of such agreement; 54115

(3) Procedures for the amendment or supplementation of the 54116
agreement, including designation of the parties to approve or 54117
execute such amendments or supplements; 54118

(4) Such other provisions as may be deemed necessary or 54119
appropriate. 54120

(E) In case any provision or part of this section or any provision, agreement, covenant, stipulation, obligation, act or action, or part thereof, made, assumed, or taken under or pursuant to this section, or any application thereof, is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof or any other provision of this section or any other provision, agreement, covenant, stipulation, obligation, action, or part thereof, made, assumed, or taken under or pursuant to this section, which shall be construed and enforced as if such illegal or invalid portion were not contained therein, nor shall such illegality or invalidity of any application thereof affect any legal and valid application thereof, and each such provision, agreement, covenant, stipulation, obligation, act, or action, or part thereof, shall be deemed to be effective, operative, made, done, or entered into in the manner and to the full extent permitted by law to accomplish most nearly the intention thereof.

(F) No agreement shall be entered into under this section with any institution which is not in compliance with section 3333.11 of the Revised Code.

Sec. 3333.11. Each school or college of medicine or medical university supported in whole or in part by the state shall create a curriculum for and maintain a department of family practice, the purpose of which shall be to acquaint undergraduates with and to train postgraduate physicians for the practice of family medicine. The minimum requirements for the department shall include courses of study in family care, including clinical experience, a program of preceptorships, and a program of family practice residencies in university or other hospital settings.

Each program of family practice shall:

(A) Be designated to advance the field of family practice;

(B) Educate all medical students in family practice and 54152
encourage students to enter it as a career; 54153

(C) Provide students an opportunity to study family practice 54154
in various situations through preceptorships, seminars, model 54155
family practice units within the medical school, classroom work, 54156
hospital programs, or other means; 54157

(D) Develop residency and other training programs for family 54158
practice in public and private hospitals, including those in 54159
nonmetropolitan areas of the state; 54160

(E) The department shall be a full department co-equal with 54161
all other major clinical departments and headed by a qualified 54162
experienced family practitioner serving as chairperson of the 54163
department of family practice and director of the family practice 54164
residency program. 54165

Funds appropriated by the general assembly in support of 54166
family practice programs shall not be disbursed until the 54167
chancellor of ~~the Ohio board of regents~~ higher education has 54168
certified that the intent and requirements of this section are 54169
being met. 54170

Sec. 3333.12. (A) As used in this section: 54171

(1) "Eligible student" means an undergraduate student who is: 54172

(a) An Ohio resident enrolled in an undergraduate program 54173
before the 2006-2007 academic year; 54174

(b) Enrolled in either of the following: 54175

(i) An accredited institution of higher education in this 54176
state that meets the requirements of Title VI of the Civil Rights 54177
Act of 1964 and is state-assisted, is nonprofit and has a 54178
certificate of authorization pursuant to Chapter 1713. of the 54179
Revised Code, has a certificate of registration from the state 54180
board of career colleges and schools and program authorization to 54181

award an associate or bachelor's degree, or is a private 54182
institution exempt from regulation under Chapter 3332. of the 54183
Revised Code as prescribed in section 3333.046 of the Revised 54184
Code. Students who attend an institution that holds a certificate 54185
of registration shall be enrolled in a program leading to an 54186
associate or bachelor's degree for which associate or bachelor's 54187
degree program the institution has program authorization issued 54188
under section 3332.05 of the Revised Code. 54189

(ii) A technical education program of at least two years 54190
duration sponsored by a private institution of higher education in 54191
this state that meets the requirements of Title VI of the Civil 54192
Rights Act of 1964. 54193

(c) Enrolled as a full-time student or enrolled as a less 54194
than full-time student for the term expected to be the student's 54195
final term of enrollment and is enrolled for the number of credit 54196
hours necessary to complete the requirements of the program in 54197
which the student is enrolled. 54198

(2) "Gross income" includes all taxable and nontaxable income 54199
of the parents, the student, and the student's spouse, except 54200
income derived from an Ohio academic scholarship, income earned by 54201
the student between the last day of the spring term and the first 54202
day of the fall term, and other income exclusions designated by 54203
the chancellor of ~~the Ohio board of regents~~ higher education. 54204
Gross income may be verified to the chancellor by the institution 54205
in which the student is enrolled using the federal financial aid 54206
eligibility verification process or by other means satisfactory to 54207
the chancellor. 54208

(3) "Resident," "full-time student," "dependent," 54209
"financially independent," and "accredited" shall be defined by 54210
rules adopted by the chancellor. 54211

(B) The chancellor shall establish and administer an 54212

instructional grant program and may adopt rules to carry out this 54213
section. The general assembly shall support the instructional 54214
grant program by such sums and in such manner as it may provide, 54215
but the chancellor may also receive funds from other sources to 54216
support the program. If the amounts available for support of the 54217
program are inadequate to provide grants to all eligible students, 54218
preference in the payment of grants shall be given in terms of 54219
income, beginning with the lowest income category of gross income 54220
and proceeding upward by category to the highest gross income 54221
category. 54222

An instructional grant shall be paid to an eligible student 54223
through the institution in which the student is enrolled, except 54224
that no instructional grant shall be paid to any person serving a 54225
term of imprisonment. Applications for such grants shall be made 54226
as prescribed by the chancellor, and such applications may be made 54227
in conjunction with and upon the basis of information provided in 54228
conjunction with student assistance programs funded by agencies of 54229
the United States government or from financial resources of the 54230
institution of higher education. The institution shall certify 54231
that the student applicant meets the requirements set forth in 54232
divisions (A)(1)(b) and (c) of this section. Instructional grants 54233
shall be provided to an eligible student only as long as the 54234
student is making appropriate progress toward a nursing diploma or 54235
an associate or bachelor's degree. No student shall be eligible to 54236
receive a grant for more than ten semesters, fifteen quarters, or 54237
the equivalent of five academic years. A grant made to an eligible 54238
student on the basis of less than full-time enrollment shall be 54239
based on the number of credit hours for which the student is 54240
enrolled and shall be computed in accordance with a formula 54241
adopted by the chancellor. No student shall receive more than one 54242
grant on the basis of less than full-time enrollment. 54243

An instructional grant shall not exceed the total 54244

instructional and general charges of the institution. 54245

(C) The tables in this division prescribe the maximum grant 54246
amounts covering two semesters, three quarters, or a comparable 54247
portion of one academic year. Grant amounts for additional terms 54248
in the same academic year shall be determined under division (D) 54249
of this section. 54250

For a full-time student who is a dependent and enrolled in a 54251
nonprofit educational institution that is not a state-assisted 54252
institution and that has a certificate of authorization issued 54253
pursuant to Chapter 1713. of the Revised Code, the amount of the 54254
instructional grant for two semesters, three quarters, or a 54255
comparable portion of the academic year shall be determined in 54256
accordance with the following table: 54257

Private Institution 54258

Table of Grants 54259

Gross Income	Maximum Grant \$5,466					54260
	Number of Dependents					54261
	1	2	3	4	5 or more	54262
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	54263
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	54264
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	54265
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	54266
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	54267
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	54268
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	54269
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	54270
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	54271
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	54272
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	54273
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	54274
\$34,001 - \$35,000	444	888	984	1,080	1,344	54275

\$35,001 - \$36,000	--	444	888	984	1,080	54276
\$36,001 - \$37,000	--	--	444	888	984	54277
\$37,001 - \$38,000	--	--	--	444	888	54278
\$38,001 - \$39,000	--	--	--	--	444	54279

For a full-time student who is financially independent and 54280
enrolled in a nonprofit educational institution that is not a 54281
state-assisted institution and that has a certificate of 54282
authorization issued pursuant to Chapter 1713. of the Revised 54283
Code, the amount of the instructional grant for two semesters, 54284
three quarters, or a comparable portion of the academic year shall 54285
be determined in accordance with the following table: 54286

Private Institution 54287

Table of Grants 54288

Maximum Grant \$5,466 54289

Gross Income Number of Dependents 54290

	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	54292
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	54293
\$5,301 - \$5,800	4,362	5,196	5,466	5,466	5,466	5,466	54294
\$5,801 - \$6,300	3,828	4,914	5,196	5,466	5,466	5,466	54295
\$6,301 - \$6,800	3,288	4,650	4,914	5,196	5,466	5,466	54296
\$6,801 - \$7,300	2,736	4,380	4,650	4,914	5,196	5,466	54297
\$7,301 - \$8,300	2,178	4,104	4,380	4,650	4,914	5,196	54298
\$8,301 - \$9,300	1,626	3,822	4,104	4,380	4,650	4,914	54299
\$9,301 - \$10,300	1,344	3,546	3,822	4,104	4,380	4,650	54300
\$10,301 - \$11,800	1,080	3,408	3,546	3,822	4,104	4,380	54301
\$11,801 - \$13,300	984	3,276	3,408	3,546	3,822	4,104	54302
\$13,301 - \$14,800	888	3,228	3,276	3,408	3,546	3,822	54303
\$14,801 - \$16,300	444	2,904	3,228	3,276	3,408	3,546	54304
\$16,301 - \$19,300	--	2,136	2,628	2,952	3,276	3,408	54305
\$19,301 - \$22,300	--	1,368	1,866	2,358	2,676	3,000	54306
\$22,301 - \$25,300	--	1,092	1,368	1,866	2,358	2,676	54307

\$25,301 - \$30,300	--	816	1,092	1,368	1,866	2,358	54308
\$30,301 - \$35,300	--	492	540	672	816	1,314	54309

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Career Institution

Table of Grants

Maximum Grant \$4,632

Gross Income

Number of Dependents

	1	2	3	4	5 or more	
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	54323
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	54324
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	54325
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	54326
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	54327
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	54328
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	54329
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	54330
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	54331
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	54332
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	54333
\$33,001 - \$34,000	750	852	906	1,134	1,416	54334
\$34,001 - \$35,000	372	750	852	906	1,134	54335
\$35,001 - \$36,000	--	372	750	852	906	54336
\$36,001 - \$37,000	--	--	372	750	852	54337
\$37,001 - \$38,000	--	--	--	372	750	54338
\$38,001 - \$39,000	--	--	--	--	372	54339

For a full-time student who is financially independent and 54340
enrolled in an educational institution that holds a certificate of 54341
registration from the state board of career colleges and schools 54342
or a private institution exempt from regulation under Chapter 54343
3332. of the Revised Code as prescribed in section 3333.046 of the 54344
Revised Code, the amount of the instructional grant for two 54345
semesters, three quarters, or a comparable portion of the academic 54346
year shall be determined in accordance with the following table: 54347

Career Institution 54348

Table of Grants 54349

Maximum Grant \$4,632 54350

Gross Income	Number of Dependents						54351
	0	1	2	3	4	5 or more	54352
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	54353
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	54354
\$5,301 - \$5,800	3,684	4,410	4,632	4,632	4,632	4,632	54355
\$5,801 - \$6,300	3,222	4,158	4,410	4,632	4,632	4,632	54356
\$6,301 - \$6,800	2,790	3,930	4,158	4,410	4,632	4,632	54357
\$6,801 - \$7,300	2,292	3,714	3,930	4,158	4,410	4,632	54358
\$7,301 - \$8,300	1,854	3,462	3,714	3,930	4,158	4,410	54359
\$8,301 - \$9,300	1,416	3,246	3,462	3,714	3,930	4,158	54360
\$9,301 - \$10,300	1,134	3,024	3,246	3,462	3,714	3,930	54361
\$10,301 - \$11,800	906	2,886	3,024	3,246	3,462	3,714	54362
\$11,801 - \$13,300	852	2,772	2,886	3,024	3,246	3,462	54363
\$13,301 - \$14,800	750	2,742	2,772	2,886	3,024	3,246	54364
\$14,801 - \$16,300	372	2,466	2,742	2,772	2,886	3,024	54365
\$16,301 - \$19,300	--	1,800	2,220	2,520	2,772	2,886	54366
\$19,301 - \$22,300	--	1,146	1,584	1,986	2,268	2,544	54367
\$22,301 - \$25,300	--	930	1,146	1,584	1,986	2,268	54368
\$25,301 - \$30,300	--	708	930	1,146	1,584	1,986	54369
\$30,301 - \$35,300	--	426	456	570	708	1,116	54370

For a full-time student who is a dependent and enrolled in a 54371

state-assisted educational institution, the amount of the 54372
instructional grant for two semesters, three quarters, or a 54373
comparable portion of the academic year shall be determined in 54374
accordance with the following table: 54375

Public Institution 54376

Table of Grants 54377

Maximum Grant \$2,190 54378

Gross Income Number of Dependents 54379

	1	2	3	4	5 or more	
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	54381
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190	54382
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190	54383
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190	54384
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190	54385
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	54386
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	54387
\$25,001 - \$28,000	648	864	1,080	1,320	1,542	54388
\$28,001 - \$31,000	522	648	864	1,080	1,320	54389
\$31,001 - \$32,000	420	522	648	864	1,080	54390
\$32,001 - \$33,000	384	420	522	648	864	54391
\$33,001 - \$34,000	354	384	420	522	648	54392
\$34,001 - \$35,000	174	354	384	420	522	54393
\$35,001 - \$36,000	--	174	354	384	420	54394
\$36,001 - \$37,000	--	--	174	354	384	54395
\$37,001 - \$38,000	--	--	--	174	354	54396
\$38,001 - \$39,000	--	--	--	--	174	54397

For a full-time student who is financially independent and 54398
enrolled in a state-assisted educational institution, the amount 54399
of the instructional grant for two semesters, three quarters, or a 54400
comparable portion of the academic year shall be determined in 54401
accordance with the following table: 54402

	Public Institution						54403
	Table of Grants						54404
	Maximum Grant \$2,190						54405
Gross Income	Number of Dependents						54406
	0	1	2	3	4	5 or more	54407
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	54408
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	54409
\$5,301 - \$5,800	1,740	2,082	2,190	2,190	2,190	2,190	54410
\$5,801 - \$6,300	1,542	1,968	2,082	2,190	2,190	2,190	54411
\$6,301 - \$6,800	1,320	1,866	1,968	2,082	2,190	2,190	54412
\$6,801 - \$7,300	1,080	1,758	1,866	1,968	2,082	2,190	54413
\$7,301 - \$8,300	864	1,638	1,758	1,866	1,968	2,082	54414
\$8,301 - \$9,300	648	1,530	1,638	1,758	1,866	1,968	54415
\$9,301 - \$10,300	522	1,422	1,530	1,638	1,758	1,866	54416
\$10,301 - \$11,800	420	1,356	1,422	1,530	1,638	1,758	54417
\$11,801 - \$13,300	384	1,308	1,356	1,422	1,530	1,638	54418
\$13,301 - \$14,800	354	1,290	1,308	1,356	1,422	1,530	54419
\$14,801 - \$16,300	174	1,164	1,290	1,308	1,356	1,422	54420
\$16,301 - \$19,300	--	858	1,050	1,182	1,308	1,356	54421
\$19,301 - \$22,300	--	540	750	948	1,062	1,200	54422
\$22,301 - \$25,300	--	432	540	750	948	1,062	54423
\$25,301 - \$30,300	--	324	432	540	750	948	54424
\$30,301 - \$35,300	--	192	210	264	324	522	54425

(D) For a full-time student enrolled in an eligible 54426
institution for a semester or quarter in addition to the portion 54427
of the academic year covered by a grant determined under division 54428
(C) of this section, the maximum grant amount shall be a 54429
percentage of the maximum prescribed in the applicable table of 54430
that division. The maximum grant for a fourth quarter shall be 54431
one-third of the maximum amount prescribed under that division. 54432
The maximum grant for a third semester shall be one-half of the 54433
maximum amount prescribed under that division. 54434

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply to the following:

(a) Any student enrolled in an institution that under the federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances the institution may continue to participate in federal financial aid programs. The chancellor shall adopt rules requiring institutions to provide information regarding an appeal to the chancellor.

(b) Any student who has previously received a grant under this section who meets all other requirements of this section.

(3) The chancellor shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F)(1) of this section.

(4) A student's attendance at an institution whose students lose eligibility for grants under division (F)(1) of this section

shall not affect that student's eligibility to receive a grant 54466
when enrolled in another institution. 54467

(G) Institutions of higher education that enroll students 54468
receiving instructional grants under this section shall report to 54469
the chancellor all students who have received instructional grants 54470
but are no longer eligible for all or part of such grants and 54471
shall refund any moneys due the state within thirty days after the 54472
beginning of the quarter or term immediately following the quarter 54473
or term in which the student was no longer eligible to receive all 54474
or part of the student's grant. There shall be an interest charge 54475
of one per cent per month on all moneys due and payable after such 54476
thirty-day period. The chancellor shall immediately notify the 54477
office of budget and management and the legislative service 54478
commission of all refunds so received. 54479

Sec. 3333.121. There is hereby established in the state 54480
treasury the state need-based financial aid reconciliation fund, 54481
which shall consist of refunds of instructional grant payments 54482
made pursuant to section 3333.12 of the Revised Code and refunds 54483
of state need-based financial aid payments made pursuant to 54484
section 3333.122 of the Revised Code. Revenues credited to the 54485
fund shall be used by the chancellor of ~~the Ohio board of regents~~ 54486
higher education to pay to higher education institutions any 54487
outstanding obligations from the prior year owed for the Ohio 54488
instructional grant program and the Ohio college opportunity grant 54489
program that are identified through the annual reconciliation and 54490
financial audit. Any amount in the fund that is in excess of the 54491
amount certified to the director of budget and management by the 54492
chancellor of higher education as necessary to reconcile prior 54493
year payments under the program shall be transferred to the 54494
general revenue fund. 54495

Sec. 3333.122. (A) The chancellor of ~~the Ohio board of~~ 54496

~~regents~~ higher education shall adopt rules to carry out this 54497
section and as authorized under section 3333.123 of the Revised 54498
Code. The rules shall include definitions of the terms "resident," 54499
"expected family contribution," "full-time student," 54500
"three-quarters-time student," "half-time student," 54501
"one-quarter-time student," "state cost of attendance," and 54502
"accredited" for the purpose of those sections. 54503

(B) Only an Ohio resident who meets both of the following is 54504
eligible for a grant awarded under this section: 54505

(1) The resident has an expected family contribution of two 54506
thousand one hundred ninety or less; 54507

(2) The resident enrolls in one of the following: 54508

(a) An undergraduate program, or a nursing diploma program 54509
approved by the board of nursing under division (A)(5) of section 54510
4723.06 of the Revised Code, at a state-assisted state institution 54511
of higher education, as defined in section 3345.12 of the Revised 54512
Code, that meets the requirements of Title VI of the Civil Rights 54513
Act of 1964; 54514

(b) An undergraduate program, or a nursing diploma program 54515
approved by the board of nursing under division (A)(5) of section 54516
4723.06 of the Revised Code, at a private, nonprofit institution 54517
in this state holding a certificate of authorization pursuant to 54518
Chapter 1713. of the Revised Code; 54519

(c) An undergraduate program, or a nursing diploma program 54520
approved by the board of nursing under division (A)(5) of section 54521
4723.06 of the Revised Code, at a career college in this state 54522
that holds a certificate of registration from the state board of 54523
career colleges and schools under Chapter 3332. of the Revised 54524
Code or at a private institution exempt from regulation under 54525
Chapter 3332. of the Revised Code as prescribed in section 54526
3333.046 of the Revised Code, if the program has a certificate of 54527

authorization pursuant to Chapter 1713. of the Revised Code. 54528

(C)(1) The chancellor shall establish and administer a 54529
needs-based financial aid grants program based on the United 54530
States department of education's method of determining financial 54531
need. The program shall be known as the Ohio college opportunity 54532
grant program. The general assembly shall support the needs-based 54533
financial aid program by such sums and in such manner as it may 54534
provide, but the chancellor also may receive funds from other 54535
sources to support the program. If, for any academic year, the 54536
amounts available for support of the program are inadequate to 54537
provide grants to all eligible students, the chancellor shall do 54538
one of the following: 54539

(a) Give preference in the payment of grants based upon 54540
expected family contribution, beginning with the lowest expected 54541
family contribution category and proceeding upward by category to 54542
the highest expected family contribution category; 54543

(b) Proportionately reduce the amount of each grant to be 54544
awarded for the academic year under this section; 54545

(c) Use an alternate formula for such grants that addresses 54546
the shortage of available funds and has been submitted to and 54547
approved by the controlling board. 54548

(2) The needs-based financial aid grant shall be paid to the 54549
eligible student through the institution in which the student is 54550
enrolled, except that no needs-based financial aid grant shall be 54551
paid to any person serving a term of imprisonment. Applications 54552
for the grants shall be made as prescribed by the chancellor, and 54553
such applications may be made in conjunction with and upon the 54554
basis of information provided in conjunction with student 54555
assistance programs funded by agencies of the United States 54556
government or from financial resources of the institution of 54557
higher education. The institution shall certify that the student 54558

applicant meets the requirements set forth in division (B) of this 54559
section. Needs-based financial aid grants shall be provided to an 54560
eligible student only as long as the student is making appropriate 54561
progress toward a nursing diploma or an associate or bachelor's 54562
degree. No student shall be eligible to receive a grant for more 54563
than ten semesters, fifteen quarters, or the equivalent of five 54564
academic years. A grant made to an eligible student on the basis 54565
of less than full-time enrollment shall be based on the number of 54566
credit hours for which the student is enrolled and shall be 54567
computed in accordance with a formula adopted by rule issued by 54568
the chancellor. No student shall receive more than one grant on 54569
the basis of less than full-time enrollment. 54570

(D)(1) Except as provided in division (D)(4) of this section, 54571
no grant awarded under this section shall exceed the total state 54572
cost of attendance. 54573

(2) Subject to divisions (D)(1), (3), and (4) of this 54574
section, the amount of a grant awarded to a student under this 54575
section shall equal the student's remaining state cost of 54576
attendance after the student's Pell grant and expected family 54577
contribution are applied to the instructional and general charges 54578
for the undergraduate program. However, for students enrolled in a 54579
state university or college as defined in section 3345.12 of the 54580
Revised Code or a university branch, the chancellor may provide 54581
that the grant amount shall equal the student's remaining 54582
instructional and general charges for the undergraduate program 54583
after the student's Pell grant and expected family contribution 54584
have been applied to those charges, but, in no case, shall the 54585
grant amount for such a student exceed any maximum that the 54586
chancellor may set by rule. 54587

(3) For a student enrolled for a semester or quarter in 54588
addition to the portion of the academic year covered by a grant 54589
under this section, the maximum grant amount shall be a percentage 54590

of the maximum specified in any table established in rules adopted 54591
by the chancellor as provided in division (A) of this section. The 54592
maximum grant for a fourth quarter shall be one-third of the 54593
maximum amount so prescribed. The maximum grant for a third 54594
semester shall be one-half of the maximum amount so prescribed. 54595

(4) If a student is enrolled in a two-year institution of 54596
higher education and is eligible for an education and training 54597
voucher through the Ohio education and training voucher program 54598
that receives federal funding under the John H. Chafee foster care 54599
independence program, 42 U.S.C. 677, the amount of a grant awarded 54600
under this section may exceed the total state cost of attendance 54601
to additionally cover housing costs. 54602

(E) No grant shall be made to any student in a course of 54603
study in theology, religion, or other field of preparation for a 54604
religious profession unless such course of study leads to an 54605
accredited bachelor of arts, bachelor of science, associate of 54606
arts, or associate of science degree. 54607

(F)(1) Except as provided in division (F)(2) of this section, 54608
no grant shall be made to any student for enrollment during a 54609
fiscal year in an institution with a cohort default rate 54610
determined by the United States secretary of education pursuant to 54611
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 54612
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 54613
preceding the fiscal year, equal to or greater than thirty per 54614
cent for each of the preceding two fiscal years. 54615

(2) Division (F)(1) of this section does not apply in the 54616
case of either of the following: 54617

(a) The institution pursuant to federal law appeals its loss 54618
of eligibility for federal financial aid and the United States 54619
secretary of education determines its cohort default rate after 54620
recalculation is lower than the rate specified in division (F)(1) 54621

of this section or the secretary determines due to mitigating 54622
circumstances that the institution may continue to participate in 54623
federal financial aid programs. The chancellor shall adopt rules 54624
requiring any such appellant to provide information to the 54625
chancellor regarding an appeal. 54626

(b) Any student who has previously received a grant pursuant 54627
to any provision of this section, including prior to the section's 54628
amendment by H.B. 1 of the 128th general assembly, effective July 54629
17, 2009, and who meets all other eligibility requirements of this 54630
section. 54631

(3) The chancellor shall adopt rules for the notification of 54632
all institutions whose students will be ineligible to participate 54633
in the grant program pursuant to division (F)(1) of this section. 54634

(4) A student's attendance at any institution whose students 54635
are ineligible for grants due to division (F)(1) of this section 54636
shall not affect that student's eligibility to receive a grant 54637
when enrolled in another institution. 54638

(G) Institutions of higher education that enroll students 54639
receiving needs-based financial aid grants under this section 54640
shall report to the chancellor all students who have received such 54641
needs-based financial aid grants but are no longer eligible for 54642
all or part of those grants and shall refund any moneys due the 54643
state within thirty days after the beginning of the quarter or 54644
term immediately following the quarter or term in which the 54645
student was no longer eligible to receive all or part of the 54646
student's grant. There shall be an interest charge of one per cent 54647
per month on all moneys due and payable after such thirty-day 54648
period. The chancellor shall immediately notify the office of 54649
budget and management and the legislative service commission of 54650
all refunds so received. 54651

Sec. 3333.123. (A) As used in this section: 54652

(1) "The Ohio college opportunity grant program" means the 54653
program established under section 3333.122 of the Revised Code. 54654

(2) "Rules for the Ohio college opportunity grant program" 54655
means the rules authorized in division (R) of section 3333.04 of 54656
the Revised Code for the implementation of the program. 54657

(B) In adopting rules for the Ohio college opportunity grant 54658
program, the chancellor of ~~the Ohio board of regents~~ higher 54659
education may include provisions that give preferential or 54660
priority funding to low-income students who in their primary and 54661
secondary school work participate in or complete rigorous academic 54662
coursework, attain passing scores on the assessments prescribed in 54663
section 3301.0710 or 3301.0712 of the Revised Code, or meet other 54664
high academic performance standards determined by the chancellor 54665
to reduce the need for remediation and ensure academic success at 54666
the postsecondary education level. Any such rules shall include a 54667
specification of procedures needed to certify student achievement 54668
of primary and secondary standards as well as the timeline for 54669
implementation of the provisions authorized by this section. 54670

Sec. 3333.124. There is hereby created in the state treasury 54671
the Ohio college opportunity grant program reserve fund. ~~Not later~~ 54672
~~than the first day of July~~ As soon as possible following the end 54673
of each fiscal year, the chancellor of ~~the Ohio board of regents~~ 54674
higher education shall certify to the director of budget and 54675
management the unencumbered balance of the general revenue fund 54676
appropriations made in the immediately preceding fiscal year for 54677
purposes of the Ohio college opportunity grant program created in 54678
section 3333.122 of the Revised Code. Upon receipt of the 54679
certification, the director of budget and management may transfer 54680
an amount not exceeding the certified amount from the general 54681
revenue fund to the Ohio college opportunity grant program reserve 54682
fund. Moneys in the Ohio college opportunity grant program reserve 54683

fund shall be used to pay grant obligations in excess of the 54684
general revenue fund appropriations made for that purpose. 54685

The director of budget and management may transfer any 54686
unencumbered balance from the Ohio college opportunity grant 54687
program reserve fund to the general revenue fund. 54688

If it is determined that general revenue fund appropriations 54689
are insufficient to meet the obligations of the Ohio college 54690
opportunity grant program in a fiscal year, the director of budget 54691
and management may transfer funds from the Ohio college 54692
opportunity grant program reserve fund to the general revenue fund 54693
in order to meet those obligations. The amount transferred is 54694
hereby appropriated. If the funds transferred from the Ohio 54695
college opportunity grant program reserve fund are not needed, the 54696
director of budget and management may transfer the unexpended 54697
balance from the general revenue fund back to the Ohio college 54698
opportunity grant program reserve fund. 54699

Sec. 3333.13. (A) Money appropriated to the chancellor of the 54700
~~Ohio board of regents~~ higher education for the purposes of this 54701
division shall be paid at the times and in the amounts necessary 54702
to meet all payments required to be made by the chancellor to the 54703
Ohio public facilities commission pursuant to leases or agreements 54704
made under division (B) of section 154.21 of the Revised Code, as 54705
certified under division (C) of this section, including 54706
supplements to such certifications. 54707

(B) The chancellor shall include in the estimate of proposed 54708
expenses submitted pursuant to section 126.02 of the Revised Code 54709
the estimated amounts of all such payments to be made by the 54710
chancellor. The chancellor shall include the estimated amounts of 54711
all such payments to be made by the chancellor in recommendations 54712
for appropriation required by division (J) of section 3333.04 of 54713

the Revised Code. The director of budget and management shall 54714
include in the state budget estimates provided for in section 54715
126.02 of the Revised Code the estimated amount of all such 54716
payments to be made during the next biennium, and this amount 54717
shall be included in the state budget to be submitted by the 54718
governor to the general assembly pursuant to section 107.03 of the 54719
Revised Code. 54720

(C) On the first day of July of each year, or as soon 54721
thereafter as is practicable, the chancellor or a vice-chancellor 54722
shall certify to the director of budget and management the 54723
payments contracted to be made, during the period of the then 54724
current appropriations made for the purposes of division (A) of 54725
this section, to the commission by the chancellor pursuant to 54726
leases and agreements made under division (B) of section 154.21 of 54727
the Revised Code. The certification shall state the amounts and 54728
dates of payment required therefor and the amounts to be credited 54729
pursuant to such leases and agreements to the higher education 54730
bond service trust fund and other special funds established 54731
pursuant to Chapter 154. of the Revised Code. If the director of 54732
budget and management finds such certification to be correct, the 54733
director shall promptly add the director's certification thereto 54734
and submit it to the treasurer of state. Such annual certification 54735
shall be supplemented in similar manner upon the execution of each 54736
new lease or agreement, any supplement to an existing lease or 54737
agreement, or any amendment thereof, affecting the amounts of 54738
those payments. 54739

Sec. 3333.14. Effective July 1, 1971, all public post high 54740
school technical education programs shall be operated by technical 54741
colleges, community colleges, university branches, state colleges, 54742
state-affiliated universities and state universities. Subject to 54743
rules and regulations adopted by the chancellor of ~~the Ohio board~~ 54744
~~of regents~~ higher education, the board of trustees or directors of 54745

one of the above such institutions shall adopt a plan of 54746
transition governing each public post high school technical 54747
education program not specifically identified or included in this 54748
section which is located in the geographic region of such 54749
institution as defined by the chancellor. The plan of transition 54750
shall provide for the dissolution of such technical education 54751
programs either by transfer of a program's lands, buildings, and 54752
equipment to one of the above such institutions or by complete 54753
termination of the technical education program. 54754

Sec. 3333.15. If the board of trustees of a state university 54755
fails to undertake appropriate action to establish a university 54756
branch campus within one year from the enactment of a capital 54757
improvement appropriation for the development of such university 54758
branch facility, the chancellor of ~~the Ohio board of regents~~ 54759
higher education may act as the chancellor deems necessary in 54760
place of the board of trustees, including securing the release of 54761
construction planning and construction contract funds from the 54762
state controlling board. If the chancellor takes action to plan 54763
and construct a university branch in accordance with this section, 54764
the officers and staff of such university shall perform all 54765
necessary functions incident to the planning and construction of 54766
such university branch as directed by the chancellor. 54767

Sec. 3333.16. As used in this section "state institution of 54768
higher education" means an institution of higher education as 54769
defined in section 3345.12 of the Revised Code. 54770

(A) The chancellor of ~~the Ohio board of regents~~ higher 54771
education shall do all of the following: 54772

(1) Establish policies and procedures applicable to all state 54773
institutions of higher education that ensure that students can 54774
begin higher education at any state institution of higher 54775

education and transfer coursework and degrees to any other state 54776
institution of higher education without unnecessary duplication or 54777
institutional barriers. The purpose of this requirement is to 54778
allow students to attain their highest educational aspirations in 54779
the most efficient and effective manner for the students and the 54780
state. These policies and procedures shall require state 54781
institutions of higher education to make changes or modifications, 54782
as needed, to strengthen course content so as to ensure 54783
equivalency for that course at any state institution of higher 54784
education. 54785

(2) Develop and implement a universal course equivalency 54786
classification system for state institutions of higher education 54787
so that the transfer of students and the transfer and articulation 54788
of equivalent courses or specified learning modules or units 54789
completed by students are not inhibited by inconsistent judgment 54790
about the application of transfer credits. Coursework completed 54791
within such a system at one state institution of higher education 54792
and transferred to another institution shall be applied to the 54793
student's degree objective in the same manner as equivalent 54794
coursework completed at the receiving institution. 54795

(3) Develop a system of transfer policies that ensure that 54796
graduates with associate degrees which include completion of 54797
approved transfer modules shall be admitted to a state institution 54798
of higher education, shall be able to compete for admission to 54799
specific programs on the same basis as students native to the 54800
institution, and shall have priority over out-of-state associate 54801
degree graduates and transfer students. To assist a student in 54802
advising and transferring, all state institutions of higher 54803
education shall fully implement the information system for 54804
advising and transferring selected by, contracted for, or 54805
developed by the chancellor. 54806

(4) Examine the feasibility of developing a transfer 54807

marketing agenda that includes materials and interactive 54808
technology to inform the citizens of Ohio about the availability 54809
of transfer options at state institutions of higher education and 54810
to encourage adults to return to colleges and universities for 54811
additional education; 54812

(5) Study, in consultation with the state board of career 54813
colleges and schools, and in light of existing criteria and any 54814
other criteria developed by the articulation and transfer advisory 54815
council, the feasibility of credit recognition and transferability 54816
to state institutions of higher education for graduates who have 54817
received associate degrees from a career college or school with a 54818
certificate of registration from the state board of career 54819
colleges and schools under Chapter 3332. of the Revised Code. 54820

(B) All provisions of the existing articulation and transfer 54821
policy developed by the ~~Ohio board of regents~~ chancellor shall 54822
remain in effect except where amended by this section. 54823

(C) Not later than December 1, 2018, the chancellor shall 54824
update and implement the policies and procedures established 54825
pursuant to this section to ensure that any associate degree 54826
offered at a state institution of higher education may be 54827
transferred and applied to a bachelor degree program in an 54828
equivalent field at any other state institution of higher 54829
education without unnecessary duplication or institutional 54830
barriers. The policies and procedures shall ensure that each 54831
transferred associate degree applies to the student's degree 54832
objective in the same manner as equivalent coursework completed by 54833
the student at the receiving institution. 54834

When updating and implementing the policies and procedures 54835
pursuant to this division, the chancellor shall seek input from 54836
faculty and academic leaders in each academic field or discipline. 54837

Sec. 3333.161. (A) As used in this section: 54838

(1) "Articulation agreement" means an agreement between two 54839
or more state institutions of higher education to facilitate the 54840
transfer of students and credits between such institutions. 54841

(2) "State institution of higher education" and "state 54842
university" have the same meanings as in section 3345.011 of the 54843
Revised Code. 54844

(3) "Two year college" includes a community college, state 54845
community college, technical college, and university branch. 54846

(B) The chancellor of ~~the Ohio board of regents~~ higher 54847
education shall adopt rules establishing a statewide system for 54848
articulation agreements among state institutions of higher 54849
education for transfer students pursuing teacher education 54850
programs. The rules shall require an articulation agreement 54851
between institutions to include all of the following: 54852

(1) The development of a transfer module for teacher 54853
education that includes introductory level courses that are 54854
evaluated as appropriate by faculty employed by the state 54855
institutions of higher education that are parties to the 54856
articulation agreement; 54857

(2) A foundation of general studies courses that have been 54858
identified as part of the transfer module for teacher education 54859
and have been evaluated as appropriate for the preparation of 54860
teachers and consistent with the academic content standards 54861
adopted under section 3301.079 of the Revised Code; 54862

(3) A clear identification of university faculty who are 54863
partnered with two year college faculty; 54864

(4) The publication of the articulation agreement that is 54865
available to all students, faculty, and staff. 54866

Sec. 3333.162. (A) As used in this section, "state 54867
institution of higher education" means an institution of higher 54868

education as defined in section 3345.12 of the Revised Code. 54869

(B) By April 15, 2007, the chancellor of the ~~Ohio board of~~ 54870
~~regents~~ higher education, in consultation with the department of 54871
education, public adult and secondary career-technical education 54872
institutions, and state institutions of higher education, shall 54873
establish criteria, policies, and procedures that enable students 54874
to transfer agreed upon technical courses completed through an 54875
adult career-technical education institution, a public secondary 54876
career-technical institution, or a state institution of higher 54877
education to a state institution of higher education without 54878
unnecessary duplication or institutional barriers. The courses to 54879
which the criteria, policies, and procedures apply shall be those 54880
that adhere to recognized industry standards and equivalent 54881
coursework common to the secondary career pathway and adult 54882
career-technical education system and regionally accredited state 54883
institutions of higher education. Where applicable, the policies 54884
and procedures shall build upon the articulation agreement and 54885
transfer initiative course equivalency system required by section 54886
3333.16 of the Revised Code. 54887

Sec. 3333.163. (A) As used in this section, "state 54888
institution of higher education" has the same meaning as in 54889
section 3345.011 of the Revised Code. 54890

(B) Not later than April 15, 2008, the articulation and 54891
transfer advisory council of the chancellor of the ~~Ohio board of~~ 54892
~~regents~~ higher education shall recommend to the chancellor 54893
standards for awarding course credit toward degree requirements at 54894
state institutions of higher education based on scores attained on 54895
advanced placement examinations. The recommended standards shall 54896
include a score on each advanced placement examination that the 54897
council considers to be a passing score for which course credit 54898
may be awarded. Upon adoption of the standards by the chancellor, 54899

each state institution of higher education shall comply with the 54900
standards in awarding course credit to any student enrolled in the 54901
institution who has attained a passing score on an advanced 54902
placement examination. 54903

Sec. 3333.164. (A) As used in this section, "state 54904
institution of higher education" has the same meaning as in 54905
section 3345.011 of the Revised Code. 54906

(B) Not later than December 31, 2014, the chancellor of the 54907
~~Ohio board of regents~~ higher education shall do all of the 54908
following with regard to the awarding of college credit for 54909
military training, experience, and coursework: 54910

(1) Develop a set of standards and procedures for state 54911
institutions of higher education to utilize in the granting of 54912
college credit for military training, experience, and coursework; 54913

(2) Create a military articulation and transfer assurance 54914
guide for college credit that is earned through military training, 54915
experience, and coursework. The chancellor shall use the current 54916
articulation and transfer policy adopted pursuant to section 54917
3333.16 of the Revised Code as a model in developing this guide. 54918

(3) Create a web site that contains information related to 54919
the awarding of college credit for military training, experience, 54920
and coursework. The web site shall include both of the following: 54921

(a) Standardized resources that address frequently asked 54922
questions regarding the awarding of such credit and related 54923
issues; 54924

(b) A statewide database that shows how specified military 54925
training, experience, and coursework translates to college credit. 54926

(4) Develop a statewide training program that prepares 54927
faculty and staff of state institutions of higher education to 54928
evaluate various military training, experience, and coursework and 54929

to award appropriate equivalent credit. The training program shall 54930
incorporate the best practices of awarding credit for military 54931
experiences, including both the recommendations of the American 54932
council on education and the standards developed by the council 54933
for adult and experiential learning. 54934

(C) Beginning on July 1, 2015, state institutions of higher 54935
education shall ensure that appropriate equivalent credit is 54936
awarded for military training, experience, and coursework that 54937
meet the standards developed by the chancellor pursuant to this 54938
section. 54939

Sec. 3333.165. (A) At the end of each academic year, the 54940
chancellor of higher education shall develop and release a report 54941
that includes all of the following information: 54942

(1) The total number of courses that were successfully 54943
transferred to state institutions of higher education under 54944
sections 3333.16 to 3333.164 of the Revised Code, during the most 54945
recent academic year for which data is available; 54946

(2) The total number of courses that were not accepted for 54947
transfer at state institutions of higher education under sections 54948
3333.16 to 3333.164 of the Revised Code, during the most recent 54949
academic year for which data is available; 54950

(3) The number of students who earned an associate degree at 54951
a community college, a state community college, or a university 54952
branch that was successfully transferred to a state university 54953
under sections 3333.16 to 3333.164 of the Revised Code. 54954

(B) As used in this section, "state institution of higher 54955
education" and "state university" have the same meanings as in 54956
section 3345.011 of the Revised Code. 54957

Sec. 3333.17. The chancellor of the Ohio board of regents 54958
higher education may enter into contracts with the appropriate 54959

agency in a contiguous state whereby the agency provides for 54960
charging Ohio residents enrolled in state-assisted post-secondary 54961
educational institutions in the contiguous state, tuition and fees 54962
at rates no higher than the rates charged to students who are 54963
residents of that state, and whereby the chancellor, as part of 54964
such contracts, may provide that rates for tuition and fees 54965
charged to residents of the contiguous state who are enrolled in 54966
state-assisted post-secondary educational institutions in Ohio 54967
shall not exceed those charged Ohio residents. 54968

State-assisted post-secondary educational institutions in 54969
Ohio may enter into contracts with appropriate state-assisted 54970
post-secondary educational institutions in a contiguous state 54971
whereby the state-assisted post-secondary educational institution 54972
provides for charging Ohio residents enrolled in the institution 54973
in the contiguous state, tuition and fees at rates no higher than 54974
the rates charged to students who are residents of that state, and 54975
whereby the Ohio state-assisted post-secondary institution, as 54976
part of such contracts, may provide that rates for tuition and 54977
fees charged to residents of the contiguous state who are enrolled 54978
in the state-assisted post-secondary educational institutions in 54979
Ohio shall not exceed those charged Ohio residents. 54980

The contracts entered into by the chancellor or a 54981
state-assisted post-secondary educational institution may limit 54982
the type of academic program offered at the reciprocal rates. 54983
Residents of contiguous states enrolled in for credit courses 54984
taught at the main campus and identified off-campus sites at 54985
state-assisted post-secondary educational institutions in Ohio 54986
under such contracts shall be included in calculating the number 54987
of full-time equivalent students for state subsidy purposes. The 54988
chancellor and each state-assisted post-secondary educational 54989
institution shall periodically assess the costs and benefits of 54990
each such contract and the extent to which parity is achieved 54991

between Ohio and the contiguous state with respect to students 54992
benefiting from the contract. All Ohio state-assisted 54993
post-secondary educational institutions participating in these 54994
contracts shall report enrollments and other information annually 54995
to the chancellor. No contract shall be entered into under this 54996
section without the approval of the chancellor. The chancellor 54997
shall report the status of these contracts to the controlling 54998
board annually. 54999

Sec. 3333.171. (A) The chancellor of ~~the Ohio board of~~ 55000
~~regents~~ higher education may enter into a reciprocity agreement 55001
with the midwestern higher education compact whereby the agreement 55002
provides for both of the following: 55003

(1) A participating institution in Ohio may enroll residents 55004
of a participating state in distance education programs at that 55005
institution without attaining prior approval from the appropriate 55006
agency of that participating state. 55007

(2) A participating institution in another state may enroll 55008
Ohio residents in distance education programs at that institution 55009
without attaining prior approval from the chancellor. 55010

(B) Under the terms of an agreement, the chancellor may do 55011
any of the following: 55012

(1) Apply on behalf of the state of Ohio to become an 55013
eligible state to participate in the agreement; 55014

(2) Designate the ~~board~~ department of ~~regents~~ higher 55015
education as the lead agency to ensure that Ohio meets the 55016
eligibility requirements of the agreement, as determined by the 55017
midwestern higher education compact; 55018

(3) Develop criteria and procedures for eligible institutions 55019
in Ohio to apply to participate in the agreement and for their 55020
continued participation in the agreement; 55021

(4) Assess and collect fees, pursuant to rules adopted by the 55022
chancellor under Chapter 119. of the Revised Code, from 55023
participating institutions in Ohio; 55024

(5) Collect annual data, as prescribed by the chancellor or 55025
as required by the midwestern higher education compact, from 55026
participating institutions in Ohio; 55027

(6) Develop a student grievance process to resolve complaints 55028
brought against participating institutions in Ohio in regard to 55029
the distance education programs that are eligible under the terms 55030
of the agreement; 55031

(7) Work collaboratively with the state board of career 55032
colleges and schools to determine the eligibility of institutions 55033
authorized by that agency under section 3332.05 of the Revised 55034
Code for initial and continued participation in the agreement; 55035

(8) Perform other duties and responsibilities as required for 55036
participation in the agreement. 55037

(C) Any eligible institution in Ohio that wishes to 55038
participate in the agreement entered into under this section shall 55039
first attain approval for inclusion in the agreement from the 55040
chancellor. Thereafter, a participating institution in Ohio shall 55041
attain approval from the chancellor for any new distance education 55042
programs offered by that institution prior to enrolling residents 55043
of a participating state in such programs under the terms of the 55044
agreement. 55045

(D) All other post-secondary activity that requires the 55046
chancellor's approval and is not included under the terms of the 55047
agreement entered into under this section is subject to the 55048
chancellor's review and approval pursuant to Chapters 1713. and 55049
3333. of the Revised Code. 55050

(E) The chancellor may terminate the agreement entered into 55051
under this section or remove the ~~board of regents~~ department as 55052

the lead agency on the agreement, if the chancellor determines 55053
that the agreement is not in the best interest of the state or the 55054
board. 55055

(F) For purposes of this section: 55056

(1) "Eligible institution in Ohio" is any of the following 55057
types of institutions, as long as it is degree-granting and is 55058
accredited by an accrediting agency recognized by the United 55059
States secretary of education: 55060

(a) A state institution of higher education as defined in 55061
section 3345.011 of the Revised Code; 55062

(b) An Ohio institution of higher education that has received 55063
a certificate of authorization pursuant to Chapter 1713. of the 55064
Revised Code; 55065

(c) An Ohio institution of higher education authorized by the 55066
state board of career colleges and schools under section 3332.05 55067
of the Revised Code. 55068

(2) "Participating institution in Ohio" is any "eligible 55069
institution in Ohio" that has been approved by the chancellor for 55070
participation in the agreement entered into under this section. 55071

(3) "Participating institution in another state" is any 55072
institution of higher education that is located outside of Ohio 55073
that meets the eligibility requirements under the terms of a 55074
similar reciprocity agreement and is approved by the appropriate 55075
agency of that institution's home state to participate in an 55076
agreement entered into with the midwestern higher education 55077
compact, the New England board of higher education, the southern 55078
regional education board, or the western interstate commission for 55079
higher education. 55080

Sec. 3333.18. The chancellor of ~~the Ohio board of regents~~ 55081
higher education may enter into contracts with the appropriate 55082

agency in a contiguous state whereby financial aids from the funds 55083
of each state may be used by qualified student recipients to 55084
attend approved post-secondary educational institutions in the 55085
other state. Approved institutions in Ohio are those that are 55086
state-assisted or are nonprofit and have received certificates of 55087
authorization pursuant to Chapter 1713. of the Revised Code, or 55088
are private institutions exempt from regulation under Chapter 55089
3332. of the Revised Code as prescribed in section 3333.046 of the 55090
Revised Code. Eligible post-secondary educational institutions in 55091
the contiguous state shall be similarly approved by the 55092
appropriate agency of that state. In formulating and executing 55093
such contracts with a contiguous state, the chancellor shall 55094
assure that the total cost to this state approximates the total 55095
cost to the contiguous state. Any contract entered into under this 55096
section shall be subject to the periodic review of, and approval 55097
by, the controlling board. 55098

Sec. 3333.19. The chancellor of ~~the Ohio board of regents~~ 55099
higher education may enter into agreements with the appropriate 55100
agency in a foreign country or with an agency or organization 55101
sponsoring foreign student exchanges under which the agency or 55102
organization ensures that Ohio residents enrolled in 55103
post-secondary educational institutions in the foreign country 55104
will pay tuition and fees at rates no higher than the rates 55105
charged to students who are residents of that country and under 55106
which the chancellor provides that rates for tuition and fees 55107
charged to a comparable number of students from the foreign 55108
country who are enrolled in state-assisted institutions of higher 55109
education in Ohio are to be no higher than the rates charged to 55110
students who are Ohio residents. Notwithstanding that an Ohio 55111
resident is enrolled in a post-secondary educational institution 55112
in a foreign country under one of these agreements, any such 55113
student who was previously enrolled in a state-assisted 55114

institution shall be counted as enrolled in such institution for 55115
state subsidy purposes in a manner prescribed by rules the 55116
chancellor shall adopt. 55117

Sec. 3333.20. (A) The chancellor of ~~the Ohio board of regents~~ 55118
higher education shall adopt educational service standards that 55119
shall apply to all community colleges, university branches, 55120
technical colleges, and state community colleges established under 55121
Chapters 3354., 3355., 3357., and 3358. of the Revised Code, 55122
respectively. These standards shall provide for such institutions 55123
to offer or demonstrate at least the following: 55124

(1) An appropriate range of career or technical programs 55125
designed to prepare individuals for employment in specific careers 55126
at the technical or paraprofessional level; 55127

(2) Commitment to an effective array of developmental 55128
education services providing opportunities for academic skill 55129
enhancement; 55130

(3) Partnerships with industry, business, government, and 55131
labor for the retraining of the workforce and the economic 55132
development of the community; 55133

(4) Noncredit continuing education opportunities; 55134

(5) College transfer programs or the initial two years of a 55135
baccalaureate degree for students planning to transfer to 55136
institutions offering baccalaureate programs; 55137

(6) Linkages with high schools to ensure that graduates are 55138
adequately prepared for post-secondary instruction; 55139

(7) Student access provided according to a convenient 55140
schedule and program quality provided at an affordable price; 55141

(8) That student fees charged by any institution are as low 55142
as possible, especially if the institution is being supported by a 55143
local tax levy; 55144

(9) A high level of community involvement in the 55145
decision-making process in such critical areas as course delivery, 55146
range of services, fees and budgets, and administrative personnel. 55147

(B) The chancellor shall consult with representatives of 55148
state-assisted colleges and universities, as defined in section 55149
3333.041 of the Revised Code, in developing appropriate methods 55150
for achieving or maintaining the standards adopted pursuant to 55151
division (A) of this section. 55152

(C) In considering institutions that are co-located, the 55153
chancellor shall apply the standards to them in two manners: 55154

(1) As a whole entity; 55155

(2) As separate entities, applying the standards separately 55156
to each. 55157

When distributing any state funds among institutions based on 55158
the degree to which they meet the standards, the chancellor shall 55159
provide to institutions that are co-located the higher amount 55160
produced by the two judgments under divisions (C)(1) and (2) of 55161
this section. 55162

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of the 55163
Revised Code, "term" and "academic year" mean "term" and "academic 55164
year" as defined by the chancellor of ~~the Ohio board of regents~~ 55165
higher education. 55166

The chancellor shall establish and administer an academic 55167
scholarship program. Under the program, a total of one thousand 55168
new scholarships shall be awarded annually in the amount of not 55169
less than two thousand dollars per award. At least one such new 55170
scholarship shall be awarded annually to a student in each public 55171
high school and joint vocational school and each nonpublic high 55172
school for which the state board of education prescribes minimum 55173
standards in accordance with section 3301.07 of the Revised Code. 55174

To be eligible for the award of a scholarship, a student 55175
shall be a resident of Ohio and shall be enrolled as a full-time 55176
undergraduate student in an Ohio institution of higher education 55177
that meets the requirements of Title VI of the "Civil Rights Act 55178
of 1964" and is state-assisted, is nonprofit and holds a 55179
certificate of authorization issued under section 1713.02 of the 55180
Revised Code, is a private institution exempt from regulation 55181
under Chapter 3332. of the Revised Code as prescribed in section 55182
3333.046 of the Revised Code, or holds a certificate of 55183
registration and program authorization issued under section 55184
3332.05 of the Revised Code and awards an associate or bachelor's 55185
degree. Students who attend an institution holding a certificate 55186
of registration shall be enrolled in a program leading to an 55187
associate or bachelor's degree for which associate or bachelor's 55188
degree program the institution has program authorization to offer 55189
the program issued under section 3332.05 of the Revised Code. 55190

"Resident" and "full-time student" shall be defined in rules 55191
adopted by the chancellor. 55192

The chancellor shall award the scholarships on the basis of a 55193
formula designed by the chancellor to identify students with the 55194
highest capability for successful college study. The formula shall 55195
weigh the factor of achievement, as measured by grade point 55196
average, and the factor of ability, as measured by performance on 55197
a competitive examination specified by the chancellor. Students 55198
receiving scholarships shall be known as "Ohio academic scholars." 55199

Sec. 3333.22. Each Ohio academic scholarship shall be awarded 55200
for an academic year and may be renewed for each of three 55201
additional academic years. The scholarship amount awarded to a 55202
scholar for an academic year shall be not less than two thousand 55203
dollars. A scholarship shall be renewed if the scholar maintains 55204
an academic record satisfactory to the chancellor of ~~the Ohio~~ 55205

~~board of regents~~ higher education and meets any of the following 55206
conditions: 55207

(A) The scholar is enrolled as a full-time undergraduate; 55208

(B) The scholar was awarded an undergraduate degree in less 55209
than four academic years and is enrolled as a full-time graduate 55210
or professional student in an Ohio institution of higher education 55211
that meets the requirements of Title VI of the "Civil Rights Act 55212
of 1964" and is state-assisted or is nonprofit and holds a 55213
certificate of authorization issued under section 1713.02 of the 55214
Revised Code; 55215

(C) The scholar is a full-time student concurrently enrolled 55216
as an undergraduate student and as a graduate or professional 55217
student in an Ohio institution of higher education that meets the 55218
requirements of division (B) of this section. 55219

Each amount awarded shall be paid in equal installments to 55220
the scholar at the time of enrollment for each term of the 55221
academic year for which the scholarship is awarded or renewed. No 55222
scholar is eligible to receive an Ohio academic scholarship for 55223
more than the equivalent of four academic years. 55224

If an Ohio academic scholar is temporarily unable to attend 55225
school because of illness or other cause satisfactory to the 55226
chancellor, the chancellor may grant a leave of absence for a 55227
designated period of time. If a scholar discontinues full-time 55228
attendance at the scholar's school during a term because of 55229
illness or other cause satisfactory to the chancellor, the scholar 55230
may either claim a prorated payment for the period of actual 55231
attendance or waive payment for that term. A term for which 55232
prorated payment is made shall be considered a full term for which 55233
a scholarship was received. A term for which payment is waived 55234
shall not be considered a term for which a scholarship was 55235
received. 55236

Receipt of an Ohio academic scholarship shall not affect a 55237
scholar's eligibility for the Ohio instructional grant program. 55238

Sec. 3333.23. At the end of each term, each Ohio academic 55239
scholar shall request the registrar of the school to send a copy 55240
of the scholar's scholastic record to the chancellor of ~~the Ohio~~ 55241
~~board of regents~~ higher education. If the scholar's record fails 55242
to meet the standards established by the chancellor, further 55243
payments shall be suspended until the scholar demonstrates promise 55244
of successful progress in the academic program for which the award 55245
was made. The chancellor may revoke the scholarship if the scholar 55246
does not resume successful academic progress within a reasonable 55247
time. 55248

Sec. 3333.25. There is hereby created the Ohio academic 55249
scholarship payment fund, which shall be in the custody of the 55250
treasurer of state but shall not be a part of the state treasury. 55251
The fund shall consist of all moneys appropriated for the fund by 55252
the general assembly and other moneys otherwise made available to 55253
the fund. The payment fund shall be used for the payment of Ohio 55254
academic scholarships or for additional scholarships to recognize 55255
outstanding academic achievement and ability. The chancellor of 55256
~~the Ohio board of regents~~ higher education shall administer this 55257
section and establish rules for the distribution and awarding of 55258
any additional scholarships. 55259

The chancellor may direct the treasurer of state to invest 55260
any moneys in the payment fund not currently needed for 55261
scholarship payments, in any kinds of investments in which moneys 55262
of the public employees retirement system may be invested. 55263

The instruments of title of all investments shall be 55264
delivered to the treasurer of state or to a qualified trustee 55265
designated by the treasurer of state as provided in section 135.18 55266

of the Revised Code. The treasurer of state shall collect both 55267
principal and investment earnings on all investments as they 55268
become due and pay them into the fund. 55269

All deposits to the fund shall be made in financial 55270
institutions of this state secured as provided in section 135.18 55271
of the Revised Code. 55272

Sec. 3333.26. (A) Any citizen of this state who has resided 55273
within the state for one year, who was in the active service of 55274
the United States as a soldier, sailor, nurse, or marine between 55275
April 6, 1917, and November 11, 1918, and who has been honorably 55276
discharged from that service, shall be admitted to any school, 55277
college, or university that receives state funds in support 55278
thereof, without being required to pay any tuition or 55279
matriculation fee, but is not relieved from the payment of 55280
laboratory or similar fees. 55281

(B)(1) As used in this division: 55282

(a) "Volunteer firefighter" has the meaning as in division 55283
(B)(1) of section 146.01 of the Revised Code. 55284

(b) "Public service officer" means an Ohio firefighter, 55285
volunteer firefighter, police officer, member of the state highway 55286
patrol, employee designated to exercise the powers of police 55287
officers pursuant to section 1545.13 of the Revised Code, or other 55288
peace officer as defined by division (B) of section 2935.01 of the 55289
Revised Code, or a person holding any equivalent position in 55290
another state. 55291

(c) "Qualified former spouse" means the former spouse of a 55292
public service officer, or of a member of the armed services of 55293
the United States, who is the custodial parent of a minor child of 55294
that marriage pursuant to an order allocating the parental rights 55295
and responsibilities for care of the child issued pursuant to 55296

section 3109.04 of the Revised Code. 55297

(d) "Operation enduring freedom" means that period of 55298
conflict which began October 7, 2001, and ends on a date declared 55299
by the president of the United States or the congress. 55300

(e) "Operation Iraqi freedom" means that period of conflict 55301
which began March 20, 2003, and ends on a date declared by the 55302
president of the United States or the congress. 55303

(f) "Combat zone" means an area that the president of the 55304
United States by executive order designates, for purposes of 26 55305
U.S.C. 112, as an area in which armed forces of the United States 55306
are or have engaged in combat. 55307

(2) Any resident of this state who is under twenty-six years 55308
of age, or under thirty years of age if the resident has been 55309
honorably discharged from the armed services of the United States, 55310
who is the child of a public service officer killed in the line of 55311
duty or of a member of the armed services of the United States 55312
killed in the line of duty during operation enduring freedom or 55313
operation Iraqi freedom, and who is admitted to any state 55314
university or college as defined in division (A)(1) of section 55315
3345.12 of the Revised Code, community college, state community 55316
college, university branch, or technical college shall not be 55317
required to pay any tuition or any student fee for up to four 55318
academic years of education, which shall be at the undergraduate 55319
level. 55320

A child of a member of the armed services of the United 55321
States killed in the line of duty during operation enduring 55322
freedom or operation Iraqi freedom is eligible for a waiver of 55323
tuition and student fees under this division only if the student 55324
is not eligible for a war orphans scholarship authorized by 55325
Chapter 5910. of the Revised Code. In any year in which the war 55326
orphans scholarship board reduces the percentage of tuition 55327

covered by a war orphans scholarship below one hundred per cent 55328
pursuant to division (A) of section 5910.04 of the Revised Code, 55329
the waiver of tuition and student fees under this division for a 55330
child of a member of the armed services of the United States 55331
killed in the line of duty during operation enduring freedom or 55332
operation Iraqi freedom shall be reduced by the same percentage. 55333

(3) Any resident of this state who is the spouse or qualified 55334
former spouse of a public service officer killed in the line of 55335
duty, and who is admitted to any state university or college as 55336
defined in division (A)(1) of section 3345.12 of the Revised Code, 55337
community college, state community college, university branch, or 55338
technical college, shall not be required to pay any tuition or any 55339
student fee for up to four academic years of education, which 55340
shall be at the undergraduate level. 55341

(4) Any resident of this state who is the spouse or qualified 55342
former spouse of a member of the armed services of the United 55343
States killed in the line of duty while serving in a combat zone 55344
after May 7, 1975, and who is admitted to any state university or 55345
college as defined in division (A)(1) of section 3345.12 of the 55346
Revised Code, community college, state community college, 55347
university branch, or technical college, shall not be required to 55348
pay any tuition or any student fee for up to four years of 55349
academic education, which shall be at the undergraduate level. In 55350
order to qualify under division (B)(4) of this section, the spouse 55351
or qualified former spouse shall have been a resident of this 55352
state at the time the member was killed in the line of duty. 55353

(C) Any institution that is not subject to division (B) of 55354
this section and that holds a valid certificate of registration 55355
issued under Chapter 3332. of the Revised Code, a valid 55356
certificate issued under Chapter 4709. of the Revised Code, or a 55357
valid license issued under Chapter 4713. of the Revised Code, or 55358
that is nonprofit and has a certificate of authorization issued 55359

under section 1713.02 of the Revised Code, or that is a private 55360
institution exempt from regulation under Chapter 3332. of the 55361
Revised Code as prescribed in section 3333.046 of the Revised 55362
Code, which reduces tuition and student fees of a student who is 55363
eligible to attend an institution of higher education under the 55364
provisions of division (B) of this section by an amount indicated 55365
by the chancellor of ~~the Ohio board of regents~~ higher education 55366
shall be eligible to receive a grant in that amount from the 55367
chancellor. 55368

Each institution that enrolls students under division (B) of 55369
this section shall report to the chancellor, by the first day of 55370
July of each year, the number of students who were so enrolled and 55371
the average amount of all such tuition and student fees waived 55372
during the preceding year. The chancellor shall determine the 55373
average amount of all such tuition and student fees waived during 55374
the preceding year. The average amount of the tuition and student 55375
fees waived under division (B) of this section during the 55376
preceding year shall be the amount of grants that participating 55377
institutions shall receive under this division during the current 55378
year, but no grant under this division shall exceed the tuition 55379
and student fees due and payable by the student prior to the 55380
reduction referred to in this division. The grants shall be made 55381
for four years of undergraduate education of an eligible student. 55382

Sec. 3333.28. (A) The chancellor of ~~the Ohio board of regents~~ 55383
higher education shall establish the nurse education assistance 55384
program, the purpose of which shall be to make loans to students 55385
enrolled in prelicensure nurse education programs at institutions 55386
approved by the board of nursing under section 4723.06 of the 55387
Revised Code and postlicensure nurse education programs approved 55388
by the chancellor under section 3333.04 of the Revised Code or 55389
offered by an institution holding a certificate of authorization 55390
issued under Chapter 1713. of the Revised Code. The board of 55391

nursing shall assist the chancellor in administering the program. 55392
55393

(B) There is hereby created in the state treasury the nurse 55394
education assistance fund, which shall consist of all money 55395
transferred to it pursuant to section 4743.05 of the Revised Code. 55396
The fund shall be used by the chancellor for loans made under 55397
division (A) of this section and for expenses of administering the 55398
loan program. 55399

(C) Between July 1, 2005, and January 1, 2012, the chancellor 55400
shall distribute money in the nurse education assistance fund in 55401
the following manner: 55402

(1)(a) Fifty per cent of available funds shall be awarded as 55403
loans to registered nurses enrolled in postlicensure nurse 55404
education programs described in division (A) of this section. To 55405
be eligible for a loan, the applicant shall provide the chancellor 55406
with a letter of intent to practice as a faculty member at a 55407
prelicensure or postlicensure program for nursing in this state 55408
upon completion of the applicant's academic program. 55409

(b) If the borrower of a loan under division (C)(1)(a) of 55410
this section secures employment as a faculty member of an approved 55411
nursing education program in this state within six months 55412
following graduation from an approved nurse education program, the 55413
chancellor may forgive the principal and interest of the student's 55414
loans received under division (C)(1)(a) of this section at a rate 55415
of twenty-five per cent per year, for a maximum of four years, for 55416
each year in which the borrower is so employed. A deferment of the 55417
service obligation, and other conditions regarding the forgiveness 55418
of loans may be granted as provided by the rules adopted under 55419
division (D)(7) of this section. 55420

(c) Loans awarded under division (C)(1)(a) of this section 55421
shall be awarded on the basis of the student's expected family 55422

contribution, with preference given to those applicants with the 55423
lowest expected family contribution. However, the chancellor may 55424
consider other factors the chancellor determines relevant in 55425
ranking the applications. 55426

(d) Each loan awarded to a student under division (C)(1)(a) 55427
of this section shall be not less than five thousand dollars per 55428
year. 55429

(2) Twenty-five per cent of available funds shall be awarded 55430
to students enrolled in prelicensure nurse education programs for 55431
registered nurses, as defined in section 4723.01 of the Revised 55432
Code. 55433

(3) Twenty-five per cent of available funds shall be awarded 55434
to students enrolled in nurse education programs as determined by 55435
the chancellor, with preference given to programs aimed at 55436
increasing enrollment in an area of need. 55437

After January 1, 2012, the chancellor shall determine the 55438
manner in which to distribute loans under this section. 55439

(D) Subject to the requirements specified in division (C) of 55440
this section, the chancellor shall adopt rules in accordance with 55441
Chapter 119. of the Revised Code establishing: 55442

(1) Eligibility criteria for receipt of a loan; 55443

(2) Loan application procedures; 55444

(3) The amounts in which loans may be made and the total 55445
amount that may be loaned to an individual; 55446

(4) The total amount of loans that can be made each year; 55447

(5) The percentage of the money in the fund that must remain 55448
in the fund at all times as a fund balance; 55449

(6) Interest and principal repayment schedules; 55450

(7) Conditions under which a portion of principal and 55451

interest obligations incurred by an individual under the program 55452
will be forgiven; 55453

(8) Conditions under which all or a portion of the principal 55454
and interest obligations incurred by an individual who is deployed 55455
on active duty outside of the state or who is the spouse of a 55456
person deployed on active duty outside of the state may be 55457
deferred or forgiven. 55458

(9) Ways that the program may be used to encourage 55459
individuals who are members of minority groups to enter the 55460
nursing profession; 55461

(10) Any other matters incidental to the operation of the 55462
program. 55463

(E) The obligation to repay a portion of the principal and 55464
interest on a loan made under this section shall be forgiven if 55465
the recipient of the loan meets the criteria for forgiveness 55466
established by division (C)(1)(b) of this section, in the case of 55467
loans awarded under division (C)(1)(a) of this section, or by the 55468
chancellor under the rule adopted under division (D)(7) of this 55469
section, in the case of other loans awarded under this section. 55470

(F) The obligation to repay all or a portion of the principal 55471
and interest on a loan made under this section may be deferred or 55472
forgiven if the recipient of the loan meets the criteria for 55473
deferment or forgiveness established by the chancellor under the 55474
rule adopted under division (D)(8) of this section. 55475

(G) The receipt of a loan under this section shall not affect 55476
a student's eligibility for assistance, or the amount of that 55477
assistance, granted under section 3333.12, 3333.122, 3333.22, 55478
3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but 55479
the rules of the chancellor may provide for taking assistance 55480
received under those sections into consideration when determining 55481
a student's eligibility for a loan under this section. 55482

(H) As used in this section, "active duty" means active duty 55483
pursuant to an executive order of the president of the United 55484
States, an act of the congress of the United States, or section 55485
5919.29 or 5923.21 of the Revised Code. 55486

Sec. 3333.29. (A) As used in this section, "state institution 55487
of higher education" has the same meaning as in section 3345.011 55488
of the Revised Code. 55489

(B) The chancellor of ~~the Ohio board of regents~~ higher 55490
education shall establish, within the Ohio skills bank, a 55491
mechanism to facilitate communication, cooperation, and 55492
partnerships among state institutions of higher education with 55493
nursing education programs and between state institutions of 55494
higher education and hospitals in this state to meet regional and 55495
statewide nursing education needs. 55496

Sec. 3333.30. The chancellor of ~~the Ohio board of regents~~ 55497
higher education may enter into an agreement with private entities 55498
to provide log-in access or an internet link to free career 55499
information for students via the web site maintained by the 55500
chancellor. A log-in access or internet link authorized under this 55501
section shall not be considered an advertisement, endorsement, or 55502
sponsorship for purposes of the regulation of state-controlled web 55503
sites under any section of the Revised Code, any rule of the 55504
Administrative Code, or any other policy or directive adopted or 55505
issued by the office of information technology or any other state 55506
agency. 55507

Sec. 3333.31. (A) For state subsidy and tuition surcharge 55508
purposes, status as a resident of Ohio shall be defined by the 55509
chancellor of ~~the Ohio board of regents~~ higher education by rule 55510
promulgated pursuant to Chapter 119. of the Revised Code. No 55511
adjudication as to the status of any person under such rule, 55512

however, shall be required to be made pursuant to Chapter 119. of 55513
the Revised Code. The term "resident" for these purposes shall not 55514
be equated with the definition of that term as it is employed 55515
elsewhere under the laws of this state and other states, and shall 55516
not carry with it any of the legal connotations appurtenant 55517
thereto. Rather, except as provided in divisions (B), ~~(C)~~, and 55518
~~(D)~~(E) of this section, for such purposes, the rule promulgated 55519
under this section shall have the objective of excluding from 55520
treatment as residents those who are present in the state 55521
primarily for the purpose of attending a state-supported or 55522
state-assisted institution of higher education, and may prescribe 55523
presumptive rules, rebuttable or conclusive, as to such purpose 55524
based upon the source or sources of support of the student, 55525
residence prior to first enrollment, evidence of intention to 55526
remain in the state after completion of studies, or such other 55527
factors as the chancellor deems relevant. 55528

(B) The rules of the chancellor for determining student 55529
residency shall grant residency status to a veteran and to the 55530
veteran's spouse and any dependent of the veteran, if both of the 55531
following conditions are met: 55532

(1) The veteran either: 55533

(a) Served one or more years on active military duty and was 55534
honorably discharged or received a medical discharge that was 55535
related to the military service; 55536

(b) Was killed while serving on active military duty or has 55537
been declared to be missing in action or a prisoner of war. 55538

(2) If the veteran seeks residency status for tuition 55539
surcharge purposes, the veteran has established domicile in this 55540
state as of the first day of a term of enrollment in an 55541
institution of higher education. If the spouse or a dependent of 55542
the veteran seeks residency status for tuition surcharge purposes, 55543

the veteran and the spouse or dependent seeking residency status 55544
have established domicile in this state as of the first day of a 55545
term of enrollment in an institution of higher education, except 55546
that if the veteran was killed while serving on active military 55547
duty, has been declared to be missing in action or a prisoner of 55548
war, or is deceased after discharge, only the spouse or dependent 55549
seeking residency status shall be required to have established 55550
domicile in accordance with this division. 55551

(C) The rules of the chancellor for determining student 55552
residency shall grant residency status to both of the following: 55553

(1) A veteran who is the recipient of federal veterans' 55554
benefits under the "All-Volunteer Force Educational Assistance 55555
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 55556
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 55557
successor program, if the veteran meets all of the following 55558
criteria: 55559

(a) The veteran served at least ninety days on active duty. 55560

(b) The veteran enrolls in a state institution of higher 55561
education, as defined in section 3345.011 of the Revised Code. 55562

(c) The veteran lives in the state as of the first day of a 55563
term of enrollment in the state institution of higher education. 55564

(2) A person who is the recipient of the federal Marine 55565
Gunnery Sergeant John David Fry scholarship or transferred federal 55566
veterans' benefits under any of the programs described in division 55567
(C)(1) of this section, if the person meets both of the following 55568
criteria: 55569

(a) The person enrolls in a state institution of higher 55570
education. 55571

(b) The person lives in the state as of the first day of a 55572
term of enrollment in the state institution of higher education. 55573

In order to qualify under division (C)(2) of this section, 55574
the veteran's period of active duty must have been at least ninety 55575
days. 55576

(D) The rules of the chancellor for determining student 55577
residency shall not deny residency status to a student who is 55578
either a dependent child of a parent, or the spouse of a person 55579
who, as of the first day of a term of enrollment in an institution 55580
of higher education, has accepted full-time employment and 55581
established domicile in this state for reasons other than gaining 55582
the benefit of favorable tuition rates. 55583

Documentation of full-time employment and domicile shall 55584
include both of the following documents: 55585

(1) A sworn statement from the employer or the employer's 55586
representative on the letterhead of the employer or the employer's 55587
representative certifying that the parent or spouse of the student 55588
is employed full-time in Ohio; 55589

(2) A copy of the lease under which the parent or spouse is 55590
the lessee and occupant of rented residential property in the 55591
state, a copy of the closing statement on residential real 55592
property of which the parent or spouse is the owner and occupant 55593
in this state or, if the parent or spouse is not the lessee or 55594
owner of the residence in which the parent or spouse has 55595
established domicile, a letter from the owner of the residence 55596
certifying that the parent or spouse resides at that residence. 55597

Residency officers may also evaluate, in accordance with the 55598
chancellor's rule, requests for immediate residency status from 55599
dependent students whose parents are not living and whose domicile 55600
follows that of a legal guardian who has accepted full-time 55601
employment and established domicile in the state for reasons other 55602
than gaining the benefit of favorable tuition rates. 55603

~~(D)~~(E)(1) The rules of the chancellor for determining student 55604

residency shall grant residency status to a person who, while a
resident of this state for state subsidy and tuition surcharge
purposes, graduated from a high school in this state or completed
the final year of instruction at home as authorized under section
3321.04 of the Revised Code, if the person enrolls in an
institution of higher education and establishes domicile in this
state, regardless of the student's residence prior to that
enrollment.

(2) The rules of the chancellor for determining student
residency shall not grant residency status to an alien if the
alien is not also an immigrant or a nonimmigrant.

~~(E)~~(F) As used in this section:

(1) "Dependent," "domicile," "institution of higher
education," and "residency officer" have the meanings ascribed in
the chancellor's rules adopted under this section.

(2) "Alien" means a person who is not a United States citizen
or a United States national.

(3) "Immigrant" means an alien who has been granted the right
by the United States bureau of citizenship and immigration
services to reside permanently in the United States and to work
without restrictions in the United States.

(4) "Nonimmigrant" means an alien who has been granted the
right by the United States bureau of citizenship and immigration
services to reside temporarily in the United States.

(5) "Veteran" means any person who has completed service in
the uniformed services, as defined in section 3511.01 of the
Revised Code.

Sec. 3333.33. (A) A community college established under
Chapter 3354. of the Revised Code, state community college
established under Chapter 3358. of the Revised Code, or technical

college established under Chapter 3357. of the Revised Code may 55635
establish a tuition guarantee program, subject to approval of the 55636
chancellor of ~~the Ohio board of regents~~ higher education. 55637

(B) The chancellor shall establish guidelines for the board 55638
of trustees of a community college, state community college, or 55639
technical college to follow when developing a tuition guarantee 55640
program and submitting applications to the chancellor. 55641

Sec. 3333.34. (A) As used in this section: 55642

(1) "Pre-college stackable certificate" means a certificate 55643
earned before an adult is enrolled in an institution of higher 55644
education that can be transferred to college credit based on 55645
standards established by the chancellor of ~~the Ohio board of~~ 55646
~~regents~~ higher education and the department of education. 55647

(2) "College-level certificate" means a certificate earned 55648
while an adult is enrolled in an institution of higher education 55649
that can be transferred to college credit based on standards 55650
established by the chancellor and the department of education. 55651

(B) The chancellor and the department of education shall 55652
create a system of pre-college stackable certificates to provide a 55653
clear and accessible path for adults seeking to advance their 55654
education. The system shall do all of the following: 55655

(1) Be uniform across the state; 55656

(2) Be available from an array of providers, including adult 55657
career centers, institutions of higher education, and employers; 55658

(3) Be structured to respond to the expectations of both the 55659
workplace and higher education; 55660

(4) Be articulated in a way that ensures the most effective 55661
interconnection of competencies offered in specialized training 55662
programs; 55663

(5) Establish standards for earning pre-college certificates; 55664

(6) Establish transferability of pre-college certificates to 55665
college credit. 55666

(C) The chancellor shall develop college-level certificates 55667
that can be transferred to college credit in different subject 55668
competencies. The certificates shall be based on competencies and 55669
experience and not on classroom seat time. 55670

Sec. 3333.342. (A) The chancellor of ~~the Ohio board of~~ 55671
~~regents~~ higher education may designate a "certificate of value" 55672
for a certificate program at any adult career-technical education 55673
institution or state institution of higher education, as defined 55674
under section 3345.011 of the Revised Code, based on the standards 55675
adopted under division (B) of this section. 55676

(B) The chancellor shall develop standards for designation of 55677
the certificates of value for certificate programs at adult 55678
career-technical education institutions and state institutions of 55679
higher education. The standards shall include at least the 55680
following considerations: 55681

(1) The quality of the certificate program; 55682

(2) The ability to transfer agreed-upon technical courses 55683
completed through an adult career-technical education institution 55684
to a state institution of higher education without unnecessary 55685
duplication or institutional barriers; 55686

(3) The extent to which the certificate program encourages a 55687
student to obtain an associate's or bachelor's degree; 55688

(4) The extent to which the certificate program increases a 55689
student's likelihood to complete other certificate programs or an 55690
associate's or bachelor's degree; 55691

(5) The ability of the certificate program to meet the 55692
expectations of the workplace and higher education; 55693

(6) The extent to which the certificate program is aligned 55694
with the strengths of the regional economy; 55695

(7) The extent to which the certificate program increases the 55696
amount of individuals who remain in or enter the state's 55697
workforce; 55698

(8) The extent of a certificate program's relationship with 55699
private companies in the state to fill potential job growth. 55700

(C) The designation of a certificate of value under this 55701
section shall expire six years after its designation date. 55702

(D) The chancellor may revoke a designation prior to its 55703
expiration date if the chancellor determines that the program no 55704
longer complies with the standards developed under division (B) of 55705
this section. 55706

(E) Any revocation of a certificate of value under this 55707
section shall become effective one hundred eighty days after the 55708
date the revocation was declared by the chancellor. 55709

(F) Any adult career-technical education institution or state 55710
institution of higher education that desires to be eligible to 55711
receive a designation of certificate of value for one or more of 55712
its certificate programs shall comply with all records and data 55713
requests required by the chancellor. 55714

Sec. 3333.35. The state board of education and the chancellor 55715
of ~~the Ohio board of regents~~ higher education shall strive to 55716
reduce unnecessary student remediation costs incurred by colleges 55717
and universities in this state, increase overall access for 55718
students to higher education, enhance the college credit plus 55719
program in accordance with Chapter 3365. of the Revised Code, and 55720
enhance the alternative resident educator licensure program in 55721
accordance with section 3319.26 of the Revised Code. 55722

Sec. 3333.36. If the chancellor of higher education 55723
determines that sufficient funds are available from general 55724
revenue fund appropriations made to the ~~Ohio board of regents~~ 55725
department of higher education or to the chancellor of ~~the Ohio~~ 55726
~~board of regents~~, the chancellor shall allocate the following: 55727

(A) Up to seventy thousand dollars in each fiscal year to 55728
make payments to the Columbus program in intergovernmental issues, 55729
an Ohio internship program at Kent state university, for 55730
scholarships of up to two thousand dollars for each student 55731
enrolled in the program; 55732

(B) Up to one hundred sixty-five thousand dollars in each 55733
fiscal year to make payments to the Washington center for 55734
scholarships provided to undergraduates of Ohio's four-year public 55735
and private institutions of higher education selected to 55736
participate in the Washington center internship program. The 55737
amount of a student's scholarship shall not exceed the amount 55738
specified for such scholarships in the biennial operating 55739
appropriations act. 55740

The chancellor may utilize any general revenue funds 55741
appropriated to the ~~board of regents~~ department or to the 55742
chancellor that the chancellor determines to be available for 55743
purposes of this section. 55744

Sec. 3333.37. As used in sections 3333.37 to 3333.375 of the 55745
Revised Code, the following words and terms have the following 55746
meanings unless the context indicates a different meaning or 55747
intent: 55748

(A) "Cost of attendance" means all costs of a student 55749
incurred in connection with a program of study at an eligible 55750
institution, as determined by the institution, including tuition; 55751
instructional fees; room and board; books, computers, and 55752

supplies; and other related fees, charges, and expenses. 55753

(B) "Eligible institution" means one of the following: 55754

(1) A state-assisted post-secondary educational institution 55755
within the state; 55756

(2) A nonprofit institution of higher education within the 55757
state that holds a certificate of authorization issued under 55758
Chapter 1713. of the Revised Code, that is accredited by the 55759
appropriate regional and, when appropriate, professional 55760
accrediting associations within whose jurisdiction it falls, is 55761
authorized to grant a bachelor's degree or higher, and satisfies 55762
other conditions as set forth in the policy guidelines; 55763

(3) A private institution exempt from regulation under 55764
Chapter 3332. of the Revised Code as prescribed in section 55765
3333.046 of the Revised Code. 55766

(C) "Eligible student" means either of the following: 55767

(1) An undergraduate student who meets all of the following: 55768

(a) Is a resident of this state; 55769

(b) Has graduated from any Ohio secondary school for which 55770
the state board of education prescribes minimum standards in 55771
accordance with section 3301.07 of the Revised Code; 55772

(c) Is attending and in good standing, or has been accepted 55773
for attendance, at any eligible institution as a full-time student 55774
to pursue a bachelor's degree. 55775

(2) A graduate student who is a resident of this state, and 55776
is attending and in good standing, or has been accepted for 55777
attendance, at any eligible institution. 55778

(D) "Fellowship" or "fellowship program" means the Ohio 55779
priority needs fellowship created by sections 3333.37 to 3333.375 55780
of the Revised Code. 55781

(E) "Full-time student" has the meaning as defined by rule of the chancellor of ~~the Ohio board of regents~~ higher education. 55782
55783

(F) "Ohio outstanding scholar" means a student who is the recipient of a scholarship under sections 3333.37 to 3333.375 of the Revised Code. 55784
55785
55786

(G) "Policy guidelines" means the rules adopted by the chancellor pursuant to section 3333.374 of the Revised Code. 55787
55788

(H) "Priority needs fellow" means a student who is the recipient of a fellowship under sections 3333.37 to 3333.375 of the Revised Code. 55789
55790
55791

(I) "Priority needs field of study" means those academic majors and disciplines as determined by the chancellor that support the purposes and intent of sections 3333.37 to 3333.375 of the Revised Code as described in section 3333.371 of the Revised Code. 55792
55793
55794
55795
55796

(J) "Scholarship" or "scholarship program" means the Ohio outstanding scholarship created by sections 3333.37 to 3333.375 of the Revised Code. 55797
55798
55799

Sec. 3333.372. (A) There are hereby authorized the "Ohio outstanding scholarship" and the "Ohio priority needs fellowship" programs, which shall be established and administered by the chancellor of ~~the Ohio board of regents~~ higher education for eligible students. The programs shall provide scholarships to eligible undergraduate students and fellowships to eligible graduate students, equal to the annual cost of attendance at eligible institutions, to pursue baccalaureate degrees and post-baccalaureate degrees in priority needs field of study consistent with section 3333.371 of the Revised Code. 55800
55801
55802
55803
55804
55805
55806
55807
55808
55809

(B) The scholarship and fellowship programs created under sections 3333.37 to 3333.375 of the Revised Code and any necessary 55810
55811

administrative expenses shall be funded solely from the Ohio 55812
outstanding scholarship and the Ohio priority needs fellowship 55813
programs payment funds established pursuant to section 3333.375 of 55814
the Revised Code. 55815

(C) The scholarships shall be renewable for each of three 55816
additional years for undergraduate study, and the fellowships 55817
shall be renewable for each of two additional years for graduate 55818
study, provided the Ohio outstanding scholar or priority needs 55819
fellow remains an eligible student at an eligible institution. 55820

Sec. 3333.373. (A) The scholarship rules advisory committee 55821
is hereby established. The committee shall consist of the 55822
chancellor of ~~the Ohio board of regents~~ higher education or the 55823
chancellor's designee, the treasurer of state or the treasurer of 55824
state's designee, the director of development or the director's 55825
designee, one state senator appointed by the president of the 55826
senate, one state representative appointed by the speaker of the 55827
house of representatives, and two public members appointed by the 55828
chancellor of higher education representing the interests of the 55829
state-assisted eligible institutions and private nonprofit 55830
eligible institutions, respectively. 55831

(B) The committee shall provide recommendations to the 55832
chancellor of higher education as to rules, criteria, and 55833
guidelines necessary and appropriate to implement the scholarship 55834
and fellowship programs created by sections 3333.37 to 3333.375 of 55835
the Revised Code. 55836

(C) The committee shall meet at least annually to review the 55837
scholarship and fellowship programs guidelines; make 55838
recommendations to amend, rescind, or modify the policy 55839
guidelines; and approve scholarship and fellowship awards to 55840
eligible students. 55841

(D) Sections 101.82 to 101.87 of the Revised Code do not 55842

apply to this section. 55843

Sec. 3333.374. (A) After receipt of recommendations from the 55844
scholarship rules advisory committee or if no recommendations are 55845
received, the chancellor of ~~the Ohio board of regents~~ higher 55846
education, with the approval of the treasurer of state, shall 55847
adopt rules, in accordance with Chapter 119. of the Revised Code, 55848
establishing policy guidelines for the implementation of the 55849
scholarship and fellowship programs. 55850

(B) Nothing in this section or section 3333.373 of the 55851
Revised Code shall prevent the chancellor, with the approval of 55852
the treasurer of state, from amending or rescinding rules adopted 55853
pursuant to division (A) of this section, or from adopting new 55854
rules, in accordance with Chapter 119. of the Revised Code, from 55855
time to time as are necessary to further the purposes of sections 55856
3333.37 to 3333.375 of the Revised Code. 55857

Sec. 3333.375. (A)(1) There are hereby created the Ohio 55858
outstanding scholarship and the Ohio priority needs fellowship 55859
programs payment funds, which shall be in the custody of the 55860
treasurer of state, but shall not be a part of the state treasury. 55861

(2) The payment funds shall consist solely of all moneys 55862
returned to the treasurer of state, as issuer of certain 55863
tax-exempt student loan revenue bonds, from all indentures of 55864
trust, both presently existing and future, created as a result of 55865
tax-exempt student loan revenue bonds issued under Chapter 3366. 55866
of the Revised Code, and any moneys earned from allowable 55867
investments of the payment funds under division (B) of this 55868
section. 55869

(3) Except as provided in division (E) of this section, the 55870
payment funds shall be used solely for scholarship and fellowships 55871
awarded under sections 3333.37 to 3333.375 of the Revised Code by 55872

the chancellor of ~~the Ohio board of regents~~ higher education and 55873
for any necessary administrative expenses incurred by the 55874
chancellor in administering the scholarship and fellowship 55875
programs. 55876

(B) The treasurer of state may invest any moneys in the 55877
payment funds not currently needed for scholarship and fellowship 55878
payments in any kind of investments in which moneys of the public 55879
employees retirement system may be invested under Chapter 145. of 55880
the Revised Code. 55881

(C)(1) The instruments of title of all investments shall be 55882
delivered to the treasurer of state or to a qualified trustee 55883
designated by the treasurer of state as provided in section 135.18 55884
of the Revised Code. 55885

(2) The treasurer of state shall collect both principal and 55886
investment earnings on all investments as they become due and pay 55887
them into the payment funds. 55888

(3) All deposits to the payment funds shall be made in public 55889
depositories of this state and secured as provided in section 55890
135.18 of the Revised Code. 55891

(D) On or before March 1, 2001, and on or before the first 55892
day of March in each subsequent year, the treasurer of state shall 55893
provide to the chancellor ~~of the Ohio board of regents~~ a statement 55894
indicating the moneys in the Ohio outstanding scholarship and the 55895
Ohio priority needs fellowship programs payment funds that are 55896
available for the upcoming academic year to award scholarships and 55897
fellowships under sections 3333.37 to 3333.375 of the Revised 55898
Code. 55899

(E) The chancellor may use funds the treasurer has indicated 55900
as available pursuant to division (D) of this section to support 55901
distribution of state need-based financial aid in accordance with 55902
sections 3333.12 and 3333.122 of the Revised Code. 55903

Sec. 3333.39. The chancellor of the ~~Ohio board of regents~~ higher education and the superintendent of public instruction shall establish and administer the teach Ohio program to promote and encourage citizens of this state to consider teaching as a profession. The program shall include all of the following:

(A) A statewide program administered by a nonprofit corporation that has been in existence for at least fifteen years with demonstrated results in encouraging high school students from economically disadvantaged groups to enter the teaching profession. The chancellor and superintendent jointly shall select the nonprofit corporation.

(B) The Ohio teaching fellows program established under sections 3333.391 and 3333.392 of the Revised Code;

(C) The Ohio teacher residency program established under section 3319.223 of the Revised Code;

(D) Alternative licensure procedures established under section 3319.26 of the Revised Code;

(E) Any other program as identified by the chancellor and the superintendent.

Sec. 3333.391. (A) As used in this section and in section 3333.392 of the Revised Code:

(1) "Academic year" shall be as defined by the chancellor of the ~~Ohio board of regents~~ higher education.

(2) "Hard-to-staff school" and "hard-to-staff subject" shall be as defined by the department of education.

(3) "Parent" means the parent, guardian, or custodian of a qualified student.

(4) "Qualified service" means teaching at a qualifying school.

(5) "Qualifying school" means a hard-to-staff school district building or a school district building that has a persistently low performance rating, as determined jointly by the chancellor and superintendent of public instruction, under section 3302.03 of the Revised Code at the time the recipient becomes employed by the district.

(B) If the chancellor of ~~the Ohio board of regents~~ higher education determines that sufficient funds are available from general revenue fund appropriations made to the ~~Ohio board of regents~~ department of higher education or to the chancellor, the chancellor and the superintendent of public instruction jointly may develop and agree on a plan for the Ohio teaching fellows program to promote and encourage high school seniors to enter and remain in the teaching profession. Upon agreement of such a plan, the chancellor shall establish and administer the program in conjunction with the superintendent and with the cooperation of teacher training institutions. Under the program, the chancellor annually shall provide scholarships to students who commit to teaching in a qualifying school for a minimum of four years upon graduation from a teacher training program at a state institution of higher education or an Ohio nonprofit institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code. The scholarships shall be for up to four years at the undergraduate level at an amount determined by the chancellor based on state appropriations.

(C) The chancellor shall adopt a competitive process for awarding scholarships under the teaching fellows program, which shall include minimum grade point average and scores on national standardized tests for college admission. The process shall also give additional consideration to all of the following:

(1) A person who has participated in the program described in division (A) of section 3333.39 of the Revised Code;

(2) A person who plans to specialize in teaching students 55965
with special needs; 55966

(3) A person who plans to teach in the disciplines of 55967
science, technology, engineering, or mathematics. 55968

The chancellor shall require that all applicants to the 55969
teaching fellows program shall file a statement of service status 55970
in compliance with section 3345.32 of the Revised Code, if 55971
applicable, and that all applicants have not been convicted of, 55972
plead guilty to, or adjudicated a delinquent child for any 55973
violation listed in section 3333.38 of the Revised Code. 55974

(D) Teaching fellows shall complete the four-year teaching 55975
commitment within not more than seven years after graduating from 55976
the teacher training program. Failure to fulfill the commitment 55977
shall convert the scholarship into a loan to be repaid under 55978
section 3333.392 of the Revised Code. 55979

(E) The chancellor shall adopt rules in accordance with 55980
Chapter 119. of the Revised Code to administer this section and 55981
section 3333.392 of the Revised Code. 55982

Sec. 3333.392. (A) Each recipient who accepts a scholarship 55983
under the Ohio teaching fellows program created under section 55984
3333.391 of the Revised Code, or the recipient's parent if the 55985
recipient is younger than eighteen years of age, shall sign a 55986
promissory note payable to the state in the event the recipient 55987
does not satisfy the service requirement of division (D) of 55988
section 3333.391 of the Revised Code or the scholarship is 55989
terminated. The amount payable under the note shall be the amount 55990
of total scholarships accepted by the recipient under the program 55991
plus ten per cent interest accrued annually beginning on the first 55992
day of September after graduating from the teacher training 55993
program or immediately after termination of the scholarship. The 55994
period of repayment under the note shall be determined by the 55995

chancellor of ~~the Ohio board of regents~~ higher education. The note 55996
shall stipulate that the obligation to make payments under the 55997
note is canceled following completion of four years of qualified 55998
service by the recipient in accordance with division (D) of 55999
section 3333.391 of the Revised Code, or if the recipient dies, 56000
becomes totally and permanently disabled, or is unable to complete 56001
the required qualified service as a result of a reduction in force 56002
at the recipient's school of employment before the obligation 56003
under the note has been satisfied. 56004

(B) Repayment of the principal amount of the scholarship and 56005
interest accrued shall be deferred while the recipient is enrolled 56006
in an approved teaching program, while the recipient is seeking 56007
employment to fulfill the service obligation, for a period not to 56008
exceed six months, or while the recipient is engaged in qualified 56009
service. 56010

(C) During the seven-year period following the recipient's 56011
graduation from an approved teaching program, the chancellor shall 56012
deduct twenty-five per cent of the outstanding balance that may be 56013
converted to a loan for each year the recipient teaches at a 56014
qualifying school. 56015

(D) The chancellor may terminate the scholarship, in which 56016
case the scholarship shall be converted to a loan to be repaid 56017
under division (A) of this section. 56018

(E) The scholarship shall be deemed terminated upon the 56019
recipient's withdrawal from school or the recipient's failure to 56020
meet the standards of the scholarship as determined by the 56021
chancellor and shall be converted to a loan to be repaid under 56022
division (A) of this section. 56023

(F) The chancellor and the attorney general shall collect 56024
payments on the converted loan in accordance with section 131.02 56025
of the Revised Code. 56026

Sec. 3333.43. This section does not apply to any 56027
baccalaureate degree program that is a cooperative education 56028
program, as defined in section 3333.71 of the Revised Code. 56029

(A) The chancellor of ~~the Ohio board of regents~~ higher 56030
education shall require all state institutions of higher education 56031
that offer baccalaureate degrees, as a condition of 56032
reauthorization for certification of each baccalaureate program 56033
offered by the institution, to submit a statement describing how 56034
each major for which the school offers a baccalaureate degree may 56035
be completed within three academic years. The chronology of the 56036
statement shall begin with the fall semester of a student's first 56037
year of the baccalaureate program. 56038

(B) The statement required under this section may include, 56039
but not be limited to, any of the following methods to contribute 56040
to earning a baccalaureate degree in three years: 56041

(1) Advanced placement credit; 56042

(2) International baccalaureate program credit; 56043

(3) A waiver of degree and credit-hour requirements by 56044
completion of courses that are widely available at community 56045
colleges in the state or through online programs offered by state 56046
institutions of higher education or private nonprofit institutions 56047
of higher education holding certificates of authorization under 56048
Chapter 1713. of the Revised Code, and through courses taken by 56049
the student through the college credit plus program under Chapter 56050
3365. of the Revised Code; 56051

(4) Completion of coursework during summer sessions; 56052

(5) A waiver of foreign-language degree requirements based on 56053
a proficiency examination specified by the institution. 56054

(C)(1) Not later than October 15, 2012, each state 56055
institution of higher education shall provide statements required 56056

under this section for ten per cent of all baccalaureate degree programs offered by the institution.

(2) Not later than June 30, 2014, each state institution of higher education shall provide statements required under this section for sixty per cent of all baccalaureate degree programs offered by the institution.

(D) Each state institution of higher education required to submit statements under this section shall post its three-year option on its web site and also provide that information to the department of education. The department shall distribute that information to the superintendent, high school principal, and guidance counselor, or equivalents, of each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code.

(E) Nothing in this section requires an institution to take any action that would violate the requirements of any independent association accrediting baccalaureate degree programs.

Sec. 3333.44. The chancellor of ~~the Ohio board of regents~~ higher education shall designate a postsecondary globalization liaison to work with state institutions of higher education, as defined in section 3345.011 of the Revised Code, other state agencies, and representatives of the business community to enhance the state's globalization efforts.

The chancellor may designate a person already employed by the chancellor as the liaison.

Sec. 3333.50. The ~~Ohio board of regents~~ chancellor of higher education, in consultation with the governor and the department of development, shall develop a critical needs rapid response system to respond quickly to critical workforce shortages in the state.

Not later than ninety days after a critical workforce shortage is identified, the chancellor ~~of the board~~ shall submit to the governor a proposal for addressing the shortage through initiatives of the ~~board~~ department of higher education or institutions of higher education.

Sec. 3333.55. (A) The health information and imaging technology workforce development pilot project is hereby established. Under the project, in fiscal years 2008 through 2010, the ~~Ohio board of regents~~ chancellor of higher education shall design and implement a three-year pilot program to test, in the vicinity of Clark, Greene, and Montgomery counties, how a P-16 public-private education and workforce development collaborative may address each of the following goals:

(1) Increase the number of students taking and mastering high-level science, technology, engineering, or mathematics courses and pursuing careers in those subjects, in all demographic regions of the state;

(2) Increase the number of students pursuing professional careers in health information and imaging technology upon receiving related technical education and professional experience, in all demographic regions of the state;

(3) Unify efforts among schools, career centers, post-secondary programs, and employers in a region for career and workforce development, preservation, and public education.

(B) The project shall focus on enhancing P-16 education and workforce development in the field of health information and imaging technology through such activities as increased academic intervention in related areas of study, after-school and summer intervention programs, tutoring, career and job fairs and other promotional and recruitment activities, externships, professional development, field trips, academic competitions, development of

related specialized study modules, development of honors programs, 56118
and development and enhancement of dual high school and college 56119
enrollment programs. 56120

(C) Project participants shall include Clark-Shawnee local 56121
school district, Springfield city school district, Greene county 56122
career center, Clark state community college, Central state 56123
university, Wright state university, Cedarville university, 56124
Wittenberg university, the university of Dayton, and private 56125
employers in the health information and imaging technology 56126
industry in the vicinity of Clark, Greene, and Montgomery 56127
counties, selected by the ~~board of regents~~ chancellor. 56128

For the third year of the project, the ~~board of regents~~ 56129
chancellor may add as participants the Dayton city school district 56130
and Xenia city school district. 56131

(D) Wittenberg university shall be the lead coordinating 56132
agent and Clark state community college shall be the fiscal agent 56133
for the project. 56134

(E) The ~~board of regents~~ chancellor shall create an advisory 56135
council made up of representatives of the participating entities 56136
to coordinate, monitor, and evaluate the project. The advisory 56137
council shall submit an annual activity report to the ~~board of~~ 56138
~~regents~~ chancellor by a date specified by the ~~board of regents~~ 56139
chancellor. 56140

Sec. 3333.58. There is hereby created at Shawnee state 56141
university the Ohio Appalachian center for higher education to 56142
increase the educational attainment of the residents of Ohio's 56143
Appalachian region, as defined in section 107.21 of the Revised 56144
Code. The board of directors of the center shall consist of the 56145
following members: 56146

(A) The presidents of all of the following: 56147

(1) Shawnee state university;	56148
(2) Belmont technical college;	56149
(3) Hocking college;	56150
(4) Jefferson community college;	56151
(5) Zane state college;	56152
(6) Rio Grande community college;	56153
(7) Southern state community college;	56154
(8) Central Ohio technical college, Coshocton campus;	56155
(9) Washington state community college.	56156
(B) The president of Ohio university, or the president's designee;	56157 56158
(C) The dean of one of the Salem, Tuscarawas, or East Liverpool regional campuses of Kent state university, as designated by the president of Kent state university;	56159 56160 56161
(D) A representative of the chancellor of ~~the Ohio board of~~ ~~regents~~ <u>higher education</u> as designated by the chancellor.	56162 56163
Sec. 3333.59. (A) As used in this section:	56164
(1) "Allocated state share of instruction" means, for any fiscal year, the amount of the state share of instruction appropriated to the ~~Ohio board of regents~~ <u>department of higher</u> <u>education</u> by the general assembly that is allocated to a community or technical college or community or technical college district for such fiscal year.	56165 56166 56167 56168 56169 56170
(2) "Issuing authority" has the same meaning as in section 154.01 of the Revised Code.	56171 56172
(3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code.	56173 56174

(4) "Chancellor" means the chancellor of ~~the Ohio board of~~ 56175
~~regents~~ higher education. 56176

(5) "Community or technical college" or "college" means any 56177
of the following state-supported or state-assisted institutions of 56178
higher education: 56179

(a) A community college as defined in section 3354.01 of the 56180
Revised Code; 56181

(b) A technical college as defined in section 3357.01 of the 56182
Revised Code; 56183

(c) A state community college as defined in section 3358.01 56184
of the Revised Code. 56185

(6) "Community or technical college district" or "district" 56186
means any of the following institutions of higher education that 56187
are state-supported or state-assisted: 56188

(a) A community college district as defined in section 56189
3354.01 of the Revised Code; 56190

(b) A technical college district as defined in section 56191
3357.01 of the Revised Code; 56192

(c) A state community college district as defined in section 56193
3358.01 of the Revised Code. 56194

(7) "Credit enhancement facilities" has the same meaning as 56195
in section 133.01 of the Revised Code. 56196

(8) "Obligations" has the meaning as in section 154.01 or 56197
3345.12 of the Revised Code, as the context requires. 56198

(B) The board of trustees of any community or technical 56199
college district authorizing the issuance of obligations under 56200
section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the 56201
Revised Code, or for whose benefit and on whose behalf the issuing 56202
authority proposes to issue obligations under section 154.25 of 56203
the Revised Code, may adopt a resolution requesting the chancellor 56204

to enter into an agreement with the community or technical college 56205
district and the primary paying agent or fiscal agent for such 56206
obligations, providing for the withholding and deposit of funds 56207
otherwise due the district or the community or technical college 56208
it operates in respect of its allocated state share of 56209
instruction, for the payment of bond service charges on such 56210
obligations. 56211

The board of trustees shall deliver to the chancellor a copy 56212
of the resolution and any additional pertinent information the 56213
chancellor may require. 56214

The chancellor and the office of budget and management, and 56215
the issuing authority in the case of obligations to be issued by 56216
the issuing authority, shall evaluate each request received from a 56217
community or technical college district under this section. The 56218
chancellor, with the advice and consent of the director of budget 56219
and management and the issuing authority in the case of 56220
obligations to be issued by the issuing authority, shall approve 56221
each request if all of the following conditions are met: 56222

(1) Approval of the request will enhance the marketability of 56223
the obligations for which the request is made; 56224

(2) The chancellor and the office of budget and management, 56225
and the issuing authority in the case of obligations to be issued 56226
by the issuing authority, have no reason to believe the requesting 56227
community or technical college district or the community or 56228
technical college it operates will be unable to pay when due the 56229
bond service charges on the obligations for which the request is 56230
made, and bond service charges on those obligations are therefore 56231
not anticipated to be paid pursuant to this section from the 56232
allocated state share of instruction for purposes of Section 17 of 56233
Article VIII, Ohio Constitution. 56234

(3) Any other pertinent conditions established in rules 56235

adopted under division (H) of this section. 56236

(C) If the chancellor approves the request of a community or 56237
technical college district to withhold and deposit funds pursuant 56238
to this section, the chancellor shall enter into a written 56239
agreement with the district and the primary paying agent or fiscal 56240
agent for the obligations, which agreement shall provide for the 56241
withholding of funds pursuant to this section for the payment of 56242
bond service charges on those obligations. The agreement may also 56243
include both of the following: 56244

(1) Provisions for certification by the district to the 56245
chancellor, prior to the deadline for payment of the applicable 56246
bond service charges, whether the district and the community or 56247
technical college it operates are able to pay those bond service 56248
charges when due; 56249

(2) Requirements that the district or the community or 56250
technical college it operates deposits amounts for the payment of 56251
those bond service charges with the primary paying agent or fiscal 56252
agent for the obligations prior to the date on which the bond 56253
service charges are due to the owners or holders of the 56254
obligations. 56255

(D) Whenever a district or the community or technical college 56256
it operates notifies the chancellor that it will not be able to 56257
pay the bond service charges when they are due, subject to the 56258
withholding provisions of this section, or whenever the applicable 56259
paying agent or fiscal agent notifies the chancellor that it has 56260
not timely received from a district or from the college it 56261
operates the full amount needed for payment of the bond service 56262
charges when due to the holders or owners of such obligations, the 56263
chancellor shall immediately contact the district or college and 56264
the paying agent or fiscal agent to confirm that the district and 56265
the college are not able to make the required payment by the date 56266
on which it is due. 56267

If the chancellor confirms that the district and the college
are not able to make the payment and the payment will not be made
pursuant to a credit enhancement facility, the chancellor shall
promptly pay to the applicable primary paying agent or fiscal
agent the lesser of the amount due for bond service charges or the
amount of the next periodic distribution scheduled to be made to
the district or to the college in respect of its allocated state
share of instruction. If this amount is insufficient to pay the
total amount then due the agent for the payment of bond service
charges, the chancellor shall continue to pay to the agent from
each periodic distribution thereafter, and until the full amount
due the agent for unpaid bond service charges is paid in full, the
lesser of the remaining amount due the agent for bond service
charges or the amount of the next periodic distribution scheduled
to be made to the district or college in respect of its allocated
state share of instruction.

(E) The chancellor may make any payments under this section
by direct deposit of funds by electronic transfer.

Any amount received by a paying agent or fiscal agent under
this section shall be applied only to the payment of bond service
charges on the obligations of the community or technical college
district or community or technical college subject to this section
or to the reimbursement of the provider of a credit enhancement
facility that has paid the bond service charges.

(F) The chancellor may make payments under this section to
paying agents or fiscal agents during any fiscal biennium of the
state only from and to the extent that money is appropriated to
the ~~board of regents~~ department by the general assembly for
distribution during such biennium for the state share of
instruction and only to the extent that a portion of the state
share of instruction has been allocated to the community or
technical college district or community or technical college.

Obligations of the issuing authority or of a community or 56300
technical college district to which this section is made 56301
applicable do not constitute an obligation or a debt or a pledge 56302
of the faith, credit, or taxing power of the state, and the 56303
holders or owners of those obligations have no right to have 56304
excises or taxes levied or appropriations made by the general 56305
assembly for the payment of bond service charges on the 56306
obligations, and the obligations shall contain a statement to that 56307
effect. The agreement for or the actual withholding and payment of 56308
money under this section does not constitute the assumption by the 56309
state of any debt of a community or technical college district or 56310
a community or technical college, and bond service charges on the 56311
related obligations are not anticipated to be paid from the state 56312
general revenue fund for purposes of Section 17 of Article VIII, 56313
Ohio Constitution. 56314

(G) In the case of obligations subject to the withholding 56315
provisions of this section, the issuing community or technical 56316
college district, or the issuing authority in the case of 56317
obligations issued by the issuing authority, shall appoint a 56318
paying agent or fiscal agent who is not an officer or employee of 56319
the district or college. 56320

(H) The chancellor, with the advice and consent of the office 56321
of budget and management, may adopt reasonable rules not 56322
inconsistent with this section for the implementation of this 56323
section to secure payment of bond service charges on obligations 56324
issued by a community or technical college district or by the 56325
issuing authority for the benefit of a community or technical 56326
college district or the community or technical college it 56327
operates. Those rules shall include criteria for the evaluation 56328
and approval or denial of community or technical college district 56329
requests for withholding under this section. 56330

(I) The authority granted by this section is in addition to 56331

and not a limitation on any other authorizations granted by or 56332
pursuant to law for the same or similar purposes. 56333

Sec. 3333.61. The chancellor of ~~the Ohio board of regents~~ 56334
higher education shall establish and administer the Ohio 56335
innovation partnership, which shall consist of the choose Ohio 56336
first scholarship program and the Ohio research scholars program. 56337
Under the programs, the chancellor, subject to approval by the 56338
controlling board, shall make awards to state universities or 56339
colleges for programs and initiatives that recruit students and 56340
scientists in the fields of science, technology, engineering, 56341
mathematics, medicine, and dentistry to state universities or 56342
colleges, in order to enhance regional educational and economic 56343
strengths and meet the needs of the state's regional economies. 56344
Awards may be granted for programs and initiatives to be 56345
implemented by a state university or college alone or in 56346
collaboration with other state institutions of higher education, 56347
nonpublic Ohio universities and colleges, or other public or 56348
private Ohio entities. If the chancellor makes an award to a 56349
program or initiative that is intended to be implemented by a 56350
state university or college in collaboration with other state 56351
institutions of higher education or nonpublic Ohio universities or 56352
colleges, the chancellor may provide that some portion of the 56353
award be received directly by the collaborating universities or 56354
colleges consistent with all terms of the Ohio innovation 56355
partnership. 56356

The choose Ohio first scholarship program shall assign a 56357
number of scholarships to state universities and colleges to 56358
recruit Ohio residents as undergraduate, or as provided in section 56359
3333.66 of the Revised Code graduate, students in the fields of 56360
science, technology, engineering, mathematics, medicine, and 56361
dentistry, or in science, technology, engineering, mathematics, 56362
medical, or dental education. Choose Ohio first scholarships shall 56363

be awarded to each participating eligible student as a grant to 56364
the state university or college the student is attending and shall 56365
be reflected on the student's tuition bill. Choose Ohio first 56366
scholarships are student-centered grants from the state to 56367
students to use to attend a university or college and are not 56368
grants from the state to universities or colleges. 56369

Notwithstanding any other provision of this section or 56370
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 56371
four-year Ohio institution of higher education may submit a 56372
proposal for choose Ohio first scholarships or Ohio research 56373
scholars grants. If the chancellor awards a nonpublic institution 56374
scholarships or grants, the nonpublic institution shall comply 56375
with all requirements of this section, sections 3333.62 to 3333.69 56376
of the Revised Code, and the rules adopted under this section that 56377
apply to state universities or colleges awarded choose Ohio first 56378
scholarships or Ohio research scholars grants. 56379

The Ohio research scholars program shall award grants to use 56380
in recruiting scientists to the faculties of state universities or 56381
colleges. 56382

The chancellor shall adopt rules in accordance with Chapter 56383
119. of the Revised Code to administer the programs. 56384

Sec. 3333.611. (A) All of the following individuals shall 56385
jointly develop a proposal for the creation of a primary care 56386
medical student component of the choose Ohio first scholarship 56387
program operated under section 3333.61 of the Revised Code under 56388
which scholarships are annually made available and awarded to 56389
medical students who meet the requirements specified in division 56390
(D) of this section: 56391

(1) The dean of the Ohio state university school of medicine; 56392

(2) The dean of the Case western reserve university school of 56393

medicine; 56394

(3) The dean of the university of Toledo college of medicine; 56395

(4) The president and dean of the northeast Ohio medical 56396
university; 56397

(5) The dean of the university of Cincinnati college of 56398
medicine; 56399

(6) The dean of the Boonshoft school of medicine at Wright 56400
state university; 56401

(7) The dean of the Ohio university college of osteopathic 56402
medicine. 56403

(B) The individuals specified in division (A) of this section 56404
shall consider including the following provisions in the proposal: 56405

(1) Establishing a scholarship of sufficient size to permit 56406
annually not more than fifty medical students to receive 56407
scholarships; 56408

(2) Specifying that a scholarship, once granted, may be 56409
provided to a medical student for not more than four years. 56410

(C) The individuals specified in division (A) of this section 56411
shall submit the proposal for the component to the chancellor of 56412
~~the Ohio board of regents~~ higher education not later than March 6, 56413
2011. The chancellor shall review the proposal and determine 56414
whether to implement the component as part of the program. 56415

(D) To be eligible for a scholarship made available under the 56416
component, a medical student shall meet all of the following 56417
requirements: 56418

(1) Participate in identified patient centered medical home 56419
model training opportunities during medical school; 56420

(2) Commit to a post-residency primary care practice in this 56421
state for not less than three years; 56422

(3) Accept medicaid recipients as patients, without 56423
restriction and, as compared to other patients, in a proportion 56424
that is specified in the scholarship. 56425

Sec. 3333.612. (A) All of the following individuals shall 56426
jointly develop a proposal for the creation of a primary care 56427
nursing student component of the choose Ohio first scholarship 56428
program operated under section 3333.61 of the Revised Code under 56429
which scholarships are annually made available and awarded to 56430
advanced practice nursing students who meet the requirements 56431
specified in division (D) of this section: 56432

(1) The dean of the college of nursing at the university of 56433
Toledo; 56434

(2) The dean of the Wright state university college of 56435
nursing and health; 56436

(3) The dean of the college of nursing at Kent state 56437
university; 56438

(4) The dean of the university of Akron college of nursing; 56439

(5) The director of the school of nursing at Ohio university. 56440

(B) The individuals specified in division (A) of this section 56441
shall consider including the following provisions in the proposal: 56442

(1) Establishing a scholarship of sufficient size to permit 56443
annually not more than thirty advanced practice nursing students 56444
to receive scholarships; 56445

(2) Specifying that a scholarship, once granted, may be 56446
provided to an advanced practice nursing student for not more than 56447
three years. 56448

(C) The individuals specified in division (A) of this section 56449
shall submit the proposal for the component to the chancellor of 56450
~~the Ohio board of regents~~ higher education not later than six 56451

months after ~~the effective date of this section~~ September 6, 2010. 56452
The chancellor shall review the proposal and determine whether to 56453
implement the component as part of the program. 56454

(D) To be eligible for a scholarship made available under the 56455
component, an advanced practice nursing student shall meet all of 56456
the following requirements: 56457

(1) Participate in identified patient centered medical home 56458
model training opportunities during nursing school; 56459

(2) Commit to an advanced practice nursing primary care 56460
practice in this state after completing nursing school for not 56461
less than three years; 56462

(3) Accept medicaid recipients as patients, without 56463
restriction and, as compared to other patients, in a proportion 56464
that is specified in the scholarship. 56465

Sec. 3333.613. There is hereby created in the state treasury 56466
the choose Ohio first scholarship reserve fund. ~~Not later than the~~ 56467
~~first day of July~~ As soon as possible following the end of each 56468
fiscal year, the chancellor of ~~the Ohio board of regents~~ higher 56469
education shall certify to the director of budget and management 56470
the unencumbered balance of the general revenue fund 56471
appropriations made in the immediately preceding fiscal year for 56472
purposes of the choose Ohio first scholarship program created in 56473
section 3333.61 of the Revised Code. Upon receipt of the 56474
certification, the director of budget and management may transfer 56475
an amount not exceeding the certified amount from the general 56476
revenue fund to the choose Ohio first scholarship reserve fund. 56477
Moneys in the choose Ohio first scholarship reserve fund shall be 56478
used to pay scholarship obligations in excess of the general 56479
revenue fund appropriations made for that purpose. 56480

The director of budget and management may transfer any 56481

unencumbered balance from the choose Ohio first scholarship 56482
reserve fund to the general revenue fund. 56483

If it is determined that general revenue fund appropriations 56484
are insufficient to meet the obligations for the choose Ohio first 56485
scholarship in a fiscal year, the director of budget and 56486
management may transfer funds from the choose Ohio first 56487
scholarship reserve fund to the general revenue fund in order to 56488
meet those obligations. The amount transferred is hereby 56489
appropriated. If the funds transferred from the choose Ohio first 56490
scholarship reserve fund are not needed, the director of budget 56491
and management may transfer the unexpended balance from the 56492
general revenue fund back to the choose Ohio first scholarship 56493
reserve fund. 56494

Sec. 3333.62. The chancellor of ~~the Ohio board of regents~~ 56495
higher education shall establish a competitive process for making 56496
awards under the choose Ohio first scholarship program and the 56497
Ohio research scholars program. The chancellor, on completion of 56498
that process, shall make a recommendation to the controlling board 56499
asking for approval of each award selected by the chancellor. 56500

Any state university or college may apply for one or more 56501
awards under one or both programs. The state university or college 56502
shall submit a proposal and other documentation required by the 56503
chancellor, in the form and manner prescribed by the chancellor, 56504
for each award it seeks. A proposal may propose an initiative to 56505
be implemented solely by the state university or college or in 56506
collaboration with other state institutions of higher education, 56507
nonpublic Ohio universities or colleges, or other public or 56508
nonpublic Ohio entities. A single proposal may seek an award under 56509
one or both programs. 56510

The chancellor shall determine which proposals will receive 56511
awards each fiscal year, and the amount of each award, on the 56512

basis of the merit of each proposal, which the chancellor, subject to approval by the controlling board, shall determine based on one or more of the following criteria:

(A) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality;

(B) The extent to which the proposal is integrated with the strengths of the regional economy;

(C) The extent to which the proposal is integrated with centers of research excellence within the private sector;

(D) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, that the proposal pledges to leverage;

(E) The extent to which the proposal is collaborative with other public or nonpublic Ohio institutions of higher education;

(F) The extent to which the proposal is integrated with the university's or college's mission and does not displace existing resources already committed to the mission;

(G) The extent to which the proposal facilitates a more efficient utilization of existing faculty and programs;

(H) The extent to which the proposal meets a statewide educational need;

(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;

(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;

(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue

baccalaureate degrees in science, technology, engineering, 56543
mathematics, or medicine; 56544

(L) The extent to which the proposal encourages students 56545
enrolled in state universities to transfer into science, 56546
technology, engineering, mathematics, or medicine programs; 56547

(M) The extent to which the proposal facilitates the 56548
completion of a baccalaureate degree in a cost-effective manner, 56549
for example, by facilitating students' completing two years at a 56550
two-year institution and two years at a state university or 56551
college; 56552

(N) The extent to which the proposal allows attendance at a 56553
state university or college of students who otherwise could not 56554
afford to attend; 56555

(O) The extent to which other institutional, public, or 56556
private resources pledged to the proposal will be deployed to 56557
assist in sustaining students' scholarships over their academic 56558
careers; 56559

(P) The extent to which the proposal increases the likelihood 56560
that students will successfully complete their degree programs in 56561
science, technology, engineering, mathematics, or medicine or in 56562
science, technology, engineering, mathematics, or medical 56563
education; 56564

(Q) The extent to which the proposal ensures that a student 56565
who is awarded a scholarship is appropriately qualified and 56566
prepared to successfully complete a degree program in science, 56567
technology, engineering, mathematics, or medicine or in science, 56568
technology, engineering, mathematics, or medical education; 56569

(R) The extent to which the proposal will increase the number 56570
of women participating in the choose Ohio first scholarship 56571
program. 56572

Sec. 3333.63. The chancellor of the ~~Ohio board of regents~~ 56573
higher education shall conduct at least one public meeting 56574
annually, prior to deciding awards under the Ohio innovation 56575
partnership. At the meeting, an employee of the chancellor shall 56576
summarize the proposals submitted for consideration, and each 56577
state university or college that has a proposal pending shall have 56578
the opportunity to review the summary of their proposal prepared 56579
by the chancellor's staff and answer questions or respond to 56580
concerns about the proposal raised by the chancellor's staff. 56581

Sec. 3333.64. The chancellor of the ~~Ohio board of regents~~ 56582
higher education shall endeavor to make awards under the choose 56583
Ohio first scholarship program and the Ohio research scholars 56584
program such that the aggregate, statewide amount of other 56585
institutional, public, and private money pledged to the proposals 56586
in each fiscal year equals at least one hundred per cent of the 56587
aggregate amount of the money awarded under both programs that 56588
year. The chancellor shall endeavor to make awards under the 56589
choose Ohio first scholarship program in such a way that at least 56590
fifty per cent of the students receiving the scholarships are 56591
involved in a co-op or internship program in a private industry or 56592
a university laboratory. The value of institutional, public, or 56593
private industry co-ops and internships shall count toward the 56594
statewide aggregate amount of other institutional, public, or 56595
private money specified in this paragraph. 56596

The chancellor also shall endeavor to distribute awards in 56597
such a way that all regions of the state benefit from the economic 56598
development impact of the programs and shall guarantee that 56599
students from all regions of the state are able to participate in 56600
the scholarship program. 56601

Sec. 3333.65. The chancellor of the ~~Ohio board of regents~~ 56602

higher education shall require each state university or college 56603
that the controlling board approves to receive an award under the 56604
Ohio innovation partnership to enter into an agreement governing 56605
the use of the award. The agreement shall contain terms the 56606
chancellor determines to be necessary, which shall include 56607
performance measures, reporting requirements, and an obligation to 56608
fulfill pledges of other institutional, public, or nonpublic 56609
resources for the proposal. 56610

The chancellor may require a state university or college that 56611
violates the terms of its agreement to repay the award plus 56612
interest at the rate required by section 5703.47 of the Revised 56613
Code to the chancellor. 56614

If the chancellor makes an award to a program or initiative 56615
that is intended to be implemented by a state university or 56616
college in collaboration with other state institutions of higher 56617
education or nonpublic Ohio universities or colleges, the 56618
chancellor may enter into an agreement with the collaborating 56619
universities or colleges that permits awards to be received 56620
directly by the collaborating universities or colleges consistent 56621
with the terms of the program or initiative. In that case, the 56622
chancellor shall incorporate into the agreement terms consistent 56623
with the requirements of this section. 56624

Sec. 3333.66. (A)(1) Except as provided in division (A)(2) of 56625
this section, in each academic year, no student who receives a 56626
choose Ohio first scholarship shall receive less than one thousand 56627
five hundred dollars or more than one-half of the highest in-state 56628
undergraduate instructional and general fees charged by all state 56629
universities. For this purpose, if Miami university is 56630
implementing the pilot tuition restructuring plan originally 56631
recognized in Am. Sub. H.B. 95 of the 125th general assembly, that 56632
university's instructional and general fees shall be considered to 56633

be the average full-time in-state undergraduate instructional and 56634
general fee amount after taking into account the Ohio resident and 56635
Ohio leader scholarships and any other credit provided to all Ohio 56636
residents. 56637

(2) The chancellor of ~~the Ohio board of regents~~ higher 56638
education may authorize a state university or college or a 56639
nonpublic Ohio institution of higher education to award a choose 56640
Ohio first scholarship in an amount greater than one-half of the 56641
highest in-state undergraduate instructional and general fees 56642
charged by all state universities to either of the following: 56643

(a) Any undergraduate student who qualifies for a scholarship 56644
and is enrolled in a program leading to a teaching profession in 56645
science, technology, engineering, mathematics, or medicine; 56646

(b) Any graduate student who qualifies for a scholarship, if 56647
any initiatives are selected for award under division (B) of this 56648
section. 56649

(B) The chancellor shall encourage state universities and 56650
colleges, alone or in collaboration with other state institutions 56651
of higher education, nonpublic Ohio universities and colleges, or 56652
other public or private Ohio entities, to submit proposals under 56653
the choose Ohio first scholarship program for initiatives that 56654
recruit either of the following: 56655

(1) Ohio residents who enrolled in colleges and universities 56656
in other states or other countries to return to Ohio and enroll in 56657
state universities or colleges as graduate students in the fields 56658
of science, technology, engineering, mathematics, and medicine, or 56659
in the fields of science, technology, engineering, mathematics, or 56660
medical education. If such proposals are submitted and meet the 56661
chancellor's competitive criteria for awards, the chancellor, 56662
subject to approval by the controlling board, shall give at least 56663
one of the proposals preference for an award. 56664

(2) Graduates, or undergraduates who will graduate in time to participate in the program described in this division by the subsequent school year, from an Ohio college or university who received, or will receive, a degree in science, technology, engineering, mathematics, or medicine to participate in a graduate-level teacher education masters program in one of those fields that requires the student to establish a domicile in the state and to commit to teach for a minimum of three years in a hard-to-staff school district in the state upon completion of the master's degree program. The chancellor may require a college or university to give priority to qualified candidates who graduated from a high school in this state.

"Hard-to-staff" shall be as defined by the department of education.

(C) The general assembly intends that money appropriated for the choose Ohio first scholarship program in each fiscal year be used for scholarships in the following academic year.

Sec. 3333.67. Each state university or college that receives an award under the Ohio research scholars program shall deposit the amount it receives into a new or existing endowment fund. The university or college shall maintain the amount received and use income generated from that amount, and other institutional, public, or nonpublic resources, to finance the proposal approved by the chancellor of ~~the Ohio board of regents~~ higher education and the controlling board.

Sec. 3333.68. When making an award under the Ohio innovation partnership, the chancellor of ~~the Ohio board of regents~~ higher education, subject to approval by the controlling board, may commit to giving a state university's or college's proposal preference for future awards after the current fiscal year or

fiscal biennium. A proposal's eligibility for future awards 56695
remains conditional on all of the following: 56696

(A) Future appropriations of the general assembly; 56697

(B) The university's or college's adherence to the agreement 56698
entered into under section 3333.65 of the Revised Code, including 56699
its fulfillment of pledges of other institutional, public, or 56700
nonpublic resources; 56701

(C) With respect to the choose Ohio first scholarship 56702
program, a demonstration that the students receiving the 56703
scholarship are satisfied with the state universities or colleges 56704
selected by the chancellor to offer the scholarships. 56705

The chancellor and the controlling board shall not commit to 56706
awarding any proposal for more than five fiscal years at a time. 56707
However, when a commitment for future awards expires, a state 56708
university or college may reapply. 56709

Sec. 3333.69. The chancellor of ~~the Ohio board of regents~~ 56710
higher education shall monitor each initiative for which an award 56711
is granted under the Ohio innovation partnership to ensure the 56712
following: 56713

(A) Fiscal accountability, so that the award is used in 56714
accordance with the agreement entered into under section 3333.65 56715
of the Revised Code; 56716

(B) Operating progress, so that the initiative is managed to 56717
achieve the goals stated in the proposal and in the agreement, and 56718
so that problems may be promptly identified and remedied; 56719

(C) Desired outcomes, so that the initiative contributes to 56720
the programs' goals of enhancing regional educational and economic 56721
strengths and meeting regional economic needs. 56722

Sec. 3333.70. (A) The director of higher education shall 56723

establish and administer the Ohio higher education innovation 56724
grant program to promote educational excellence and economic 56725
efficiency throughout the state in order to stabilize or reduce 56726
student tuition rates at institutions of higher education. Under 56727
the program, the director shall award grants to state institutions 56728
of higher education, as defined in section 3345.011 of the Revised 56729
Code, and private nonprofit institutions for innovative projects 56730
that incorporate academic achievement and economic efficiencies. 56731
State institutions of higher education and private nonprofit 56732
institutions may apply for grants and initiate collaboration with 56733
other institutions of higher education, either public or private, 56734
on such projects. 56735

(B) The director shall adopt rules to administer the program 56736
including, but not limited to, requirements that each grant 56737
application provides for all of the following: 56738

(1) A system by which to measure academic achievement and 56739
reductions in expenditures, both in funding and administration; 56740

(2) Demonstration of how the project will be sustained beyond 56741
the grant period and continue to provide substantial value and 56742
lasting impact; 56743

(3) Proof of commitment from all parties responsible for the 56744
implementation of the project; 56745

(4) Implementation of an ongoing evaluation process and 56746
improvement plans, as necessary. 56747

(C) As used in this section, "private nonprofit institution" 56748
means a nonprofit institution in this state that has a certificate 56749
of authorization pursuant to Chapter 1713. of the Revised Code. 56750

Sec. 3333.71. As used in sections 3333.71 to 3333.79 of the 56751
Revised Code: 56752

(A) "Cooperative education program" means a partnership 56753

between students, institutions of higher education, and employers 56754
that formally integrates students' academic study with work 56755
experience in cooperating employer organizations and that meets 56756
all of the following conditions: 56757

(1) Alternates or combines periods of academic study and work 56758
experience in appropriate fields as an integral part of student 56759
education; 56760

(2) Provides students with compensation from the cooperative 56761
employer in the form of wages or salaries for work performed; 56762

(3) Evaluates each participating student's performance in the 56763
cooperative position, both from the perspective of the student's 56764
institution of higher education and the student's cooperative 56765
employer; 56766

(4) Provides participating students with academic credit from 56767
the institution of higher education upon successful completion of 56768
their cooperative education; 56769

(5) Is part of an overall degree or certificate program for 56770
which a percentage of the total program acceptable to the 56771
chancellor of ~~the Ohio board of regents~~ higher education involves 56772
cooperative education. 56773

(B) "Internship program" means a partnership between 56774
students, institutions of higher education, and employers that 56775
formally integrates students' academic study with work or 56776
community service experience and that does both of the following: 56777

(1) Offers internships of specified and definite duration; 56778

(2) Evaluates each participating student's performance in the 56779
internship position, both from the perspective of the student's 56780
institution of higher education and the student's internship 56781
employer. 56782

An internship program may provide participating students with 56783

academic credit upon successful completion of the internship, and 56784
may provide students with compensation in the form of wages or 56785
salaries, stipends, or scholarships. 56786

(C) "Nonpublic university or college" means a nonprofit 56787
institution holding a certificate of authorization issued under 56788
Chapter 1713. of the Revised Code. 56789

(D) "State institution of higher education" has the same 56790
meaning as in section 3345.011 of the Revised Code. 56791

Sec. 3333.72. The chancellor of ~~the Ohio board of regents~~ 56792
higher education shall establish and administer the Ohio 56793
co-op/internship program to promote and encourage cooperative 56794
education programs or internship programs at Ohio institutions of 56795
higher education for the purpose of recruiting Ohio students to 56796
stay in the state, and recruiting Ohio residents who left Ohio to 56797
attend out-of-state institutions of higher education back to Ohio 56798
institutions of higher education, to participate in high quality 56799
academic programs that use cooperative education programs or 56800
significant internship programs, in order to support the growth of 56801
Ohio's businesses by providing businesses with Ohio's most 56802
talented students and providing Ohio graduates with job 56803
opportunities with Ohio's growing companies. 56804

The chancellor, subject to approval by the controlling board, 56805
shall make awards to state institutions of higher education for 56806
new or existing programs and initiatives meeting the goals of the 56807
Ohio co-op/internship program. Awards may be granted for programs 56808
and initiatives to be implemented by a state institution of higher 56809
education alone or in collaboration with other state institutions 56810
of higher education or nonpublic Ohio universities and colleges. 56811
If the chancellor makes an award to a program or initiative that 56812
is intended to be implemented by a state institution of higher 56813
education in collaboration with other state institutions of higher 56814

education or nonpublic Ohio universities or colleges, the 56815
chancellor may provide that some portion of the award be received 56816
directly by the collaborating universities or colleges consistent 56817
with all terms of the Ohio co-op/internship program. 56818

The Ohio co-op/internship program shall support the creation 56819
and maintenance of high quality academic programs that utilize an 56820
intensive cooperative education or internship program for students 56821
at state institutions of higher education, or assign a number of 56822
scholarships to institutions to recruit Ohio residents as students 56823
in a high quality academic program, or both. If scholarships are 56824
included in an award to an institution of higher education, the 56825
scholarships shall be awarded to each participating eligible 56826
student as a grant to the state institution of higher education 56827
the student is attending and shall be reflected on the student's 56828
tuition bill. 56829

Notwithstanding any other provision of this section or 56830
sections 3333.73 to 3333.79 of the Revised Code, an Ohio four-year 56831
nonpublic university or college may submit a proposal as lead 56832
applicant or co-lead applicant for an award under the Ohio 56833
co-op/internship program if the proposal is to be implemented in 56834
collaboration with a state institution of higher education. If the 56835
chancellor grants a nonpublic university or college an award, the 56836
nonpublic university or college shall comply with all requirements 56837
of this section, sections 3333.73 to 3333.79 of the Revised Code, 56838
and the rules adopted under this section that apply to state 56839
institutions of higher education that receive awards under the 56840
program. 56841

The chancellor shall adopt rules in accordance with Chapter 56842
119. of the Revised Code to administer the Ohio co-op/internship 56843
program. 56844

Sec. 3333.73. The chancellor of the ~~Ohio board of regents~~ 56845

higher education shall establish a competitive process for making 56846
awards under the Ohio co-op/internship program. The chancellor, on 56847
completion of that process, shall make a recommendation to the 56848
controlling board asking for approval of each award selected by 56849
the chancellor. 56850

The state institution of higher education shall submit a 56851
proposal and other documentation required by the chancellor, in 56852
the form and manner prescribed by the chancellor, for each award 56853
it seeks. A proposal may propose an initiative to be implemented 56854
solely by the state institution of higher education or in 56855
collaboration with other state institutions of higher education or 56856
nonpublic Ohio universities or colleges. 56857

The chancellor shall determine which proposals will receive 56858
awards each fiscal year, and the amount of each award, on the 56859
basis of the merit of each proposal, which the chancellor, subject 56860
to approval by the controlling board, shall determine based on one 56861
or more of the following criteria: 56862

(A) The extent to which the proposal will keep Ohio students 56863
in Ohio institutions of higher education; 56864

(B) The extent to which the proposal will attract Ohio 56865
residents who left Ohio to attend out-of-state institutions of 56866
higher education to return to Ohio institutions of higher 56867
education; 56868

(C) The extent to which the proposal will increase the number 56869
of Ohio graduates who remain in Ohio and enter Ohio's workforce; 56870

(D) The quality of the program that is the subject of the 56871
proposal and the extent to which additional resources will enhance 56872
its quality; 56873

(E) The extent to which the proposal is integrated with the 56874
strengths of the regional economy; 56875

(F) The extent to which the proposal supports the workforce 56876
policies of the governor's office of workforce transformation to 56877
meet the workforce needs of the state and to provide a student 56878
participating in the program with the skills needed for workplace 56879
success; 56880

(G) The extent to which the proposal facilitates the 56881
development of high quality academic programs with a cooperative 56882
education program or a significant internship program at state 56883
institutions of higher education; 56884

(H) The extent to which the proposal is integrated with 56885
supporting private companies to fill potential job growth, is 56886
responsive to the needs of employers, aligns with the skills 56887
identified by employers as necessary to fill high-demand job 56888
openings, particularly job openings in targeted industry sectors 56889
as identified by the governor's office of workforce 56890
transformation; 56891

(I) The amount of other institutional, public, or private 56892
resources, whether monetary or nonmonetary, the proposal pledges 56893
to leverage that are in addition to the monetary cost-sharing 56894
requirement prescribed in section 3333.74 of the Revised Code; 56895

(J) The extent to which the proposal is collaborative with 56896
other Ohio institutions of higher education; 56897

(K) The extent to which the proposal is integrated with the 56898
institution's mission; 56899

(L) The extent to which the proposal meets a statewide 56900
educational need at the undergraduate or graduate level; 56901

(M) The demonstrated productivity or future capacity of the 56902
students to be recruited; 56903

(N) The extent to which the proposal will create additional 56904
capacity in a high quality academic program with a cooperative 56905

education program or significant internship program; 56906

(O) The extent to which the proposal will encourage students 56907
who received degrees from two-year institutions to pursue 56908
baccalaureate degrees; 56909

(P) The extent to which the proposal facilitates the 56910
completion of a baccalaureate degree in a cost-effective manner; 56911

(Q) The extent to which other institutional, public, or 56912
private resources that are pledged to the proposal, in addition to 56913
the monetary cost-sharing requirement prescribed in section 56914
3333.74 of the Revised Code, will be deployed to assist in 56915
sustaining the academic program of excellence; 56916

(R) The extent to which the proposal increases the likelihood 56917
that students will successfully complete their degree programs or 56918
certificate programs; 56919

(S) The extent to which the proposal ensures that a student 56920
participating in the high quality academic program funded by the 56921
Ohio co-op/internship program is appropriately qualified and 56922
prepared to successfully transition into professions in Ohio's 56923
growing companies and industries. 56924

Sec. 3333.731. (A) The co-op/internship program advisory 56925
committee is hereby created. The committee shall consist of the 56926
following members: 56927

(1) Five members appointed by the governor, two of whom shall 56928
represent academia, two of whom shall be representatives of 56929
private industry, and one of whom shall be a member of the public; 56930

(2) The director of development, or the director's designee; 56931

(3) Five members appointed by the president of the senate, 56932
three of whom shall be members of the senate, but not more than 56933
two from the same political party, one of whom shall represent 56934
academia, and one of whom shall be a member of the public; 56935

(4) Five members appointed by the speaker of the house of
representatives, three of whom shall be members of the house of
representatives, but not more than two from the same political
party, one of whom shall represent private industry, and one of
whom shall be a member of the public.

(B) Members of the committee who are members of the general
assembly shall serve for terms of four years or until their
legislative terms end, whichever is sooner. The director of
development or the director's designee shall serve as an
ex-officio, voting member. Otherwise, initial members shall serve
the following terms:

(1) Of the initial members appointed by the governor, the
member representing the public and one member representing
academia shall serve for terms of one year; one member
representing private industry shall serve for a term of two years;
and one member representing private industry and one member
representing academia shall serve for terms of three years.

(2) The member representing academia and the representative
of the public initially appointed by the president of the senate
shall serve for terms of two years.

(3) The member representing private industry initially
appointed by the speaker of the house of representatives shall
serve for a term of one year.

(4) The representative of the public initially appointed by
the speaker of the house of representatives shall serve for a term
of three years.

Thereafter, terms shall be for three years, with each term
ending on the same day of the same month as did the term that it
succeeds. Each member shall serve from the date of appointment
until the end of the term for which the member was appointed.
Members may be reappointed. Vacancies shall be filled in the same

manner as provided for original appointments. Any member appointed 56967
to fill a vacancy occurring prior to the expiration date of the 56968
term for which the member was appointed shall hold office for the 56969
remainder of that term. A member shall continue to serve after the 56970
expiration date of the member's term until the member's successor 56971
is appointed or until a period of sixty days has elapsed, 56972
whichever occurs first. The appointing authority may remove a 56973
member from the committee for failure to attend two consecutive 56974
meetings without showing good cause for the absences. 56975

(C) The committee annually shall select a chairperson and a 56976
vice-chairperson. Only the members who represent academia and 56977
private industry may serve as chairperson and vice-chairperson. 56978
For this purpose, any committee member appointed as a member of 56979
the public who is a trustee, officer, employee, or student of an 56980
institution of higher education shall be included among the 56981
representatives of academia who may serve as chairperson or 56982
vice-chairperson, and any committee member appointed as a member 56983
of the public who is a director, officer, or employee of a private 56984
business shall be included among the representatives of private 56985
industry who may serve as chairperson or vice-chairperson. The 56986
committee annually shall rotate the selection of the chairperson 56987
between these two groups and shall select a member of the other 56988
group to serve as vice-chairperson. 56989

The committee annually shall select one of its members to 56990
serve as secretary to keep a record of the committee's 56991
proceedings. 56992

(D) A majority vote of the members of the full committee is 56993
necessary to take action on any matter. The committee may adopt 56994
bylaws governing its operation, including bylaws that establish 56995
the frequency of meetings. 56996

(E) Members of the committee shall serve without 56997
compensation. 56998

(F) A member of the committee shall not participate in 56999
discussions or votes concerning a proposed initiative or an actual 57000
award under the Ohio co-op/internship program that involves an 57001
institution of higher education of which the member is a trustee, 57002
officer, employee, or student; an organization of which the member 57003
is a trustee, director, officer, or employee; or a business of 57004
which the member is a director, officer, or employee or a 57005
shareholder of more than five per cent of the business' stock. 57006

(G) The committee shall advise the chancellor of ~~the Ohio~~ 57007
~~board of regents~~ higher education on growing industries 57008
well-suited for awards under the Ohio co-op/internship program. 57009
The chancellor shall consult with the committee and request the 57010
committee's advice at each of the following times: 57011

(1) Prior to issuing each request for applications under the 57012
program; 57013

(2) While the chancellor is reviewing applications and before 57014
deciding on awards to submit for the controlling board's approval; 57015

(3) After deciding on awards to submit for the controlling 57016
board's approval and prior to submitting them. 57017

The committee shall advise the chancellor on other matters 57018
the chancellor considers appropriate. 57019

(H) The chancellor shall provide meeting space for the 57020
committee. The committee shall be assisted in its duties by the 57021
chancellor's staff. 57022

(I) Sections 101.82 to 101.87 of the Revised Code do not 57023
apply to the committee. 57024

Sec. 3333.74. (A) Except as provided in division (B) of this 57025
section, each award under the Ohio co-op/internship program shall 57026
require a pledge of private funds equal to the following: 57027

(1) In the case of a program, initiative, or scholarships for 57028

undergraduate students, at least one hundred per cent of the money 57029
awarded; 57030

(2) In the case of a program, initiative, or scholarships for 57031
graduate students, at least one hundred fifty per cent of the 57032
money awarded. 57033

(B) The chancellor of ~~the Ohio board of regents~~ higher 57034
education may waive the requirement of division (A) of this 57035
section if the chancellor finds that exceptional circumstances 57036
exist to do so, provided that the chancellor reviews the proposal 57037
with the advisory committee established under section 3333.731 of 57038
the Revised Code and provides an explanation for the waiver to the 57039
controlling board. 57040

(C) The chancellor shall endeavor to distribute awards in 57041
such a way that a wide range of disciplines is supported and that 57042
all regions of the state benefit from the economic development 57043
impact of the program. 57044

Sec. 3333.75. The chancellor of ~~the Ohio board of regents~~ 57045
higher education shall require each state institution of higher 57046
education that the controlling board approves to receive an award 57047
under the Ohio co-op/internship program to enter into an agreement 57048
governing the use of the award. The agreement shall contain terms 57049
the chancellor determines to be necessary, which shall include 57050
performance measures, reporting requirements, and an obligation to 57051
fulfill pledges of other institutional, public, or nonpublic 57052
resources for the proposal. 57053

The chancellor may require a state institution of higher 57054
education that violates the terms of its agreement to repay the 57055
award plus interest at the rate required by section 5703.47 of the 57056
Revised Code to the chancellor. 57057

If the chancellor makes an award to a program or initiative 57058

that is intended to be implemented by a state institution of 57059
higher education in collaboration with other state institutions of 57060
higher education or nonpublic Ohio universities or colleges, the 57061
chancellor may enter into an agreement with the collaborating 57062
universities or colleges that permits awards to be received 57063
directly by the collaborating universities or colleges consistent 57064
with the terms of the program or initiative. In that case, the 57065
chancellor shall incorporate into the agreement terms consistent 57066
with the requirements of this section. 57067

Sec. 3333.76. The chancellor of ~~the Ohio board of regents~~ 57068
higher education shall encourage state institutions of higher 57069
education, alone or in collaboration with other state institutions 57070
of higher education or nonpublic Ohio universities and colleges, 57071
to submit proposals under the Ohio co-op/internship program for 57072
initiatives that recruit Ohio residents enrolled in colleges and 57073
universities in other states or other countries to return to Ohio 57074
and enroll in state institutions of higher education or nonpublic 57075
Ohio universities and colleges as graduate students in a high 57076
quality academic program that uses a cooperative education 57077
program, a significant internship program in a private industry or 57078
institutional laboratory, or a similar model involving a variation 57079
of cooperative education or internship programs common to graduate 57080
education, and is in an educational area, industry, or industry 57081
sector of need. 57082

The chancellor may encourage state institutions of higher 57083
education, alone or in collaboration with other state institutions 57084
of higher education or nonpublic Ohio universities and colleges, 57085
to submit proposals for initiatives that recruit Ohio residents 57086
who have received baccalaureate degrees to remain in Ohio and 57087
enroll in state institutions of higher education or nonpublic Ohio 57088
universities and colleges as graduate students in a high quality 57089
academic program of the type described in the preceding paragraph. 57090

Sec. 3333.77. When making an award under the Ohio 57091
co-op/internship program, the chancellor of ~~the Ohio board of~~ 57092
~~regents~~ higher education, subject to approval by the controlling 57093
board, may commit to giving a state institution of higher 57094
education's proposal preference for future awards after the 57095
current fiscal year or fiscal biennium. A proposal's eligibility 57096
for future awards remains conditional on all of the following: 57097

(A) Future appropriations of the general assembly; 57098

(B) The institution's adherence to the agreement entered into 57099
under section 3333.75 of the Revised Code, including its 57100
fulfillment of pledges of other institutional, public, or 57101
nonpublic resources; 57102

(C) A demonstration that the students participating in the 57103
programs and initiatives or receiving scholarships financed by the 57104
awards are satisfied with the institutions selected by the 57105
chancellor to offer the programs, initiatives, or scholarships 57106
financed by the awards. 57107

The chancellor and the controlling board shall not commit to 57108
awarding any proposal for a period that exceeds five fiscal years. 57109
However, when an award, or the commitment for an award, expires, a 57110
state institution of higher education may apply for a new award. 57111

Sec. 3333.78. The chancellor of ~~the Ohio board of regents~~ 57112
higher education shall monitor each initiative for which an award 57113
is granted under the Ohio co-op/internship program to ensure the 57114
following: 57115

(A) Fiscal accountability, so that the award is used in 57116
accordance with the agreement entered into under section 3333.75 57117
of the Revised Code; 57118

(B) Operating progress, so that the initiative is managed to 57119
achieve the goals stated in the proposal and in the agreement, and 57120

so that problems may be promptly identified and remedied; 57121

(C) Desired outcomes, so that the initiative contributes to 57122
the program's goal of retaining Ohio's students after graduation. 57123

Sec. 3333.79. (A) As used in this section, "minority" has the 57124
same meaning as in section 184.17 of the Revised Code. The term 57125
also includes an individual who is economically disadvantaged. 57126

(B) The chancellor of ~~the board of regents~~ higher education 57127
shall conduct outreach activities in Ohio that seek to include 57128
minorities in the Ohio co-op/internship program established under 57129
section 3333.72 of the Revised Code. The outreach activities shall 57130
include the following, when appropriate: 57131

(1) Identifying and partnering with historically black 57132
colleges and universities; 57133

(2) Working with all institutions of higher education in the 57134
state to support minority faculty and students involved in 57135
cooperative and intern programs; 57136

(3) Developing a plan to contact by telephone minorities and 57137
other economically disadvantaged individuals to notify them of 57138
opportunities to participate in the co-op/internship program; 57139

(4) Identifying minority professional and trade associations 57140
and economic development assistance organizations and notifying 57141
them of the co-op/internship program; 57142

(5) Partnering with regional technology councils to foster 57143
local efforts to support minority participation in the 57144
co-op/internship program. 57145

(C) To the extent possible, outreach activities described in 57146
this section shall be conducted in conjunction with the EDGE 57147
program created in section 123.152 of the Revised Code. 57148

Sec. 3333.82. (A) The chancellor of ~~the Ohio board of regents~~ 57149

higher education shall establish a clearinghouse of digital texts, 57150
interactive distance learning courses, and other distance learning 57151
courses delivered via a computer-based method offered by school 57152
districts, community schools, STEM schools, state institutions of 57153
higher education, private colleges and universities, and other 57154
nonprofit and for-profit course providers for sharing with other 57155
school districts, community schools, STEM schools, state 57156
institutions of higher education, private colleges and 57157
universities, and individuals for the fee set pursuant to section 57158
3333.84 of the Revised Code. The chancellor shall not be 57159
responsible for the content of digital texts or courses offered 57160
through the clearinghouse; however, all such digital texts and 57161
courses shall be delivered only in accordance with technical 57162
specifications approved by the chancellor and on a common 57163
statewide platform administered by the chancellor. The chancellor 57164
may provide professional development and training on the use of 57165
the distance learning clearinghouse. 57166

The clearinghouse's distance learning program for students in 57167
grades kindergarten to twelve shall be based on the following 57168
principles: 57169

(1) All Ohio students shall have access to high quality 57170
digital texts and distance learning courses at any point in their 57171
educational careers. 57172

(2) All students shall be able to customize their education 57173
using digital texts and distance learning courses offered through 57174
the clearinghouse and no student shall be denied access to any 57175
digital text or course in the clearinghouse in which the student 57176
is eligible to enroll. 57177

(3) Students may take distance learning courses for all or 57178
any portion of their curriculum requirements and may utilize a 57179
combination of digital texts and distance learning courses and 57180
courses taught in a traditional classroom setting. 57181

(4) Students may earn an unlimited number of academic credits 57182
through distance learning courses. 57183

(5) Students may take distance learning courses at any time 57184
of the calendar year. 57185

(6) Student advancement to higher coursework shall be based 57186
on a demonstration of subject area competency instead of 57187
completion of any particular number of hours of instruction. 57188

(B) To offer digital texts or a course through the 57189
clearinghouse, a provider shall apply to the chancellor in a form 57190
and manner prescribed by the chancellor. The application for each 57191
digital text or course shall describe the digital text or course 57192
of study in as much detail as required by the chancellor, whether 57193
an instructor is provided, the qualification and credentials of 57194
the instructor, the number of hours of instruction, and any other 57195
information required by the chancellor. The chancellor may require 57196
course providers to include in their applications information 57197
recommended by the state board of education under former section 57198
3353.30 of the Revised Code. 57199

(C) The chancellor shall review the technical specifications 57200
of each application submitted under division (B) of this section. 57201
In reviewing applications, the chancellor may consult with the 57202
department of education; however, the responsibility to either 57203
approve or not approve a digital text or course for the 57204
clearinghouse belongs to the chancellor. The chancellor may 57205
request additional information from a provider that submits an 57206
application under division (B) of this section, if the chancellor 57207
determines that such information is necessary. The chancellor may 57208
negotiate changes in the proposal to offer a digital text or 57209
course, if the chancellor determines that changes are necessary in 57210
order to approve the digital text or course. 57211

(D) The chancellor shall catalog each digital text or course 57212

approved for the clearinghouse, through a print or electronic 57213
medium, displaying the following: 57214

(1) Information necessary for a student and the student's 57215
parent, guardian, or custodian and the student's school district, 57216
community school, STEM school, college, or university to decide 57217
whether to enroll in or subscribe to the course; 57218

(2) Instructions for enrolling in that digital text or 57219
course, including deadlines for enrollment. 57220

(E) Any expenses related to the installation of a course into 57221
the common statewide platform shall be borne by the course 57222
provider. 57223

(F) The chancellor may contract with an entity to perform any 57224
or all of the chancellor's duties under sections 3333.81 to 57225
3333.88 of the Revised Code. 57226

Sec. 3333.83. (A) Each school district, community school, and 57227
STEM school shall encourage students to take advantage of the 57228
distance learning opportunities offered through the clearinghouse 57229
and shall assist any student electing to participate in the 57230
clearinghouse with the selection and scheduling of courses that 57231
satisfy the district's or school's curriculum requirements and 57232
promote the student's post-secondary college or career plans. 57233

(B) For each student enrolled in a school operated by a 57234
school district or in a community school or STEM school who is 57235
enrolling in a course provided through the clearinghouse by 57236
another school district, community school, or STEM school, the 57237
student's school district, community school, or STEM school shall 57238
transmit the student's name to the course provider. 57239

The course provider may request from the student's school 57240
district, community school, or STEM school other information from 57241
the student's school record. The district or school shall provide 57242

the requested information only in accordance with section 3319.321 57243
of the Revised Code. 57244

(C) The student's school district, community school, or STEM 57245
school shall determine the manner in which and facilities at which 57246
the student shall participate in the course consistent with 57247
specifications for technology and connectivity adopted by the 57248
chancellor of ~~the Ohio board of regents~~ higher education. 57249

(D) A student may withdraw from a course prior to the end of 57250
the course only by a date and in a manner prescribed by the 57251
student's school district, community school, or STEM school. 57252

(E) A student who is enrolled in a school operated by a 57253
school district or in a community school or STEM school and who 57254
takes a course through the clearinghouse shall be counted in the 57255
formula ADM of a school district under section 3317.03 of the 57256
Revised Code as if the student were taking the course from the 57257
student's school district, community school, or STEM school. 57258

Sec. 3333.84. (A) The fee charged for any digital ~~texts~~ text 57259
or course offered through the clearinghouse shall be set by the 57260
provider. 57261

(B) The chancellor of ~~the Ohio board of regents~~ higher 57262
education shall prescribe the manner in which the fee for a 57263
digital ~~texts~~ text or course shall be collected or deducted from 57264
the school district, school, college or university, or individual 57265
subscribing to the digital ~~texts~~ text or course and in which 57266
manner the fee shall be paid to the provider. 57267

(C) The chancellor may retain a percentage of the fee charged 57268
for a digital ~~texts~~ text or course to offset the cost of 57269
maintaining and operating the clearinghouse, including the payment 57270
of compensation for an entity or a private entity that is under 57271
contract with the chancellor under division (F) of section 3333.82 57272

of the Revised Code. The percentage retained shall be determined 57273
by the chancellor. 57274

(D) Nothing in this section shall be construed to require the 57275
school district, community school, or STEM school in which a 57276
student is enrolled to pay the fee charged for a digital ~~texts~~ 57277
text or course taken by the student. 57278

Sec. 3333.86. The chancellor of ~~the Ohio board of regents~~ 57279
higher education may determine the manner in which a course 57280
included in the clearinghouse may be offered as an advanced 57281
standing program as defined in section 3313.6013 of the Revised 57282
Code, may be offered to students who are enrolled in nonpublic 57283
schools or are instructed at home pursuant to section 3321.04 of 57284
the Revised Code, or may be offered at times outside the normal 57285
school day or school week, including any necessary additional fees 57286
and methods of payment for a course so offered. 57287

Sec. 3333.87. The chancellor of ~~the Ohio board of regents~~ 57288
higher education and the state board of education jointly, and in 57289
consultation with the director of the governor's office of 21st 57290
century education, shall adopt rules in accordance with Chapter 57291
119. of the Revised Code prescribing procedures for the 57292
implementation of sections 3333.81 to 3333.86 of the Revised Code. 57293

Sec. 3333.90. (A) The chancellor of ~~the Ohio board of regents~~ 57294
higher education shall establish a course and program sharing 57295
network that enables members of the university system of Ohio and 57296
adult career centers to share curricula for existing courses and 57297
academic programs with one another. The purpose of the network 57298
shall be to increase course availability across the state and to 57299
avoid unnecessary course duplication through the sharing of 57300
existing curricula. 57301

(B) The chancellor shall adopt rules to administer the course 57302

and program sharing network established under this section. 57303

(C) As used in this section, "member of the university system 57304
of Ohio" has the same meaning as in section 3345.011 of the 57305
Revised Code. 57306

Sec. 3333.91. Not later than December 31, 2014, the 57307
governor's office of workforce transformation, in collaboration 57308
with the chancellor of ~~the Ohio board of regents~~ higher education, 57309
the superintendent of public instruction, and the department of 57310
job and family services, shall develop and submit to the 57311
appropriate federal agency a single, state unified plan for the 57312
adult basic and literacy education program administered by the 57313
United States secretary of education, the "Carl D. Perkins 57314
Vocational and Technical Education Act," 20 U.S.C. 2301, et seq., 57315
as amended, and the "Workforce Investment Act of 1998," 29 U.S.C. 57316
2801, et seq., as amended. Following the plan's initial submission 57317
to the appropriate federal agency, the governor's office of 57318
workforce transformation may update it as necessary. If the plan 57319
is updated, the governor's office of workforce transformation 57320
shall submit the updated plan to the appropriate federal agency. 57321

Sec. 3333.92. (A) As used in this section, "OhioMeansJobs" 57322
has the same meaning as in section 6301.01 of the Revised Code. 57323

(B)(1) Beginning January 1, 2016, each participant in an 57324
adult basic and literacy education funded training or education 57325
program shall create an account with OhioMeansJobs at the twelfth 57326
week of the program. 57327

(2) Beginning January 1, 2016, each participant in an Ohio 57328
technical center funded training or education program shall create 57329
an account with OhioMeansJobs at the time of enrollment in the 57330
program. 57331

(C) Division (B) of this section does not apply to any 57332

individual who is legally prohibited from using a computer, has a 57333
physical or visual impairment that makes the individual unable to 57334
use a computer, or has a limited ability to read, write, speak, or 57335
understand a language in which OhioMeansJobs is available. 57336

Sec. 3334.08. (A) Subject to division (B) of this section, in 57337
addition to any other powers conferred by this chapter, the Ohio 57338
tuition trust authority may do any of the following: 57339

(1) Impose reasonable residency requirements for 57340
beneficiaries of tuition units; 57341

(2) Impose reasonable limits on the number of tuition unit 57342
participants; 57343

(3) Impose and collect administrative fees and charges in 57344
connection with any transaction under this chapter; 57345

(4) Purchase insurance from insurers licensed to do business 57346
in this state providing for coverage against any loss in 57347
connection with the authority's property, assets, or activities or 57348
to further ensure the value of tuition units; 57349

(5) Indemnify or purchase policies of insurance on behalf of 57350
members, officers, and employees of the authority from insurers 57351
licensed to do business in this state providing for coverage for 57352
any liability incurred in connection with any civil action, 57353
demand, or claim against a director, officer, or employee by 57354
reason of an act or omission by the director, officer, or employee 57355
that was not manifestly outside the scope of the employment or 57356
official duties of the director, officer, or employee or with 57357
malicious purpose, in bad faith, or in a wanton or reckless 57358
manner; 57359

(6) Make, execute, and deliver contracts, conveyances, and 57360
other instruments necessary to the exercise and discharge of the 57361
powers and duties of the authority; 57362

(7) Promote, advertise, and publicize the Ohio college 57363
savings program and the variable college savings program; 57364

(8) Adopt rules under section 111.15 of the Revised Code for 57365
the implementation of the Ohio college savings program; 57366

(9) Contract, for the provision of all or part of the 57367
services necessary for the management and operation of the Ohio 57368
college savings program and the variable college savings program, 57369
with a bank, trust company, savings and loan association, 57370
insurance company, or licensed dealer in securities if the bank, 57371
company, association, or dealer is authorized to do business in 57372
this state and information about the contract is filed with the 57373
controlling board pursuant to division (D)(6) of section 127.16 of 57374
the Revised Code; provided, however, that any funds of the Ohio 57375
college savings program and the variable college savings program 57376
that are not needed for immediate use shall be deposited by the 57377
treasurer of state in the same manner provided under Chapter 135. 57378
of the Revised Code for public moneys of the state. All interest 57379
earned on those deposits shall be credited to the Ohio college 57380
savings program or the variable college savings program, as 57381
applicable. 57382

(10) Contract for other services, or for goods, needed by the 57383
authority in the conduct of its business, including but not 57384
limited to credit card services; 57385

(11) Employ an executive director and other personnel as 57386
necessary to carry out its responsibilities under this chapter, 57387
and fix the compensation of these persons. All employees of the 57388
authority shall be in the unclassified civil service and shall be 57389
eligible for membership in the public employees retirement system. 57390
In the hiring of the executive director, the Ohio tuition trust 57391
authority shall obtain the advice and consent of the Ohio tuition 57392
trust board created in section 3334.03 of the Revised Code, 57393
provided that the executive director shall not be hired unless a 57394

majority of the board votes in favor of the hiring. In addition, 57395
the board may remove the executive director at any time subject to 57396
the advice and consent of the chancellor of ~~the Ohio board of~~ 57397
~~regents~~ higher education. 57398

(12) Contract with financial consultants, actuaries, 57399
auditors, and other consultants as necessary to carry out its 57400
responsibilities under this chapter; 57401

(13) Enter into agreements with any agency of the state or 57402
its political subdivisions or with private employers under which 57403
an employee may agree to have a designated amount deducted in each 57404
payroll period from the wages or salary due the employee for the 57405
purpose of purchasing tuition units pursuant to a tuition payment 57406
contract or making contributions pursuant to a variable college 57407
savings program contract; 57408

(14) Enter into an agreement with the treasurer of state 57409
under which the treasurer of state will receive, and credit to the 57410
Ohio tuition trust fund or variable college savings program fund, 57411
from any bank or savings and loan association authorized to do 57412
business in this state, amounts that a depositor of the bank or 57413
association authorizes the bank or association to withdraw 57414
periodically from the depositor's account for the purpose of 57415
purchasing tuition units pursuant to a tuition payment contract or 57416
making contributions pursuant to a variable college savings 57417
program contract; 57418

(15) Solicit and accept gifts, grants, and loans from any 57419
person or governmental agency and participate in any governmental 57420
program; 57421

(16) Impose limits on the number of units which may be 57422
purchased on behalf of or assigned or awarded to any beneficiary 57423
and on the total amount of contributions that may be made on 57424
behalf of a beneficiary; 57425

(17) Impose restrictions on the substitution of another individual for the original beneficiary under the Ohio college savings program;	57426 57427 57428
(18) Impose a limit on the age of a beneficiary, above which tuition units may not be purchased on behalf of that beneficiary;	57429 57430
(19) Enter into a cooperative agreement with the treasurer of state to provide for the direct disbursement of payments under tuition payment or variable college savings program contracts;	57431 57432 57433
(20) Determine the other higher education expenses for which tuition units or contributions may be used;	57434 57435
(21) Terminate any tuition payment or variable college savings program contract if no purchases or contributions are made for a period of three years or more and there are fewer than a total of five tuition units or less than a dollar amount set by rule on account, provided that notice of a possible termination shall be provided in advance, explaining any options to prevent termination, and a reasonable amount of time shall be provided within which to act to prevent a termination;	57436 57437 57438 57439 57440 57441 57442 57443
(22) Maintain a separate account for each tuition payment or variable college savings program contract;	57444 57445
(23) Perform all acts necessary and proper to carry out the duties and responsibilities of the authority pursuant to this chapter.	57446 57447 57448
(B) The authority shall adopt rules under section 111.15 of the Revised Code for the implementation and administration of the variable college savings program. The rules shall provide taxpayers with the maximum tax advantages and flexibility consistent with section 529 of the Internal Revenue Code and regulations adopted thereunder with regard to disposition of contributions and earnings, designation of beneficiaries, and rollover of account assets to other programs.	57449 57450 57451 57452 57453 57454 57455 57456

(C) Except as otherwise specified in this chapter, the 57457
provisions of Chapters 123., ~~125.~~, and 4117. of the Revised Code 57458
shall not apply to the authority and Chapter 125. of the Revised 57459
Code shall not apply to contracts approved under the powers of the 57460
Ohio tuition trust authority board under section 3334.03 of the 57461
Revised Code. ~~The department of administrative services shall,~~ 57462
~~upon the request of the authority, act as the authority's agent~~ 57463
~~for the purchase of equipment, supplies, insurance, or services,~~ 57464
~~or the performance of administrative services pursuant to Chapter~~ 57465
~~125. of the Revised Code.~~ 57466

Sec. 3335.02. (A) The government of the Ohio state university 57467
shall be vested in a board of fourteen trustees in 2005, and 57468
seventeen trustees beginning in 2006, who shall be appointed by 57469
the governor, with the advice and consent of the senate. Two of 57470
the seventeen trustees shall be students at the Ohio state 57471
university, and their selection and terms shall be in accordance 57472
with division (B) of this section. Except as provided in division 57473
~~(C)~~(D) of this section and except for the terms of student 57474
members, terms of office shall be for nine years, commencing on 57475
the fourteenth day of May and ending on the thirteenth day of May. 57476
Each trustee shall hold office from the date of appointment until 57477
the end of the term for which the trustee was appointed. Any 57478
trustee appointed to fill a vacancy occurring prior to the 57479
expiration of the term for which the trustee's predecessor was 57480
appointed shall hold office for the remainder of such term. Any 57481
trustee shall continue in office subsequent to the expiration date 57482
of the trustee's term until the trustee's successor takes office, 57483
or until a period of sixty days has elapsed, whichever occurs 57484
first. No person who has served a full nine-year term or more than 57485
six years of such a term shall be eligible for reappointment until 57486
a period of four years has elapsed since the last day of the term 57487
for which the person previously served. The trustees shall not 57488

receive compensation for their services, but shall be paid their 57489
reasonable necessary expenses while engaged in the discharge of 57490
their official duties. 57491

(B) The student members of the board of trustees of the Ohio 57492
state university shall be students at the Ohio state university. 57493
Unless student members have been granted voting power under 57494
division (C) of this section, they shall have no voting power on 57495
the board. ~~Student members,~~ shall not be considered as members of 57496
the board in determining whether a quorum is present. ~~Student~~ 57497
~~members,~~ and shall not be entitled to attend executive sessions of 57498
the board. The student members of the board shall be appointed by 57499
the governor, with the advice and consent of the senate, from a 57500
group of five candidates selected pursuant to a procedure adopted 57501
by the university's student governments and approved by the 57502
university's board of trustees. The initial term of office of one 57503
of the student members shall commence on May 14, 1988, and shall 57504
expire on May 13, 1989, and the initial term of office of the 57505
other student member shall commence on May 14, 1988, and expire on 57506
May 13, 1990. Thereafter, terms of office of student members shall 57507
be for two years, each term ending on the same day of the same 57508
month of the year as the term it succeeds. In the event a student 57509
member cannot fulfill a two-year term, a replacement shall be 57510
selected to fill the unexpired term in the same manner used to 57511
make the original selection. 57512

(C) Not later than ninety days after the effective date of 57513
this amendment, the board of trustees shall adopt a resolution 57514
that does one of the following: 57515

(1) Grants the student members of the board voting power on 57516
the board. If so granted, in addition to having voting power, the 57517
student members shall be considered as members of the board in 57518
determining whether a quorum is present and shall be entitled to 57519
attend executive sessions of the board. 57520

(2) Declares that student members do not have voting power on 57521
the board. 57522

Thereafter, the board may change the voting status of student 57523
trustees by adopting a subsequent resolution. Each resolution 57524
adopted under this division shall take effect on the fourteenth 57525
day of May following the adoption of the resolution. All members 57526
with voting power at the time of the adoption of a resolution may 57527
vote on the resolution. 57528

If student members are granted voting power under this 57529
division, no student shall be disqualified from membership on the 57530
board of trustees because the student receives a scholarship, 57531
grant, loan, or any other financial assistance payable out of the 57532
state treasury or a university fund, or because the student is 57533
employed by the university in a position pursuant to a work-study 57534
program or other student employment, including as a graduate 57535
teaching assistant, graduate administrative assistant, or graduate 57536
research assistant, the compensation for which is payable out of 57537
the state treasury or a university fund. 57538

Acceptance of such financial assistance or employment by a 57539
student trustee shall not be considered a violation of Chapter 57540
102. or section 2921.42 or 2921.43 of the Revised Code. 57541

~~(C)~~(D)(1) The initial terms of office for the three 57542
additional trustees appointed in 2005 shall commence on a date in 57543
2005 that is selected by the governor with one term of office 57544
expiring on May 13, 2009, one term of office expiring on May 13, 57545
2010, and one term of office expiring on May 13, 2011, as 57546
designated by the governor upon appointment. Thereafter terms of 57547
office shall be for nine years, as provided in division (A) of 57548
this section. 57549

(2) The initial terms of office for the three additional 57550
trustees appointed in 2006 shall commence on May 14, 2006, with 57551

one term of office expiring on May 13, 2012, one term of office 57552
expiring on May 13, 2013, and one term of office expiring on May 57553
13, 2014, as designated by the governor upon appointment. 57554
Thereafter terms of office shall be for nine years, as provided in 57555
division (A) of this section. 57556

Sec. 3335.09. The board of trustees of the Ohio state 57557
university shall elect, fix the compensation of, and remove, the 57558
president and such number of professors, teachers, and other 57559
employees as are necessary; ~~but. Except as provided under division~~ 57560
~~(C) of section 3335.02 of the Revised Code, no trustee, or his~~ 57561
~~relation relative of a trustee~~ by blood or marriage, shall be 57562
eligible to a professorship or position in the university, the 57563
compensation for which is payable out of the state treasury or a 57564
university fund. The board shall fix and regulate the course of 57565
instruction and prescribe the extent and character of experiments 57566
to be made at the university. 57567

Sec. 3335.361. Any policy or guideline established by OSU 57568
extension that requires volunteers for 4-H programs to be 57569
fingerprinted shall do both of the following: 57570

(A) Require only individuals who become volunteers for those 57571
programs on or after the effective date of this section to be 57572
fingerprinted; 57573

(B) Require those individuals to be fingerprinted only one 57574
time. 57575

OSU extension shall modify any policy or guideline regarding 57576
fingerprinting of volunteers for 4-H programs that has been 57577
established prior to the effective date of this section to comply 57578
with this section. 57579

Sec. 3337.10. There is hereby established the Ohio university 57580

college of osteopathic medicine the purpose of which shall be to 57581
provide instruction in the practice of osteopathic medicine. The 57582
college shall be a component college of Ohio university. The 57583
clinical instruction portions of the medical program shall be 57584
provided through the facilities of existing osteopathic and joint 57585
staff hospitals. ~~The college shall have an advisory committee of~~ 57586
~~ten members, which shall consist of the president of Ohio~~ 57587
~~university or the president's designee and nine members appointed~~ 57588
~~by the governor with the advice and consent of the senate. Within~~ 57589
~~one hundred twenty days of November 17, 1975, the governor shall~~ 57590
~~make initial appointments to the advisory committee. Of these,~~ 57591
~~three shall be for terms ending two years after November 17, 1975,~~ 57592
~~three shall be for terms ending four years after that date, and~~ 57593
~~three shall be for terms ending six years after that date.~~ 57594
~~Thereafter, terms of office shall be for six years, each term~~ 57595
~~ending on the same day of the same month of the year as did the~~ 57596
~~term that it succeeds. Each member shall hold office from the date~~ 57597
~~of appointment until the end of the term for which the member was~~ 57598
~~appointed. Any member appointed to fill a vacancy occurring prior~~ 57599
~~to the expiration of the term for which the member's predecessor~~ 57600
~~was appointed shall hold office for the remainder of such term.~~ 57601
~~Any member shall continue in office subsequent to the expiration~~ 57602
~~date of the member's term until the member's successor takes~~ 57603
~~office, or until a period of sixty days has elapsed, whichever~~ 57604
~~occurs first.~~ 57605

Sec. 3345.022. The board of trustees of any college or 57606
university supported in part or in whole by state funds, or two or 57607
more such boards, may enter into a contract, upon such terms as 57608
shall be determined to be in the best interests of students, for 57609
the provision of legal services to students through a group legal 57610
services insurance plan approved by the superintendent of 57611
insurance or through a prepaid legal services plan established by 57612

attorneys admitted to the practice of law in this state. The fees 57613
or charges to students who participate in the plan shall be 57614
established by the board or boards and shall be sufficient to 57615
defray the college's or university's cost of administering the 57616
plan. No student shall be required to pay any such fee or charge 57617
unless ~~he~~ the student elects to participate in the plan, and no 57618
revenue from any other student fees or charges shall be used to 57619
finance any portion of the cost of any plan or the college's or 57620
university's cost of administering the plan. Legal representation 57621
under the plan shall be limited to services determined by the 57622
board to be reasonably related to student welfare, to the 57623
advancement or successful completion of student education, or to 57624
serve a public purpose within the powers of the college or 57625
university. 57626

A plan shall not provide or pay for the cost of 57627
representation of a student in an action against a state officer 57628
or agency arising out of the performance of the duties of the 57629
officer or agency, against a law enforcement officer arising out 57630
of the performance of the duties of the officer, against a college 57631
or university participating in the plan, against a student of such 57632
a college or university, or against the chancellor of higher 57633
education or a member of the board of regents or of the board of 57634
trustees, faculty, or staff of such a college or university, if 57635
the cause of action arises out of the performance of the duties of 57636
the office of the member or in the course of the member's 57637
employment by the college or university. As used in this section, 57638
"law enforcement officer" means a sheriff, deputy sheriff, 57639
constable, marshal, deputy marshal, municipal police officer, 57640
state highway patrol trooper, or state university law enforcement 57641
officer appointed under section 3345.04 of the Revised Code. 57642

Sec. 3345.05. (A) All registration fees, nonresident tuition 57643
fees, academic fees for the support of off-campus instruction, 57644

laboratory and course fees when so assessed and collected, student 57645
health fees for the support of a student health service, all other 57646
fees, deposits, charges, receipts, and income from all or part of 57647
the students, all subsidy or other payments from state 57648
appropriations, and all other fees, deposits, charges, receipts, 57649
income, and revenue received by each state institution of higher 57650
education, the Ohio state university hospitals and their ancillary 57651
facilities, the Ohio agricultural research and development center, 57652
and OSU extension shall be held and administered by the respective 57653
boards of trustees of the state institution of higher education; 57654
provided, that such fees, deposits, charges, receipts, income and 57655
revenue, to the extent required by resolutions, trust agreements, 57656
indentures, leases, and agreements adopted, made, or entered into 57657
under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the 57658
Revised Code, shall be held, administered, transferred, and 57659
applied in accordance therewith. 57660

(B) ~~The Ohio board of regents~~ chancellor of higher education 57661
shall require annual reporting by the Ohio agricultural research 57662
and development center and by each university and college 57663
receiving state aid in such form and detail as determined by the 57664
~~board~~ chancellor of higher education in consultation with such 57665
center, universities and colleges, and the director of budget and 57666
management. 57667

(C) Notwithstanding any provision of the Revised Code to the 57668
contrary, the title to investments made by the board of trustees 57669
of a state institution of higher education with funds derived from 57670
any of the sources described in division (A) of this section shall 57671
not be vested in the state or the political subdivision but shall 57672
be held in trust by the board. Such investments shall be made 57673
pursuant to an investment policy adopted by the board in public 57674
session that requires all fiduciaries to discharge their duties 57675
with the care, skill, prudence, and diligence under the 57676

circumstances then prevailing that a prudent person acting in like 57677
capacity and familiar with such matters would use in the conduct 57678
of an enterprise of a like character and with like aims. The 57679
policy also shall require at least the following: 57680

(1) A stipulation that investment of at least twenty-five per 57681
cent of the average amount of the investment portfolio over the 57682
course of the previous fiscal year be invested in securities of 57683
the United States government or of its agencies or 57684
instrumentalities, the treasurer of state's pooled investment 57685
program, obligations of this state or any political subdivision of 57686
this state, certificates of deposit of any national bank located 57687
in this state, written repurchase agreements with any eligible 57688
Ohio financial institution that is a member of the federal reserve 57689
system or federal home loan bank, money market funds, or bankers 57690
acceptances maturing in two hundred seventy days or less which are 57691
eligible for purchase by the federal reserve system, as a reserve; 57692

(2) Eligible funds above those that meet the conditions of 57693
division (C)(1) of this section may be pooled with other 57694
institutional funds and invested in accordance with section 57695
1715.52 of the Revised Code. 57696

(3) The establishment of an investment committee. 57697

(D) The investment committee established under division 57698
(C)(3) of this section shall meet at least quarterly. The 57699
committee shall review and recommend revisions to the board's 57700
investment policy and shall advise the board on its investments 57701
made under division (C) of this section in an effort to assist it 57702
in meeting its obligations as a fiduciary as described in division 57703
(C) of this section. The committee shall be authorized to retain 57704
the services of an investment advisor who meets both of the 57705
following qualifications: 57706

(1) The advisor is either: 57707

(a) Licensed by the division of securities under section 57708
1707.141 of the Revised Code; 57709

(b) Registered with the securities and exchange commission. 57710

(2) The advisor either: 57711

(a) Has experience in the management of investments of public 57712
funds, especially in the investment of state-government investment 57713
portfolios; 57714

(b) Is an eligible institution referenced in section 135.03 57715
of the Revised Code. 57716

(E) As used in this section, "state institution of higher 57717
education" means a state institution of higher education as 57718
defined in section 3345.011 of the Revised Code. 57719

Sec. 3345.06. (A) Subject to divisions (B) and (C) of this 57720
section, a graduate of the twelfth grade shall be entitled to 57721
admission without examination to any college or university which 57722
is supported wholly or in part by the state, but for unconditional 57723
admission may be required to complete such units not included in 57724
the graduate's high school course as may be prescribed, not less 57725
than two years prior to the graduate's entrance, by the faculty of 57726
the institution. 57727

(B) Beginning with the 2014-2015 academic year, each state 57728
university listed in section 3345.011 of the Revised Code, except 57729
for Central state university, Shawnee state university, and 57730
Youngstown state university, shall permit a resident of this state 57731
who entered ninth grade for the first time on or after July 1, 57732
2010, to begin undergraduate coursework at the university only if 57733
the person has successfully completed the requirements for high 57734
school graduation prescribed in division (C) of section 3313.603 57735
of the Revised Code, unless one of the following applies: 57736

(1) The person has earned at least ten semester hours, or the 57737

equivalent, at a community college, state community college, 57738
university branch, technical college, or another post-secondary 57739
institution except a state university to which division (B) of 57740
this section applies, in courses that are college-credit-bearing 57741
and may be applied toward the requirements for a degree. The 57742
university shall grant credit for successful completion of those 57743
courses pursuant to any applicable articulation and transfer 57744
policy of the ~~Ohio board of regents~~ chancellor of higher education 57745
or any agreements the university has entered into in accordance 57746
with policies and procedures adopted under section 3333.16, 57747
3333.161, or 3333.162 of the Revised Code. The university may 57748
count college credit that the student earned while in high school 57749
through the college credit plus program under Chapter 3365. of the 57750
Revised Code, or through other advanced standing programs, toward 57751
the requirements of division (B)(1) of this section if the credit 57752
may be applied toward a degree. 57753

(2) The person qualified to graduate from high school under 57754
division (D) or (F) of section 3313.603 of the Revised Code and 57755
has successfully completed the topics or courses that the person 57756
lacked to graduate under division (C) of that section at any 57757
post-secondary institution or at a summer program at the state 57758
university. A state university may admit a person for enrollment 57759
contingent upon completion of such topics or courses or summer 57760
program. 57761

(3) The person met the high school graduation requirements by 57762
successfully completing the person's individualized education 57763
program developed under section 3323.08 of the Revised Code. 57764

(4) The person is receiving or has completed the final year 57765
of instruction at home as authorized under section 3321.04 of the 57766
Revised Code, or has graduated from a nonchartered, nonpublic 57767
school in Ohio, and demonstrates mastery of the academic content 57768
and skills in reading, writing, and mathematics needed to 57769

successfully complete introductory level coursework at an 57770
institution of higher education and to avoid remedial coursework. 57771

(5) The person is a high school student participating in the 57772
college credit plus program under Chapter 3365. of the Revised 57773
Code or another advanced standing program. 57774

(C) A state university subject to division (B) of this 57775
section may delay admission for or admit conditionally an 57776
undergraduate student who has successfully completed the 57777
requirements prescribed in division (C) of section 3313.603 of the 57778
Revised Code if the university determines the student requires 57779
academic remedial or developmental coursework. The university may 57780
delay admission pending, or make admission conditional upon, the 57781
student's successful completion of the academic remedial or 57782
developmental coursework at a university branch, community 57783
college, state community college, or technical college. 57784

(D) This section does not deny the right of a college of law, 57785
medicine, or other specialized education to require college 57786
training for admission, or the right of a department of music or 57787
other art to require particular preliminary training or talent. 57788

Sec. 3345.061. (A) Ohio's two-year institutions of higher 57789
education are respected points of entry for students embarking on 57790
post-secondary careers and courses completed at those institutions 57791
are transferable to state universities in accordance with 57792
articulation and transfer agreements developed under sections 57793
3333.16, 3333.161, and 3333.162 of the Revised Code. 57794

(B) Beginning with undergraduate students who commence 57795
undergraduate studies in the 2014-2015 academic year, no state 57796
university listed in section 3345.011 of the Revised Code, except 57797
Central state university, Shawnee state university, and Youngstown 57798
state university, shall receive any state operating subsidies for 57799
any academic remedial or developmental courses for undergraduate 57800

students, including courses prescribed in division (C) of section 57801
3313.603 of the Revised Code, offered at its main campus, except 57802
as provided in divisions (B)(1) to (4) of this section. 57803

(1) In the 2014-2015 and 2015-2016 academic years, a state 57804
university may receive state operating subsidies for academic 57805
remedial or developmental courses for not more than three per cent 57806
of the total undergraduate credit hours provided by the university 57807
at its main campus. 57808

(2) In the 2016-2017 academic year, a state university may 57809
receive state operating subsidies for academic remedial or 57810
developmental courses for not more than fifteen per cent of the 57811
first-year students who have graduated from high school within the 57812
previous twelve months and who are enrolled in the university at 57813
its main campus, as calculated on a full-time-equivalent basis. 57814

(3) In the 2017-2018 academic year, a state university may 57815
receive state operating subsidies for academic remedial or 57816
developmental courses for not more than ten per cent of the 57817
first-year students who have graduated from high school within the 57818
previous twelve months and who are enrolled in the university at 57819
its main campus, as calculated on a full-time-equivalent basis. 57820

(4) In the 2018-2019 academic year, a state university may 57821
receive state operating subsidies for academic remedial or 57822
developmental courses for not more than five per cent of the 57823
first-year students who have graduated from high school within the 57824
previous twelve months and who are enrolled in the university at 57825
its main campus, as calculated on a full-time-equivalent basis. 57826

Each state university may continue to offer academic remedial 57827
and developmental courses at its main campus beyond the extent for 57828
which state operating subsidies may be paid under this division 57829
and may continue to offer such courses beyond the 2018-2019 57830
academic year. However, the university shall not receive any state 57831

operating subsidies for such courses above the maximum amounts 57832
permitted in this division. 57833

(C) Except as otherwise provided in division (B) of this 57834
section, beginning with students who commence undergraduate 57835
studies in the 2014-2015 academic year, state operating subsidies 57836
for academic remedial or developmental courses offered by state 57837
institutions of higher education may be paid only to Central state 57838
university, Shawnee state university, Youngstown state university, 57839
any university branch, any community college, any state community 57840
college, or any technical college. 57841

(D) Each state university shall grant credit for academic 57842
remedial or developmental courses successfully completed at an 57843
institution described in division (C) of this section pursuant to 57844
any applicable articulation and transfer agreements the university 57845
has entered into in accordance with policies and procedures 57846
adopted under section 3333.16, 3333.161, or 3333.162 of the 57847
Revised Code. 57848

(E) The chancellor of ~~the Ohio board of regents~~ higher 57849
education shall do all of the following: 57850

(1) Withhold state operating subsidies for academic remedial 57851
or developmental courses provided by a state university as 57852
required in order to conform to divisions (B) and (C) of this 57853
section; 57854

(2) Adopt uniform statewide standards for academic remedial 57855
and developmental courses offered by all state institutions of 57856
higher education; 57857

(3) Encourage and assist in the design and establishment of 57858
academic remedial and developmental courses by institutions of 57859
higher education; 57860

(4) Define "academic year" for purposes of this section and 57861
section 3345.06 of the Revised Code; 57862

(5) Encourage and assist in the development of articulation 57863
and transfer agreements between state universities and other 57864
institutions of higher education in accordance with policies and 57865
procedures adopted under sections 3333.16, 3333.161, and 3333.162 57866
of the Revised Code. 57867

(F) Not later than December 31, 2012, the presidents, or 57868
equivalent position, of all state institutions of higher 57869
education, or their designees, jointly shall establish uniform 57870
statewide standards in mathematics, science, reading, and writing 57871
each student enrolled in a state institution of higher education 57872
must meet to be considered in remediation-free status. The 57873
presidents also shall establish assessments, if they deem 57874
necessary, to determine if a student meets the standards adopted 57875
under this division. Each institution is responsible for assessing 57876
the needs of its enrolled students in the manner adopted by the 57877
presidents. The board of trustees or managing authority of each 57878
state institution of higher education shall adopt the 57879
remediation-free status standard, and any related assessments, 57880
into the institution's policies. 57881

The chancellor shall assist in coordinating the work of the 57882
presidents under this division. The chancellor shall monitor the 57883
standards in mathematics, science, reading, and writing 57884
established under division (F) of this section to ensure that the 57885
standards adequately demonstrate a student's remediation-free 57886
status. 57887

(G) Each year, not later than a date established by the 57888
chancellor, each state institution of higher education shall 57889
report to the governor, the general assembly, the chancellor, and 57890
the superintendent of public instruction all of the following for 57891
the prior academic year: 57892

(1) The institution's aggregate costs for providing academic 57893
remedial or developmental courses; 57894

(2) The amount of those costs disaggregated according to the 57895
city, local, or exempted village school districts from which the 57896
students taking those courses received their high school diplomas; 57897

(3) Any other information with respect to academic remedial 57898
and developmental courses that the chancellor considers 57899
appropriate. 57900

(H) Not later than December 31, 2011, and the thirty-first 57901
day of each December thereafter, the chancellor and the 57902
superintendent of public instruction shall issue a report 57903
recommending policies and strategies for reducing the need for 57904
academic remediation and developmental courses at state 57905
institutions of higher education. 57906

(I) As used in this section, "state institution of higher 57907
education" has the same meaning as in section 3345.011 of the 57908
Revised Code. 57909

Sec. 3345.311. (A) As used in this section, "excess benefits" 57910
has the same meaning as in section 4980I of the Internal Revenue 57911
Code, 26 U.S.C. 4980I. 57912

(B) Except as provided in division (C) of this section, no 57913
state institution of higher education shall provide excess 57914
benefits to an employee that would trigger the excise tax imposed 57915
under section 4980I of the Internal Revenue Code, 26 U.S.C. 4980I. 57916

(C) A state institution of higher education may provide 57917
excess benefits to an employee that would trigger the excise tax 57918
imposed under section 4980I of the Internal Revenue Code, 26 57919
U.S.C. 4980I, if the excess benefits are provided pursuant to a 57920
policy or contract that was issued or entered into prior to the 57921
effective date of this section. 57922

(D) Nothing in this section shall be construed to prohibit a 57923
state institution of higher education from offering health 57924

benefits to an employee, the value of which would not trigger the 57925
excise tax imposed under section 4980I of the Internal Revenue 57926
Code, 26 U.S.C. 4980I. 57927

Sec. 3345.32. (A) As used in this section: 57928

(1) "State university or college" means the institutions 57929
described in section 3345.27 of the Revised Code and the northeast 57930
Ohio medical university. 57931

(2) "Resident" has the meaning specified by rule of the 57932
chancellor of ~~the Ohio board of regents~~ higher education. 57933

(3) "Statement of selective service status" means a statement 57934
certifying one of the following: 57935

(a) That the individual filing the statement has registered 57936
with the selective service system in accordance with the "Military 57937
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as 57938
amended; 57939

(b) That the individual filing the statement is not required 57940
to register with the selective service for one of the following 57941
reasons: 57942

(i) The individual is under eighteen or over twenty-six years 57943
of age. 57944

(ii) The individual is on active duty with the armed forces 57945
of the United States other than for training in a reserve or 57946
national guard unit. 57947

(iii) The individual is a nonimmigrant alien lawfully in the 57948
United States in accordance with section 101 (a)(15) of the 57949
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 57950

(iv) The individual is not a citizen of the United States and 57951
is a permanent resident of the Trust Territory of the Pacific 57952
Islands or the Northern Mariana Islands. 57953

(4) "Institution of higher education" means any eligible 57954
institution approved by the United States department of education 57955
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 57956
amended, or any institution whose students are eligible for 57957
financial assistance under any of the programs described by 57958
division (E) of this section. 57959

(B) The chancellor shall, by rule, specify the form of 57960
statements of selective service status to be filed in compliance 57961
with divisions (C) to (E) of this section. Each statement of 57962
selective service status shall contain a section wherein a male 57963
student born after December 31, 1959, certifies that the student 57964
has registered with the selective service system in accordance 57965
with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 57966
App. 453, as amended. For those students not required to register 57967
with the selective service, as specified in divisions (A)(2)(b)(i) 57968
to (iv) of this section, a section shall be provided on the 57969
statement of selective service status for the certification of 57970
nonregistration and for an explanation of the reason for the 57971
exemption. The chancellor may require that such statements be 57972
accompanied by documentation specified by rule of the chancellor. 57973

(C) A state university or college that enrolls in any course, 57974
class, or program a male student born after December 31, 1959, who 57975
has not filed a statement of selective service status with the 57976
university or college shall, regardless of the student's 57977
residency, charge the student any tuition surcharge charged 57978
students who are not residents of this state. 57979

(D) No male born after December 31, 1959, shall be eligible 57980
to receive any loan, grant, scholarship, or other financial 57981
assistance for educational expenses granted under section 3315.33, 57982
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.391, 5910.03, 57983
5910.032, or 5919.34 of the Revised Code, financed by an award 57984
under the choose Ohio first scholarship program established under 57985

section 3333.61 of the Revised Code, or financed by an award under 57986
the Ohio co-op/internship program established under section 57987
3333.72 of the Revised Code, unless that person has filed a 57988
statement of selective service status with that person's 57989
institution of higher education. 57990

(E) If an institution of higher education receives a 57991
statement from an individual certifying that the individual has 57992
registered with the selective service system in accordance with 57993
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 57994
453, as amended, or that the individual is exempt from 57995
registration for a reason other than that the individual is under 57996
eighteen years of age, the institution shall not require the 57997
individual to file any further statements. If it receives a 57998
statement certifying that the individual is not required to 57999
register because the individual is under eighteen years of age, 58000
the institution shall require the individual to file a new 58001
statement of selective service status each time the individual 58002
seeks to enroll for a new academic term or makes application for a 58003
new loan or loan guarantee or for any form of financial assistance 58004
for educational expenses, until it receives a statement certifying 58005
that the individual has registered with the selective service 58006
system or is exempt from registration for a reason other than that 58007
the individual is under eighteen years of age. 58008

Sec. 3345.35. Not later than January 1, 2016, and by the 58009
first day of January of every fifth year thereafter, the board of 58010
trustees of each state institution of higher education, as defined 58011
in section 3345.011 of the Revised Code, shall evaluate all 58012
courses and programs the institution offers based on enrollment 58013
and student performance in each course or program. For courses 58014
with low enrollment, as defined by the chancellor of higher 58015
education, the board of trustees shall evaluate the benefits of 58016
collaboration with other institutions of higher education, based 58017

on geographic region, to deliver the course. 58018

Each board of trustees shall submit its findings under this 58019
section to the chancellor not later than thirty days after the 58020
completion of the evaluations. 58021

Sec. 3345.38. (A) The board of trustees of each state 58022
institution of higher education shall adopt and implement a policy 58023
to grant undergraduate course credit to a student who has 58024
successfully completed an international baccalaureate diploma 58025
program. 58026

(B) The policy adopted by each institution under this section 58027
shall do all of the following: 58028

(1) Establish conditions for granting course credit, 58029
including the minimum scores required on examinations constituting 58030
the international baccalaureate diploma program in order to 58031
receive credit; 58032

(2) Identify specific course credit or other academic 58033
requirements of the institution, including the number of credit 58034
hours or other course credit that the institution will grant to a 58035
student who completes the diploma program. 58036

(C) As used in this section: 58037

(1) "State institution of higher education" has the same 58038
meaning as in section 3345.011 of the Revised Code. 58039

(2) "International baccalaureate diploma program" means the 58040
curriculum and examinations leading to an international 58041
baccalaureate diploma awarded by the international baccalaureate 58042
organization. 58043

Sec. 3345.39. (A) Beginning with the fall semester, or 58044
equivalent quarter, of the 2015-2016 academic year, and the fall 58045

semester, or equivalent quarter, of each academic year thereafter, 58046
the board of trustees of each state institution of higher 58047
education annually shall report to the chancellor of higher 58048
education any increase in or additional auxiliary fees charged by 58049
the institution and the justification for such increase or 58050
addition. The chancellor shall establish procedures for reporting 58051
the information required under division (D) of this section. 58052

(B) As used in this section: 58053

(1) "Auxiliary fees" mean charges assessed by a state 58054
institution of higher education to a student for various 58055
educational expenses including, but not limited to, course-related 58056
fees, laboratory fees, books and supplies, room and board, 58057
transportation, enrollment application fees, and other 58058
miscellaneous charges. "Auxiliary fees" do not include 58059
instructional or general fees uniformly assessed to all students. 58060

(2) "State institution of higher education" has the same 58061
meaning as in section 3345.011 of the Revised Code. 58062

Sec. 3345.421. Not later than December 31, 2014, the board of 58063
trustees of each state institution of higher education, as defined 58064
in section 3345.011 of the Revised Code, shall do all of the 58065
following: 58066

(A) Designate at least one person employed by the institution 58067
to serve as the contact person for veterans and service member 58068
affairs. Such a person shall assist and advise veterans and 58069
service members on issues related to earning college credit for 58070
military training, experience, and coursework. 58071

(B) Adopt a policy regarding the support and assistance the 58072
institution will provide to veterans and service members. 58073

(C) Allow for the establishment of a student-led group on 58074
campus for student service members and veterans and encourage 58075

other service member- and veteran-friendly organizations. 58076

(D) Integrate existing career services to create and 58077
encourage meaningful collaborative relationships between student 58078
service members and veterans and alumni of the institution, that 58079
links student service members and veterans with prospective 58080
employers, and that provides student service members and veterans 58081
with social opportunities; and, if the institution has career 58082
services programs, encourage the responsible office to seek and 58083
promote partnership opportunities for internships and employment 58084
of student service members and veterans with state, local, 58085
national, and international employers. 58086

(E) Survey student service members and veterans to identify 58087
their needs and challenges and make the survey available to 58088
faculty and staff at the state institution of higher education. 58089
And periodically conduct follow-up surveys, at a frequency 58090
determined by the board, to gauge the institution's progress 58091
toward meeting identified needs and challenges. 58092

The chancellor of ~~the Ohio board of regents~~ higher education 58093
shall provide guidance to state institutions of higher education 58094
in their compliance with this section, including the 58095
recommendation of standardized policies on support and assistance 58096
to veterans and service members. 58097

The person or persons designated under division (A) of this 58098
section shall not be a person currently designated by the 58099
institution as a veterans administration certifying official. 58100

Sec. 3345.45. On or before January 1, 1994, the ~~Ohio board of~~ 58101
~~regents~~ chancellor of higher education jointly with all state 58102
universities, as defined in section 3345.011 of the Revised Code, 58103
shall develop standards for instructional workloads for full-time 58104
and part-time faculty in keeping with the universities' missions 58105
and with special emphasis on the undergraduate learning 58106

experience. The standards shall contain clear guidelines for 58107
institutions to determine a range of acceptable undergraduate 58108
teaching by faculty. 58109

On or before June 30, 1994, the board of trustees of each 58110
state university shall take formal action to adopt a faculty 58111
workload policy consistent with the standards developed under this 58112
section. Notwithstanding section 4117.08 of the Revised Code, the 58113
policies adopted under this section are not appropriate subjects 58114
for collective bargaining. Notwithstanding division (A) of section 58115
4117.10 of the Revised Code, any policy adopted under this section 58116
by a board of trustees prevails over any conflicting provisions of 58117
any collective bargaining agreement between an employees 58118
organization and that board of trustees. 58119

Sec. 3345.46. (A) As used in this section: 58120

(1) "Full course load" shall be defined by the board of 58121
trustees of each state institution of higher education. 58122

(2) "Overload fee" means a fee or increased tuition rate 58123
charged to students who enroll in courses for a total number of 58124
credit hours in excess of a full course load. 58125

(3) "State institution of higher education" has the same 58126
meaning as in section 3345.011 of the Revised Code. 58127

(B) No state institution of higher education shall charge an 58128
overload fee to any student for courses in which that student is 58129
enrolled that exceed the full course load per semester or per 58130
quarter, whichever is applicable, except as follows: 58131

(1) If a student is enrolled in more than eighteen credit 58132
hours per semester, or the equivalent number of credit hours per 58133
quarter as determined by the board of trustees of the institution, 58134
the institution may charge an overload fee to the student for only 58135
those credit hours taken in excess of eighteen credit hours per 58136

semester, or the equivalent number of credit hours per quarter, 58137
whichever is applicable. 58138

(2) If a student is enrolled in a course load that exceeds 58139
the full course load but is less than or equal to eighteen credit 58140
hours per semester, or the equivalent number of credit hours per 58141
quarter, whichever is applicable, the institution may charge an 58142
overload fee to any student for a course from which the student 58143
withdraws prior to a date specified by the board of trustees of 58144
the state institution. 58145

Sec. 3345.47. (A) No state university shall require a student 58146
to live in on-campus student housing, if the student lives within 58147
twenty-five miles of the campus. 58148

(B) As used in this section: 58149

(1) "On-campus student housing" has the same meaning as in 58150
section 3345.85 of the Revised Code. 58151

(2) "State university" has the same meaning as in section 58152
3345.011 of the Revised Code. 58153

Sec. 3345.48. (A) As used in this section: 58154

(1) "Cohort" means a group of students who will complete 58155
their bachelor's degree requirements and graduate from a state 58156
university at the same time. A cohort may include transfer 58157
students and other selected undergraduate student academic 58158
programs as determined by the board of trustees of a state 58159
university. 58160

(2) "Eligible student" means an undergraduate student who: 58161

(a) Is enrolled full-time in a bachelor's degree program at a 58162
state university; 58163

(b) Is a resident of this state, as defined by the chancellor 58164
of the Ohio board of regents higher education under section 58165

3333.31 of the Revised Code. 58166

(3) "State university" has the same meaning as in section 58167
3345.011 of the Revised Code. 58168

(B) The board of trustees of a state university may establish 58169
an undergraduate tuition guarantee program that allows eligible 58170
students in the same cohort to pay a fixed rate for general and 58171
instructional fees for four years. A board of trustees may include 58172
room and board and any additional fees in the program. 58173

If the board of trustees chooses to establish such a program, 58174
the board shall adopt rules for the program that include, but are 58175
not limited to, all of the following: 58176

(1) The number of credit hours required to earn an 58177
undergraduate degree in each major; 58178

(2) A guarantee that the general and instructional fees for 58179
each student in the cohort shall remain constant for four years so 58180
long as the student complies with the requirements of the program, 58181
except that, notwithstanding any law to the contrary, the board 58182
may increase the guaranteed amount by up to six per cent above 58183
what has been charged in the previous academic year one time for 58184
the first cohort enrolled under the tuition guarantee program. If 58185
the board of trustees determines that economic conditions or other 58186
circumstances require an increase for the first cohort of above 58187
six per cent, the board shall submit a request to increase the 58188
amount by a specified percentage to the chancellor. The 58189
chancellor, based on information the chancellor requires from the 58190
board of trustees, shall approve or disapprove such a request. 58191
Thereafter, the board of trustees may increase the guaranteed 58192
amount by up to the sum of the following above what has been 58193
charged in the previous academic year one time per subsequent 58194
cohort: 58195

(a) The average rate of inflation, as measured by the 58196

consumer price index prepared by the bureau of labor statistics of 58197
the United States department of labor (all urban consumers, all 58198
items), for the previous sixty-month period; and 58199

(b) The percentage amount the general assembly restrains 58200
increases on in-state undergraduate instructional and general fees 58201
for the applicable fiscal year. If the general assembly does not 58202
enact a limit on the increase of in-state undergraduate 58203
instructional and general fees, then no limit shall apply under 58204
this division for the cohort that first enrolls in any academic 58205
year for which the general assembly does not prescribe a limit. 58206

If, beginning with the academic year that starts four years 58207
after ~~the effective date of this section~~ September 29, 2013, the 58208
board of trustees determines that the general and instructional 58209
fees charged under the tuition guarantee have fallen significantly 58210
lower than those of other state universities, the board of 58211
trustees may submit a request to increase the amount charged to a 58212
cohort by a specified percentage to the chancellor, who shall 58213
approve or disapprove such a request. 58214

(3) A benchmark by which the board sets annual increases in 58215
general and instructional fees. This benchmark and any subsequent 58216
change to the benchmark shall be subject to approval of the 58217
chancellor. 58218

(4) Eligibility requirements for students to participate in 58219
the program; 58220

(5) Student rights and privileges under the program; 58221

(6) Consequences to the university for students unable to 58222
complete a degree program within four years, as follows: 58223

(a) For a student who could not complete the program in four 58224
years due to a lack of available classes or space in classes 58225
provided by the university, the university shall provide the 58226
necessary course or courses for completion to the student free of 58227

charge. 58228

(b) For a student who could not complete the program in four 58229
years due to military service or other circumstances beyond a 58230
student's control, as determined by the board of trustees, the 58231
university shall provide the necessary course or courses for 58232
completion to the student at the student's initial cohort rate. 58233

(c) For a student who did not complete the program in four 58234
years for any other reason, as determined by the board of 58235
trustees, the university shall provide the necessary course or 58236
courses for completion to the student at a rate determined through 58237
a method established by the board under division (B)(7) of this 58238
section. 58239

(7) Guidelines for adjusting a student's annual charges if 58240
the student, due to circumstances under the student's control, is 58241
unable to complete a degree program within four years; 58242

(8) A requirement that the rules adopted under division (B) 58243
of this section be published or posted in the university handbook, 58244
course catalog, and web site. 58245

(C) If a board of trustees implements a program under this 58246
section, the board shall submit the rules adopted under division 58247
(B) of this section to the chancellor for approval before 58248
beginning implementation of the program. 58249

The chancellor shall not unreasonably withhold approval of a 58250
program if the program conforms in principle with the parameters 58251
and guidelines of this section. 58252

(D) A board of trustees of a state university may establish 58253
an undergraduate tuition guarantee program for nonresident 58254
students. 58255

(E) Within five years after ~~the effective date of this~~ 58256
~~section~~ September 29, 2013, the chancellor shall publish on the 58257

~~board of regents~~ chancellor's web site a report that includes all 58258
of the following: 58259

(1) The state universities that have adopted an undergraduate 58260
tuition guarantee program under this section; 58261

(2) The details of each undergraduate tuition guarantee 58262
program established under this section; 58263

(3) Comparative data, including general and instructional 58264
fees, room and board, graduation rates, and retention rates, from 58265
all state universities. 58266

(F) Except as provided in this section, no other limitation 58267
on the increase of in-state undergraduate instructional and 58268
general fees shall apply to a state university that has 58269
established an undergraduate tuition guarantee program under this 58270
section. 58271

Sec. 3345.50. Notwithstanding anything to the contrary in 58272
sections 123.01 and 123.10 of the Revised Code, a state 58273
university, a state community college, or the northeast Ohio 58274
medical university not certified pursuant to section 123.24 of the 58275
Revised Code may administer any capital facilities project for the 58276
construction, reconstruction, improvement, renovation, 58277
enlargement, or alteration of a public improvement under its 58278
jurisdiction for which the total amount of funds expected to be 58279
appropriated by the general assembly does not exceed four million 58280
dollars without the supervision, control, or approval of the Ohio 58281
facilities construction commission as specified in those sections, 58282
if both of the following occur: 58283

(A) Within sixty days after the effective date of the section 58284
of an act in which the general assembly initially makes an 58285
appropriation for the project, the board of trustees of the 58286
institution notifies the chancellor of ~~the Ohio board of regents~~ 58287

higher education in writing of its intent to administer the 58288
capital facilities project; 58289

(B) The board of trustees complies with the guidelines 58290
established pursuant to section 153.16 of the Revised Code and all 58291
laws that govern the selection of consultants, preparation and 58292
approval of contract documents, receipt of bids, and award of 58293
contracts with respect to the project. 58294

The chancellor shall adopt rules in accordance with Chapter 58295
119. of the Revised Code that establish criteria for the 58296
administration by any such institution of higher education of a 58297
capital facilities project for which the total amount of funds 58298
expected to be appropriated by the general assembly exceeds four 58299
million dollars. The criteria, to be developed with the Ohio 58300
facilities construction commission and higher education 58301
representatives selected by the chancellor, shall include such 58302
matters as the adequacy of the staffing levels and expertise 58303
needed for the institution to administer the project, past 58304
performance of the institution in administering such projects, and 58305
the amount of institutional or other nonstate money to be used in 58306
financing the project. The chancellor and the Ohio facilities 58307
construction commission shall approve the request of any such 58308
institution of higher education that seeks to administer any such 58309
capital facilities project and meets the criteria set forth in the 58310
rules and in the requirements of division (B) of this section. 58311

Sec. 3345.51. (A) Notwithstanding anything to the contrary in 58312
sections 123.20 and 123.21 of the Revised Code, a state 58313
university, the northeast Ohio medical university, or a state 58314
community college may administer any capital facilities project 58315
for the construction, reconstruction, improvement, renovation, 58316
enlargement, or alteration of a public improvement under its 58317
jurisdiction for which funds are appropriated by the general 58318

assembly without the supervision, control, or approval of the Ohio 58319
facilities construction commission as specified in those sections, 58320
if all of the following occur: 58321

(1) The institution is certified by the commission under 58322
section 123.24 of the Revised Code; 58323

(2) Within sixty days after the effective date of the section 58324
of an act in which the general assembly initially makes an 58325
appropriation for the project, the board of trustees of the 58326
institution notifies the chancellor of ~~the Ohio board of regents~~ 58327
higher education in writing of its request to administer the 58328
capital facilities project and the chancellor approves that 58329
request pursuant to division (B) of this section; 58330

(3) The board of trustees passes a resolution stating its 58331
intent to comply with section 153.13 of the Revised Code and the 58332
guidelines established pursuant to section 153.16 of the Revised 58333
Code and all laws that govern the selection of consultants, 58334
preparation and approval of contract documents, receipt of bids, 58335
and award of contracts with respect to the project. 58336

(B) The chancellor shall adopt rules in accordance with 58337
Chapter 119. of the Revised Code that establish criteria for the 58338
administration by any such institution of higher education of a 58339
capital facilities project for which the general assembly 58340
appropriates funds. The criteria, to be developed with the 58341
commission and higher education representatives selected by the 58342
chancellor, shall include such matters as the adequacy of the 58343
staffing levels and expertise needed for the institution to 58344
administer the project, past performance of the institution in 58345
administering such projects, and the amount of institutional or 58346
other nonstate money to be used in financing the project. The 58347
chancellor shall approve the request of any such institution of 58348
higher education that seeks to administer any such capital 58349
facilities project and meets the criteria set forth in the rules 58350

and the requirements of division (A) of this section. 58351

(C) Any institution that administers a capital facilities 58352
project under this section shall conduct biennial audits for the 58353
duration of the project to ensure that the institution is 58354
complying with Chapters 9., 123., and 153. of the Revised Code and 58355
that the institution is using its certification issued under 58356
section 123.24 of the Revised Code appropriately. The chancellor, 58357
in consultation with higher education representatives selected by 58358
the chancellor, shall adopt rules in accordance with Chapter 119. 58359
of the Revised Code that establish criteria for the conduct of the 58360
audits. The criteria shall include documentation necessary to 58361
determine compliance with Chapters 9., 123., and 153. of the 58362
Revised Code and a method to determine whether an institution is 58363
using its certification issued under section 123.24 of the Revised 58364
Code appropriately. 58365

(D) The chancellor, in consultation with higher education 58366
representatives selected by the chancellor, shall adopt rules in 58367
accordance with Chapter 119. of the Revised Code establishing 58368
criteria for monitoring capital facilities projects administered 58369
by institutions under this section. The criteria shall include the 58370
following: 58371

(1) Conditions under which the chancellor may revoke the 58372
authority of an institution to administer a capital facilities 58373
project under this section, including the failure of an 58374
institution to maintain a sufficient number of employees who have 58375
successfully completed the certification program under section 58376
123.24 of the Revised Code; 58377

(2) A process for institutions to remedy any problems found 58378
by an audit conducted pursuant to division (C) of this section, 58379
including the improper use of state funds or violations of Chapter 58380
9., 123., or 153. of the Revised Code. 58381

(E) If the chancellor revokes an institution's authority to 58382
administer a capital facilities project, the commission shall 58383
administer the capital facilities project. The chancellor also may 58384
require an institution, for which the chancellor revoked authority 58385
to administer a capital facilities project, to acquire a new local 58386
administration competency certification pursuant to section 123.24 58387
of the Revised Code. 58388

Sec. 3345.54. (A) As used in this section: 58389

(1) "Auxiliary facilities" has the same meaning as in section 58390
3345.12 of the Revised Code. 58391

(2) "Conduit entity" means an organization described in 58392
section 501(c)(3) of the Internal Revenue Code qualified as a 58393
public charity under section 509(a)(2) or 509(a)(3) of the 58394
Internal Revenue Code, or any other appropriate legal entity 58395
selected by the state institution, whose corporate purpose allows 58396
it to perform the functions and obligations of a conduit entity 58397
pursuant to the terms of a financing agreement. 58398

(3) "Conveyed property" means auxiliary facilities conveyed 58399
by a state institution to a conduit entity pursuant to a financing 58400
agreement. 58401

(4) "Financing agreement" means a contract described in 58402
division (C) of this section. 58403

(5) "Independent funding source" means a private entity that 58404
enters into a financing agreement with a conduit entity and a 58405
state institution. 58406

(6) "State institution" means a state institution of higher 58407
education as defined in section 3345.011 of the Revised Code. 58408

(B) The board of trustees of a state institution, with the 58409
approval of the chancellor of ~~the Ohio board of regents~~ higher 58410
education and the controlling board, may enter into a financing 58411

agreement with a conduit entity and an independent funding source 58412
selected either through a competitive selection process or by 58413
direct negotiations, and may convey to the conduit entity title to 58414
any auxiliary facilities owned by the state institution pursuant 58415
to the terms of a financing agreement. 58416

(C) A financing agreement under this section is a written 58417
contract entered into among a state institution, a conduit entity, 58418
and an independent funding source that provides for: 58419

(1) The conveyance of auxiliary facilities owned by a state 58420
institution to the conduit entity for consideration deemed 58421
adequate by the state institution; 58422

(2) The lease of the conveyed property by the conduit entity 58423
to the independent funding source and leaseback of the conveyed 58424
property to the conduit entity for a term not to exceed 58425
ninety-nine years; 58426

(3) Such other terms and conditions that may be negotiated 58427
and agreed upon by the parties, including, but not limited to, 58428
terms regarding: 58429

(a) Payment to the state institution by the conduit entity of 58430
revenues received by it from the operations of the conveyed 58431
property in excess of the payments it is required to make to the 58432
independent funding source under the lease-leaseback arrangement 58433
described in division (C)(2) of this section; 58434

(b) Pledge, assignment, or creation of a lien in favor of the 58435
independent funding source by the conduit entity of any revenues 58436
derived from the conveyed property; 58437

(c) Reverter or conveyance of title to the conveyed property 58438
to the state institution when the conveyed property is no longer 58439
subject to a lease with the independent funding source. 58440

(4) Terms and conditions required by the chancellor or the 58441

controlling board as a condition of approval of the financing 58442
agreement. 58443

(D) The state institution and the conduit entity may enter 58444
into such other management agreements or other contracts regarding 58445
the conveyed property the parties deem appropriate, including 58446
agreements pursuant to which the state institution may maintain or 58447
administer the conveyed property and collect and disburse revenues 58448
from the conveyed property on behalf of the conduit entity. 58449

(E) The parties may modify or extend the term of the 58450
financing agreement with the approval of the chancellor and the 58451
controlling board. 58452

(F) The conveyed property shall retain its exemption from 58453
property taxes and assessments as though title to the conveyed 58454
property were held by the state institution during any part of a 58455
tax year that title is held by the state institution or the 58456
conduit entity and, if held by the conduit entity, remains subject 58457
to the lease-leaseback arrangement described in division (C)(2) of 58458
this section. However, as a condition of the continued exemption 58459
of the conveyed property during the term of the lease-leaseback 58460
arrangement the conduit entity shall apply for and maintain the 58461
exemption as provided by law. 58462

(G) Nothing in this section is intended to abrogate, amend, 58463
limit, or replace any existing authority state institutions may 58464
have with respect to the conveyance, lease, lease-leaseback, 58465
finance, or acquisition of auxiliary facilities including, but not 58466
limited to, authority granted under sections 3345.07, 3345.11, and 58467
3345.12 of the Revised Code. 58468

Sec. 3345.692. (A) Not later than September 15, 2010, and the 58469
fifteenth day of September each year thereafter, a state 58470
institution of higher education shall prepare and submit to the 58471
chancellor of ~~the board of regents~~ higher education a report that 58472

describes the number and types of biobased products purchased 58473
under section 125.092 of the Revised Code and the amount of money 58474
spent by the state institution of higher education for those 58475
biobased products. 58476

(B) As used in this section, "state institution of higher 58477
education" has the same meaning as in section 3345.011 of the 58478
Revised Code. 58479

Sec. 3345.70. (A) Whenever the board of trustees of a state 58480
university, as defined under section 3345.011 of the Revised Code, 58481
declares that the university is in a state of fiscal exigency, the 58482
board shall do all of the following until it declares that the 58483
university is no longer in such a state: 58484

(1) File quarterly reports on an annualized budget, comparing 58485
the budget to actual spending with projected expenses for the 58486
remainder of the year. Such reports shall include narrative 58487
explanations as appropriate. 58488

(2) Place all residence hall and meal fees in a rotary 58489
account dedicated to the upkeep and maintenance of the dormitory 58490
buildings and to fund meal programs; 58491

(3) Place moneys for the operation of residence hall and meal 58492
programs in separately maintained auxiliary funds in the 58493
university accounting system; 58494

(4) File the minutes from their board of trustees meetings 58495
with the ~~board of regents~~ chancellor of higher education within 58496
thirty days of their meetings. 58497

(B) No state university described under division (A) of this 58498
section shall do any of the following: 58499

(1) Use state funds for the purpose of providing grants or 58500
scholarships to out-of-state students; 58501

(2) Use state funds to subsidize off-campus housing or 58502
subsidize transportation to and from off-campus housing. 58503

(C) The requirements of divisions (A)(2) and (3) of this 58504
section are subject to the provisions of any applicable bond 58505
proceedings as defined under division (A)(9) of section 3345.12 of 58506
the Revised Code and to any applicable pledge made as authorized 58507
by division (R) of section 3345.12 of the Revised Code. 58508

Sec. 3345.72. (A) The office of budget and management shall 58509
work with the auditor of state, the ~~Ohio board of regents~~ 58510
chancellor of higher education, and two representatives of state 58511
universities and colleges appointed by the chancellor ~~of the board~~ 58512
~~of regents~~ to develop rules under this division, and shall adopt 58513
the rules in accordance with section 111.15 of the Revised Code. 58514
One of the chancellor's appointments shall represent a four-year 58515
institution and one a two-year institution. The rules shall 58516
include all of the following: 58517

(1) Criteria for determining when to declare a state 58518
university or college under a fiscal watch, which criteria shall 58519
include all of the following: 58520

(a) A requirement for the submission of a quarterly report 58521
from each state university or college, within thirty days after 58522
the end of each calendar quarter, to the ~~board of regents~~ 58523
chancellor of higher education, the director of budget and 58524
management, ~~the legislative budget office of the legislative~~ 58525
service commission, and the chairpersons and ranking minority 58526
members of the finance committees of the house of representatives 58527
and the senate; 58528

(b) A requirement that each state university and college 58529
shall prepare at the end of each fiscal year a financial statement 58530
consistent with audit requirements prescribed by the auditor of 58531
state, and shall submit the financial statement to the auditor of 58532

state within four months after the end of the fiscal year; 58533

(c) A requirement that the auditor of state shall send 58534
written notice to the agencies and persons mentioned in division 58535
(A)(1)(a) of this section if a state university or college fails 58536
to submit its financial statement within the time required under 58537
division (A)(1)(b) of this section; 58538

(d) A requirement that the auditor of state shall send 58539
written notice to the agencies and persons mentioned in division 58540
(A)(1)(a) of this section if an audit of a state university or 58541
college reveals any of the following: 58542

(i) Substantive audit findings, such as an inability to make 58543
timely payments to vendors, delays in pension retirement 58544
contributions, or requests for advanced state funding; 58545

(ii) A significant variance between budgeted and actual 58546
spending for a fiscal year; 58547

(iii) A significant operating budget deficit for a fiscal 58548
year. 58549

(2) Actions to be taken by the board of trustees of a state 58550
university or college while under a fiscal watch; 58551

(3) Criteria for determining when to declare the termination 58552
of the fiscal watch of a state university or college; 58553

(4) The fiscal information to be reported to the ~~board of~~ 58554
~~regents~~ chancellor of higher education by each state university or 58555
college under a fiscal watch for purposes of making determinations 58556
under division (D) of this section and division (A) of section 58557
3345.74 of the Revised Code, and the frequency and deadlines for 58558
reporting this information. 58559

(B) The ~~board of regents~~ chancellor shall adopt a resolution 58560
declaring a state university or college to be in a state of fiscal 58561
watch if the ~~board of regents~~ chancellor determines that the 58562

criteria adopted under division (A)(1) of this section are 58563
satisfied with respect to that state university or college. For 58564
purposes of making this determination, the ~~board of regents~~ 58565
chancellor shall establish a financial tracking system and shall 58566
use the system to regularly assess each state university or 58567
college with respect to the criteria adopted under division (A)(1) 58568
of this section. 58569

(C) While a state university or college is under a fiscal 58570
watch, the board of trustees of the university or college shall 58571
take the actions and report the fiscal information prescribed 58572
under divisions (A)(2) and (4) of this section. 58573

(D) The ~~board of regents~~ chancellor shall adopt a resolution 58574
declaring the termination of the fiscal watch of a state 58575
university or college if the ~~board of regents~~ chancellor 58576
determines that the criteria adopted under division (A)(3) of this 58577
section are satisfied with respect to that state university or 58578
college. 58579

(E) In making assessments and determinations under division 58580
(B) or (D) of this section, the ~~board of regents~~ chancellor shall 58581
use financial reports required under section 3345.05 of the 58582
Revised Code or any other documents, records, or information 58583
available to ~~it~~ the chancellor or the auditor of state related to 58584
the criteria adopted under division (A)(1) or (3) of this section. 58585
In making determinations under division (D) of this section, the 58586
~~board of regents~~ chancellor shall also use the fiscal information 58587
reported under division (C) of this section. 58588

(F) The ~~board of regents~~ chancellor of higher education shall 58589
certify each action taken under division (B) or (D) of this 58590
section to the governor, the director of budget and management, 58591
the speaker and minority leader of the house of representatives, 58592
the president and minority leader of the senate, ~~the legislative~~ 58593
~~budget office of~~ the legislative service commission, and the 58594

chairpersons and ranking minority members of the finance 58595
committees of the house and senate. 58596

(G) A determination by the ~~board of regents~~ chancellor of 58597
higher education under this section that a fiscal watch exists or 58598
does not exist, or that a fiscal watch is terminated or is not 58599
terminated, is final and conclusive and not appealable. 58600

(H) If a state university or college fails to submit the 58601
quarterly report required under division (A)(1) of this section 58602
within thirty days after the end of a calendar quarter, the ~~board~~ 58603
~~of regents~~ chancellor shall withhold payment of any instructional 58604
subsidies to the university or college until it submits the 58605
report. Upon submission of the report, the ~~board of regents~~ 58606
chancellor shall pay the withheld subsidies to the university or 58607
college. 58608

Sec. 3345.73. The office of budget and management shall work 58609
with the auditor of state, the ~~Ohio board of regents~~ chancellor of 58610
higher education, and two representatives of state universities 58611
and colleges appointed by the chancellor ~~of the board of regents~~ 58612
to develop rules under this section, and shall adopt the rules in 58613
accordance with section 111.15 of the Revised Code. One of the 58614
chancellor's appointments shall represent a four-year institution 58615
and one a two-year institution. The rules shall establish the 58616
following: 58617

(A) The financial indicators and the standards for using 58618
those indicators that the ~~board of regents~~ chancellor is to employ 58619
to determine whether a university or college under a fiscal watch 58620
is experiencing sufficient fiscal difficulties to warrant 58621
appointing a conservator under section 3345.74 of the Revised 58622
Code; 58623

(B) The financial indicators and the standards for using 58624
those indicators that a governance authority established for a 58625

state university or college under section 3345.75 of the Revised 58626
Code is to employ to determine whether the university or college 58627
is experiencing sufficient fiscal stability to warrant terminating 58628
that governance authority in accordance with section 3345.76 of 58629
the Revised Code. 58630

The indicators and standards adopted under this section shall 58631
be designed so as to take into account at least the revenues, 58632
expenditures, assets, liabilities, and fund balances of a state 58633
university or college, and shall be designed so as to indicate the 58634
financial performance and position of a state university or 58635
college. 58636

Sec. 3345.74. (A) The ~~Ohio board of regents~~ chancellor of 58637
higher education at least annually shall apply the indicators and 58638
standards adopted under division (A) of section 3345.73 of the 58639
Revised Code to determine whether a state university or college 58640
under a fiscal watch is experiencing sufficient fiscal 58641
difficulties to warrant the appointment of a conservator under 58642
this section. Upon making a determination that appointment of a 58643
conservator is warranted, the ~~board of regents~~ chancellor shall 58644
request from the office of budget and management, which shall 58645
provide, certification that sufficient fiscal difficulties exist 58646
to warrant appointment of a conservator. The ~~board of regents~~ 58647
chancellor shall then certify this determination to the governor. 58648

Notwithstanding section 3333.021 of the Revised Code, that 58649
section does not apply to certification by the ~~board of regents~~ 58650
chancellor under this section or to the declaration of a fiscal 58651
watch under section 3345.72 of the Revised Code. 58652

A determination by the ~~board of regents~~ chancellor under this 58653
division that sufficient fiscal difficulties exist or do not exist 58654
to warrant appointing a conservator is final and conclusive and 58655
not appealable. 58656

(B) The governor may appoint a conservator for any state 58657
university or college under a fiscal watch, upon certification by 58658
the ~~Ohio board of regents~~ chancellor under division (A) of this 58659
section that the appointment is warranted. The governor shall 58660
consult with the speaker ~~and~~ and minority leader of the house of 58661
representatives and the president and minority leader of the 58662
senate before making the appointment. From the time a conservator 58663
is appointed until the time the governor issues an order 58664
terminating the governance authority under division (B) of section 58665
3345.76 of the Revised Code, the governor may remove any member of 58666
the board of trustees of the state university or college from 58667
office and not fill the vacancy. 58668

(C) Upon appointment of a conservator under this section for 58669
a state university or college, all of the following shall occur 58670
effective immediately: 58671

(1) All duties, responsibilities, and powers of the board of 58672
trustees of the university or college are suspended; 58673

(2) The management and control of the state university or 58674
college is assumed by the conservator; 58675

(3) Notwithstanding any section of the Revised Code, all 58676
duties, responsibilities, and powers assigned by law to the board 58677
of trustees are assigned to the conservator, and the conservator 58678
becomes the successor to, assumes the lawful obligations of, and 58679
otherwise constitutes the continuation of the board of trustees 58680
for purposes of all pending legal actions, contracts or other 58681
agreements, and obligations of the university or college; 58682

(4) Wherever the board of trustees is referred to in any 58683
contract or legal document, the reference is deemed to refer to 58684
the conservator. No validation, cure, right, privilege, remedy, 58685
obligation, or liability is lost or impaired by reason of the 58686
assumption of the board's authority by the conservator under this 58687

section and any such validation, cure, right, privilege, remedy, 58688
obligation, or liability shall be administered by the conservator. 58689
No action or proceeding pending on the effective date of the 58690
assumption by the conservator of the board's authority is affected 58691
by that assumption and any such action or proceeding shall be 58692
prosecuted or defended in the name of the conservator. 58693

(5) The conservator assumes custody of all equipment, 58694
records, files, effects, and all other property real or personal 58695
of the state university or college; 58696

(6) All authority and duties of the president or chief 58697
executive officer, and the pay of the president or chief executive 58698
officer, are suspended. 58699

(D) The conservator for a state university or college shall 58700
conduct a preliminary performance evaluation of the president or 58701
chief executive officer of the university or college and provide a 58702
copy of findings and any recommendations to the governance 58703
authority established for the university or college under section 58704
3345.75 of the Revised Code. 58705

(E) A conservator appointed under this section shall be 58706
immune, indemnified, and held harmless from civil liability, 58707
including any cause of action, legal, equitable, or otherwise, for 58708
any action taken or duties performed by the conservator in good 58709
faith and in furtherance of the performance of the duties of the 58710
conservator under this section. 58711

(F) The governor shall set the compensation for a conservator 58712
appointed for a state university or college. The expenses and 58713
compensation of the conservator and others employed by the 58714
conservator shall be paid out of the operating funds and revenues 58715
of that university or college. 58716

Sec. 3345.75. (A) Not later than thirty days after the date 58717

of the appointment of a conservator for a state university or 58718
college under section 3345.74 of the Revised Code, the governor 58719
shall appoint, with the advice and consent of the senate, a 58720
governance authority for the university or college consisting of 58721
five members. The members shall serve at the pleasure of the 58722
governor and any vacancies shall be filled in the same manner as 58723
an original appointment. 58724

The governor shall designate one of the members of the 58725
governance authority as the chairperson and shall call the first 58726
meeting of the authority. A majority of the members of a 58727
governance authority constitutes a quorum and the affirmative vote 58728
of a majority of the members shall be necessary for any action 58729
taken by an authority. Meetings of a governance authority shall be 58730
called in the manner and at the times prescribed by the authority, 58731
but the authority shall meet at least four times annually and at 58732
other times necessary for the best interest of the university or 58733
college. A governance authority may adopt procedures for the 58734
conduct of its business. 58735

The members of a governance authority shall not receive 58736
compensation for their services, but shall be paid their 58737
reasonable and necessary expenses while engaged in the discharge 58738
of their official duties. 58739

(B)(1) A governance authority established under this section 58740
shall appoint an executive director who shall serve at the 58741
pleasure of the authority and with the compensation and other 58742
terms and conditions established by it. With the approval of the 58743
chairperson of the authority, the executive director may appoint 58744
additional personnel as the director considers appropriate. The 58745
executive director shall oversee the day-to-day operation of the 58746
university or college under the direction and supervision of the 58747
authority. 58748

(2) The governance authority shall conduct a final 58749

performance evaluation of the president or chief executive officer 58750
of the university or college. Following the evaluation, the 58751
governance authority may reinstate any duties, authority, or pay 58752
previously suspended under division (C)(6) of section 3345.74 of 58753
the Revised Code, or may terminate the president or chief 58754
executive officer in accordance with the terms of the person's 58755
employment contract. 58756

(C) Upon appointment of all members of a governance authority 58757
under this section and upon the effective date for the 58758
commencement of the duties of the executive director appointed by 58759
that authority under this section, all authority, 58760
responsibilities, duties, and references assumed by or conferred 58761
upon the conservator under divisions (C)(2) to (6) of section 58762
3345.74 of the Revised Code terminate and all of the following 58763
shall occur, effective immediately: 58764

(1) The management and control of the state university or 58765
college is assumed by the governance authority; 58766

(2) Notwithstanding any section of the Revised Code, all 58767
duties, responsibilities, and powers assigned by law to the board 58768
of trustees or to the conservator are assigned to the governance 58769
authority and the governance authority becomes the successor to, 58770
assumes the lawful obligations of, and otherwise constitutes the 58771
continuation of the board of trustees and the conservator for 58772
purposes of all pending legal actions, contracts or other 58773
agreements, and obligations of the university or college; 58774

(3) Wherever the board of trustees or conservator is referred 58775
to in any contract or legal document, the reference is deemed to 58776
refer to the governance authority. No validation, cure, right, 58777
privilege, remedy, obligation, or liability is lost or impaired by 58778
reason of the assumption of the authority of the board of trustees 58779
and the conservator by the governance authority under this section 58780
and any such validation, cure, right, privilege, remedy, 58781

obligation, or liability shall be administered by the governance 58782
authority. No action or proceeding pending on the effective date 58783
of the assumption by the governance authority of the authority of 58784
the board of trustees and the conservator is affected by that 58785
assumption and any such action or proceeding shall be prosecuted 58786
or defended in the name of the governance authority. 58787

(4) The governance authority assumes custody of all 58788
equipment, records, files, effects, and all other property real or 58789
personal of the state university or college. 58790

(D) A governance authority and executive director appointed 58791
under this section shall be immune, indemnified, and held harmless 58792
from civil liability, including any cause of action, legal, 58793
equitable, or otherwise, for any action taken or duties performed 58794
by the governance authority and executive director in good faith 58795
and in furtherance of the performance of the duties of the 58796
governance authority and executive director under this section. 58797

(E) The expenses of a governance authority and the expenses 58798
and compensation of an executive director appointed for a state 58799
university or college under this section and others employed by 58800
the executive director under this section shall be paid out of the 58801
operating funds and revenues of that university or college. 58802

(F) A governance authority appointed under this section shall 58803
prepare, in accordance with rules adopted by the office of budget 58804
and management, and submit to the ~~board of regents~~ chancellor of 58805
higher education, the governor, the speaker and minority leader of 58806
the house of representatives, and the president and minority 58807
leader of the senate a quarterly report setting forth all of the 58808
following: 58809

(1) The general condition of the university or college; 58810

(2) The amounts of receipts and disbursements and the items 58811
for which the disbursements were made; 58812

(3) The numbers of professors, officers, teachers, and other 58813
employees and the position and compensation of each and the 58814
numbers of students by courses of instruction; 58815

(4) An estimate of expenses for the ensuing quarter; 58816

(5) A statement of the general progress of the university or 58817
college with indication of any improvements and specification of 58818
any experiments with institutional reform and the costs and 58819
results of those experiments; 58820

(6) Any other matters the governance authority considers 58821
useful to report. 58822

(G) The attorney general shall be the legal adviser to the 58823
conservator and the governance authority, and the attorney general 58824
may employ special counsel to aid the conservator or governance 58825
authority with respect to any legal matter on behalf of the 58826
institution. The conservator and the governance authority may as 58827
otherwise provided by law request the attorney general to bring or 58828
defend suits or proceedings in the name of the institution. 58829

Sec. 3345.76. (A) A governance authority appointed for a 58830
state university or college under section 3345.75 of the Revised 58831
Code at least annually shall apply the indicators and standards 58832
adopted under division (B) of section 3345.73 of the Revised Code 58833
to determine whether the university or college is experiencing 58834
sufficient fiscal stability to warrant terminating that governance 58835
authority in accordance with this section. Upon making a 58836
determination that termination of the governance authority is 58837
warranted, the governance authority shall certify this 58838
determination to the governor. 58839

A determination by a governance authority under this division 58840
that sufficient fiscal stability exists or does not exist to 58841
warrant terminating that governance authority is final and 58842

conclusive and not appealable. 58843

(B) The governor may issue an order, effective as provided 58844
under division (D) of this section, terminating the governance 58845
authority appointed under section 3345.75 of the Revised Code, 58846
upon the occurrence of either of the following: 58847

(1) Certification by the governance authority for that state 58848
university or college the termination of that governance authority 58849
is warranted; 58850

(2) A finding that in the governor's opinion termination of 58851
the governance authority is in the best interests of the state, 58852
that state university or college, and the students of that state 58853
university or college. 58854

(C) Upon issuance of an order under division (B) of this 58855
section, the governor shall fill each vacancy on the board of 58856
trustees of the university or college for the unexpired portion of 58857
the member's term or, if the term for the member has already 58858
expired, for the unexpired portion of the succeeding term. 58859

(D) Thirty days after the date on which the ~~Ohio board of~~ 58860
~~regents~~ chancellor of higher education determines that all 58861
vacancies on the board of trustees have been filled, all 58862
authority, responsibilities, duties, and references assumed by or 58863
conferred upon the governance authority of that university or 58864
college under division (C) of section 3345.75 of the Revised Code 58865
terminate and all of the following shall occur: 58866

(1) The management and control of the state university or 58867
college by the board of trustees shall be resumed; 58868

(2) The board becomes the successor to, assumes the lawful 58869
obligations of, and otherwise constitutes the continuation of the 58870
conservator and the governance authority for purposes of all 58871
pending legal actions, contracts or other agreements, and 58872
obligations of the university or college; 58873

(3) Wherever the conservator or the governance authority is referred to in any contract or legal document, the reference is deemed to refer to the board of trustees. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the resumption by the board of trustees of the authority of the conservator and the governance authority, and any such validation, cure, right, privilege, remedy, obligation, or liability shall be administered by the board of trustees. No action or proceeding pending on the effective date of the resumption by the board of trustees of the authority of the conservator and the governance authority is affected by that resumption, and any such action or proceeding shall be prosecuted or defended in the name of the board of trustees.

(4) The board of trustees resumes custody of all equipment, records, files, effects, and all other property real or personal of the state university or college;

(5) Employment of the executive director appointed for the university or college under section 3345.75 of the Revised Code is terminated;

(6) The duties, authority, and pay of the president or chief executive officer of the university or college suspended under division (C)(6) of section 3345.74 and not reinstated under division (B)(2) of section 3345.75 of the Revised Code are reinstated to the person holding that position, unless otherwise provided for by the board of trustees.

Sec. 3345.81. Not later than June 30, 2014, the board of trustees of each institution of higher education, as defined by section 3345.12 of the Revised Code, shall adopt an institution-specific strategic completion plan designed to increase the number of degrees and certificates awarded to students. The plan shall be consistent with the mission and

strategic priorities of the institution, include ~~measureable~~ measurable student completion goals, and align with the state's workforce development priorities. Upon adoption by the board of trustees, each institution of higher education shall provide a copy of its plan to the chancellor of ~~the Ohio board of regents~~ higher education.

The board of trustees of each institution of higher education shall update its plan at least once every two years and provide a copy of their updated plan to the chancellor upon adoption.

Sec. 3345.86. (A) As used in this section, an "eligible institution" means a community college established under Chapter 3354. of the Revised Code, a university branch established under Chapter 3355. of the Revised Code, a technical college established under Chapter 3357. of the Revised Code, or a state community college established under Chapter 3358. of the Revised Code.

(B) An individual who is at least twenty-two years of age and who is an eligible individual as defined in section 3317.23 of the Revised Code may enroll in an eligible institution for up to two ~~cumulative~~ consecutive school years for the purpose of completing the requirements to earn a high school diploma. An individual enrolled under this division may elect to satisfy these requirements by successfully completing a competency-based ~~instructional~~ educational program, as defined in section 3317.02 of the Revised Code, that complies with the standards adopted by the ~~state board~~ department of education under section 3317.231 of the Revised Code.

The eligible institution in which the individual enrolls shall report that individual's enrollment on a full-time equivalency basis to the department ~~of education~~.

(C)(1) For each eligible institution that enrolls individuals

under division (B) of this section, the department annually shall 58935
certify the enrollment and attendance, on a full-time equivalency 58936
basis, of each individual reported by the institution under that 58937
division. 58938

(2) For each individual enrolled in an eligible institution 58939
under division (B) of this section, the department annually shall 58940
pay to the institution ~~an amount equal to the following:~~ 58941

~~\$5,000 X the individual's enrollment on a full-time 58942~~
~~equivalency basis as certified under division (C)(1) of this 58943~~
~~section X the portion of the school year in which the individual 58944~~
~~is enrolled in the institution expressed as a percentage up to 58945~~
\$5,000, as determined by the department based on the extent of the 58946
individual's successful completion of the graduation requirements 58947
prescribed under sections 3313.603, 3313.61, 3313.611, and 58948
3313.614 of the Revised Code. 58949

(D) If an individual enrolled in an eligible institution 58950
under division (B) of this section completes the requirements to 58951
earn a high school diploma, the institution shall certify the 58952
completion of those requirements to the city, local, or exempted 58953
village school district in which the individual resides. Upon 58954
receiving certification under this division, the city, local, or 58955
exempted village school district in which the individual resides 58956
shall issue a high school diploma to the individual within sixty 58957
days of receipt of the certification. 58958

(E) An eligible institution that enrolls individuals under 58959
division (B) of this section shall be subject to the program 58960
administration standards adopted by the ~~state board~~ department 58961
under section 3317.231 of the Revised Code, as applicable. 58962

Sec. 3354.01. As used in sections 3354.01 to 3354.18~~7~~ 58963
~~inclusive~~, of the Revised Code: 58964

(A) "Community college district" means a political 58965
subdivision of the state and a body corporate with all the powers 58966
of a corporation, comprised of the territory of one or more 58967
contiguous counties having together a total population of not less 58968
than seventy-five thousand preceding the establishment of such 58969
district, and organized for the purpose of establishing, owning, 58970
and operating a community college within the territory of such 58971
district. 58972

(B) "Contiguous counties" means counties so located that each 58973
such county shares at least one boundary in common with at least 58974
one other such county in the group of counties referred to as 58975
being "contiguous." 58976

(C) "Community college" means a public institution of 58977
education beyond the high school organized for the principal 58978
purpose of providing for the people of the community college 58979
district wherein such college is situated the instructional 58980
programs defined in this section as "arts and sciences" and 58981
"technical," or either, and may include the "adult-education" 58982
program as defined in this section⁷. Except for bachelor's 58983
programs offered under section 3354.071 of the Revised Code, 58984
instructional programs shall not exceeding exceed two years' in 58985
duration. 58986

A university maintained and operated by a municipality 58987
located in a county having a total population equal to the 58988
requirement for a community college district as set forth in 58989
division (A) of section 3354.01 of the Revised Code and is found 58990
by the ~~Ohio board of regents~~ chancellor of higher education to 58991
offer instructional programs which are needed in the community and 58992
which are equivalent to those required of community colleges shall 58993
be, for the purposes of receiving state or federal financial aid 58994
only, considered a community college and shall receive the same 58995
state financial assistance granted to community colleges but only 58996

in respect to students enrolled in their first and second year of 58997
post high school education in the kinds of instructional programs 58998
offered by the municipal university. 58999

(D) "Arts and sciences program" means a both of the 59000
following: 59001

(1) A curricular program of two years or less duration, 59002
provided within a community college, planned and intended to 59003
enable students to gain academic credit for courses generally 59004
comparable to courses offered in the first two years in accredited 59005
colleges and universities in the state, and designed either to 59006
enable students to transfer to such colleges and universities for 59007
the purpose of earning baccalaureate degrees or to enable students 59008
to terminate academic study after two years with a proportionate 59009
recognition of academic achievement. 59010

(2) A bachelor's degree program approved and offered under 59011
section 3354.071 of the Revised Code. 59012

(E) "Adult-education program" means the dissemination of post 59013
high school educational service and knowledge, by a community 59014
college, for the occupational, cultural, or general educational 59015
benefit of adult persons, such educational service and knowledge 59016
not being offered for the primary purpose of enabling such persons 59017
to obtain academic credit or other formal academic recognition. 59018

(F) "Charter amendment" means a change in the official plan 59019
of a community college for the purpose of acquiring additional 59020
lands or structures, disposing of or transferring lands or 59021
structures, erection of structures, or creating or abolishing of 59022
one or more academic departments corresponding to generally 59023
recognized fields of academic study. 59024

(G) "Technical program" means a post high school curricular 59025
program of two years or less duration, provided within a community 59026
college, planned and intended to enable students to gain academic 59027

credit for courses designed to prepare such students to meet the 59028
occupational requirements of the community. 59029

(H) "Operating costs" means all expenses for all purposes of 59030
the community college district except expenditures for permanent 59031
improvements having an estimated life of usefulness of five years 59032
or more as certified by the fiscal officer of the community 59033
college district. 59034

Sec. 3365.02. (A) There is hereby established the college 59035
credit plus program under which, beginning with the 2015-2016 59036
school year, a secondary grade student who is a resident of this 59037
state may enroll at a college, on a full- or part-time basis, and 59038
complete nonsectarian, nonremedial courses for high school and 59039
college credit. The program shall govern arrangements in which a 59040
secondary grade student enrolls in a college and, upon successful 59041
completion of coursework taken under the program, receives 59042
transcripted credit from the college, ~~except for any of the.~~ The 59043
following are not governed by the college credit plus program: 59044

(1) An agreement governing an early college high school 59045
program that meets any of the exemption criteria under division 59046
(E) of section 3313.6013 of the Revised Code; 59047

(2) An advanced placement course or international 59048
baccalaureate diploma course, as described in divisions (A)(2) and 59049
(3) of section 3313.6013 of the Revised Code; 59050

(3) ~~Until July 1, 2016, a~~ A career-technical education 59051
program that is approved by the department of education under 59052
section 3317.161 of the Revised Code and grants articulated credit 59053
to students participating in that program. However, any portion of 59054
an approved program that results in the conferral of transcripted 59055
credit upon the completion of the course shall be governed by the 59056
college credit plus program. 59057

(B) Any student enrolled in a public or nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; any student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; and any student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may participate in the program, if the student meets the applicable eligibility criteria in section 3365.03 of the Revised Code. If a nonchartered nonpublic secondary school student chooses to participate in the program, that student shall be subject to the same requirements as a home-instructed student who chooses to participate in the program under this chapter.

(C) All public secondary schools and all public colleges shall participate in the program and are subject to the requirements of this chapter. Any nonpublic secondary school or private college that chooses to participate in the program shall also be subject to the requirements of this chapter.

If a nonpublic secondary school chooses not to participate in the program, the school shall not be subject to the requirements of this chapter. Additionally, the school shall not be subject to any rule adopted by the chancellor of higher education or the state board of education for purposes of the college credit plus program.

(D) The chancellor ~~of the Ohio board of regents~~, in accordance with Chapter 119. of the Revised Code and in consultation with the superintendent of public instruction, shall adopt rules governing the program.

Sec. 3365.034. (A) Notwithstanding anything to the contrary in the Revised Code, a student who is eligible to participate in

the college credit plus program under section 3365.03 or 3365.033 59089
of the Revised Code may participate in the program during the 59090
summer term of a public or participating private college or an 59091
eligible out-of-state college participating in the program. 59092

Unless otherwise specified, if a student participates in the 59093
college credit plus program under this section, all requirements 59094
of the program shall apply. 59095

(B)(1) In order for a public secondary school student to 59096
participate under this section, the student shall meet the 59097
criteria in division (A)(1) of section 3365.03 of the Revised 59098
Code, except that the student or the student's parent shall inform 59099
the principal, or equivalent, of the student's school by the date 59100
designated by rule of the chancellor of higher education, pursuant 59101
to division (E) of this section, of the student's intent to 59102
participate in the program during the summer term. 59103

(2) In order for a nonpublic secondary school student, a 59104
nonchartered nonpublic secondary school student, or a 59105
home-instructed student to participate under this section, the 59106
student shall meet the applicable criteria in division (A)(2) of 59107
section 3365.03 of the Revised Code, except that the parent or 59108
guardian of a nonchartered nonpublic secondary school student or a 59109
home-instructed student shall notify the department of education 59110
by the date designated by rule of the chancellor of higher 59111
education, pursuant to division (E) of this section, of the 59112
student's intent to participate in the program during the summer 59113
term. 59114

(C) If a participant under this section elects to have the 59115
college reimbursed under section 3365.07 of the Revised Code for 59116
courses taken under the program, the department shall reimburse 59117
the college in the same manner as for students who participate 59118
during the school year in accordance with that section, except 59119

that the department shall make the applicable payments each 59120
September, or as soon as possible thereafter. 59121

(D) Notwithstanding section 3327.01 of the Revised Code, the 59122
participant or the participant's parent or guardian shall be 59123
responsible for any transportation related to participation in the 59124
program during the summer term. 59125

(E) The chancellor of higher education, in accordance with 59126
Chapter 119. of the Revised Code and in consultation with the 59127
superintendent of public instruction, shall adopt rules for the 59128
administration of this section. The rules shall include the dates 59129
by which the student or student's parent must provide notification 59130
of the student's intent to participate in the program during the 59131
summer term. 59132

Sec. 3365.07. The department of education shall calculate and 59133
pay state funds to colleges for participants in the college credit 59134
plus program under division (B) of section 3365.06 of the Revised 59135
Code pursuant to this section. For a nonpublic secondary school 59136
participant, a nonchartered nonpublic secondary school 59137
participant, or a home-instructed participant, the department 59138
shall pay state funds pursuant to this section only if that 59139
participant is awarded funding according to rules adopted by the 59140
chancellor of ~~the Ohio board of regents~~ higher education, in 59141
consultation with the superintendent of public instruction, 59142
pursuant to section 3365.071 of the Revised Code. The program 59143
shall be the sole mechanism by which state funds are paid to 59144
colleges for students to earn ~~college-level~~ transcribed credit 59145
for college courses while enrolled in both a secondary school and 59146
a college, with the exception of ~~the programs listed~~ state funds 59147
paid to colleges according to an agreement described in division 59148
(A)(1) of section 3365.02 of the Revised Code. 59149

(A) For each public or nonpublic secondary school participant 59150

enrolled in a public college: 59151

(1) If no agreement has been entered into under division 59152
(A)(2) of this section, both of the following shall apply: 59153

(a) The department shall pay to the college the applicable 59154
amount as follows: 59155

(i) For a participant enrolled in a college course delivered 59156
on the college campus, at another location operated by the 59157
college, or online, the default ceiling amount; 59158

(ii) For a participant enrolled in a college course delivered 59159
at the participant's secondary school but taught by college 59160
faculty, fifty per cent of the default ceiling amount; 59161

(iii) For a participant enrolled in a college course 59162
delivered at the participant's secondary school and taught by a 59163
high school teacher who has met the credential requirements 59164
established for purposes of the program in rules adopted by the 59165
chancellor ~~of the Ohio board of regents~~, the default floor amount. 59166

(b) The participant's secondary school shall pay for 59167
textbooks, and the college shall waive payment of all other fees 59168
related to participation in the program. 59169

(2) The governing entity of a participant's secondary school 59170
and the college may enter into an agreement to establish an 59171
alternative payment structure for tuition, textbooks, and fees. 59172
Under such an agreement, payments for each participant made by the 59173
department shall be not less than the default floor amount, unless 59174
approved by the chancellor, and not more than the default ceiling 59175
amount. The chancellor shall approve an agreement that includes a 59176
payment below the default floor amount, as long as the provisions 59177
of the agreement comply with all other requirements of this 59178
chapter to ensure program quality. If no agreement is entered into 59179
under division (A)(2) of this section, both of the following shall 59180
apply: 59181

(a) The department shall pay to the college the applicable 59182
default amounts prescribed by division (A)(1)(a) of this section, 59183
depending upon the method of delivery and instruction. 59184

(b) In accordance with division (A)(1)(b) of this section, 59185
the participant's secondary school shall pay for textbooks, and 59186
the college shall waive payment of all other fees related to 59187
participation in the program. 59188

(3) No participant that is enrolled in a public college shall 59189
be charged for any tuition, textbooks, or other fees related to 59190
participation in the program. 59191

(B) For each public secondary school participant enrolled in 59192
a private college: 59193

(1) If no agreement has been entered into under division 59194
(B)(2) of this section, the department shall pay to the college 59195
the applicable amount calculated in the same manner as in division 59196
(A)(1)(a) of this section. 59197

(2) The governing entity of a participant's secondary school 59198
and the college may enter into an agreement to establish an 59199
alternative payment structure for tuition, textbooks, and fees. 59200
Under such an agreement, payments shall be not less than the 59201
default floor amount, unless approved by the chancellor, and not 59202
more than the default ceiling amount. 59203

If an agreement is entered into under division (B)(2) of this 59204
section, both of the following shall apply: 59205

(a) The department shall make a payment to the college for 59206
each participant that is equal to the default floor amount, unless 59207
approved by the chancellor to pay an amount below the default 59208
floor amount. The chancellor shall approve an agreement that 59209
includes a payment below the default floor amount, as long as the 59210
provisions of the agreement comply with all other requirements of 59211
this chapter to ensure program quality. 59212

(b) Payment for costs for the participant that exceed the 59213
amount paid by the department pursuant to division (B)(2)(a) of 59214
this section shall be negotiated by the school and the college. 59215
The agreement may include a stipulation permitting the charging of 59216
a participant. 59217

However, under no circumstances shall: 59218

(i) Payments for a participant made by the department under 59219
~~this~~ division (B)(2) of this section exceed the default ceiling 59220
amount; 59221

(ii) The amount charged to a participant under division 59222
(B)(2) of this section exceed the difference between the maximum 59223
per participant charge amount and the default floor amount; 59224

(iii) The sum of the payments made by the department for a 59225
participant and the amount charged to that participant under 59226
division (B)(2) of this section exceed the following amounts, as 59227
applicable: 59228

(I) For a participant enrolled in a college course delivered 59229
on the college campus, at another location operated by the 59230
college, or online, the maximum per participant charge amount; 59231

(II) For a participant enrolled in a college course delivered 59232
at the participant's secondary school but taught by college 59233
faculty, one hundred twenty-five dollars; 59234

(III) For a participant enrolled in a college course 59235
delivered at the participant's secondary school and taught by a 59236
high school teacher who has met the credential requirements 59237
established for purposes of the program in rules adopted by the 59238
chancellor ~~of the Ohio board of regents~~, one hundred dollars. 59239

(iv) A participant that is identified as economically 59240
disadvantaged according to rules adopted by the department be 59241
charged under division (B)(2) of this section for any tuition, 59242

textbooks, or other fees related to participation in the program. 59243

(C) For each nonpublic secondary school participant enrolled 59244
in a private or eligible out-of-state college, the department 59245
shall pay to the college the applicable amount calculated in the 59246
same manner as in division (A)(1)(a) of this section. Payment for 59247
costs for the participant that exceed the amount paid by the 59248
department shall be negotiated by the governing body of the 59249
nonpublic secondary school and the college. 59250

However, under no circumstances shall: 59251

(1) The payments for a participant made by the department 59252
under this division exceed the default ceiling amount. 59253

(2) Any nonpublic secondary school participant, who is 59254
enrolled in that secondary school with a scholarship awarded under 59255
either the educational choice scholarship pilot program, as 59256
prescribed by sections 3310.01 to 3310.17, or the pilot project 59257
scholarship program, as prescribed by sections 3313.974 to 59258
3313.979 of the Revised Code, and who qualifies as a low-income 59259
student under either of those programs, be charged for any 59260
tuition, textbooks, or other fees related to participation in the 59261
college credit plus program. 59262

(D) For each nonchartered nonpublic secondary school 59263
participant and each home-instructed participant enrolled in a 59264
public, private, or eligible out-of-state college, the department 59265
shall pay to the college the default ceiling amount, if that 59266
participant is enrolled in a college course delivered on the 59267
college campus, at another location operated by the college, or 59268
online. 59269

(E) Not later than thirty days after the end of each term, 59270
each college expecting to receive payment for the costs of a 59271
participant under this section shall notify the department of the 59272
number of enrolled credit hours for each participant. 59273

(F) Each January and July, or as soon as possible thereafter, 59274
the department shall make the applicable payments under this 59275
section to each college, which provided proper notification to the 59276
department under division (E) of this section, for the number of 59277
enrolled credit hours for participants enrolled in the college 59278
under division (B) of section 3365.06 of the Revised Code. The 59279
department shall not make any payments to a college under this 59280
section if a participant withdrew from a course prior to the date 59281
on which a withdrawal from the course would have negatively 59282
affected the participant's transcribed grade, as prescribed by 59283
the college's established withdrawal policy. 59284

(1) Payments made for public secondary school participants 59285
under this section shall be deducted from the school foundation 59286
payments made to the participant's school district or, if the 59287
participant is enrolled in a community school, a STEM school, or a 59288
college-preparatory boarding school, from the payments made to 59289
that school under section 3314.08, 3326.33, or 3328.34 of the 59290
Revised Code. If the participant is enrolled in a joint vocational 59291
school district, a portion of the amount shall be deducted from 59292
the payments to the joint vocational school district and a portion 59293
shall be deducted from the payments to the participant's city, 59294
local, or exempted village school district in accordance with the 59295
full-time equivalency of the student's enrollment in each 59296
district. Amounts deducted under division (F)(1) of this section 59297
shall be calculated in accordance with rules adopted by the 59298
chancellor, in consultation with the state superintendent, 59299
pursuant to division (B) of section 3365.071 of the Revised Code. 59300

(2) Payments made for nonpublic secondary school 59301
participants, nonchartered nonpublic secondary school 59302
participants, and home-instructed participants under this section 59303
shall be deducted from moneys appropriated by the general assembly 59304
for such purpose. Payments shall be allocated and distributed in 59305

accordance with rules adopted by the chancellor, in consultation 59306
with the state superintendent, pursuant to division (A) of section 59307
3365.071 of the Revised Code. 59308

(G) Any public college that enrolls a student under division 59309
(B) of section 3365.06 of the Revised Code may include that 59310
student in the calculation used to determine its state share of 59311
instruction funds appropriated to the ~~Ohio board of regents~~ 59312
department of higher education by the general assembly. 59313

Sec. 3365.14. (A) Notwithstanding anything to the contrary in 59314
the Revised Code, all public and participating private colleges, 59315
and eligible out-of-state colleges participating in the program, 59316
shall offer an associate degree pathway that enables participants 59317
to earn an associate degree upon completion of the pathway. In 59318
order to complete the pathway and earn an associate degree, 59319
participants shall be required to earn at least sixty, but not 59320
more than seventy-two, credit hours, or the equivalent number of 59321
hours for colleges operating on a quarter schedule. 59322

(B) Participants enrolled in the associate degree pathway 59323
under this section may enroll in more than sixty credit hours, or 59324
the equivalent number of quarter hours, over a period of two 59325
school years. However, no participant shall enroll in more than 59326
seventy-two credit hours, or the equivalent number of quarter 59327
hours, over that same period. 59328

(C) If a participant enrolls in the pathway under this 59329
section and elects to have the college reimbursed under section 59330
3365.07 of the Revised Code for courses taken under the program, 59331
the department shall reimburse the college in the same manner as 59332
for other participants in accordance with that section. However, 59333
the chancellor of higher education, in accordance with Chapter 59334
119. of the Revised Code and in consultation with the 59335
superintendent of public instruction, shall adopt rules 59336

prescribing a method to calculate payments made for participants 59337
under this section that reflects the increased number of credit 59338
hours required under the pathway. 59339

Sec. 3365.15. The chancellor of ~~the Ohio board of regents~~ 59340
higher education and the superintendent of public instruction 59341
jointly shall do all of the following: 59342

(A) Adopt data reporting guidelines specifying the types of 59343
data that public and participating nonpublic secondary schools and 59344
public and participating private colleges, including eligible 59345
out-of-state colleges participating in the program, must annually 59346
collect, report, and track under division (G) of section 3365.04 59347
and division (H) of section 3365.05 of the Revised Code. The types 59348
of data shall include all of the following: 59349

(1) For each secondary school and college: 59350

(a) The number of participants disaggregated by grade level, 59351
socioeconomic status, race, gender, and disability; 59352

(b) The number of completed courses and credit hours, 59353
disaggregated by the college in which participants were enrolled; 59354

(c) The number of courses in which participants enrolled, 59355
disaggregated by subject area and level of difficulty. 59356

(2) For each secondary school, the number of students who 59357
were denied participation in the program under division (A)(1)(a) 59358
or (C) of section 3365.03 or section 3365.031 or 3365.032 of the 59359
Revised Code. Each participating nonpublic secondary school shall 59360
also include the number of students who were denied participation 59361
due to the student not being awarded funding by the department of 59362
education pursuant to section 3365.071 of the Revised Code. 59363

(3) For each college: 59364

(a) The number of students who applied to enroll in the 59365
college under the program but were not granted admission; 59366

(b) The average number of completed courses per participant; 59367

(c) The average grade point average for participants in 59368
college courses under the program. 59369

The guidelines adopted under this division shall also include 59370
policies and procedures for the collection, reporting, and 59371
tracking of such data. 59372

(B) Annually compile the data required under division (A) of 59373
this section. Not later than the thirty-first day of December of 59374
each year, the data from the previous school year shall be posted 59375
in a prominent location on both the ~~board of regents'~~ chancellor 59376
of higher education's and the department of education's web sites. 59377

(C) Submit a biennial report detailing the status of the 59378
college credit plus program, including an analysis of quality 59379
assurance measures related to the program, to the governor, the 59380
president of the senate, the speaker of the house of 59381
representatives, and the chairpersons of the education committees 59382
of the senate and house of representatives. The first report shall 59383
be submitted not later than December 31, 2017, and each subsequent 59384
report shall be submitted not later than the thirty-first day of 59385
December every two years thereafter. 59386

(D) Establish a college credit plus advisory committee to 59387
assist in the development of performance metrics and the 59388
monitoring of the program's progress. At least one member of the 59389
advisory committee shall be a school guidance counselor. 59390

The chancellor shall also, in consultation with the 59391
superintendent, create a standard packet of information for the 59392
college credit plus program directed toward students and parents 59393
that are interested in the program. 59394

Sec. 3501.01. As used in the sections of the Revised Code 59395
relating to elections and political communications: 59396

(A) "General election" means the election held on the first 59397
Tuesday after the first Monday in each November. 59398

(B) "Regular municipal election" means the election held on 59399
the first Tuesday after the first Monday in November in each 59400
odd-numbered year. 59401

(C) "Regular state election" means the election held on the 59402
first Tuesday after the first Monday in November in each 59403
even-numbered year. 59404

(D) "Special election" means any election other than those 59405
elections defined in other divisions of this section. A special 59406
election may be held only on the first Tuesday after the first 59407
Monday in ~~February~~, May, August, or November, or on the day 59408
authorized by a particular municipal or county charter for the 59409
holding of a primary election, except that in any year in which a 59410
presidential primary election is held, no special election shall 59411
be held in ~~February~~ or May, except as authorized by a municipal or 59412
county charter, but may be held on the first Tuesday after the 59413
first Monday in March. 59414

(E)(1) "Primary" or "primary election" means an election held 59415
for the purpose of nominating persons as candidates of political 59416
parties for election to offices, and for the purpose of electing 59417
persons as members of the controlling committees of political 59418
parties and as delegates and alternates to the conventions of 59419
political parties. Primary elections shall be held on the first 59420
Tuesday after the first Monday in May of each year except in years 59421
in which a presidential primary election is held. 59422

(2) "Presidential primary election" means a primary election 59423
as defined by division (E)(1) of this section at which an election 59424
is held for the purpose of choosing delegates and alternates to 59425
the national conventions of the major political parties pursuant 59426
to section 3513.12 of the Revised Code. Unless otherwise 59427

specified, presidential primary elections are included in 59428
references to primary elections. In years in which a presidential 59429
primary election is held, all primary elections shall be held on 59430
the first Tuesday after the first Monday in March except as 59431
otherwise authorized by a municipal or county charter. 59432

(F) "Political party" means any group of voters meeting the 59433
requirements set forth in section 3517.01 of the Revised Code for 59434
the formation and existence of a political party. 59435

(1) "Major political party" means any political party 59436
organized under the laws of this state whose candidate for 59437
governor or nominees for presidential electors received not less 59438
than twenty per cent of the total vote cast for such office at the 59439
most recent regular state election. 59440

(2) "Minor political party" means any political party 59441
organized under the laws of this state that meets either of the 59442
following requirements: 59443

(a) Except as otherwise provided in this division, the 59444
political party's candidate for governor or nominees for 59445
presidential electors received less than twenty per cent but not 59446
less than three per cent of the total vote cast for such office at 59447
the most recent regular state election. A political party that 59448
meets the requirements of this division remains a political party 59449
for a period of four years after meeting those requirements. 59450

(b) The political party has filed with the secretary of 59451
state, subsequent to its failure to meet the requirements of 59452
division (F)(2)(a) of this section, a petition that meets the 59453
requirements of section 3517.01 of the Revised Code. 59454

A newly formed political party shall be known as a minor 59455
political party until the time of the first election for governor 59456
or president which occurs not less than twelve months subsequent 59457
to the formation of such party, after which election the status of 59458

such party shall be determined by the vote for the office of 59459
governor or president. 59460

(G) "Dominant party in a precinct" or "dominant political 59461
party in a precinct" means that political party whose candidate 59462
for election to the office of governor at the most recent regular 59463
state election at which a governor was elected received more votes 59464
than any other person received for election to that office in such 59465
precinct at such election. 59466

(H) "Candidate" means any qualified person certified in 59467
accordance with the provisions of the Revised Code for placement 59468
on the official ballot of a primary, general, or special election 59469
to be held in this state, or any qualified person who claims to be 59470
a write-in candidate, or who knowingly assents to being 59471
represented as a write-in candidate by another at either a 59472
primary, general, or special election to be held in this state. 59473

(I) "Independent candidate" means any candidate who claims 59474
not to be affiliated with a political party, and whose name has 59475
been certified on the office-type ballot at a general or special 59476
election through the filing of a statement of candidacy and 59477
nominating petition, as prescribed in section 3513.257 of the 59478
Revised Code. 59479

(J) "Nonpartisan candidate" means any candidate whose name is 59480
required, pursuant to section 3505.04 of the Revised Code, to be 59481
listed on the nonpartisan ballot, including all candidates for 59482
judicial office, for member of any board of education, for 59483
municipal or township offices in which primary elections are not 59484
held for nominating candidates by political parties, and for 59485
offices of municipal corporations having charters that provide for 59486
separate ballots for elections for these offices. 59487

(K) "Party candidate" means any candidate who claims to be a 59488
member of a political party and who has been certified to appear 59489

on the office-type ballot at a general or special election as the 59490
nominee of a political party because the candidate has won the 59491
primary election of the candidate's party for the public office 59492
the candidate seeks, has been nominated under section 3517.012, or 59493
is selected by party committee in accordance with section 3513.31 59494
of the Revised Code. 59495

(L) "Officer of a political party" includes, but is not 59496
limited to, any member, elected or appointed, of a controlling 59497
committee, whether representing the territory of the state, a 59498
district therein, a county, township, a city, a ward, a precinct, 59499
or other territory, of a major or minor political party. 59500

(M) "Question or issue" means any question or issue certified 59501
in accordance with the Revised Code for placement on an official 59502
ballot at a general or special election to be held in this state. 59503

(N) "Elector" or "qualified elector" means a person having 59504
the qualifications provided by law to be entitled to vote. 59505

(O) "Voter" means an elector who votes at an election. 59506

(P) "Voting residence" means that place of residence of an 59507
elector which shall determine the precinct in which the elector 59508
may vote. 59509

(Q) "Precinct" means a district within a county established 59510
by the board of elections of such county within which all 59511
qualified electors having a voting residence therein may vote at 59512
the same polling place. 59513

(R) "Polling place" means that place provided for each 59514
precinct at which the electors having a voting residence in such 59515
precinct may vote. 59516

(S) "Board" or "board of elections" means the board of 59517
elections appointed in a county pursuant to section 3501.06 of the 59518
Revised Code. 59519

(T) "Political subdivision" means a county, township, city, village, or school district.

(U) "Election officer" or "election official" means any of the following:

(1) Secretary of state;

(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;

(3) Director of a board of elections;

(4) Deputy director of a board of elections;

(5) Member of a board of elections;

(6) Employees of a board of elections;

(7) Precinct election officials;

(8) Employees appointed by the boards of elections on a temporary or part-time basis.

(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.

(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.

(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides

state-funded programs primarily engaged in providing services to 59549
persons with disabilities and that is required by the National 59550
Voter Registration Act of 1993 to implement a program designed and 59551
administered by the secretary of state for registering voters, or 59552
any other public or government office or agency that implements a 59553
program designed and administered by the secretary of state for 59554
registering voters, including the department of job and family 59555
services, the program administered under section 3701.132 of the 59556
Revised Code by the department of health, the department of mental 59557
health and addiction services, the department of developmental 59558
disabilities, the opportunities for Ohioans with disabilities 59559
agency, and any other agency the secretary of state designates. 59560
"Designated agency" does not include public high schools and 59561
vocational schools, public libraries, or the office of a county 59562
treasurer. 59563

(Y) "National Voter Registration Act of 1993" means the 59564
"National Voter Registration Act of 1993," 107 Stat. 77, 42 59565
U.S.C.A. 1973gg. 59566

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 59567
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 59568

(AA) "Photo identification" means a document that meets each 59569
of the following requirements: 59570

(1) It shows the name of the individual to whom it was 59571
issued, which shall conform to the name in the poll list or 59572
signature pollbook. 59573

(2) It shows the current address of the individual to whom it 59574
was issued, which shall conform to the address in the poll list or 59575
signature pollbook, except for a driver's license or a state 59576
identification card issued under section 4507.50 of the Revised 59577
Code, which may show either the current or former address of the 59578
individual to whom it was issued, regardless of whether that 59579

address conforms to the address in the poll list or signature 59580
pollbook. 59581

(3) It shows a photograph of the individual to whom it was 59582
issued. 59583

(4) It includes an expiration date that has not passed. 59584

(5) It was issued by the government of the United States or 59585
this state. 59586

Sec. 3501.12. (A) The annual compensation of members of the 59587
board of elections shall be determined on the basis of the 59588
population of the county according to the next preceding federal 59589
census, and shall be paid monthly out of the appropriations made 59590
to the board and upon vouchers or payrolls certified by the 59591
chairperson, or a member of the board designated by it, and 59592
countersigned by the director or in the director's absence by the 59593
deputy director. Upon presentation of any such voucher or payroll, 59594
the county auditor shall issue a warrant upon the county treasurer 59595
for the amount thereof as in the case of vouchers or payrolls for 59596
county offices and the treasurer shall pay such warrant. 59597

~~(A) Except as provided in divisions (B) and (C) of this~~ 59598
~~section (B) In calendar year 2015,~~ the amount of annual 59599
compensation of ~~members~~ each member of the board of elections 59600
shall be as follows: 59601

(1) ~~Eighty-five~~ Ninety-two dollars and eighty-nine cents for 59602
each full one thousand of the first one hundred thousand 59603
population; 59604

(2) ~~Forty~~ Forty-four dollars and ~~fifty~~ twenty-six cents for 59605
each full one thousand of the second one hundred thousand 59606
population; 59607

(3) ~~Twenty-two~~ Twenty-four dollars and four cents for each 59608
full one thousand of the third one hundred thousand population; 59609

(4) ~~Six~~ Seven dollars and ~~seventy-five~~ thirty-seven cents for 59610
each full one thousand above three hundred thousand population. 59611

~~(B) Except as provided in division (C) of this section (C) In~~ 59612
calendar year 2015, the compensation of a member of the board 59613
shall not be less than three thousand ~~three~~ six hundred 59614
~~seventy-five~~ eighty-seven dollars and shall not exceed ~~twenty~~ 59615
twenty-one thousand eight hundred fifty-five dollars annually. 59616

~~(C) In calendar year 2001, the annual compensation of each~~ 59617
~~member of the board shall be computed after increasing the dollar~~ 59618
~~amounts specified in divisions (A) and (B) of this section by~~ 59619
~~three per cent.~~ 59620

~~(D) In calendar year 2002, the annual compensation of each~~ 59621
~~member of the board shall be computed after increasing by three~~ 59622
~~per cent the dollar amounts used to compute the compensation of a~~ 59623
~~member under division (C) of this section.~~ 59624

~~(E) In calendar year 2003 and thereafter, the annual~~ 59625
~~compensation of each member of the board shall be computed after~~ 59626
~~increasing by three per cent the dollar amounts used to compute~~ 59627
~~the compensation of a member under division (D) of this section~~ 59628

(D) In calendar year 2016, the annual compensation of each 59629
member of the board shall be computed after increasing the dollar 59630
amounts specified in divisions (B) and (C) of this section by five 59631
per cent. Such compensation shall not be less than four thousand 59632
eight hundred thirty dollars. 59633

(E) In calendar year 2017, the annual compensation of each 59634
member of the board shall be computed after increasing the dollar 59635
amounts specified in division (D) of this section by five per 59636
cent. Such compensation shall not be less than six thousand 59637
dollars. 59638

(F) In calendar year 2018 and thereafter, the annual 59639
compensation of each member of the board shall be the dollar 59640

amounts computed under division (E) of this section. 59641

For the purposes of this section, members of boards of 59642
elections shall be deemed to be appointed and not elected, and 59643
therefore not subject to Section 20 of Article II of the Ohio 59644
Constitution. 59645

Sec. 3501.17. (A) The expenses of the board of elections 59646
shall be paid from the county treasury, in pursuance of 59647
appropriations by the board of county commissioners, in the same 59648
manner as other county expenses are paid. If the board of county 59649
commissioners fails to appropriate an amount sufficient to provide 59650
for the necessary and proper expenses of the board of elections 59651
pertaining to the conduct of elections, the board of elections may 59652
apply to the court of common pleas within the county, which shall 59653
fix the amount necessary to be appropriated and the amount shall 59654
be appropriated. Payments shall be made upon vouchers of the board 59655
of elections certified to by its chairperson or acting chairperson 59656
and the director or deputy director, upon warrants of the county 59657
auditor. 59658

The board of elections shall not incur any obligation 59659
involving the expenditure of money unless there are moneys 59660
sufficient in the funds appropriated therefor to meet the 59661
obligation. If the board of elections requests a transfer of funds 59662
from one of its appropriation items to another, the board of 59663
county commissioners shall adopt a resolution providing for the 59664
transfer except as otherwise provided in section 5705.40 of the 59665
Revised Code. The expenses of the board of elections shall be 59666
apportioned among the county and the various subdivisions as 59667
provided in this section, and the amount chargeable to each 59668
subdivision shall be paid as provided in division (J) of this 59669
section or withheld by the county auditor from the moneys payable 59670
thereto at the time of the next tax settlement. At the time of 59671

submitting budget estimates in each year, the board of elections 59672
shall submit to the taxing authority of each subdivision, upon the 59673
request of the subdivision, an estimate of the amount to be paid 59674
or withheld from the subdivision during the current or next fiscal 59675
year. 59676

A board of township trustees may, by resolution, request that 59677
the county auditor withhold expenses charged to the township from 59678
a specified township fund that is to be credited with revenue at a 59679
tax settlement. The resolution shall specify the tax levy ballot 59680
issue, the date of the election on the levy issue, and the 59681
township fund from which the expenses the board of elections 59682
incurs related to that ballot issue shall be withheld. 59683

(B) Except as otherwise provided in division (F) of this 59684
section, the compensation of the members of the board of elections 59685
and of the director, deputy director, and regular employees in the 59686
board's offices, other than compensation for overtime worked; the 59687
expenditures for the rental, furnishing, and equipping of the 59688
office of the board and for the necessary office supplies for the 59689
use of the board; the expenditures for the acquisition, repair, 59690
care, and custody of the polling places, booths, guardrails, and 59691
other equipment for polling places; the cost of tally sheets, 59692
maps, flags, ballot boxes, and all other permanent records and 59693
equipment; the cost of all elections held in and for the state and 59694
county; and all other expenses of the board which are not 59695
chargeable to a political subdivision in accordance with this 59696
section shall be paid in the same manner as other county expenses 59697
are paid. 59698

(C) The compensation of precinct election officials and 59699
intermittent employees in the board's offices; the cost of 59700
renting, moving, heating, and lighting polling places and of 59701
placing and removing ballot boxes and other fixtures and equipment 59702
thereof, including voting machines, marking devices, and automatic 59703

tabulating equipment; the cost of printing and delivering ballots, 59704
cards of instructions, registration lists required under section 59705
3503.23 of the Revised Code, and other election supplies, 59706
including the supplies required to comply with division (H) of 59707
section 3506.01 of the Revised Code; the cost of contractors 59708
engaged by the board to prepare, program, test, and operate voting 59709
machines, marking devices, and automatic tabulating equipment; and 59710
all other expenses of conducting primaries and elections in the 59711
odd-numbered years shall be charged to the subdivisions in and for 59712
which such primaries or elections are held. The charge for each 59713
primary or general election in odd-numbered years for each 59714
subdivision shall be determined in the following manner: first, 59715
the total cost of all chargeable items used in conducting such 59716
elections shall be ascertained; second, the total charge shall be 59717
divided by the number of precincts participating in such election, 59718
in order to fix the cost per precinct; third, the cost per 59719
precinct shall be prorated by the board of elections to the 59720
subdivisions conducting elections for the nomination or election 59721
of offices in such precinct; fourth, the total cost for each 59722
subdivision shall be determined by adding the charges prorated to 59723
it in each precinct within the subdivision. 59724

(D) The entire cost of special elections held on a day other 59725
than the day of a primary or general election, both in 59726
odd-numbered or in even-numbered years, shall be charged to the 59727
subdivision. Where a special election is held on the same day as a 59728
primary or general election in an even-numbered year, the 59729
subdivision submitting the special election shall be charged only 59730
for the cost of ballots and advertising. Where a special election 59731
is held on the same day as a primary or general election in an 59732
odd-numbered year, the subdivision submitting the special election 59733
shall be charged for the cost of ballots and advertising for such 59734
special election, in addition to the charges prorated to such 59735
subdivision for the election or nomination of candidates in each 59736

precinct within the subdivision, as set forth in the preceding 59737
paragraph. 59738

(E) Where a special election is held on the day specified by 59739
division (E) of section 3501.01 of the Revised Code for the 59740
holding of a primary election, for the purpose of submitting to 59741
the voters of the state constitutional amendments proposed by the 59742
general assembly, and a subdivision conducts a special election on 59743
the same day, the entire cost of the special election shall be 59744
divided proportionally between the state and the subdivision based 59745
upon a ratio determined by the number of issues placed on the 59746
ballot by each, except as otherwise provided in division (G) of 59747
this section. Such proportional division of cost shall be made 59748
only to the extent funds are available for such purpose from 59749
amounts appropriated by the general assembly to the secretary of 59750
state. If a primary election is also being conducted in the 59751
subdivision, the costs shall be apportioned as otherwise provided 59752
in this section. 59753

(F) When a precinct is open during a general, primary, or 59754
special election solely for the purpose of submitting to the 59755
voters a statewide ballot issue, the state shall bear the entire 59756
cost of the election in that precinct and shall reimburse the 59757
county for all expenses incurred in opening the precinct. 59758

(G)(1) The state shall bear the entire cost of advertising in 59759
newspapers statewide ballot issues, explanations of those issues, 59760
and arguments for or against those issues, as required by Section 59761
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 59762
and any other section of law. Appropriations made to the 59763
controlling board shall be used to reimburse the secretary of 59764
state for all expenses the secretary of state incurs for such 59765
advertising under division (G) of section 3505.062 of the Revised 59766
Code. 59767

(2) There is hereby created in the state treasury the 59768

statewide ballot advertising fund. The fund shall receive 59769
transfers approved by the controlling board, and shall be used by 59770
the secretary of state to pay the costs of advertising state 59771
ballot issues as required under division (G)(1) of this section. 59772
Any such transfers may be requested from and approved by the 59773
controlling board prior to placing the advertising, in order to 59774
facilitate timely provision of the required advertising. 59775

(H) The cost of renting, heating, and lighting registration 59776
places; the cost of the necessary books, forms, and supplies for 59777
the conduct of registration; and the cost of printing and posting 59778
precinct registration lists shall be charged to the subdivision in 59779
which such registration is held. 59780

(I) At the request of a majority of the members of the board 59781
of elections, the board of county commissioners may, by 59782
resolution, establish an elections revenue fund. Except as 59783
otherwise provided in this division, the purpose of the fund shall 59784
be to accumulate revenue withheld by or paid to the county under 59785
this section for the payment of any expense related to the duties 59786
of the board of elections specified in section 3501.11 of the 59787
Revised Code, upon approval of a majority of the members of the 59788
board of elections. The fund shall not accumulate any revenue 59789
withheld by or paid to the county under this section for the 59790
compensation of the members of the board of elections or of the 59791
director, deputy director, or other regular employees in the 59792
board's offices, other than compensation for overtime worked. 59793

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 59794
Revised Code, the board of county commissioners may, by 59795
resolution, transfer money to the elections revenue fund from any 59796
other fund of the political subdivision from which such payments 59797
lawfully may be made. Following an affirmative vote of a majority 59798
of the members of the board of elections, the board of county 59799
commissioners may, by resolution, rescind an elections revenue 59800

fund established under this division. If an elections revenue fund 59801
is rescinded, money that has accumulated in the fund shall be 59802
transferred to the county general fund. 59803

(J)(1) Not less than fifteen business days before the 59804
deadline for submitting a question or issue for placement on the 59805
ballot at a special election, the board of elections shall prepare 59806
and file with the board of county commissioners and the office of 59807
the secretary of state the estimated cost, based on the factors 59808
enumerated in this section, for preparing for and conducting an 59809
election on one question or issue, one nomination for office, or 59810
one election to office in each precinct in the county at that 59811
special election and shall divide that cost by the number of 59812
registered voters in the county. 59813

(2) The board of elections shall provide to a political 59814
subdivision seeking to submit a question or issue, a nomination 59815
for office, or an election to office for placement on the ballot 59816
at a special election with the estimated cost for preparing for 59817
and conducting that election, which shall be calculated either by 59818
multiplying the number of registered voters in the political 59819
subdivision with the cost calculated under division (J)(1) of this 59820
section or by multiplying the cost per precinct with the number or 59821
precincts in the political subdivision. A political subdivision 59822
submitting a question or issue, a nomination for office, or an 59823
election to office for placement on the ballot at that special 59824
election shall pay to the county elections revenue fund sixty-five 59825
per cent of the estimated cost of the election not less than ten 59826
business days after the deadline for submitting a question or 59827
issue for placement on the ballot for that special election. 59828

(3) Not later than sixty days after the date of a special 59829
election, the board of elections shall provide to each political 59830
subdivision the true and accurate cost for the question or issue, 59831
nomination for office, or election to office that the subdivision 59832

submitted to the voters on the special election ballots. If the 59833
board of elections determines that a subdivision paid less for the 59834
cost of preparing and conducting a special election under division 59835
(J)(2) of this section than the actual cost calculated under this 59836
division, the subdivision shall remit to the county elections 59837
revenue fund the difference between the payment made under 59838
division (J)(2) of this section and the final cost calculated 59839
under this division within thirty days after being notified of the 59840
final cost. If the board of elections determines that a 59841
subdivision paid more for the cost of preparing and conducting a 59842
special election under division (J)(2) of this section than the 59843
actual cost calculated under this division, the board of elections 59844
promptly shall notify the board of county commissioners of that 59845
difference. The board of county commissioners shall remit from the 59846
county elections revenue fund to the political subdivision the 59847
difference between the payment made under division (J)(2) of this 59848
section and the final cost calculated under this division within 59849
thirty days after receiving that notification. 59850

(K) As used in this section: 59851

(1) "Political subdivision" and "subdivision" mean any board 59852
of county commissioners, board of township trustees, legislative 59853
authority of a municipal corporation, board of education, or any 59854
other board, commission, district, or authority that is empowered 59855
to levy taxes or permitted to receive the proceeds of a tax levy, 59856
regardless of whether the entity receives tax settlement moneys as 59857
described in division (A) of this section; 59858

(2) "Statewide ballot issue" means any ballot issue, whether 59859
proposed by the general assembly or by initiative or referendum, 59860
that is submitted to the voters throughout the state. 59861

Sec. 3599.03. (A)(1) Except to carry on activities specified 59862
in sections 3517.082, 3517.101, and 3517.1011, division (A)(2) of 59863

section 3517.1012, division (B) of section 3517.1013, division 59864
(C)(1) of section 3517.1014, and section 3599.031 of the Revised 59865
Code and except as provided in divisions (D), (E), and (F) of this 59866
section, no corporation, no nonprofit corporation, and no labor 59867
organization, directly or indirectly, shall pay or use, or offer, 59868
advise, consent, or agree to pay or use, the corporation's money 59869
or property, or the labor organization's money, including dues, 59870
initiation fees, or other assessments paid by members, or 59871
property, for or in aid of or opposition to a political party, a 59872
candidate for election or nomination to public office, a political 59873
action committee including a political action committee of the 59874
corporation or labor organization, a legislative campaign fund, or 59875
any organization that supports or opposes any such candidate, or 59876
for any partisan political purpose, shall violate any law 59877
requiring the filing of an affidavit or statement respecting such 59878
use of those funds, or shall pay or use the corporation's or labor 59879
organization's money for the expenses of a social fund-raising 59880
event for its political action committee if an employee's or labor 59881
organization member's right to attend such an event is predicated 59882
on the employee's or member's contribution to the corporation's or 59883
labor organization's political action committee. 59884

(2) Whoever violates division (A)(1) of this section shall be 59885
fined not less than five hundred nor more than five thousand 59886
dollars. 59887

(B)(1) No officer, stockholder, attorney, or agent of a 59888
corporation or nonprofit corporation, no member, including an 59889
officer, attorney, or agent, of a labor organization, and no 59890
candidate, political party official, or other individual shall 59891
knowingly aid, advise, solicit, or receive money or other property 59892
in violation of division (A)(1) of this section. 59893

(2) Whoever violates division (B)(1) of this section shall be 59894
fined not more than one thousand dollars, or imprisoned not more 59895

than one year, or both. 59896

(C) A corporation, a nonprofit corporation, or a labor 59897
organization may use its funds or property for or in aid of or 59898
opposition to a proposed or certified ballot issue. Such use of 59899
funds or property shall be reported on a form prescribed by the 59900
secretary of state. Reports of contributions in connection with 59901
statewide ballot issues shall be filed with the secretary of 59902
state. Reports of contributions in connection with local issues 59903
shall be filed with the board of elections of the most populous 59904
county of the district in which the issue is submitted or to be 59905
submitted to the electors. Reports made pursuant to this division 59906
shall be filed by the times specified in divisions (A)(1) and (2) 59907
of section 3517.10 of the Revised Code. 59908

(D) A nonprofit corporation that is a membership association 59909
and that is exempt from taxation under subsection 501(c)(6) of the 59910
Internal Revenue Code may transfer contributions received as part 59911
of a regular dues payment from member partnerships and other 59912
unincorporated businesses as defined in division (I)(6) of section 59913
3517.10 of the Revised Code to its political action committee. 59914
Contributions received under this division shall be itemized and 59915
allocated to individuals subject to contribution limits. 59916

(E)(1) Any gift made pursuant to section 3517.101 of the 59917
Revised Code does not constitute a violation of this section or of 59918
any other section of the Revised Code. 59919

(2) Any gift made pursuant to division (A)(2) of section 59920
3517.1012 of the Revised Code does not constitute a violation of 59921
this section. 59922

(3) Any gift made pursuant to division (B) of section 59923
3517.1013 of the Revised Code does not constitute a violation of 59924
this section. 59925

(4) Any donation made pursuant to division (C)(1) of section 59926

3517.1014 of the Revised Code does not constitute a violation of 59927
this section. 59928

~~(E)~~(F) Any compensation or fees paid by a financial 59929
institution to a state political party for services rendered 59930
pursuant to division (B) of section 3517.19 of the Revised Code do 59931
not constitute a violation of this section or of any other section 59932
of the Revised Code. 59933

~~(F)~~(G)(1) The use by a nonprofit corporation of its money or 59934
property for communicating information for a purpose specified in 59935
division (A) of this section is not a violation of that division 59936
if the stockholders, members, donors, trustees, or officers of the 59937
nonprofit corporation are the predominant recipients of the 59938
communication. 59939

(2) The placement of a campaign sign on the property of a 59940
corporation, nonprofit corporation, or labor organization is not a 59941
use of property in violation of division (A) of this section by 59942
that corporation, nonprofit corporation, or labor organization. 59943

(3) The use by a corporation or labor organization of its 59944
money or property for communicating information for a purpose 59945
specified in division (A) of this section is not a violation of 59946
that division if it is not a communication made by mass broadcast 59947
such as radio or television or made by advertising in a newspaper 59948
of general circulation but is a communication sent exclusively to 59949
members, employees, officers, or trustees of that labor 59950
organization or shareholders, employees, officers, or directors of 59951
that corporation or to members of the immediate families of any 59952
such individuals or if the communication intended to be so sent 59953
exclusively is unintentionally sent as well to a de minimis number 59954
of other individuals. 59955

~~(G)~~(H) In addition to the laws listed in division (A) of 59956
section 4117.10 of the Revised Code that prevail over conflicting 59957

agreements between employee organizations and public employers, 59958
this section prevails over any conflicting provisions of 59959
agreements between labor organizations and public employers that 59960
are entered into on or after March 31, 2005, pursuant to Chapter 59961
4117. of the Revised Code. 59962

~~(H)~~(I) As used in this section, "labor organization" has the 59963
same meaning as in section 3517.01 of the Revised Code. 59964

Sec. 3701.023. (A) The department of health shall review 59965
applications for eligibility for the program for medically 59966
handicapped children that are submitted to the department by city 59967
and general health districts and physician providers approved in 59968
accordance with division (C) of this section. The department shall 59969
determine whether the applicants meet the medical and financial 59970
eligibility requirements established by the director of health 59971
pursuant to division (A)(1) of section 3701.021 of the Revised 59972
Code, and by the department in the manual of operational 59973
procedures and guidelines for the program for medically 59974
handicapped children developed pursuant to division (B) of that 59975
section. Referrals of potentially eligible children for the 59976
program may be submitted to the department on behalf of the child 59977
by parents, guardians, public health nurses, or any other 59978
interested person. The department of health may designate other 59979
agencies to refer applicants to the department of health. 59980

(B) In accordance with the procedures established in rules 59981
adopted under division (A)(4) of section 3701.021 of the Revised 59982
Code, the department of health shall authorize a provider or 59983
providers to provide to any Ohio resident under twenty-one years 59984
of age, without charge to the resident or the resident's family 59985
and without restriction as to the economic status of the resident 59986
or the resident's family, diagnostic services necessary to 59987
determine whether the resident has a medically handicapping or 59988

potentially medically handicapping condition. 59989

(C) The department of health shall review the applications of 59990
health professionals, hospitals, medical equipment suppliers, and 59991
other individuals, groups, or agencies that apply to become 59992
providers. The department shall enter into a written agreement 59993
with each applicant who is determined, pursuant to the 59994
requirements set forth in rules adopted under division (A)(2) of 59995
section 3701.021 of the Revised Code, to be eligible to be a 59996
provider in accordance with the provider agreement required by the 59997
medicaid program. No provider shall charge a medically handicapped 59998
child or the child's parent or guardian for services authorized by 59999
the department under division (B) or (D) of this section. 60000

The department, in accordance with rules adopted under 60001
division (A)(3) of section 3701.021 of the Revised Code, may 60002
disqualify any provider from further participation in the program 60003
for violating any requirement set forth in rules adopted under 60004
division (A)(2) of that section. The disqualification shall not 60005
take effect until a written notice, specifying the requirement 60006
violated and describing the nature of the violation, has been 60007
delivered to the provider and the department has afforded the 60008
provider an opportunity to appeal the disqualification under 60009
division (H) of this section. 60010

(D) The department of health shall evaluate applications from 60011
city and general health districts and approved physician providers 60012
for authorization to provide treatment services, service 60013
coordination, and related goods to children determined to be 60014
eligible for the program for medically handicapped children 60015
pursuant to division (A) of this section. The department shall 60016
authorize necessary treatment services, service coordination, and 60017
related goods for each eligible child in accordance with an 60018
individual plan of treatment for the child. As an alternative, the 60019
department may authorize payment of health insurance premiums on 60020

behalf of eligible children when the department determines, in 60021
accordance with criteria set forth in rules adopted under division 60022
(A)(9) of section 3701.021 of the Revised Code, that payment of 60023
the premiums is cost-effective. 60024

(E) The department of health shall pay, from appropriations 60025
to the department, any necessary expenses, including but not 60026
limited to, expenses for diagnosis, treatment, service 60027
coordination, supportive services, transportation, and accessories 60028
and their upkeep, provided to medically handicapped children, 60029
provided that the provision of the goods or services is authorized 60030
by the department under division (B) or (D) of this section. Money 60031
appropriated to the department of health may also be expended for 60032
reasonable administrative costs incurred by the program. The 60033
department of health also may purchase liability insurance 60034
covering the provision of services under the program for medically 60035
handicapped children by physicians and other health care 60036
professionals. 60037

Payments made to providers by the department of health 60038
pursuant to this division for inpatient hospital care, outpatient 60039
care, and all other medical assistance furnished to eligible 60040
recipients shall be made in accordance with rules adopted by the 60041
director of health pursuant to division (A) of section 3701.021 of 60042
the Revised Code. 60043

The departments of health and medicaid shall jointly 60044
implement procedures to ensure that duplicate payments are not 60045
made under the program for medically handicapped children and the 60046
medicaid program and to identify and recover duplicate payments. 60047

(F) At the time of applying for participation in the program 60048
for medically handicapped children, a medically handicapped child 60049
or the child's parent or guardian shall disclose the identity of 60050
any third party against whom the child or the child's parent or 60051
guardian has or may have a right of recovery for goods and 60052

services provided under division (B) or (D) of this section. The 60053
department of health shall require a medically handicapped child 60054
who receives services from the program or the child's parent or 60055
guardian to apply for all third-party benefits for which the child 60056
may be eligible and require the child, parent, or guardian to 60057
apply all third-party benefits received to the amount determined 60058
under division (E) of this section as the amount payable for goods 60059
and services authorized under division (B) or (D) of this section. 60060
The department is the payer of last resort and shall pay for 60061
authorized goods or services, up to the amount determined under 60062
division (E) of this section for the authorized goods or services, 60063
only to the extent that payment for the authorized goods or 60064
services is not made through third-party benefits. When a third 60065
party fails to act on an application or claim for benefits by a 60066
medically handicapped child or the child's parent or guardian, the 60067
department shall pay for the goods or services only after ninety 60068
days have elapsed since the date the child, parents, or guardians 60069
made an application or claim for all third-party benefits. 60070
Third-party benefits received shall be applied to the amount 60071
determined under division (E) of this section. Third-party 60072
payments for goods and services not authorized under division (B) 60073
or (D) of this section shall not be applied to payment amounts 60074
determined under division (E) of this section. Payment made by the 60075
department shall be considered payment in full of the amount 60076
determined under division (E) of this section. Medicaid payments 60077
for persons eligible for the medicaid program shall be considered 60078
payment in full of the amount determined under division (E) of 60079
this section. 60080

(G) The department of health shall administer a program to 60081
provide services to Ohio residents who are twenty-one or more 60082
years of age who have cystic fibrosis and who meet the eligibility 60083
requirements established in rules adopted by the director of 60084
health pursuant to division (A)(7) of section 3701.021 of the 60085

Revised Code, subject to all provisions of this section, but not 60086
subject to section 3701.024 of the Revised Code. 60087

(H) The department of health shall provide for appeals, in 60088
accordance with rules adopted under section 3701.021 of the 60089
Revised Code, of denials of applications for the program for 60090
medically handicapped children under division (A) or (D) of this 60091
section, disqualification of providers, or amounts paid under 60092
division (E) of this section. Appeals under this division are not 60093
subject to Chapter 119. of the Revised Code. 60094

The department may designate ombudspersons to assist 60095
medically handicapped children or their parents or guardians, upon 60096
the request of the children, parents, or guardians, in filing 60097
appeals under this division and to serve as children's, parents', 60098
or guardians' advocates in matters pertaining to the 60099
administration of the program for medically handicapped children 60100
and eligibility for program services. The ombudspersons shall 60101
receive no compensation but shall be reimbursed by the department, 60102
in accordance with rules of the office of budget and management, 60103
for their actual and necessary travel expenses incurred in the 60104
performance of their duties. 60105

(I) The department of health, and city and general health 60106
districts providing service coordination pursuant to division 60107
(A)(2) of section 3701.024 of the Revised Code, shall provide 60108
service coordination in accordance with the standards set forth in 60109
the rules adopted under section 3701.021 of the Revised Code, 60110
without charge, and without restriction as to economic status. 60111

(J)(1) The department of health may establish a manufacturer 60112
discount program under which a manufacturer of a drug or 60113
nutritional formula is permitted to enter into an agreement with 60114
the department to provide a discount on the price of the drug or 60115
nutritional formula distributed to medically handicapped children 60116
participating in the program for medically handicapped children. 60117

The program shall be administered in accordance with rules adopted 60118
under section 3701.021 of the Revised Code. 60119

(2) If a manufacturer enters into an agreement with the 60120
department as described in division (J)(1) of this section, the 60121
manufacturer and the department may negotiate the amount and terms 60122
of the discount. 60123

(3) In lieu of establishing a discount program as described 60124
in division (J)(1) of this section, the department and a 60125
manufacturer of a drug or nutritional formula may discuss a 60126
donation of drugs, nutritional formulas, or money by the 60127
manufacturer to the department. 60128

(K) As used in this division "209(b) option" has the same 60129
meaning as in section 5166.01 of the Revised Code. 60130

The program for medically handicapped children and the 60131
program the department of health administers pursuant to division 60132
(G) of this section shall continue to assist individuals who have 60133
cystic fibrosis and are enrolled in those programs in qualifying 60134
for medicaid under the spenddown process in the same manner it 60135
assists such individuals on the effective date of this amendment, 60136
regardless of whether the department of medicaid continues to 60137
implement the 209(b) option or, after terminating the 209(b) 60138
option, establishes the medicaid waiver component described in 60139
section 5166.33 of the Revised Code. 60140

Sec. 3701.045. (A) The department of health, in consultation 60141
with the children's trust fund board established under section 60142
3109.15 of the Revised Code and any bodies acting as child 60143
fatality review boards on October 5, 2000, shall adopt rules in 60144
accordance with Chapter 119. of the Revised Code that establish a 60145
procedure for county or regional child fatality review boards to 60146
follow in conducting a review of the death of a child. The rules 60147
shall do all of the following: 60148

- (1) Establish the format for the annual reports required by section 307.626 of the Revised Code; 60149 60150
- (2) Establish guidelines for a county or regional child fatality review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report; 60151 60152 60153 60154 60155
- (3) Establish guidelines for a county or regional child fatality review board to follow in creating and maintaining the comprehensive database of child deaths required by section 307.623 of the Revised Code, including provisions establishing uniform record-keeping procedures; 60156 60157 60158 60159 60160
- (4) Establish guidelines for reporting child fatality review data to the department of health or a national child death review database, either of which must maintain the confidentiality of information that would permit a person's identity to be ascertained; 60161 60162 60163 60164 60165
- (5) Establish guidelines, materials, and training to help educate members of county or regional child fatality review boards about the purpose of the review process and the confidentiality of the information described in section 307.629 of the Revised Code and to make them aware that such information is not a public record under section 149.43 of the Revised Code. 60166 60167 60168 60169 60170 60171
- (B) On or before the thirtieth day of September of each year, the department of health and the children's trust fund board jointly shall prepare and publish a report organizing and setting forth the data from the department of health child death review database or the national child death review database, data in all the reports provided by county or regional child fatality review boards in their annual reports for the previous calendar year, and recommendations for any changes to law and policy that might 60172 60173 60174 60175 60176 60177 60178 60179

prevent future deaths. The department and the children's trust 60180
fund board jointly shall provide a copy of the report to the 60181
governor, the speaker of the house of representatives, the 60182
president of the senate, the minority leaders of the house of 60183
representatives and the senate, each county or regional child 60184
fatality review board, and each county or regional family and 60185
children first council. 60186

Sec. 3701.139. (A) The hope for a smile program is hereby 60187
established. The primary objective of the program is to improve 60188
the oral health of school-age children, which the general assembly 60189
declares to be one of the most unmet health care needs of this 60190
state. Services provided under the program shall be targeted at 60191
school-age children who are indigent and uninsured, although other 60192
children may be served. The hope for a smile advisory council 60193
established under division (H) of this section may recommend 60194
additional populations to be targeted. 60195

(B) The program shall be operated as a collaboration between 60196
the department of health and the following: 60197

(1) The Ohio dental association; 60198

(2) The Ohio dental hygienists' association; 60199

(3) The Ohio state university college of dentistry and the 60200
dental hygiene program at that college; 60201

(4) Case western reserve university school of dental 60202
medicine; 60203

(5) Shawnee state university; 60204

(6) James A. Rhodes state college; 60205

(7) Columbus state community college; 60206

(8) Cuyahoga community college, metropolitan campus; 60207

(9) Youngstown state university; 60208

<u>(10) Lorain county community college;</u>	60209
<u>(11) Lakeland community college;</u>	60210
<u>(12) University of Cincinnati;</u>	60211
<u>(13) Sinclair community college;</u>	60212
<u>(14) Owens community college;</u>	60213
<u>(15) Stark state college.</u>	60214
<u>(C) With assistance from the director of administrative</u>	60215
<u>services and using the state's purchasing power, the director of</u>	60216
<u>health shall use money from one or more of the following sources</u>	60217
<u>to purchase or secure the use of, maintain, and operate one bus</u>	60218
<u>equipped as a mobile dental unit:</u>	60219
<u>(1) The economic development programs fund created under</u>	60220
<u>section 3772.17 of the Revised Code;</u>	60221
<u>(2) The hope for a smile program fund created under division</u>	60222
<u>(G) of this section;</u>	60223
<u>(3) Any other source of public funds that the director of</u>	60224
<u>administrative services or director of health determines is</u>	60225
<u>available and may be used for the program.</u>	60226
<u>(D) Dentists, dental hygienists, and the faculty and staff of</u>	60227
<u>the dentistry and dental hygiene educational programs of this</u>	60228
<u>state shall staff the bus. The faculty and staff of the</u>	60229
<u>educational programs may permit students enrolled in the programs</u>	60230
<u>to participate in staffing the bus.</u>	60231
<u>The individuals staffing the bus shall travel to schools in</u>	60232
<u>Ohio. In scheduling visits to those schools, priority shall be</u>	60233
<u>given to schools that are attended by high numbers of children who</u>	60234
<u>are in the program's targeted population. During each visit, the</u>	60235
<u>individuals who provide services to the children shall provide the</u>	60236
<u>services in accordance with their authority to practice under</u>	60237
<u>Chapter 4715. of the Revised Code.</u>	60238

(E) Dentists and dental hygienists who provide services free of charge under the program may deduct the fair market value of those services in computing Ohio adjusted gross income under section 5747.01 of the Revised Code.

Participation in the program by students of dentistry and dental hygiene educational programs in this state shall be recognized by the governor and the general assembly as a workforce and economic development initiative.

(F) The director of health shall apply on the program's behalf to the department of medicaid for a medicaid provider agreement. The director shall make arrangements with private entities that provide health care insurance or other forms of health care coverage in this state as the director considers necessary for the program to be reimbursed for services provided to children who have health care insurance or coverage through those entities.

(G) The program may accept grants, donations, and awards. The program may seek payments from the medicaid program for services provided to children who are medicaid recipients. The program may seek reimbursement from private entities that provide health care insurance or other forms of health care coverage for services provided to children who have insurance or coverage through those. The program may apply for money allocated by the United States department of labor or other entities for workforce or economic development initiatives.

Any amounts received from a source described in this division shall be deposited into the state treasury to the credit of the hope for a smile program fund, which is hereby created. Any interest earned on money in the fund shall be credited to the fund. The amounts credited to the fund shall be used solely to pay the costs of the program.

(H) The director of health shall establish an advisory council, to be known as the hope for a smile advisory council, to advise the director on matters regarding the implementation and administration of the program. The director shall appoint the council's members, which shall include representatives of the Ohio dental association, the Ohio dental hygienists' association, the Ohio state university college of dentistry and the dental hygiene program at that college, the case western reserve university school of dental medicine, the Ohio council of dental hygiene directors, and other entities considered appropriate by the director. 60270
60271
60272
60273
60274
60275
60276
60277
60278
60279
60280

(I) In consultation with the hope for a smile advisory council, the director of health shall adopt rules as the director considers necessary to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 60281
60282
60283
60284
60285

(J) Not later than the first day of July each year, the director of health, with input from the hope for a smile advisory council, shall prepare a report on progress the program has made in achieving the objective expressed in division (A) of this section, saving money for the medicaid program and other safety net programs, and promoting workforce and economic development in this state. The director shall submit each report to the governor and, in accordance with section 101.68 of the Revised Code, to the general assembly. 60286
60287
60288
60289
60290
60291
60292
60293
60294

Sec. 3701.142. (A) As used in this section: 60295

(1) "Certified community health worker" has the same meaning as in section 4723.01 of the Revised Code. 60296
60297

(2) "Community health worker services" means the services described in section 4723.81 of the Revised Code. 60298
60299

(B) The director of health shall adopt rules specifying 60300
healthy behaviors to be promoted and facilitated by certified 60301
community health workers who provide community health worker 60302
services and other services covered by medicaid managed care 60303
organizations under section 5167.15 of the Revised Code. Before 60304
adopting the rules, the director shall consult with members of the 60305
Ohio perinatal quality collaborative or a successor organization. 60306
The director may consult with other health care organizations as 60307
the director determines to be appropriate. 60308

(C) The director of health, in consultation with the medicaid 60309
director, shall adopt rules specifying both of the following: 60310

(1) The urban and rural communities, identified by zip code 60311
or portions of zip codes that are contiguous, that have the 60312
highest infant mortality rates in this state; 60313

(2) The licensed health professionals, in addition to 60314
physicians, who may recommend that a medicaid recipient receive 60315
the services covered by medicaid managed care organizations under 60316
section 5167.15 of the Revised Code. 60317

(D) The rules adopted under this section shall be adopted in 60318
accordance with Chapter 119. of the Revised Code. 60319

Sec. 3701.344. (A) As used in this section and sections 60320
3701.345, 3701.346, and 3701.347 of the Revised Code, "private 60321
water system" means any water system for the provision of water 60322
for human consumption, if the system has fewer than fifteen 60323
service connections and does not regularly serve an average of at 60324
least twenty-five individuals daily at least sixty days out of the 60325
year. "Private water system" includes any well, spring, cistern, 60326
pond, hauled water, or recycled water and any equipment for the 60327
collection, transportation, filtration, disinfection, treatment, 60328
or storage of such water extending from and including the source 60329
of the water to the point of discharge from any pressure tank or 60330

other storage vessel; to the point of discharge from the water 60331
pump where no pressure tank or other storage vessel is present; 60332
or, in the case of multiple service connections serving more than 60333
one dwelling, to the point of discharge from each service 60334
connection. "Private water system" does not include the water 60335
service line extending from the point of discharge to a structure. 60336

(B) Notwithstanding section 3701.347 of the Revised Code and 60337
subject to division (C) of this section, rules adopted by the 60338
director of health regarding private water systems shall provide 60339
for the following: 60340

(1) Except as otherwise provided in this division, boards of 60341
health of city or general health districts shall be given the 60342
exclusive power to establish fees in accordance with section 60343
3709.09 of the Revised Code for administering and enforcing the 60344
rules. The fees shall establish a different rate for administering 60345
and enforcing the rules relative to private water systems serving 60346
single-family dwelling houses and nonsingle-family dwelling 60347
houses. Except for an amount established by the director, pursuant 60348
to division (B)(5) of this section, for each new private water 60349
system installation, no portion of any fee for administering and 60350
enforcing the rules shall be returned to the department of health. 60351
If the director of health determines that a board of health of a 60352
city or general health district is unable to administer and 60353
enforce a private water system program in the district, the 60354
director shall administer and enforce such a program in the 60355
district and establish fees for such administration and 60356
enforcement. 60357

(2) Boards of health of city or general health districts 60358
shall be given the exclusive power to determine the number of 60359
inspections necessary for determining the safe drinking 60360
characteristics of a private water system. 60361

(3) Private water systems contractors, as a condition of 60362

doing business in this state, shall annually register with, and 60363
comply with surety bonding requirements of, the department of 60364
health. No such contractor shall be permitted to register if the 60365
contractor fails to comply with all applicable rules adopted by 60366
the director and the board of health of the city or general health 60367
district. The annual registration fee for private water systems 60368
contractors shall be sixty-five dollars. The director, by rule 60369
adopted in accordance with Chapter 119. of the Revised Code, may 60370
increase the annual registration fee. 60371

(4) Subject to rules adopted by the director, boards of 60372
health of city or general health districts shall have the option 60373
of determining whether bacteriological examinations shall be 60374
performed at approved laboratories of the state or at approved 60375
private laboratories. 60376

(5) The director may establish fees for each new private 60377
water system installation, which shall be collected by the 60378
appropriate board of health and transmitted to the director 60379
pursuant to section 3709.092 of the Revised Code. 60380

(6) All fees received by the director of health under 60381
divisions (B)(1), (3), and (5) of this section shall be deposited 60382
in the state treasury to the credit of the general operations fund 60383
created in section 3701.83 of the Revised Code for use in the 60384
administration and enforcement of sections 3701.344 to 3701.347 of 60385
the Revised Code and the rules pertaining to private water systems 60386
adopted under those sections. 60387

(7) The director shall define "well," "spring," "cistern," 60388
"pond," "hauled water," and "recycled water" for purposes of this 60389
section and the rules adopted under it. 60390

(C) To the extent that rules adopted under division (B) of 60391
this section require health districts to follow specific 60392
procedures or use prescribed forms, no such procedure or form 60393

shall be implemented until it is approved by majority vote of an approval board of health commissioners, hereby created. Members of the board shall be the officers of the association of Ohio health commissioners, or any successor organization, and membership on the board shall be coterminous with holding an office of the association. No health district is required to follow a procedure or use a form required by a rule adopted under division (B) of this section without the approval of the board.

(D) A board of health shall collect well log filing fees on behalf of the division of ~~soil and~~ water resources in the department of natural resources in accordance with section 1521.05 of the Revised Code and rules adopted under it. The fees shall be submitted to the division quarterly as provided in those rules.

(E) A water system that will be used in agriculture and that does not provide water for human consumption shall not be required to obtain a permit or license issued under, pay any fees assessed or levied under, or comply with any rule adopted under sections 3701.34 to 3701.347 of the Revised Code.

Sec. 3701.501. (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules, adopted pursuant to this section.

(2) Division (A)(1) of this section does not apply ~~if~~ in either of the following circumstances:

(a) If the parents of the child object thereto to the screening on the grounds that ~~the screening~~ it conflicts with their religious tenets and practices;

(b) With respect to the screening for Krabbe disease described in division (C)(1)(b) of this section, if the parents of the child communicate their decision to forgo the screening.

(B) There is hereby created the newborn screening advisory 60424
council to advise the director of health regarding the screening 60425
of newborn children for genetic, endocrine, and metabolic 60426
disorders. The council shall engage in an ongoing review of the 60427
newborn screening requirements established under this section and 60428
shall provide recommendations and reports to the director as the 60429
director requests and as the council considers necessary. The 60430
director may assign other duties to the council, as the director 60431
considers appropriate. 60432

The council shall consist of fourteen members appointed by 60433
the director. In making appointments, the director shall select 60434
individuals and representatives of entities with interest and 60435
expertise in newborn screening, including such individuals and 60436
entities as health care professionals, hospitals, children's 60437
hospitals, regional genetic centers, regional sickle cell centers, 60438
newborn screening coordinators, and members of the public. 60439

The department of health shall provide meeting space, staff 60440
services, and other technical assistance required by the council 60441
in carrying out its duties. Members of the council shall serve 60442
without compensation, but shall be reimbursed for their actual and 60443
necessary expenses incurred in attending meetings of the council 60444
or performing assignments for the council. 60445

The council is not subject to sections 101.82 to 101.87 of 60446
the Revised Code. 60447

(C)(1) The (a) Subject to division (C)(1)(b) of this section, 60448
the director of health shall adopt rules in accordance with 60449
Chapter 119. of the Revised Code specifying the disorders for 60450
which each newborn child must be screened. 60451

(b) In adopting the rules, the director shall specify Krabbe 60452
disease as a disorder for which a newborn child who is born on or 60453
after July 1, 2016, must be screened. The rules shall limit the 60454

screening requirement for Krabbe disease to the process known as 60455
"first tier testing," which is a screening for Krabbe disease that 60456
is accomplished by measuring galactocerebrosidase activity using 60457
mass spectrometry. 60458

(2) The newborn screening advisory council shall evaluate 60459
genetic, metabolic, and endocrine disorders to assist the director 60460
in determining which disorders should be included in the 60461
screenings required under this section. In determining whether a 60462
disorder should be included, the council shall consider all of the 60463
following: 60464

(a) The disorder's incidence, mortality, and morbidity; 60465

(b) Whether the disorder causes disability if diagnosis, 60466
treatment, and early intervention are delayed; 60467

(c) The potential for successful treatment of the disorder; 60468

(d) The expected benefits to children and society in relation 60469
to the risks and costs associated with screening for the disorder; 60470

(e) Whether a screening for the disorder can be conducted 60471
without taking an additional blood sample or specimen. 60472

(3) Based on the considerations specified in division (C)(2) 60473
of this section, the council shall make recommendations to the 60474
director of health for the adoption of rules under division (C)(1) 60475
of this section. The director shall promptly and thoroughly review 60476
each recommendation the council submits. 60477

(D) The director shall adopt rules in accordance with Chapter 60478
119. of the Revised Code establishing standards and procedures for 60479
the screenings required by this section. The rules shall include 60480
standards and procedures for all of the following: 60481

(1) Causing rescreenings to be performed when initial 60482
screenings have abnormal results; 60483

(2) Designating the person or persons who will be responsible 60484

for causing screenings and rescreenings to be performed; 60485

(3) Giving to the parents of a child notice of the required 60486
initial screening and the possibility that rescreenings may be 60487
necessary; 60488

(4) Communicating to the parents of a child the results of 60489
the child's screening and any rescreenings that are performed; 60490

(5) Giving notice of the results of an initial screening and 60491
any rescreenings to the person who caused the child to be screened 60492
or rescreened, or to another person or government entity when the 60493
person who caused the child to be screened or rescreened cannot be 60494
contacted; 60495

(6) Referring children who receive abnormal screening or 60496
rescreening results to providers of follow-up services, including 60497
the services made available through funds disbursed under division 60498
(F) of this section. 60499

(E)(1) Except as provided in divisions (E)(2) and (3) of this 60500
section, all newborn screenings required by this section shall be 60501
performed by the public health laboratory authorized under section 60502
3701.22 of the Revised Code. 60503

(2) If the director determines that the public health 60504
laboratory is unable to perform screenings for all of the 60505
disorders specified in the rules adopted under division (C) of 60506
this section, the director shall select another laboratory to 60507
perform the screenings. The director shall select the laboratory 60508
by issuing a request for proposals. The director may accept 60509
proposals submitted by laboratories located outside this state. At 60510
the conclusion of the selection process, the director shall enter 60511
into a written contract with the selected laboratory. If the 60512
director determines that the laboratory is not complying with the 60513
terms of the contract, the director shall immediately terminate 60514
the contract and another laboratory shall be selected and 60515

contracted with in the same manner. 60516

(3) Any rescreening caused to be performed pursuant to this 60517
section may be performed by the public health laboratory or one or 60518
more other laboratories designated by the director. Any laboratory 60519
the director considers qualified to perform rescreenings may be 60520
designated, including a laboratory located outside this state. If 60521
more than one laboratory is designated, the person responsible for 60522
causing a rescreening to be performed is also responsible for 60523
selecting the laboratory to be used. 60524

(F)(1) The director shall adopt rules in accordance with 60525
Chapter 119. of the Revised Code establishing a fee that shall be 60526
charged and collected in addition to or in conjunction with any 60527
laboratory fee that is charged and collected for performing the 60528
screenings required by this section. The fee, which shall be not 60529
less than fourteen dollars, shall be disbursed as follows: 60530

(a) Not less than ten dollars and twenty-five cents shall be 60531
deposited in the state treasury to the credit of the genetics 60532
services fund, which is hereby created. Not less than seven 60533
dollars and twenty-five cents of each fee credited to the genetics 60534
services fund shall be used to defray the costs of the programs 60535
authorized by section 3701.502 of the Revised Code. Not less than 60536
three dollars from each fee credited to the genetics services fund 60537
shall be used to defray costs of phenylketonuria programs. 60538

(b) Not less than three dollars and seventy-five cents shall 60539
be deposited into the state treasury to the credit of the sickle 60540
cell fund, which is hereby created. Money credited to the sickle 60541
cell fund shall be used to defray costs of programs authorized by 60542
section 3701.131 of the Revised Code. 60543

(2) In adopting rules under division (F)(1) of this section, 60544
the director shall not establish a fee that differs according to 60545
whether a screening is performed by the public health laboratory 60546

or by another laboratory selected by the director pursuant to 60547
division (E)(2) of this section. 60548

Sec. 3701.60. Every hospital agency, as defined in section 60549
140.01 of the Revised Code, ~~shall~~ may offer a uterine cytologic 60550
examination for cancer to every female in-patient ~~eighteen~~ 60551
twenty-one years ~~or~~ of age or over unless contrary orders are 60552
given by the attending physician or unless the examination has 60553
been performed within the preceding year. Any female in-patient 60554
may refuse ~~such~~ the examination. ~~The~~ If the examination is 60555
offered, the hospital agency shall ~~in all cases~~ maintain records 60556
to show the examination results ~~of the examination,~~ or that the 60557
examination ~~was not applicable or~~ was refused. 60558

Sec. 3701.602. (A) As used in this section, "eligible 60559
nonprofit corporation" means a nonprofit corporation that meets 60560
all of the following requirements: 60561

(1) The nonprofit corporation is exempt from federal income 60562
taxation under subsection 501(c)(3) of the Internal Revenue Code. 60563

(2) For at least ten years before the effective date of this 60564
section, the primary purpose of the nonprofit corporation, or the 60565
nonprofit corporation's predecessor in interest, has been granting 60566
the wishes of individuals under the age of eighteen who have been 60567
diagnosed with a life-threatening medical condition. 60568

(3) The nonprofit corporation has spent at least one million 60569
dollars per year for each of the last three years in furtherance 60570
of the purpose described in division (A)(2) of this section. 60571

(B) There is hereby created in the state treasury the wishes 60572
for sick children income tax contribution fund, which shall 60573
consist of money contributed to it under section 5747.113 of the 60574
Revised Code and of contributions made directly to it. Any person 60575
may contribute directly to the fund in addition to or 60576

independently of the income tax refund contribution system 60577
established in section 5747.113 of the Revised Code. 60578

The department of health shall distribute all funds 60579
contributed under this section to an eligible nonprofit 60580
corporation that will use the contributions to grant the wishes of 60581
individuals who are under the age of eighteen, are residents of 60582
this state, and have been diagnosed with a life-threatening 60583
medical condition. Not later than six months after the effective 60584
date of this section, the department shall develop guidelines 60585
under which an eligible nonprofit corporation may apply to receive 60586
funding under this section. 60587

Sec. 3701.65. (A) There is hereby created in the state 60588
treasury the "choose life" fund. The fund shall consist of the 60589
contributions that are paid to the registrar of motor vehicles by 60590
applicants who voluntarily elect to obtain "choose life" license 60591
plates pursuant to section 4503.91 of the Revised Code and any 60592
money returned to the fund under division (E)(1)(d) of this 60593
section. All investment earnings of the fund shall be credited to 60594
the fund. 60595

(B)(1) At least annually, the director of health shall 60596
distribute the money in the fund to any private, nonprofit 60597
organization that is eligible to receive funds under this section 60598
and that applies for funding under division (C) of this section. 60599

(2) The director shall ~~distribute~~ allocate the funds ~~based on~~ 60600
~~the county in which the organization applying for funding is~~ 60601
~~located and to each county~~ in proportion to the number of "choose 60602
life" license plates issued during the preceding year to vehicles 60603
registered in each county. The director shall distribute funds 60604
allocated for a county ~~to one or more eligible organizations~~ 60605
~~located in contiguous counties if no eligible organization located~~ 60606
~~within the county applies for funding. Within each county,~~ 60607

~~eligible organizations that apply for funding shall share equally~~ 60608
~~in the funds available for distribution to organizations located~~ 60609
~~within that county as follows:~~ 60610

(a) To one or more eligible organizations located within the 60611
county; 60612

(b) If no eligible organization located within the county 60613
applies for funding, to one or more eligible organizations located 60614
in contiguous counties; 60615

(c) If no eligible organization located within the county or 60616
a contiguous county applies for funding, to one or more eligible 60617
organizations within any other county. 60618

(3) The director shall ensure that any funds allocated for a 60619
county are distributed equally among eligible organizations that 60620
apply for funding within the county. 60621

(C) Any organization seeking funds under this section 60622
annually shall apply for distribution of the funds based on the 60623
county in which the organization is located. An organization also 60624
may apply for funding in a ~~contiguous~~ county in which it is not 60625
located if it demonstrates that it provides services for pregnant 60626
women residing in that ~~contiguous~~ county. The director shall 60627
develop an application form and may determine the schedule and 60628
procedures that an organization shall follow when annually 60629
applying for funds. The application shall inform the applicant of 60630
the conditions for receiving and using funds under division (E) of 60631
this section. The application shall require evidence that the 60632
organization meets all of the following requirements: 60633

(1) Is a private, nonprofit organization; 60634

(2) Is committed to counseling pregnant women about the 60635
option of adoption; 60636

(3) Provides services within the state to pregnant women who 60637

are planning to place their children for adoption, including 60638
counseling and meeting the material needs of the women; 60639

(4) Does not charge women for any services received; 60640

(5) Is not involved or associated with any abortion 60641
activities, including counseling for or referrals to abortion 60642
clinics, providing medical abortion-related procedures, or 60643
pro-abortion advertising; 60644

(6) Does not discriminate in its provision of any services on 60645
the basis of race, religion, color, age, marital status, national 60646
origin, handicap, gender, or age; 60647

(7) If the organization is applying for funding in a county 60648
in which it is not located, provides services for pregnant women 60649
residing in that county. 60650

(D) The director shall not distribute funds to an 60651
organization that does not provide verifiable evidence of the 60652
requirements specified in the application under division (C) of 60653
this section and shall not provide additional funds to any 60654
organization that fails to comply with division (E) of this 60655
section in regard to its previous receipt of funds under this 60656
section. 60657

(E)(1) An organization receiving funds under this section 60658
shall do all of the following: 60659

(a) Use not more than sixty per cent of the funds distributed 60660
to it for the material needs of pregnant women who are planning to 60661
place their children for adoption or for infants awaiting 60662
placement with adoptive parents, including clothing, housing, 60663
medical care, food, utilities, and transportation; 60664

(b) Use not more than forty per cent of the funds distributed 60665
to it for counseling, training, or advertising; 60666

(c) Not use any of the funds distributed to it for 60667

administrative expenses, legal expenses, or capital expenditures; 60668

(d) Annually return to the fund created under division (A) of 60669
this section any unused money that exceeds ten per cent of the 60670
money distributed to the organization. 60671

(2) The organization annually shall submit to the director an 60672
audited financial statement verifying its compliance with division 60673
(E)(1) of this section. 60674

(F) The director, in accordance with Chapter 119. of the 60675
Revised Code, shall adopt rules to implement this section. 60676

It is not the intent of the general assembly that the 60677
department create a new position within the department to 60678
implement and administer this section. It is the intent of the 60679
general assembly that the implementation and administration of 60680
this section be accomplished by existing department personnel. 60681

Sec. 3701.70. (A) The director of health shall establish 60682
guidelines for a state-level review of deaths of children under 60683
eighteen years of age who, at the time of death, were residents of 60684
this state. 60685

(B) The purpose of a review conducted pursuant to guidelines 60686
adopted under this section is to decrease the incidence of 60687
preventable child deaths by doing all of the following: 60688

(1) Promoting cooperation, collaboration, and communication 60689
between all groups, professions, agencies, or entities that serve 60690
families and children; 60691

(2) Maintaining a comprehensive database of child deaths that 60692
occur in this state in order to develop an understanding of the 60693
causes and incidence of those deaths; 60694

(3) Recommending and developing plans for implementing state 60695
and local service and program changes and changes to the groups, 60696
professions, agencies, or entities that serve families and 60697

children that might prevent child deaths. 60698

(C) The guidelines shall provide that the director may not 60699
conduct a review while an investigation of the child's death or 60700
prosecution of a person for causing the death is pending, unless 60701
the prosecuting attorney agrees to allow the review. At the 60702
director's request, the law enforcement agency conducting the 60703
criminal investigation, on the conclusion of the investigation, 60704
and the prosecuting attorney, on the conclusion of the 60705
prosecution, shall notify the director of the conclusion. 60706

Sec. 3701.701. (A)(1) Notwithstanding section 3701.243 and 60707
any other section of the Revised Code pertaining to 60708
confidentiality, any individual, public children services agency, 60709
private child placing agency, or agency that provides services 60710
specifically to individuals or families, law enforcement agency, 60711
or other public or private entity that provided services to a 60712
child whose death is being reviewed by the director of health 60713
pursuant to guidelines established under section 3701.70 of the 60714
Revised Code, on the request of the director, shall submit to the 60715
director a summary sheet of information. 60716

(a) With respect to a request made to a health care entity, 60717
the summary sheet shall contain only information available and 60718
reasonably drawn from the child's medical record created by the 60719
health care entity. 60720

(b) With respect to a request made to any other individual or 60721
entity, the summary sheet shall contain only information available 60722
and reasonably drawn from any record involving the child that the 60723
individual or entity develops in the normal course of business. 60724

(c) On the request of the director, an individual or entity 60725
may, at the individual's or entity's discretion, make any 60726
additional information, documents, or reports available to the 60727
director. 60728

(2) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, in the case of a child one year of age or younger whose death is being reviewed by the director, on the request of the director, a health care entity that provided services to the child's mother shall submit to the director a summary sheet of information available and reasonably drawn from the mother's medical record created by the health care entity. Before submitting the summary sheet, the health care entity shall attempt to obtain the mother's consent to do so, but lack of consent shall not preclude the entity from submitting the summary sheet.

(3) For purposes of the review, the director shall have access to confidential information provided to the director under this section or division (H)(4) of section 2151.421 of the Revised Code, and the director shall preserve the confidentiality of that information.

(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding the death of a child to the director pursuant to guidelines established under section 3701.70 of the Revised Code while an investigation of the death or prosecution of a person for causing the death is pending, unless the prosecuting attorney agrees to allow the review.

Sec. 3701.702. (A) An individual or public or private entity providing information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code is immune from civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the information, document, or reports to the director.

(B) Each person participating in a review conducted pursuant

to guidelines established under section 3701.70 of the Revised 60760
Code is immune from civil liability for injury, death, or loss to 60761
person or property that might otherwise be incurred or imposed as 60762
a result of the person's participation in the review. 60763

Sec. 3701.703. (A) Except as provided in division (B) of this 60764
section and sections 5153.171 to 5153.173 of the Revised Code, any 60765
information, document, or report presented to the director of 60766
health pursuant to guidelines established under section 3701.70 of 60767
the Revised Code, all statements made by persons participating in 60768
a review conducted pursuant to those guidelines, and all work 60769
products of the director are confidential and shall be used by the 60770
director only in the exercise of the proper functions of the 60771
department of health. 60772

(B) The director may disclose the confidential information 60773
described in division (A) of this section to a fetal and infant 60774
mortality review team. 60775

(C) No person shall knowingly permit or encourage the 60776
unauthorized dissemination of the confidential information 60777
described in division (A) of this section. 60778

(D) Whoever violates division (C) of this section is guilty 60779
of a misdemeanor of the second degree. 60780

Sec. 3701.834. There is hereby created in the state treasury 60781
the public health emergency preparedness fund. All federal funds 60782
the department of health receives to conduct public health 60783
emergency preparedness and response activities shall be credited 60784
to the fund. The department shall use money in the fund to pay 60785
expenses related to public health emergency preparedness and 60786
response activities. 60787

Sec. 3701.95. (A) As used in this section, "government 60788

program providing public benefits" has the same meaning as in 60789
section 191.01 of the Revised Code. 60790

(B) The director of health shall identify each government 60791
program providing benefits, other than the help me grow program 60792
established by the department of health pursuant to section 60793
3701.61 of the Revised Code, that has the goal of reducing infant 60794
mortality and negative birth outcomes or the goal of reducing 60795
disparities among women who are pregnant or capable of becoming 60796
pregnant and who belong to a racial or ethnic minority. A program 60797
shall be identified only if it provides education, training, and 60798
support services related to those goals to program participants in 60799
their homes. The director may consult with the Ohio partnership to 60800
build stronger families for assistance with identifying the 60801
programs. 60802

(C) An administrator of a program identified under division 60803
(B) of this section shall report to the director data on program 60804
performance indicators that are used to assess progress toward 60805
achieving program goals. The administrator shall report the data 60806
in the format and within the time frames specified in rules 60807
adopted under division (D) of this section. Using the data 60808
reported under this division, the director shall prepare an annual 60809
report assessing the performance of each government program 60810
identified pursuant to division (B) of this section during the 60811
immediately preceding twelve-month period. In addition, the report 60812
shall summarize and provide an analysis of the information 60813
contained in the "information for medical and health use only" 60814
section of the birth records for individuals born during the prior 60815
twelve-month period. 60816

The director shall provide a copy of the report to the 60817
general assembly and the joint medicaid oversight committee. The 60818
copy to the general assembly shall be provided in accordance with 60819
section 101.68 of the Revised Code. 60820

(D) The director shall adopt rules specifying program 60821
performance indicators on which data must be reported by the 60822
administrators described in division (C) of this section as well 60823
as the format and time frames in which the data must be reported. 60824
To the extent possible, the program performance indicators 60825
specified in the rules shall be consistent with federal reporting 60826
requirements for federally funded home visiting services. The 60827
rules shall be adopted in accordance with Chapter 119. of the 60828
Revised Code. 60829

Sec. 3702.304. (A)(1) The director of health may grant a 60830
variance from the written transfer agreement requirement of 60831
section 3702.303 of the Revised Code if the ambulatory surgical 60832
facility submits to the director a complete variance application, 60833
prescribed by the director, and the director determines after 60834
reviewing the application that the facility is capable of 60835
achieving the purpose of a written transfer agreement in the 60836
absence of one. The director's determination is final. 60837

(2) Not later than sixty days after receiving a variance 60838
application from an ambulatory surgical facility, the director 60839
shall grant or deny the variance. A variance application that has 60840
not been approved within sixty days is considered denied. 60841

(B) A variance application is complete for purposes of 60842
division (A)(1) of this section if it contains or includes as 60843
attachments all of the following: 60844

(1) A statement explaining why application of the requirement 60845
would cause the facility undue hardship and why the variance will 60846
not jeopardize the health and safety of any patient; 60847

(2) A letter, contract, or memorandum of understanding signed 60848
by the facility and one or more consulting physicians who have 60849
admitting privileges at a minimum of one local hospital, 60850
memorializing the physician or physicians' agreement to provide 60851

back-up coverage when medical care beyond the level the facility
can provide is necessary;

(3) For each consulting physician described in division
(B)(2) of this section:

(a) A signed statement in which the physician attests that
the physician is familiar with the facility and its operations,
and agrees to provide notice to the facility of any changes in the
physician's ability to provide back-up coverage;

(b) The estimated travel time from the physician's main
residence or office to each local hospital where the physician has
admitting privileges;

(c) Written verification that the facility has a record of
the name, telephone numbers, and practice specialties of the
physician;

(d) Written verification from the state medical board that
the physician possesses a valid certificate to practice medicine
and surgery or osteopathic medicine and surgery issued under
Chapter 4731. of the Revised Code;

(e) Documented verification that each hospital at which the
physician has admitting privileges has been informed in writing by
the physician that the physician is a consulting physician for the
ambulatory surgical facility and has agreed to provide back-up
coverage for the facility when medical care beyond the care the
facility can provide is necessary.

(4) A copy of the facility's operating procedures or
protocols that, at a minimum, do all of the following:

(a) Address how back-up coverage by consulting physicians is
to occur, including how back-up coverage is to occur when
consulting physicians are temporarily unavailable;

(b) Specify that each consulting physician is required to

notify the facility, without delay, when the physician is unable 60882
to expeditiously admit patients to a local hospital and provide 60883
for continuity of patient care; 60884

(c) Specify that a patient's medical record maintained by the 60885
facility must be transferred contemporaneously with the patient 60886
when the patient is transferred from the facility to a hospital. 60887

(5) Any other information the director considers necessary. 60888

(C) The director's decision to grant, refuse, or rescind a 60889
variance is final. 60890

(D) The director shall consider each application for a 60891
variance independently without regard to any decision the director 60892
may have made on a prior occasion to grant or deny a variance to 60893
that ambulatory surgical facility or any other facility. 60894

Sec. 3702.309. (A) If a variance application is denied under 60895
section 3702.304 of the Revised Code, the license of such an 60896
ambulatory surgical facility is automatically suspended. The 60897
director of health shall reinstate the license if one of the 60898
following occurs: 60899

(1) The facility files with the director a copy of a written 60900
transfer agreement that meets the requirements of section 3702.303 60901
of the Revised Code. 60902

(2) The director grants the facility a variance pursuant to 60903
the requirements and procedures under section 3702.304 of the 60904
Revised Code; 60905

(3) The license is required to be reinstated pursuant to an 60906
order issued in accordance with sections 119.01 to 119.13 of the 60907
Revised Code. 60908

(B) If a facility's license remains under suspension pursuant 60909
to this section after the expiration date of the license, in order 60910
to operate as an ambulatory surgical facility it must apply for a 60911

new license under section 3702.30 of the Revised Code. 60912

Sec. 3702.3010. A local hospital shall not be further than 60913
thirty miles from an ambulatory surgical facility: 60914

(A) With which the local hospital has a written transfer 60915
agreement under section 3702.303 of the Revised Code; or 60916

(B) Whose consulting physicians under a variance granted 60917
under section 3702.304 of the Revised Code have admitting 60918
privileges at the local hospital. 60919

Sec. 3702.74. (A) A primary care physician who has signed a 60920
letter of intent under section 3702.73 of the Revised Code and the 60921
director of health may enter into a contract for the physician's 60922
participation in the physician loan repayment program. The 60923
physician's employer or other funding source may also be a party 60924
to the contract. 60925

(B) The contract shall include all of the following 60926
obligations: 60927

(1) The primary care physician agrees to provide primary care 60928
services in the health resource shortage area identified in the 60929
letter of intent for the number of hours and duration specified in 60930
the contract; 60931

(2) When providing primary care services in the health 60932
resource shortage area, the primary care physician agrees to do 60933
all of the following: 60934

(a) Provide primary care services in an outpatient or 60935
ambulatory setting approved by the department of health; 60936

(b) Provide primary care services without regard to a 60937
patient's ability to pay; 60938

(c) Meet the requirements for a medicaid provider agreement 60939
and enter into the agreement with the department of medicaid to 60940

provide primary care services to medicaid recipients. 60941

(3) The department of health agrees, as provided in section 60942
3702.75 of the Revised Code, to repay, so long as the primary care 60943
physician performs the service obligation agreed to under division 60944
(B)(1) of this section, all or part of the principal and interest 60945
of a government or other educational loan taken by the primary 60946
care physician for expenses described in section 3702.75 of the 60947
Revised Code; 60948

(4) The primary care physician agrees to pay the department 60949
of health an amount established by rules adopted under section 60950
3702.79 of the Revised Code if the physician fails to complete the 60951
service obligation agreed to under division (B)(1) of this 60952
section. 60953

(C) The contract shall include the following terms as agreed 60954
upon by the parties: 60955

(1) The primary care physician's required length of service 60956
in the health resource shortage area, which must be at least two 60957
years; 60958

(2) The number of weekly hours the primary care physician 60959
will be engaged in full-time practice or part-time practice in the 60960
health resource shortage area; 60961

(3) The maximum amount that the department will repay on 60962
behalf of the primary care physician; 60963

(4) The extent to which the primary care physician's teaching 60964
activities will be counted toward the physician's full-time 60965
practice or part-time practice hours under the contract. 60966

(D) If the amount specified in division (C)(3) of this 60967
section includes federal funds ~~from the bureau of clinician~~ 60968
~~recruitment and service in the United States department of health~~ 60969
~~and human services~~, the amount of state funds repaid on the 60970

individual's behalf shall be the same as the amount of those 60971
federal funds. 60972

Sec. 3702.91. (A) As used in this section: 60973

(1) "Full-time practice" and "part-time practice" have the 60974
same meanings as in section 3702.71 of the Revised Code; 60975

(2) "Teaching activities" means ~~supervising~~ providing 60976
clinical education to dental students and dental residents and 60977
dental health profession students at the service site specified in 60978
the ~~letter of intent~~ contract described in division (B) of this 60979
section ~~3702.90 of the Revised Code~~. 60980

(B) An individual who has signed a letter of intent may enter 60981
into a contract with the director of health for participation in 60982
the dentist loan repayment program. The dentist's employer or 60983
other funding source may also be a party to the contract. 60984

(C) The contract shall include all of the following 60985
obligations: 60986

(1) The individual agrees to provide dental services in the 60987
dental health resource shortage area identified in the letter of 60988
intent for the number of hours and duration specified in the 60989
contract. 60990

(2) When providing dental services in the dental health 60991
resource shortage area, the individual agrees to do all of the 60992
following: 60993

(a) Provide dental services in a service site approved by the 60994
department of health; 60995

(b) Provide dental services without regard to a patient's 60996
ability to pay; 60997

(c) Meet the requirements for a medicaid provider agreement 60998
and enter into the agreement with the department of medicaid to 60999

provide dental services to medicaid recipients. 61000

(3) The department of health agrees, as provided in section 61001
3702.85 of the Revised Code, to repay, so long as the individual 61002
performs the service obligation agreed to under division (C)(1) of 61003
this section, all or part of the principal and interest of a 61004
government or other educational loan taken by the individual for 61005
expenses described in section 3702.85 of the Revised Code. 61006

(4) The individual agrees to pay the department of health an 61007
amount established by rules adopted under section 3702.86 of the 61008
Revised Code, if the individual fails to complete the service 61009
obligation agreed to under division (C)(1) of this section. 61010

(D) The contract shall include the following terms as agreed 61011
upon by the parties: 61012

(1) The individual's required length of service in the dental 61013
health resource shortage area, which must be at least two years; 61014

(2) The number of weekly hours the individual will be engaged 61015
in full-time practice or part-time practice; 61016

(3) The maximum amount that the department will repay on 61017
behalf of the individual; 61018

(4) The extent to which the individual's teaching activities 61019
will be counted toward the individual's full-time practice or 61020
part-time practice hours under the contract. 61021

(E) If the amount specified in division (D)(3) of this 61022
section includes federal funds ~~from the bureau of clinician~~ 61023
~~recruitment and service in the United States department of health~~ 61024
~~and human services~~, the amount of state funds repaid on the 61025
individual's behalf shall be the same as the amount of those 61026
federal funds. 61027

Sec. 3704.05. (A) No person shall cause, permit, or allow 61028
emission of an air contaminant in violation of any rule adopted by 61029

the director of environmental protection under division (E) of 61030
section 3704.03 of the Revised Code unless the person is the 61031
holder of a variance that is issued under division (H) of that 61032
section and consistent with the federal Clean Air Act permitting 61033
the emission of the contaminant in excess of that permitted by the 61034
rule or the person is the holder of an operating permit that 61035
includes a compliance schedule issued pursuant to rules adopted 61036
under division (G) of section 3704.03 of the Revised Code. 61037

(B) No person who is the holder of a variance issued under 61038
division (H) of section 3704.03 of the Revised Code shall cause, 61039
permit, or allow emission of an air contaminant or contaminants 61040
listed therein in violation of the conditions of the variance or 61041
fail to obey an order of the director issued under authority of 61042
that division. 61043

(C) No person who is the holder of a permit issued under 61044
division (F) or (G) of section 3704.03 of the Revised Code shall 61045
violate any of its terms or conditions. 61046

(D) No person shall fail to install and maintain monitoring 61047
devices or to submit reports or other information as may be 61048
required under division (I) of section 3704.03 of the Revised 61049
Code. 61050

(E) No person to whom a permit or variance has been issued 61051
shall refuse entry to an authorized representative of the director 61052
or the environmental protection agency as provided in division 61053
~~(M)~~(L) of section 3704.03 of the Revised Code or hinder or thwart 61054
the person in making an investigation. 61055

(F) No person shall fail to submit plans and specifications 61056
as required by section 3704.03 of the Revised Code. 61057

(G) No person shall violate any order, rule, or determination 61058
of the director issued, adopted, or made under this chapter. 61059

(H) No person shall do any of the following: 61060

(1) Falsify any plans, specifications, data, reports, 61061
records, or other information required to be kept or submitted to 61062
the director by this chapter or rules adopted under it; 61063

(2) Make any false material statement, representation, or 61064
certification in any form, notice, or report required by the Title 61065
V permit program; 61066

(3) Render inaccurate any monitoring device required by a 61067
Title V permit. 61068

Violation of division (H)(1), (2), or (3) of this section is 61069
not also falsification under section 2921.13 of the Revised Code. 61070

(I) No person shall knowingly falsify an inspection 61071
certificate submitted to another under section 3704.14 or Chapter 61072
4503. of Revised Code. Violation of this division is not also 61073
falsification under section 2921.13 of the Revised Code. 61074

(J) No person shall do either of the following: 61075

(1) With regard to the Title V permit program, fail to pay 61076
any administrative penalty assessed in accordance with rules 61077
adopted under division (S) of section 3704.03 of the Revised Code 61078
or any fee assessed under section 3745.11 of the Revised Code; 61079

(2) Violate any applicable requirement of a Title V permit or 61080
any permit condition, except for an emergency as defined in 40 61081
C.F.R. 70.6 (g), or filing requirement of the Title V permit 61082
program, any duty to allow or carry out inspection, entry, or 61083
monitoring activities, or any rule adopted or order issued by the 61084
director pursuant to the Title V permit program. 61085

(K) On and after the three hundred sixty-sixth day following 61086
the administrator's final approval of the Title V permit program, 61087
or on and after the three hundred sixty-sixth day following the 61088
commencement of operation of a new major source required to comply 61089
with section 112(g) or part C or D of Title I of the federal Clean 61090

Air Act, whichever is later, no person shall operate any such 61091
source that is required to obtain a Title V permit under section 61092
3704.036 of the Revised Code or rules adopted under it unless such 61093
a permit has been issued authorizing operation of the source or 61094
unless a complete and timely application for the issuance, 61095
renewal, or modification of a Title V permit for the source has 61096
been submitted to the director under that section. 61097

Sec. 3704.14. (A)(1) If the director of environmental 61098
protection determines that implementation of a motor vehicle 61099
inspection and maintenance program is necessary for the state to 61100
effectively comply with the federal Clean Air Act after June 30, 61101
~~2011~~ 2015, the director may provide for the implementation of the 61102
program in those counties in this state in which such a program is 61103
federally mandated. Upon making such a determination, the director 61104
of environmental protection may request the director of 61105
administrative services to extend the terms of the contract that 61106
was entered into under the authority of Am. Sub. H.B. ~~1~~ 153 of the 61107
~~128th~~ 129th general assembly. Upon receiving the request, the 61108
director of administrative services shall extend the contract, 61109
beginning on July 1, ~~2011~~ 2015, in accordance with this section. 61110
The contract shall be extended for a period of up to ~~twelve~~ 61111
twenty-four months with the contractor who conducted the motor 61112
vehicle inspection and maintenance program under that contract. 61113

(2) Prior to the expiration of the contract extension that is 61114
authorized by division (A)(1) of this section, the director of 61115
environmental protection shall request the director of 61116
administrative services to enter into a contract with a vendor to 61117
operate a decentralized motor vehicle inspection and maintenance 61118
program in each county in this state in which such a program is 61119
federally mandated through June 30, ~~2015~~ 2019, with an option for 61120
the state to renew the contract for a period of up to twenty-four 61121
months through June 30, ~~2017~~ 2021. The contract shall ensure that 61122

the decentralized motor vehicle inspection and maintenance program 61123
achieves at least the same emission reductions as achieved by the 61124
program operated under the authority of the contract that was 61125
extended under division (A)(1) of this section. The director of 61126
administrative services shall select a vendor through a 61127
competitive selection process in compliance with Chapter 125. of 61128
the Revised Code. 61129

(3) Notwithstanding any law to the contrary, the director of 61130
administrative services shall ensure that a competitive selection 61131
process regarding a contract to operate a decentralized motor 61132
vehicle inspection and maintenance program in this state 61133
incorporates the following, which shall be included in the 61134
contract: 61135

(a) For purposes of expanding the number of testing locations 61136
for consumer convenience, a requirement that the vendor utilize 61137
established local businesses, auto repair facilities, or leased 61138
properties to operate state-approved inspection and maintenance 61139
testing facilities; 61140

(b) A requirement that the vendor selected to operate the 61141
program provide notification of the program's requirements to each 61142
owner of a motor vehicle that is required to be inspected under 61143
the program. The contract shall require the notification to be 61144
provided not later than sixty days prior to the date by which the 61145
owner of the motor vehicle is required to have the motor vehicle 61146
inspected. The director of environmental protection and the vendor 61147
shall jointly agree on the content of the notice. However, the 61148
notice shall include at a minimum the locations of all inspection 61149
facilities within a specified distance of the address that is 61150
listed on the owner's motor vehicle registration; 61151

(c) A requirement that the vendor comply with testing 61152
methodology and supply the required equipment approved by the 61153
director of environmental protection as specified in the 61154

competitive selection process in compliance with Chapter 125. of 61155
the Revised Code. 61156

(4) A decentralized motor vehicle inspection and maintenance 61157
program operated under this section shall comply with division (B) 61158
of this section. The director of environmental protection shall 61159
administer the decentralized motor vehicle inspection and 61160
maintenance program operated under this section. 61161

(B) The decentralized motor vehicle inspection and 61162
maintenance program authorized by this section, at a minimum, 61163
shall do all of the following: 61164

(1) Comply with the federal Clean Air Act; 61165

(2) Provide for the issuance of inspection certificates; 61166

(3) Provide for a new car exemption for motor vehicles four 61167
years old or newer and provide that a new motor vehicle is exempt 61168
for four years regardless of whether legal title to the motor 61169
vehicle is transferred during that period. 61170

(C) The director of environmental protection shall adopt 61171
rules in accordance with Chapter 119. of the Revised Code that the 61172
director determines are necessary to implement this section. The 61173
director may continue to implement and enforce rules pertaining to 61174
the motor vehicle inspection and maintenance program previously 61175
implemented under former section 3704.14 of the Revised Code as 61176
that section existed prior to its repeal and reenactment by Am. 61177
Sub. H.B. 66 of the 126th general assembly, provided that the 61178
rules do not conflict with this section. 61179

(D) There is hereby created in the state treasury the auto 61180
emissions test fund, which shall consist of money received by the 61181
director from any cash transfers, state and local grants, and 61182
other contributions that are received for the purpose of funding 61183
the program established under this section. The director of 61184
environmental protection shall use money in the fund solely for 61185

the implementation, supervision, administration, operation, and 61186
enforcement of the motor vehicle inspection and maintenance 61187
program established under this section. Money in the fund shall 61188
not be used for either of the following: 61189

(1) To pay for the inspection costs incurred by a motor 61190
vehicle dealer so that the dealer may provide inspection 61191
certificates to an individual purchasing a motor vehicle from the 61192
dealer when that individual resides in a county that is subject to 61193
the motor vehicle inspection and maintenance program; 61194

(2) To provide payment for more than one free passing 61195
emissions inspection or a total of three emissions inspections for 61196
a motor vehicle in any three-hundred-sixty-five-day period. The 61197
owner or lessee of a motor vehicle is responsible for inspection 61198
fees that are related to emissions inspections beyond one free 61199
passing emissions inspection or three total emissions inspections 61200
in any three-hundred-sixty-five-day period. Inspection fees that 61201
are charged by a contractor conducting emissions inspections under 61202
a motor vehicle inspection and maintenance program shall be 61203
approved by the director of environmental protection. 61204

(E) The motor vehicle inspection and maintenance program 61205
established under this section expires upon the termination of all 61206
contracts entered into under this section and shall not be 61207
implemented beyond the final date on which termination occurs. 61208

Sec. 3705.08. (A) The director of health, by rule, shall 61209
prescribe the form of records and certificates required by this 61210
chapter. Records and certificates shall include the items and 61211
information prescribed by the director, including the items 61212
recommended by the national center for health statistics of the 61213
United States department of health and human services, subject to 61214
approval of and modification by the director. 61215

(B) All birth certificates shall include a statement setting 61216

forth the names of the child's parents and a line for the mother's 61217
and the father's signature. 61218

(C) All death certificates shall include, in the medical 61219
certification portion of the certificate, a space to indicate, if 61220
the deceased individual is female and the manner of death is 61221
determined to be a suspicious or violent death, whether any of the 61222
following conditions apply to the individual: 61223

(1) Not pregnant within the past year; 61224

(2) Pregnant at the time of death; 61225

(3) Not pregnant, but had been pregnant within forty-two days 61226
prior to the time of death; 61227

(4) Not pregnant, but had been pregnant within forty-three 61228
days to one year prior to the time of death; 61229

(5) Unknown whether pregnant within the past year. 61230

(D)(1) The director shall prescribe methods, forms, and 61231
blanks and shall furnish necessary postage, forms, and blanks for 61232
obtaining registration of births, deaths, and other vital 61233
statistics in each registration district, and for preserving the 61234
records of the office of vital statistics, and no forms or blanks 61235
shall be used other than those prescribed by the director. 61236

(2) All birth, fetal death, and death records and 61237
certificates shall be ~~printed legibly or typewritten in unfading~~ 61238
~~black ink and~~ signed. Except as provided in division (G) of 61239
section 3705.09, section 3705.12, 3705.121, 3705.122, or 3705.124, 61240
division (D) of section 3705.15, or section 3705.16 of the Revised 61241
Code, ~~a signature required on~~ a birth, fetal death, or death 61242
certificate shall be ~~written~~ signed by the person required to sign 61243
~~and a facsimile signature shall not be used~~ the certificate. 61244

(3) All vital records shall contain the date received for 61245
registration. 61246

(4) Information and signatures required in certificates, 61247
records, or reports authorized by this chapter may be filed and 61248
registered by photographic, electronic, or other means as 61249
prescribed by the director. 61250

Sec. 3705.231. A local registrar shall allow an individual to 61251
photograph or otherwise copy a birth or death record. 61252

Sec. 3707.57. (A) As used in this section: 61253

(1) "Bloodborne pathogens" means the human immunodeficiency 61254
virus (HIV), hepatitis B virus, and hepatitis C virus. 61255

(2) "Board of health" means the board of health of a city or 61256
general health district or the authority having the duties of a 61257
board of health under section 3709.05 of the Revised Code. 61258

(B) A board of health may establish a bloodborne infectious 61259
disease prevention program. The cost of the program is the 61260
responsibility of the board of health. 61261

(C) A board of health that establishes a bloodborne 61262
infectious disease prevention program shall determine the manner 61263
in which the program is operated and the individuals who are 61264
eligible to participate. The program shall do all of the 61265
following: 61266

(1) If resources are available, provide on-site screening for 61267
bloodborne pathogens; 61268

(2) Provide education to each program participant regarding 61269
exposure to bloodborne pathogens; 61270

(3) Identify health and supportive services providers and 61271
substance abuse treatment programs available in the area served by 61272
the prevention program and, as appropriate, develop and enter into 61273
referral agreements with the identified providers and programs; 61274

(4) Encourage each program participant to seek appropriate 61275

medical care, mental health services, substance abuse treatment, 61276
or social services and, as appropriate, make referrals to health 61277
and supportive services providers and substance abuse treatment 61278
programs with which the prevention program has entered into 61279
referral agreements; 61280

(5) Use a recordkeeping system that ensures that the identity 61281
of each program participant remains anonymous; 61282

(6) Comply with applicable state and federal laws governing 61283
participant confidentiality; 61284

(7) Provide each program participant with documentation 61285
identifying the individual as an active participant in the 61286
program. 61287

(D) A bloodborne infectious disease prevention program may 61288
collect demographic information about each program participant, 61289
including the zip code applicable to the participant's address, 61290
and the participant's comorbidity diagnosis, if any. The program 61291
may report the information to the department of mental health and 61292
addiction services. 61293

(E)(1) Before establishing a bloodborne infectious disease 61294
prevention program, the board of health shall consult with all of 61295
the following: 61296

(a) Interested parties from the health district represented 61297
by the board, including all of the following: 61298

(i) Law enforcement representatives; 61299

(ii) Prosecutors, as defined in section 2935.01 of the 61300
Revised Code; 61301

(iii) Representatives of community addiction services 61302
providers certified under section 5119.36 of the Revised Code; 61303

(iv) Persons recovering from substance abuse; 61304

(v) Relevant private, nonprofit organizations, including 61305

hepatitis C and HIV advocacy organizations; 61306

(vi) Residents of the health district; 61307

(vii) The board of alcohol, drug addiction, and mental health 61308
services that serves the area in which the health district is 61309
located. 61310

(b) Representatives selected by the governing authority of 61311
the city, village, or township in which the program is proposed to 61312
be established. 61313

(2) If the board of health, after consulting with the 61314
interested parties and representatives listed in division (D)(1) 61315
of this section, decides to establish a bloodborne infectious 61316
disease prevention program, the board shall provide written notice 61317
of the proposed location to the governing authority of the city, 61318
village, or township in which the program is to be located. The 61319
governing authority retains all zoning rights. 61320

(F)(1) If carrying out a duty under a component of a 61321
bloodborne infectious disease prevention program would be 61322
considered a violation of any of the following, an employee or 61323
volunteer of the program, when carrying out the duty, is not 61324
subject to criminal prosecution for the violation: 61325

(a) Section 2923.24 of the Revised Code; 61326

(b) Section 2925.12 of the Revised Code; 61327

(c) Division (C)(1) of section 2925.14 of the Revised Code 61328
regarding the prohibition against illegal possession of drug 61329
paraphernalia; 61330

(d) Division (C) or (D) of section 3719.172 of the Revised 61331
Code regarding the prohibition against furnishing a hypodermic 61332
needle to another person. 61333

(2) If participating in a component of a bloodborne 61334
infectious disease prevention program would be considered a 61335

violation of any of the following, a program participant who is 61336
within one thousand feet of a program facility and is in 61337
possession of documentation from the program identifying the 61338
individual as an active participant in the program is not subject 61339
to criminal prosecution for the violation: 61340

(a) Section 2923.24 of the Revised Code; 61341

(b) Section 2925.12 of the Revised Code; 61342

(c) Division (C)(1) of section 2925.14 of the Revised Code 61343
regarding the prohibition against illegal possession of drug 61344
paraphernalia. 61345

(G) A board of health that establishes a bloodborne 61346
infectious disease prevention program shall include details about 61347
the program in its annual report prepared under section 3707.47 of 61348
the Revised Code. 61349

Sec. 3709.03. (A) There is hereby created in each general 61350
health district a district advisory council. A council shall 61351
consist of the president of the board of county commissioners, the 61352
chief executive of each municipal corporation not constituting a 61353
city health district, and the president of the board of township 61354
trustees of each township. The board of county commissioners, the 61355
legislative body of a municipal corporation, and the board of 61356
township trustees of a township may select an alternate from among 61357
themselves to serve if the president, the chief executive, or the 61358
president of the board of township trustees is unable to attend 61359
any meeting of the district advisory council. When attending a 61360
meeting on behalf of a council member, the alternate may vote on 61361
any matter on which the member is authorized to vote. 61362

The council shall organize by selecting a chair and secretary 61363
from among its members. The council shall adopt bylaws governing 61364
its meetings, the transaction of business, and voting procedures. 61365

The council shall meet annually in March at a place 61366
determined by the chair and the health commissioner for the 61367
purpose of electing the chair and the secretary, making necessary 61368
appointments to the board of health, receiving and considering the 61369
annual or special reports from the board of health, and making 61370
recommendations to the board of health or to the department of 61371
health in regard to matters for the betterment of health and 61372
sanitation within the district or for needed legislation. The 61373
secretary of the council shall notify the district health 61374
commissioner and the director of health of the proceedings of such 61375
meeting. 61376

Special meetings of the council shall be held on the order of 61377
any of the following: 61378

(1) The director of health; 61379

(2) The board of health; 61380

(3) The lesser of five or a majority of district advisory 61381
council members. 61382

The district health commissioner shall attend all meetings of 61383
the council. 61384

(B) The district advisory council shall appoint ~~four~~ five 61385
members of the board of health, ~~and the remaining member shall be~~ 61386
~~appointed by the~~ unless the board of health has established a 61387
health district licensing council ~~established~~ under section 61388
3709.41 of the Revised Code, in which case, the district advisory 61389
council shall appoint four members of the board of health, and the 61390
health district licensing council shall appoint one member of the 61391
board of health. At least one member of the board of health shall 61392
be a physician. Appointments shall be made with due regard to 61393
equal representation of all parts of the district. 61394

(C) If at an annual or special meeting at which a member of 61395
the board of health is to be appointed fewer than a majority of 61396

the members of the district council are present, the council, by 61397
the majority vote of council members present, may organize an 61398
executive committee to make the appointment. An executive 61399
committee shall consist of five council members, including the 61400
president of the board of county commissioners, the council chair, 61401
the council secretary, and two additional council members selected 61402
by majority affirmative vote of the council members present at the 61403
meeting. The additional members selected shall include one 61404
representative of municipal corporations in the district that are 61405
not city health districts and one representative of townships in 61406
the district. If an individual is eligible for more than one 61407
position on the executive committee due to holding a particular 61408
office, the individual shall fill one position on the committee 61409
and the other position shall be filled by a member selected by a 61410
majority affirmative vote of the council members present at the 61411
meeting. A council member's alternate for annual meetings may 61412
serve as the member's alternate at meetings of the executive 61413
committee. 61414

Not later than thirty days after an executive committee is 61415
organized, the committee shall meet and the council chair shall 61416
present to the committee the matter of appointing a member of the 61417
board of health. The committee shall appoint the board member by 61418
majority affirmative vote. In the case of a combined health 61419
district, the executive committee shall appoint only members of 61420
the board of health that are to be appointed by the district 61421
advisory council, unless the contract for administration of health 61422
affairs in the combined district provides otherwise. If a majority 61423
affirmative vote is not reached within thirty days after the 61424
executive committee is organized, the director of health shall 61425
appoint the member of the board of health under the authority 61426
conferred by section 3709.03 of the Revised Code. 61427

If the council fails to meet or appoint a member of the board 61428

of health as required by this section or section 3709.02 of the Revised Code, the director of health may appoint the member.

Sec. 3709.05. (A) Unless an administration of public health different from that specifically provided in this section is established and maintained under authority of its charter, or unless a combined city health district is formed under section 3709.051 of the Revised Code, the legislative authority of each city constituting a city health district shall establish a board of health. The board of health shall be composed of ~~four~~ five members appointed by the mayor and confirmed by the legislative authority ~~and one member appointed by the,~~ unless the board of health has established a health district licensing council established under section 3709.41 of the Revised Code, in which case, the mayor shall appoint four members of the board of health, confirmed by the legislative authority, and the health district licensing council shall appoint one member of the board of health.

(B) Each member of the board shall be paid a sum not to exceed eighty dollars a day for the member's attendance at each meeting of the board. No member shall receive compensation for attendance at more than eighteen meetings in any year.

(C) Each member of the board shall receive travel expenses at rates established by the director of budget and management pursuant to section 126.31 of the Revised Code to cover the actual and necessary travel expenses incurred for travel to and from meetings that take place outside the county in which the member resides, except that any member may receive travel expenses for registration for any conference that takes place inside the county in which the member resides.

(D) A majority of the members constitutes a quorum, and the mayor shall be president of the board.

(E) The term of office of the members shall be five years

from the date of appointment, except that of those first 61460
appointed, one shall serve for five years, one for four years, one 61461
for three years, one for two years, and one for one year, and 61462
thereafter one shall be appointed each year. 61463

A vacancy in the membership of the board shall be filled in 61464
like manner as an original appointment and shall be for the 61465
unexpired term. 61466

Sec. 3709.07. Except as provided in section 3709.071 of the 61467
Revised Code, when it is proposed that one or more city health 61468
districts unite with a general health district in the formation of 61469
a single district, the district advisory council of the general 61470
health district shall meet and vote on the question of union. It 61471
shall require a majority affirmative vote of the members of the 61472
district advisory council to carry the question. The legislative 61473
authority of each city shall likewise vote on the question. A 61474
majority voting affirmatively shall be required for approval. When 61475
the majority of the district advisory council and the legislative 61476
authority have voted affirmatively, the chair of the council and 61477
the chief executive of each city shall enter into a contract for 61478
the administration of health affairs in the combined district. 61479
Such contract shall state the proportion of the expenses of the 61480
board of health or health department of the combined district to 61481
be paid by the city or cities and by the original general health 61482
district. The contract may provide that the administration of the 61483
combined district shall be taken over by either the board of 61484
health or health department of one of the cities, by the board of 61485
health of the general health district, or by a combined board of 61486
health. Such contract shall prescribe the date on which such 61487
change of administration shall be made. A copy of such contract 61488
shall be filed with the director of health. 61489

The combined district shall constitute a general health 61490

district, and the board of health or health department of the 61491
city, the board of health of the original general health district, 61492
or the combined board of health, as may be agreed in the contract, 61493
shall have, within the combined district, all the powers granted 61494
to, and perform all the duties required of, the board of health of 61495
a general health district. 61496

The district advisory council of the combined general health 61497
district shall consist of the members of the district advisory 61498
council of the original general health district and the chief 61499
executive of each city constituting a city health district, each 61500
member having one vote. 61501

If the contract provides that the administration of the 61502
combined district shall be taken over by a combined board of 61503
health, rather than the board of health of the original health 61504
district, the contract shall set forth the number of members of 61505
such board, their terms of office, and the manner of appointment 61506
or election of officers. One of the members of such combined board 61507
of health shall be a physician, and one member shall be an 61508
individual appointed by the health district licensing council, if 61509
such council is established under section 3709.41 of the Revised 61510
Code. The contract may also provide for the representation of 61511
areas by one or more members and shall, in such event, specify the 61512
territory to be included in each such area. 61513

The appointment of any member of the combined board who is 61514
designated by the provisions of the contract to represent a city 61515
shall be made by the chief executive and approved by the 61516
legislative authority of such city. If a member is designated by 61517
the contract to represent more than one city, the member shall be 61518
appointed by majority vote of the chief executives of all cities 61519
included in any such area. Except for the member appointed by the 61520
health district licensing council, if such council is established, 61521
the appointment of all members of the combined board who are 61522

designated to represent the balance of the district shall be made 61523
by the district advisory council. 61524

The service status of any person employed by a city or 61525
general health district shall not be affected by the creation of a 61526
combined district. 61527

Sec. 3709.41. (A) ~~There is hereby created in~~ The board of 61528
health of each city and ~~in of~~ each general health district may 61529
establish a health district licensing council, to be appointed by 61530
the entity that has responsibility for appointing the board of 61531
health in the health district. The members of the council shall 61532
consist of one representative of each business activity for which 61533
the board of health operates a licensing program. To be appointed 61534
and remain a member, an individual shall be a resident of the 61535
health district for which the council was created. 61536

The appointing authority shall make initial appointments to 61537
the council not later than thirty days after ~~November 21, 2001~~ the 61538
board of health establishes the council. Of the initial 61539
appointments to the council, one-third of the members, rounded to 61540
the nearest whole number, shall serve for a term ending three 61541
years after ~~November 21, 2001~~ the date of appointment; one-third, 61542
rounded to the nearest whole number, shall serve for a term ending 61543
four years after ~~November 21, 2001~~ the date of appointment; and 61544
the remaining members shall serve for a term ending five years 61545
after ~~November 21, 2001~~ the date of appointment. Thereafter, terms 61546
of office shall be five years, with each term ending on the same 61547
day of the same month as did the term that it succeeds. 61548

Each member shall hold office from the date of the member's 61549
appointment until the end of the term for which the member was 61550
appointed. Members may be reappointed. 61551

Vacancies shall be filled in the manner provided for original 61552
appointments. Any member appointed to fill a vacancy occurring 61553

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

Members shall serve without compensation, except to the
extent that serving on the council is part of their regular duties
of employment.

(B) Each health district licensing council shall organize by
selecting from among its members a chairperson, a secretary, and
any other officers it considers necessary. Each council shall
adopt bylaws for the regulation of its affairs and the conduct of
its business.

Each council shall meet at least annually or at more frequent
intervals if specified in its bylaws. In addition to the mandatory
meetings, a council shall meet at the call of the chairperson or
the request of a majority of the council members.

(C) Pursuant to sections 3709.03, 3709.05, and 3709.07 of the
Revised Code, the health district licensing council, if
established by the board of health, shall appoint one ~~of its~~
~~members to serve as a~~ member of the board of health. The council
shall appoint one of its members to serve as an alternate board of
health member if for any reason the original member is required to
abstain from voting on a particular issue being considered by the
board of health. While serving on behalf of the original member,
the alternate member has the same powers and duties as the
original member.

Sec. 3714.051. (A)(1) Not later than one hundred eighty days
after ~~the effective date of this section~~ December 22, 2005, and in
accordance with rules adopted under section 3714.02 of the Revised

Code, the director of environmental protection shall establish a 61585
program for the issuance of permits to install for new 61586
construction and demolition debris facilities. 61587

(2) On and after ~~the effective date of this section~~ December 61588
22, 2005, no person shall establish a new construction and 61589
demolition debris facility without first obtaining a permit to 61590
install issued by the board of health of the health district in 61591
which the facility is or is to be located or from the director if 61592
the facility is or is to be located in a health district that is 61593
not on the approved list under section 3714.09 of the Revised Code 61594
or if a board of health requests the director to issue the permit 61595
to install under division (G) of this section. 61596

(B) The director, the director's authorized representative, a 61597
board of health, or an authorized representative of the board may 61598
assist an applicant for a permit to install during the permitting 61599
process by providing guidance and technical assistance. 61600

(C) An applicant for a permit to install shall submit an 61601
application to a board of health or the director, as applicable, 61602
on a form that the director prescribes. The applicant shall 61603
include with the application all of the following: 61604

(1) The name and address of the applicant, of all partners if 61605
the applicant is a partnership or of all officers and directors if 61606
the applicant is a corporation, and of any other person who has a 61607
right to control or in fact controls management of the applicant 61608
or the selection of officers, directors, or managers of the 61609
applicant; 61610

(2) The designs and plans for the construction and demolition 61611
debris facility that include the location or proposed location of 61612
the facility, design and construction plans and specifications, 61613
anticipated beginning and ending dates for work performed, and any 61614
other related information that the director requires by rule; 61615

(3) The information required under section 3714.052 of the Revised Code; 61616
61617

(4) An application fee of two thousand dollars. A board of health shall deposit money collected under division (C)(4) of this section into the special fund of the health district created under section 3714.07 of the Revised Code. The director shall transmit money collected under division (C)(4) of this section to the treasurer of state to be credited to the ~~construction and demolition debris facility oversight~~ waste management fund created in ~~that~~ section 3734.061 of the Revised Code. Not later than six months after a facility that is issued a permit to install begins accepting construction and demolition debris for disposal, a board of health or the director, as applicable, shall refund the application fee received under division (C)(4) of this section to the person that submitted the application for the permit to install. 61618
61619
61620
61621
61622
61623
61624
61625
61626
61627
61628
61629
61630
61631

(5) Any other information required by the director in accordance with rules adopted under section 3714.02 of the Revised Code. 61632
61633
61634

(D) A permit to install may be issued with terms and conditions that a board of health or the director, as applicable, finds necessary to ensure that the facility will comply with this chapter and rules adopted under it and to protect public health and safety and the environment. 61635
61636
61637
61638
61639

(E) A permit to install shall expire after a time period specified by the director or board of health, as applicable, in accordance with rules adopted under section 3714.02 of the Revised Code unless the applicant has undertaken a continuing program of construction or has entered into a binding contractual obligation to undertake and complete a continuing program of construction within a reasonable time, in which case the director or board, as applicable, may extend the expiration date of a permit to install 61640
61641
61642
61643
61644
61645
61646
61647

upon request of the applicant. 61648

(F) The director or a board of health, as applicable, may 61649
issue, deny, modify, suspend, or revoke a permit to install in 61650
accordance with rules. 61651

(G) A board of health shall notify the director of its 61652
receipt of an application for a permit to install. A board of 61653
health, or its authorized representative, may request the director 61654
to review an application, or part of an application, for a permit 61655
to install and also may request that the director issue or deny it 61656
when the board determines that additional expertise is required. 61657
The director shall comply with such a request. 61658

Upon a board of health's issuance of a permit to install for 61659
a new construction and demolition debris facility under this 61660
section, the board shall mail a copy of the permit to the director 61661
together with approved plans, specifications, and information 61662
regarding the facility. 61663

Sec. 3714.07. (A)(1) For the purpose of assisting boards of 61664
health and the environmental protection agency in administering 61665
and enforcing this chapter and rules adopted under it, there is 61666
hereby levied a fee of thirty cents per cubic yard or sixty cents 61667
per ton, as applicable, on both of the following: 61668

(a) The disposal of construction and demolition debris at a 61669
construction and demolition debris facility that is licensed under 61670
this chapter or at a solid waste facility that is licensed under 61671
Chapter 3734. of the Revised Code; 61672

(b) The disposal of asbestos or asbestos-containing materials 61673
or products at a construction and demolition debris facility that 61674
is licensed under this chapter or at a solid waste facility that 61675
is licensed under Chapter 3734. of the Revised Code. 61676

(2) The owner or operator of a construction and demolition 61677

debris facility or a solid waste facility shall determine if cubic 61678
yards or tons will be used as the unit of measurement. If basing 61679
the fee on cubic yards, the owner or operator shall utilize either 61680
the maximum cubic yard capacity of the container, or the hauling 61681
volume of the vehicle, that transports the construction and 61682
demolition debris to the facility or the cubic yards actually 61683
logged for disposal by the owner or operator in accordance with 61684
rules adopted under section 3714.02 of the Revised Code. If basing 61685
the fee on tonnage, the owner or operator shall use certified 61686
scales to determine the tonnage of construction and demolition 61687
debris that is disposed of. 61688

(3) The owner or operator of a construction and demolition 61689
debris facility or a solid waste facility shall calculate the 61690
amount of money generated from the fee levied under division 61691
(A)(1) of this section and shall hold that amount as a trustee for 61692
the health district having jurisdiction over the facility, if that 61693
district is on the approved list under section 3714.09 of the 61694
Revised Code, or for the state. The owner or operator shall 61695
prepare and file with the appropriate board of health or the 61696
director of environmental protection monthly returns indicating 61697
the total volume or weight, as applicable, of construction and 61698
demolition debris and asbestos or asbestos-containing materials or 61699
products disposed of at the facility and the total amount of money 61700
generated during that month from the fee levied under division 61701
(A)(1) of this section on the disposal of construction and 61702
demolition debris and asbestos or asbestos-containing materials or 61703
products. Not later than thirty days after the last day of the 61704
month to which the return applies, the owner or operator shall 61705
mail to the board of health or the director the return for that 61706
month together with the amount of money calculated under division 61707
(A)(3) of this section on the disposal of construction and 61708
demolition debris and asbestos or asbestos-containing materials or 61709
products during that month or may submit the return and money 61710

electronically in a manner approved by the director. The owner or 61711
operator may request, in writing, an extension of not more than 61712
thirty days after the last day of the month to which the return 61713
applies. A request for extension may be denied. If the owner or 61714
operator submits the money late, the owner or operator shall pay a 61715
penalty of ten per cent of the amount of the money due for each 61716
month that it is late. 61717

(4) Of the money that is submitted by a construction and 61718
demolition debris facility or a solid waste facility on a per 61719
cubic yard or per ton basis under this section, a board of health 61720
shall transmit three cents per cubic yard or six cents per ton, as 61721
applicable, to the director not later than forty-five days after 61722
the receipt of the money. The money retained by a board of health 61723
under this section shall be paid into a special fund, which is 61724
hereby created in each health district, and used solely for the 61725
following purposes: 61726

(a) To administer and enforce this chapter and rules adopted 61727
under it; 61728

(b) To abate abandoned accumulations of construction and 61729
demolition debris as provided in section 3714.074 of the Revised 61730
Code. 61731

The director shall transmit all money received under this 61732
section to the treasurer of state to be ~~credited~~ deposited in the 61733
state treasury to the ~~construction and demolition debris facility~~ 61734
~~oversight credit of the waste management fund, which is hereby~~ 61735
created in ~~the state treasury~~ section 3734.061 of the Revised 61736
Code. ~~The fund shall be administered by the director, and money~~ 61737
~~credited to the fund shall be used exclusively for the~~ 61738
~~administration and enforcement of this chapter and rules adopted~~ 61739
~~under it.~~ 61740

(B) The board of health of a health district or the director 61741

may enter into an agreement with the owner or operator of a 61742
construction and demolition debris facility or a solid waste 61743
facility for the quarterly payment of money generated from the 61744
disposal fee as calculated in division (A)(3) of this section. The 61745
board of health shall notify the director of any such agreement. 61746
Not later than forty-five days after receipt of the quarterly 61747
payment, the board of health shall transmit the amount established 61748
in division (A)(4) of this section to the director. The money 61749
retained by the board of health shall be deposited in the special 61750
fund of the district as required under that division. Upon receipt 61751
of the money from a board of health, the director shall transmit 61752
the money to the treasurer of state to be credited to the 61753
~~construction and demolition debris facility oversight~~ waste 61754
management fund. 61755

(C) If a construction and demolition debris facility or a 61756
solid waste facility is located within the territorial boundaries 61757
of a municipal corporation or the unincorporated area of a 61758
township, the municipal corporation or township may appropriate up 61759
to four cents per cubic yard or up to eight cents per ton of the 61760
disposal fee required to be paid by the facility under division 61761
(A)(1) of this section for the same purposes that a municipal 61762
corporation or township may levy a fee under division (C) of 61763
section 3734.57 of the Revised Code. 61764

The legislative authority of the municipal corporation or 61765
township may appropriate the money from the fee by enacting an 61766
ordinance or adopting a resolution establishing the amount of the 61767
fee to be appropriated. Upon doing so, the legislative authority 61768
shall mail a certified copy of the ordinance or resolution to the 61769
board of health of the health district in which the construction 61770
and demolition debris facility or the solid waste facility is 61771
located or, if the facility is located in a health district that 61772
is not on the approved list under section 3714.09 of the Revised 61773

Code, to the director. Upon receipt of the copy of the ordinance 61774
or resolution and not later than forty-five days after receipt of 61775
money generated from the fee, the board or the director, as 61776
applicable, shall transmit to the treasurer or other appropriate 61777
officer of the municipal corporation or clerk of the township that 61778
portion of the money generated from the disposal fee by the owner 61779
or operator of the facility that is required by the ordinance or 61780
resolution to be paid to that municipal corporation or township. 61781

Money received by the treasurer or other appropriate officer 61782
of a municipal corporation under this division shall be paid into 61783
the general fund of the municipal corporation. Money received by 61784
the clerk of a township under this division shall be paid into the 61785
general fund of the township. The treasurer or other officer of 61786
the municipal corporation or the clerk of the township, as 61787
appropriate, shall maintain separate records of the money received 61788
under this division. 61789

The legislative authority of a municipal corporation or 61790
township may cease appropriating money under this division by 61791
repealing the ordinance or resolution that was enacted or adopted 61792
under this division. 61793

The director shall adopt rules in accordance with Chapter 61794
119. of the Revised Code establishing requirements for prorating 61795
the amount of the fee that may be appropriated under this division 61796
by a municipal corporation or township in which only a portion of 61797
a construction and demolition debris facility is located within 61798
the territorial boundaries of the municipal corporation or 61799
township. 61800

(D) The board of county commissioners of a county in which a 61801
construction and demolition debris facility or a solid waste 61802
facility is located may appropriate up to three cents per cubic 61803
yard or up to six cents per ton of the disposal fee required to be 61804
paid by the facility under division (A)(1) of this section for the 61805

same purposes that a solid waste management district may levy a 61806
fee under division (B) of section 3734.57 of the Revised Code. 61807

The board of county commissioners may appropriate the money 61808
from the fee by adopting a resolution establishing the amount of 61809
the fee to be appropriated. Upon doing so, the board of county 61810
commissioners shall mail a certified copy of the resolution to the 61811
board of health of the health district in which the construction 61812
and demolition debris facility or the solid waste facility is 61813
located or, if the facility is located in a health district that 61814
is not on the approved list under section 3714.09 of the Revised 61815
Code, to the director. Upon receipt of the copy of the resolution 61816
and not later than forty-five days after receipt of money 61817
generated from the fee, the board of health or the director, as 61818
applicable, shall transmit to the treasurer of the county that 61819
portion of the money generated from the disposal fee by the owner 61820
or operator of the facility that is required by the resolution to 61821
be paid to that county. 61822

Money received by a county treasurer under this division 61823
shall be paid into the general fund of the county. The county 61824
treasurer shall maintain separate records of the money received 61825
under this division. 61826

A board of county commissioners may cease appropriating money 61827
under this division by repealing the resolution that was adopted 61828
under this division. 61829

(E)(1) This section does not apply to the disposal of 61830
construction and demolition debris at a solid waste facility that 61831
is licensed under Chapter 3734. of the Revised Code if there is no 61832
construction and demolition debris facility licensed under this 61833
chapter within thirty-five miles of the solid waste facility as 61834
determined by a facility's property boundaries. 61835

(2) This section does not apply to the disposal of 61836

construction and demolition debris at a solid waste facility that 61837
is licensed under Chapter 3734. of the Revised Code if the owner 61838
or operator of the facility chooses to collect fees on the 61839
disposal of the construction and demolition debris and asbestos or 61840
asbestos-containing materials or products that are identical to 61841
the fees that are collected under Chapters 343. and 3734. of the 61842
Revised Code on the disposal of solid wastes at that facility. 61843

(3) This section does not apply to the disposal of source 61844
separated materials that are exclusively composed of reinforced or 61845
nonreinforced concrete, asphalt, clay tile, building or paving 61846
brick, or building or paving stone at a construction and 61847
demolition debris facility that is licensed under this chapter 61848
when either of the following applies: 61849

(a) The materials are placed within the limits of 61850
construction and demolition debris placement at the facility as 61851
specified in the license issued to the facility under section 61852
3714.06 of the Revised Code, are not placed within the unloading 61853
zone of the facility, and are used as a fire prevention measure in 61854
accordance with rules adopted by the director under section 61855
3714.02 of the Revised Code. 61856

(b) The materials are not placed within the unloading zone of 61857
the facility or within the limits of construction and demolition 61858
debris placement at the facility as specified in the license 61859
issued to the facility under section 3714.06 of the Revised Code, 61860
but are used as fill material, either alone or in conjunction with 61861
clean soil, sand, gravel, or other clean aggregates, in legitimate 61862
fill operations for construction purposes at the facility or to 61863
bring the facility up to a consistent grade. 61864

Sec. 3714.073. (A) In addition to the fee levied under 61865
division (A)(1) of section 3714.07 of the Revised Code, beginning 61866
July 1, 2005, there is hereby levied on the disposal of 61867

construction and demolition debris at a construction and 61868
demolition debris facility that is licensed under this chapter or 61869
at a solid waste facility that is licensed under Chapter 3734. of 61870
the Revised Code and on the disposal of asbestos or 61871
asbestos-containing materials or products at a construction and 61872
demolition debris facility that is licensed under this chapter or 61873
at a solid waste facility that is licensed under Chapter 3734. of 61874
the Revised Code the following fees: 61875

(1) A fee of twelve and one-half cents per cubic yard or 61876
twenty-five cents per ton, as applicable, the proceeds of which 61877
shall be deposited in the state treasury to the credit of the soil 61878
and water conservation district assistance fund created in section 61879
~~1515.14~~ 940.15 of the Revised Code; 61880

(2) A fee of thirty-seven and one-half cents per cubic yard 61881
or seventy-five cents per ton, as applicable, the proceeds of 61882
which shall be deposited in the state treasury to the credit of 61883
the recycling and litter prevention fund created in section 61884
3736.03 of the Revised Code. 61885

(B) The owner or operator of a construction and demolition 61886
debris facility or a solid waste facility, as a trustee of the 61887
state, shall calculate the amount of money generated from the fees 61888
levied under this section and remit the money from the fees in the 61889
manner that is established in divisions (A)(2) and (3) of section 61890
3714.07 of the Revised Code for the fee that is levied under 61891
division (A)(1) of that section and may enter into an agreement 61892
for the quarterly payment of money generated from the fees in the 61893
manner established in division (B) of that section for the 61894
quarterly payment of money generated from the fee that is levied 61895
under division (A)(1) of that section. 61896

(C) The amount of money that is calculated by the owner or 61897
operator of a construction and demolition debris facility or a 61898

solid waste facility and remitted to a board of health or the 61899
director of environmental protection, as applicable, pursuant to 61900
this section shall be transmitted by the board or director to the 61901
treasurer of state not later than forty-five days after the 61902
receipt of the money to be credited to the soil and water 61903
conservation district assistance fund or the recycling and litter 61904
prevention fund, as applicable. 61905

(D) This section does not apply to the disposal of 61906
construction and demolition debris at a solid waste facility that 61907
is licensed under Chapter 3734. of the Revised Code if the owner 61908
or operator of the facility chooses to collect fees on the 61909
disposal of the construction and demolition debris and asbestos or 61910
asbestos-containing materials or products that are identical to 61911
the fees that are collected under Chapters 343. and 3734. of the 61912
Revised Code on the disposal of solid wastes at that facility. 61913

(E) This section does not apply to the disposal of source 61914
separated materials that are exclusively composed of reinforced or 61915
nonreinforced concrete, asphalt, clay tile, building or paving 61916
brick, or building or paving stone at a construction and 61917
demolition debris facility that is licensed under this chapter 61918
when either of the following applies: 61919

(1) The materials are placed within the limits of 61920
construction and demolition debris placement at the facility as 61921
specified in the license issued to the facility under section 61922
3714.06 of the Revised Code, are not placed within the unloading 61923
zone of the facility, and are used as a fire prevention measure in 61924
accordance with rules adopted by the director under section 61925
3714.02 of the Revised Code. 61926

(2) The materials are not placed within the unloading zone of 61927
the facility or within the limits of construction and demolition 61928
debris placement at the facility as specified in the license 61929
issued to the facility under section 3714.06 of the Revised Code, 61930

but are used as fill material, either alone or in conjunction with
clean soil, sand, gravel, or other clean aggregates, in legitimate
fill operations for construction purposes at the facility or to
bring the facility up to a consistent grade.

Sec. 3714.08. (A) At least annually, the board of health of a
health district or the director of environmental protection shall
cause each construction and demolition debris facility for which
the board or the director, as appropriate, issued a license under
section 3714.06 of the Revised Code to be inspected and shall
cause a record to be made of each inspection. The board or the
director shall require each such facility to be in substantial
compliance with this chapter and rules adopted under it.

(B) Within thirty days after the issuance of a license, the
board of health shall certify to the director of environmental
protection that the construction and demolition debris facility
has been inspected and is in substantial compliance with this
chapter and rules adopted under it. Each board of health shall
provide the director with such other information as ~~he~~ the
director may require from time to time.

(C) The board of health or its authorized representative and
the director or ~~his~~ the director's authorized representative, upon
proper identification and upon stating the purpose and necessity
of an inspection, may enter at reasonable times upon any public or
private property, real or personal, to inspect or investigate,
obtain samples, and examine or copy records to determine
compliance with this chapter and rules adopted under it. The board
of health or its authorized representative or the director or ~~his~~
the director's authorized representative may apply for, and any
judge of a court of record may issue, an appropriate search
warrant necessary to achieve the purposes of this chapter and
rules adopted under it within the court's territorial

jurisdiction. If entry is refused or inspection or investigation 61962
is refused, hindered, or thwarted, the board of health or the 61963
director may suspend or revoke the construction and demolition 61964
debris facility's license. 61965

(D) If the entry authorized by division (C) of this section 61966
is refused or if the inspection or investigation so authorized is 61967
refused, hindered, or thwarted by intimidation or otherwise and if 61968
the director, the board of health, or authorized representative of 61969
either applies for and obtains a search warrant under division (C) 61970
of this section to conduct the inspection or investigation, the 61971
owner or operator of the premises where entry was refused or 61972
inspection or investigation was refused, hindered, or thwarted is 61973
liable to the director or board of health for the reasonable costs 61974
incurred by either for ~~the~~ all of the following: 61975

(1) The regular salaries and fringe benefit costs of 61976
personnel assigned to conduct the inspection or investigation from 61977
the time the entry, inspection, or investigation was refused, 61978
hindered, or thwarted until the search warrant is executed; ~~for~~ 61979
~~the~~ 61980

(2) The salary, fringe benefits, and travel expenses of the 61981
attorney general, prosecuting attorney of the county, or city 61982
director of law, or an authorized assistant, incurred in obtaining 61983
the search warrant; ~~and for expenses~~ 61984

(3) Expenses necessarily incurred for the assistance of local 61985
law enforcement officers in executing the search warrant. ~~In~~ 61986

In the application for a search warrant, the director or 61987
board of health may request and the court, in its order granting 61988
the search warrant, may order the owner or operator of the 61989
premises to reimburse the director or board of health for such of 61990
those costs as the court finds reasonable. From moneys recovered 61991
under this division, the director shall reimburse the attorney 61992

general for the costs incurred by ~~him~~ the attorney general or ~~his~~ the attorney general's authorized assistant in connection with
proceedings for obtaining the search warrant, shall reimburse the
political subdivision in which the premises is located for the
assistance of its law enforcement officers in executing the search
warrant, and shall deposit the remainder in the state treasury to
the credit of the ~~construction and demolition debris facility~~
~~oversight~~ waste management fund created in section ~~3714.07~~
3734.061 of the Revised Code. From moneys recovered under this
division, the board of health shall reimburse the prosecuting
attorney of the county or the city director of law for the costs
incurred by ~~him~~ the prosecuting attorney or the city director of
law or ~~his~~ the authorized assistant of the prosecuting attorney or
the city director of law in connection with proceedings for
obtaining the search warrant, shall reimburse the political
subdivision in which the premises is located for the assistance of
its law enforcement officers in executing the search warrant, and
shall deposit the remainder of any such moneys to the credit of
the special fund of the health district created in section 3714.07
of the Revised Code.

Sec. 3714.09. (A) The director of environmental protection
shall place each health district that is on the approved list
under division (A) or (B) of section 3734.08 of the Revised Code
on the approved list for the purposes of issuing permits to
install and licenses under this chapter. Any survey or resurvey of
any such health district conducted under section 3734.08 of the
Revised Code shall also determine whether there is substantial
compliance with this chapter. If the director removes any such
health district from the approved list under division (B) of that
section, the director shall also remove the health district from
the approved list under this division and shall administer and
enforce this chapter in the health district until the health

district is placed on the approved list under division (B) of 62025
section 3734.08 of the Revised Code or division (B)(1) of this 62026
section. 62027

(B)(1) Upon the request of the board of health of a health 62028
district that is not on the approved list under division (A) or 62029
(B) of section 3734.08 of the Revised Code, the director may place 62030
the board on the approved list for the purpose of permitting and 62031
licensing construction and demolition debris facilities under this 62032
chapter if the director determines that the board is both capable 62033
of and willing to enforce all of the applicable requirements of 62034
this chapter and rules adopted under it. 62035

(2) The director shall annually survey each health district 62036
on the approved list under division (B)(1) of this section to 62037
determine whether there is substantial compliance with this 62038
chapter and rules adopted under it. Upon determining that there is 62039
substantial compliance, the director shall place the health 62040
district on the approved list under that division. The director 62041
shall make a resurvey when in the director's opinion a resurvey is 62042
necessary and shall remove from the approved list under division 62043
(B)(1) of this section any health district not substantially 62044
complying with this chapter and rules adopted under it. 62045

(3) If, after a survey or resurvey is made under division 62046
(B)(2) of this section, the director determines that a health 62047
district is not eligible to be placed on the approved list or to 62048
continue on that list, the director shall certify that fact to the 62049
board of health of the health district and shall administer and 62050
enforce this chapter and rules adopted under it in the health 62051
district until such time as the health district is placed on the 62052
approved list. 62053

(4) Whenever the director is required to administer and 62054
enforce this chapter in any health district under division (A) or 62055
(B)(3) of this section, the director is hereby vested with all of 62056

the authority and all the duties granted to or imposed upon a board of health under this chapter and rules adopted under it within the health district. All disposal fees required to be paid to a board of health by section 3714.07 of the Revised Code and all such previous fees paid to the board, together with any money from construction and demolition debris facility license fees that were required to be paid to the board under section 3714.07 of the Revised Code as that section existed prior to April 15, 2005, that have not been expended or encumbered shall be paid to the director and deposited by the director in the state treasury to the credit of the ~~construction and demolition debris facility oversight~~ waste management fund created in section ~~3714.07~~ 3734.061 of the Revised Code.

(C) Nothing in this chapter limits the authority of the director to initiate and pursue any administrative remedy or to request the attorney general, the prosecuting attorney of the appropriate county, or the city director of law of the appropriate city to initiate and pursue any appropriate judicial remedy available under this chapter to enforce any provision of this chapter and any rules or terms or conditions of any permit or license or order adopted or issued under this chapter with respect to any construction and demolition debris facility regardless of whether the facility is located in a health district that is on the approved list under this section.

Sec. 3718.03. (A) There is hereby created the sewage treatment system technical advisory committee consisting of the director of health or the director's designee and thirteen members who are knowledgeable about sewage treatment systems and technologies. The director or the director's designee shall serve as committee secretary and may vote on actions taken by the committee. Of the thirteen members, five shall be appointed by the governor, four shall be appointed by the president of the senate,

and four shall be appointed by the speaker of the house of
representatives.

(1) Of the members appointed by the governor, one shall
represent academia and shall be active in teaching or research in
the area of on-site wastewater treatment, one shall be a
representative of the public who is not employed by the state or
any of its political subdivisions and who does not have a
pecuniary interest in sewage treatment systems, one shall be a
registered professional engineer employed by the environmental
protection agency, one shall be selected from among soil
scientists in the division of soil and water ~~resources~~
conservation in the department of ~~natural resources~~ agriculture,
and one shall be a representative of a statewide organization
representing townships.

(2) Of the members appointed by the president of the senate,
one shall be a health commissioner who is a member of and
recommended by the association of Ohio health commissioners, one
shall represent the interests of manufacturers of sewage treatment
systems, one shall represent installers and service providers, and
one shall be a person with demonstrated experience in the design
of sewage treatment systems.

(3) Of the members appointed by the speaker of the house of
representatives, one shall be a health commissioner who is a
member of and recommended by the association of Ohio health
commissioners, one shall represent the interests of manufacturers
of sewage treatment systems, one shall be a sanitarian who is
registered under Chapter 4736. of the Revised Code and who is a
member of the Ohio environmental health association, and one shall
be a registered professional engineer with experience in sewage
treatment systems.

(B) Terms of members appointed to the committee shall be for
three years, with each term ending on the same day of the same

month as did the term that it succeeds. Each member shall serve 62121
from the date of appointment until the end of the term for which 62122
the member was appointed. 62123

Members may be reappointed. Vacancies shall be filled in the 62124
same manner as provided for original appointments. Any member 62125
appointed to fill a vacancy occurring prior to the expiration date 62126
of the term for which the member was appointed shall hold office 62127
for the remainder of that term. A member shall continue to serve 62128
after the expiration date of the member's term until the member's 62129
successor is appointed or until a period of sixty days has 62130
elapsed, whichever occurs first. The applicable appointing 62131
authority may remove a member from the committee for failure to 62132
attend two consecutive meetings without showing good cause for the 62133
absences. 62134

(C) The technical advisory committee annually shall select 62135
from among its members a chairperson and a vice-chairperson. The 62136
secretary shall keep a record of its proceedings. A majority vote 62137
of the members of the full committee is necessary to take action 62138
on any matter. The committee may adopt bylaws governing its 62139
operation, including bylaws that establish the frequency of 62140
meetings. 62141

(D) Serving as a member of the sewage treatment system 62142
technical advisory committee does not constitute holding a public 62143
office or position of employment under the laws of this state and 62144
does not constitute grounds for removal of public officers or 62145
employees from their offices or positions of employment. Members 62146
of the committee shall serve without compensation for attending 62147
committee meetings. 62148

(E) A member of the committee shall not have a conflict of 62149
interest with the position. For the purposes of this division, 62150
"conflict of interest" means the taking of any action that 62151
violates any provision of Chapter 102. or 2921. of the Revised 62152

Code. 62153

(F) The sewage treatment system technical advisory committee 62154
shall do all of the following: 62155

(1) Develop with the department of health standards, 62156
guidelines, and protocols for approving or disapproving a sewage 62157
treatment system or components of a system under section 3718.04 62158
of the Revised Code. Any guideline requiring the submission of 62159
scientific information or testing data shall specify, in writing, 62160
the protocol and format to be used in submitting the information 62161
or data. 62162

(2) Develop with the department an application form to be 62163
submitted to the director by an applicant for approval or 62164
disapproval of a sewage treatment system or components of a system 62165
and specify the information that must be included with an 62166
application form; 62167

(3) Make recommendations to the director regarding the 62168
approval or disapproval of an application sent to the director 62169
under section 3718.04 of the Revised Code requesting approval of a 62170
sewage treatment system or components of a system; 62171

(4) Pursue and recruit in an active manner the research, 62172
development, introduction, and timely approval of innovative and 62173
cost-effective sewage treatment systems and components of a system 62174
for use in this state, which shall include conducting pilot 62175
projects to assess the effectiveness of a system or components of 62176
a system. 62177

(G) The chairperson of the committee shall prepare and submit 62178
an annual report concerning the activities of the committee to the 62179
general assembly not later than ninety days after the end of the 62180
calendar year. The report shall discuss the number of applications 62181
submitted under section 3718.04 of the Revised Code for the 62182
approval of a new sewage treatment system or a component of a 62183

system, the number of such systems and components that were 62184
approved, any information that the committee considers beneficial 62185
to the general assembly, and any other information that the 62186
chairperson determines is beneficial to the general assembly. If 62187
other members of the committee determine that certain information 62188
should be included in the report, they shall submit the 62189
information to the chairperson not later than thirty days after 62190
the end of the calendar year. 62191

(H) The department shall provide meeting space for the 62192
committee. The committee shall be assisted in its duties by the 62193
staff of the department. 62194

(I) Sections 101.82 to 101.87 of the Revised Code do not 62195
apply to the sewage treatment system technical advisory committee. 62196

Sec. 3734.01. As used in this chapter: 62197

(A) "Board of health" means the board of health of a city or 62198
general health district or the authority having the duties of a 62199
board of health in any city as authorized by section 3709.05 of 62200
the Revised Code. 62201

(B) "Director" means the director of environmental 62202
protection. 62203

(C) "Health district" means a city or general health district 62204
as created by or under authority of Chapter 3709. of the Revised 62205
Code. 62206

(D) "Agency" means the environmental protection agency. 62207

(E) "Solid wastes" means such unwanted residual solid or 62208
semisolid material as results from industrial, commercial, 62209
agricultural, and community operations, excluding earth or 62210
material from construction, mining, or demolition operations, or 62211
other waste materials of the type that normally would be included 62212
in demolition debris, nontoxic fly ash and bottom ash, including 62213

at least ash that results from the combustion of coal and ash that 62214
results from the combustion of coal in combination with scrap 62215
tires where scrap tires comprise not more than fifty per cent of 62216
heat input in any month, spent nontoxic foundry sand, nontoxic, 62217
nonhazardous, unwanted fired and unfired, glazed and unglazed, 62218
structural products made from shale and clay products, and slag 62219
and other substances that are not harmful or inimical to public 62220
health, and includes, but is not limited to, garbage, scrap tires, 62221
combustible and noncombustible material, street dirt, and debris. 62222
"Solid wastes" does not include any material that is an infectious 62223
waste or a hazardous waste. 62224

(F) "Disposal" means the discharge, deposit, injection, 62225
dumping, spilling, leaking, emitting, or placing of any solid 62226
wastes or hazardous waste into or on any land or ground or surface 62227
water or into the air, except if the disposition or placement 62228
constitutes storage or treatment or, if the solid wastes consist 62229
of scrap tires, the disposition or placement constitutes a 62230
beneficial use or occurs at a scrap tire recovery facility 62231
licensed under section 3734.81 of the Revised Code. 62232

(G) "Person" includes the state, any political subdivision 62233
and other state or local body, the United States and any agency or 62234
instrumentality thereof, and any legal entity defined as a person 62235
under section 1.59 of the Revised Code. 62236

(H) "Open burning" means the burning of solid wastes in an 62237
open area or burning of solid wastes in a type of chamber or 62238
vessel that is not approved or authorized in rules adopted by the 62239
director under section 3734.02 of the Revised Code or, if the 62240
solid wastes consist of scrap tires, in rules adopted under 62241
division (V) of this section or section 3734.73 of the Revised 62242
Code, or the burning of treated or untreated infectious wastes in 62243
an open area or in a type of chamber or vessel that is not 62244
approved in rules adopted by the director under section 3734.021 62245

of the Revised Code. 62246

(I) "Open dumping" means the depositing of solid wastes into 62247
a body or stream of water or onto the surface of the ground at a 62248
site that is not licensed as a solid waste facility under section 62249
3734.05 of the Revised Code or, if the solid wastes consist of 62250
scrap tires, as a scrap tire collection, storage, monocell, 62251
monofill, or recovery facility under section 3734.81 of the 62252
Revised Code; the depositing of solid wastes that consist of scrap 62253
tires onto the surface of the ground at a site or in a manner not 62254
specifically identified in divisions (C)(2) to (5), (7), or (10) 62255
of section 3734.85 of the Revised Code; the depositing of 62256
untreated infectious wastes into a body or stream of water or onto 62257
the surface of the ground; or the depositing of treated infectious 62258
wastes into a body or stream of water or onto the surface of the 62259
ground at a site that is not licensed as a solid waste facility 62260
under section 3734.05 of the Revised Code. 62261

(J) "Hazardous waste" means any waste or combination of 62262
wastes in solid, liquid, semisolid, or contained gaseous form that 62263
in the determination of the director, because of its quantity, 62264
concentration, or physical or chemical characteristics, may do 62265
either of the following: 62266

(1) Cause or significantly contribute to an increase in 62267
mortality or an increase in serious irreversible or incapacitating 62268
reversible illness; 62269

(2) Pose a substantial present or potential hazard to human 62270
health or safety or to the environment when improperly stored, 62271
treated, transported, disposed of, or otherwise managed. 62272

"Hazardous waste" includes any substance identified by 62273
regulation as hazardous waste under the "Resource Conservation and 62274
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 62275
amended, and does not include any substance that is subject to the 62276

"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended. 62277
62278

(K) "Treat" or "treatment," when used in connection with hazardous waste, means any method, technique, or process designed to change the physical, chemical, or biological characteristics or composition of any hazardous waste; to neutralize the waste; to recover energy or material resources from the waste; to render the waste nonhazardous or less hazardous, safer to transport, store, or dispose of, or amenable for recovery, storage, further treatment, or disposal; or to reduce the volume of the waste. When used in connection with infectious wastes, "treat" or "treatment" means any method, technique, or process that renders the wastes noninfectious so that it is no longer an infectious waste and is no longer an infectious substance as defined in applicable federal law, including, without limitation, steam sterilization and incineration, and, in the instance of wastes identified in division (R)(7) of this section, to substantially reduce or eliminate the potential for the wastes to cause lacerations or puncture wounds. 62279
62280
62281
62282
62283
62284
62285
62286
62287
62288
62289
62290
62291
62292
62293
62294
62295

(L) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage. 62296
62297
62298
62299

(M) "Storage," when used in connection with hazardous waste, means the holding of hazardous waste for a temporary period in such a manner that it remains retrievable and substantially unchanged physically and chemically and, at the end of the period, is treated; disposed of; stored elsewhere; or reused, recycled, or reclaimed in a beneficial manner. When used in connection with solid wastes that consist of scrap tires, "storage" means the holding of scrap tires for a temporary period in such a manner that they remain retrievable and, at the end of that period, are 62300
62301
62302
62303
62304
62305
62306
62307
62308

beneficially used; stored elsewhere; placed in a scrap tire 62309
monocell or monofill facility licensed under section 3734.81 of 62310
the Revised Code; processed at a scrap tire recovery facility 62311
licensed under that section or a solid waste incineration or 62312
energy recovery facility subject to regulation under this chapter; 62313
or transported to a scrap tire monocell, monofill, or recovery 62314
facility, any other solid waste facility authorized to dispose of 62315
scrap tires, or a facility that will beneficially use the scrap 62316
tires, that is located in another state and is operating in 62317
compliance with the laws of the state in which the facility is 62318
located. 62319

(N) "Facility" means any site, location, tract of land, 62320
installation, or building used for incineration, composting, 62321
sanitary landfilling, or other methods of disposal of solid wastes 62322
or, if the solid wastes consist of scrap tires, for the 62323
collection, storage, or processing of the solid wastes; for the 62324
transfer of solid wastes; for the treatment of infectious wastes; 62325
or for the storage, treatment, or disposal of hazardous waste. 62326

(O) "Closure" means the time at which a hazardous waste 62327
facility will no longer accept hazardous waste for treatment, 62328
storage, or disposal, the time at which a solid waste facility 62329
will no longer accept solid wastes for transfer or disposal or, if 62330
the solid wastes consist of scrap tires, for storage or 62331
processing, or the effective date of an order revoking the permit 62332
for a hazardous waste facility or the registration certificate, 62333
permit, or license for a solid waste facility, as applicable. 62334
"Closure" includes measures performed to protect public health or 62335
safety, to prevent air or water pollution, or to make the facility 62336
suitable for other uses, if any, including, but not limited to, 62337
the removal of processing residues resulting from solid wastes 62338
that consist of scrap tires; the establishment and maintenance of 62339
a suitable cover of soil and vegetation over cells in which 62340

hazardous waste or solid wastes are buried; minimization of 62341
erosion, the infiltration of surface water into such cells, the 62342
production of leachate, and the accumulation and runoff of 62343
contaminated surface water; the final construction of facilities 62344
for the collection and treatment of leachate and contaminated 62345
surface water runoff, except as otherwise provided in this 62346
division; the final construction of air and water quality 62347
monitoring facilities, except as otherwise provided in this 62348
division; the final construction of methane gas extraction and 62349
treatment systems; or the removal and proper disposal of hazardous 62350
waste or solid wastes from a facility when necessary to protect 62351
public health or safety or to abate or prevent air or water 62352
pollution. With regard to a solid waste facility that is a scrap 62353
tire facility, "closure" includes the final construction of 62354
facilities for the collection and treatment of leachate and 62355
contaminated surface water runoff and the final construction of 62356
air and water quality monitoring facilities only if those actions 62357
are determined to be necessary. 62358

(P) "Premises" means either of the following: 62359

(1) Geographically contiguous property owned by a generator; 62360

(2) Noncontiguous property that is owned by a generator and 62361
connected by a right-of-way that the generator controls and to 62362
which the public does not have access. Two or more pieces of 62363
property that are geographically contiguous and divided by public 62364
or private right-of-way or rights-of-way are a single premises. 62365

(Q) "Post-closure" means that period of time following 62366
closure during which a hazardous waste facility is required to be 62367
monitored and maintained under this chapter and rules adopted 62368
under it, including, without limitation, operation and maintenance 62369
of methane gas extraction and treatment systems, or the period of 62370
time after closure during which a scrap tire monocell or monofill 62371
facility licensed under section 3734.81 of the Revised Code is 62372

required to be monitored and maintained under this chapter and 62373
rules adopted under it. 62374

(R) "Infectious wastes" means any wastes or combination of 62375
wastes that include cultures and stocks of infectious agents and 62376
associated biologicals, human blood and blood products, and 62377
substances that were or are likely to have been exposed to or 62378
contaminated with or are likely to transmit an infectious agent or 62379
zoonotic agent, including all of the following: 62380

(1) Laboratory wastes; 62381

(2) Pathological wastes; 62382

(3) Animal blood and blood products; 62383

(4) Animal carcasses and parts; 62384

(5) Waste materials from the rooms of humans, or the 62385
enclosures of animals, that have been isolated because of 62386
diagnosed communicable disease that are likely to transmit 62387
infectious agents. Such waste materials from the rooms of humans 62388
do not include any wastes of patients who have been placed on 62389
blood and body fluid precautions under the universal precaution 62390
system established by the centers for disease control in the 62391
public health service of the United States department of health 62392
and human services, except to the extent specific wastes generated 62393
under the universal precautions system have been identified as 62394
infectious wastes by rules adopted under division (R)(7) of this 62395
section. 62396

(6) Sharp wastes used in the treatment, diagnosis, or 62397
inoculation of human beings or animals; 62398

(7) Any other waste materials generated in the diagnosis, 62399
treatment, or immunization of human beings or animals, in research 62400
pertaining thereto, or in the production or testing of 62401
biologicals, that the director of health, by rules adopted in 62402

accordance with Chapter 119. of the Revised Code, identifies as 62403
infectious wastes after determining that the wastes present a 62404
substantial threat to human health when improperly managed because 62405
they are contaminated with, or are likely to be contaminated with, 62406
infectious agents. 62407

As used in this division, "blood products" does not include 62408
patient care waste such as bandages or disposable gowns that are 62409
lightly soiled with blood or other body fluids unless those wastes 62410
are soiled to the extent that the generator of the wastes 62411
determines that they should be managed as infectious wastes. 62412

(S) "Infectious agent" means a type of microorganism, 62413
pathogen, virus, or proteinaceous infectious particle that can 62414
cause or significantly contribute to disease in or death of human 62415
beings. 62416

(T) "Zoonotic agent" means a type of microorganism, pathogen, 62417
or virus that causes disease in vertebrate animals, is 62418
transmissible to human beings, and can cause or significantly 62419
contribute to disease in or death of human beings. 62420

(U) "Solid waste transfer facility" means any site, location, 62421
tract of land, installation, or building that is used or intended 62422
to be used primarily for the purpose of transferring solid wastes 62423
that were generated off the premises of the facility from vehicles 62424
or containers into other vehicles for transportation to a solid 62425
waste disposal facility. "Solid waste transfer facility" does not 62426
include any facility that consists solely of portable containers 62427
that have an aggregate volume of fifty cubic yards or less nor any 62428
facility where legitimate recycling activities are conducted. 62429

(V) "Beneficially use" includes: 62430

(1) With regard to scrap tires, to use a scrap tire in a 62431
manner that results in a commodity for sale or exchange or in any 62432
other manner authorized as a beneficial use in rules adopted by 62433

the director in accordance with Chapter 119. of the Revised Code; 62434

(2) With regard to material from a horizontal well that has 62435
come in contact with a refined oil-based substance and that is not 62436
technologically enhanced naturally occurring radioactive material, 62437
to use the material in any manner authorized as a beneficial use 62438
in rules adopted by the director under section 3734.125 of the 62439
Revised Code. 62440

(W) "Commercial car," "commercial tractor," "farm machinery," 62441
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 62442
the same meanings as in section 4501.01 of the Revised Code. 62443

(X) "Construction equipment" means road rollers, traction 62444
engines, power shovels, power cranes, and other equipment used in 62445
construction work, or in mining or producing or processing 62446
aggregates, and not designed for or used in general highway 62447
transportation. 62448

(Y) "Motor vehicle salvage dealer" has the same meaning as in 62449
section 4738.01 of the Revised Code. 62450

(Z) "Scrap tire" means an unwanted or discarded tire. 62451

(AA) "Scrap tire collection facility" means any facility that 62452
meets all of the following qualifications: 62453

(1) The facility is used for the receipt and storage of whole 62454
scrap tires from the public prior to their transportation to a 62455
scrap tire storage, monocell, monofill, or recovery facility 62456
licensed under section 3734.81 of the Revised Code; a solid waste 62457
incineration or energy recovery facility subject to regulation 62458
under this chapter; a premises within the state where the scrap 62459
tires will be beneficially used; or a scrap tire storage, 62460
monocell, monofill, or recovery facility, any other solid waste 62461
disposal facility authorized to dispose of scrap tires, or a 62462
facility that will beneficially use the scrap tires, that is 62463
located in another state, and that is operating in compliance with 62464

the laws of the state in which the facility is located. 62465

(2) The facility exclusively stores scrap tires in portable 62466
containers. 62467

(3) The aggregate storage of the portable containers in which 62468
the scrap tires are stored does not exceed five thousand cubic 62469
feet. 62470

(BB) "Scrap tire monocell facility" means an individual site 62471
within a solid waste landfill that is used exclusively for the 62472
environmentally sound storage or disposal of whole scrap tires or 62473
scrap tires that have been shredded, chipped, or otherwise 62474
mechanically processed. 62475

(CC) "Scrap tire monofill facility" means an engineered 62476
facility used or intended to be used exclusively for the storage 62477
or disposal of scrap tires, including at least facilities for the 62478
submergence of whole scrap tires in a body of water. 62479

(DD) "Scrap tire recovery facility" means any facility, or 62480
portion thereof, for the processing of scrap tires for the purpose 62481
of extracting or producing usable products, materials, or energy 62482
from the scrap tires through a controlled combustion process, 62483
mechanical process, or chemical process. "Scrap tire recovery 62484
facility" includes any facility that uses the controlled 62485
combustion of scrap tires in a manufacturing process to produce 62486
process heat or steam or any facility that produces usable heat or 62487
electric power through the controlled combustion of scrap tires in 62488
combination with another fuel, but does not include any solid 62489
waste incineration or energy recovery facility that is designed, 62490
constructed, and used for the primary purpose of incinerating 62491
mixed municipal solid wastes and that burns scrap tires in 62492
conjunction with mixed municipal solid wastes, or any tire 62493
retreading business, tire manufacturing finishing center, or tire 62494
adjustment center having on the premises of the business a single, 62495

covered scrap tire storage area at which not more than four 62496
thousand scrap tires are stored. 62497

(EE) "Scrap tire storage facility" means any facility where 62498
whole scrap tires are stored prior to their transportation to a 62499
scrap tire monocell, monofill, or recovery facility licensed under 62500
section 3734.81 of the Revised Code; a solid waste incineration or 62501
energy recovery facility subject to regulation under this chapter; 62502
a premises within the state where the scrap tires will be 62503
beneficially used; or a scrap tire storage, monocell, monofill, or 62504
recovery facility, any other solid waste disposal facility 62505
authorized to dispose of scrap tires, or a facility that will 62506
beneficially use the scrap tires, that is located in another 62507
state, and that is operating in compliance with the laws of the 62508
state in which the facility is located. 62509

(FF) "Used oil" means any oil that has been refined from 62510
crude oil, or any synthetic oil, that has been used and, as a 62511
result of that use, is contaminated by physical or chemical 62512
impurities. "Used oil" includes only those substances identified 62513
as used oil by the United States environmental protection agency 62514
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 62515
U.S.C.A. 6901a, as amended. 62516

(GG) "Accumulated speculatively" has the same meaning as in 62517
rules adopted by the director under section 3734.12 of the Revised 62518
Code. 62519

(HH) "Horizontal well" has the same meaning as in section 62520
1509.01 of the Revised Code. 62521

(II) "Technologically enhanced naturally occurring 62522
radioactive material" has the same meaning as in section 3748.01 62523
of the Revised Code. 62524

Sec. 3734.02. (A) The director of environmental protection, 62525

in accordance with Chapter 119. of the Revised Code, shall adopt 62526
and may amend, suspend, or rescind rules having uniform 62527
application throughout the state governing solid waste facilities 62528
and the inspections of and issuance of permits and licenses for 62529
all solid waste facilities in order to ensure that the facilities 62530
will be located, maintained, and operated, and will undergo 62531
closure and post-closure care, in a sanitary manner so as not to 62532
create a nuisance, cause or contribute to water pollution, create 62533
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 62534
257.3-8, as amended. The rules may include, without limitation, 62535
financial assurance requirements for closure and post-closure care 62536
and corrective action and requirements for taking corrective 62537
action in the event of the surface or subsurface discharge or 62538
migration of explosive gases or leachate from a solid waste 62539
facility, or of ground water contamination resulting from the 62540
transfer or disposal of solid wastes at a facility, beyond the 62541
boundaries of any area within a facility that is operating or is 62542
undergoing closure or post-closure care where solid wastes were 62543
disposed of or are being disposed of. The rules shall not concern 62544
or relate to personnel policies, salaries, wages, fringe benefits, 62545
or other conditions of employment of employees of persons owning 62546
or operating solid waste facilities. The director, in accordance 62547
with Chapter 119. of the Revised Code, shall adopt and may amend, 62548
suspend, or rescind rules governing the issuance, modification, 62549
revocation, suspension, or denial of variances from the director's 62550
solid waste rules, including, without limitation, rules adopted 62551
under this chapter governing the management of scrap tires. 62552

Variances shall be issued, modified, revoked, suspended, or 62553
rescinded in accordance with this division, rules adopted under 62554
it, and Chapter 3745. of the Revised Code. The director may order 62555
the person to whom a variance is issued to take such action within 62556
such time as the director may determine to be appropriate and 62557
reasonable to prevent the creation of a nuisance or a hazard to 62558

the public health or safety or the environment. Applications for 62559
variances shall contain such detail plans, specifications, and 62560
information regarding objectives, procedures, controls, and other 62561
pertinent data as the director may require. The director shall 62562
grant a variance only if the applicant demonstrates to the 62563
director's satisfaction that construction and operation of the 62564
solid waste facility in the manner allowed by the variance and any 62565
terms or conditions imposed as part of the variance will not 62566
create a nuisance or a hazard to the public health or safety or 62567
the environment. In granting any variance, the director shall 62568
state the specific provision or provisions whose terms are to be 62569
varied and also shall state specific terms or conditions imposed 62570
upon the applicant in place of the provision or provisions. The 62571

The director may hold a public hearing on an application for 62572
a variance or renewal of a variance at a location in the county 62573
where the operations that are the subject of the application for 62574
the variance are conducted. The director shall give not less than 62575
twenty days' notice of the hearing to the applicant by certified 62576
mail or by another type of mail accompanied by a receipt and shall 62577
publish at least one notice of the hearing in a newspaper with 62578
general circulation in the county where the hearing is to be held. 62579
The director shall make available for public inspection at the 62580
principal office of the environmental protection agency a current 62581
list of pending applications for variances and a current schedule 62582
of pending variance hearings. The director shall make a complete 62583
stenographic record of testimony and other evidence submitted at 62584
the hearing. ~~Within~~ 62585

Within ten days after the hearing, the director shall make a 62586
written determination to issue, renew, or deny the variance and 62587
shall enter the determination and the basis for it into the record 62588
of the hearing. The director shall issue, renew, or deny an 62589
application for a variance or renewal of a variance within six 62590

months of the date upon which the director receives a complete 62591
application with all pertinent information and data required. No 62592
variance shall be issued, revoked, modified, or denied until the 62593
director has considered the relative interests of the applicant, 62594
other persons and property affected by the variance, and the 62595
general public. Any variance granted under this division shall be 62596
for a period specified by the director and may be renewed from 62597
time to time on such terms and for such periods as the director 62598
determines to be appropriate. No application shall be denied and 62599
no variance shall be revoked or modified without a written order 62600
stating the findings upon which the denial, revocation, or 62601
modification is based. A copy of the order shall be sent to the 62602
applicant or variance holder by certified mail or by another type 62603
of mail accompanied by a receipt. 62604

(B) The director shall prescribe and furnish the forms 62605
necessary to administer and enforce this chapter. The director may 62606
cooperate with and enter into agreements with other state, local, 62607
or federal agencies to carry out the purposes of this chapter. The 62608
director may exercise all incidental powers necessary to carry out 62609
the purposes of this chapter. 62610

~~The director may use moneys in the infectious waste 62611
management fund created in section 3734.021 of the Revised Code 62612
exclusively for administering and enforcing the provisions of this 62613
chapter governing the management of infectious wastes. 62614~~

(C) Except as provided in this division and divisions (N)(2) 62615
and (3) of this section, no person shall establish a new solid 62616
waste facility or infectious waste treatment facility, or modify 62617
an existing solid waste facility or infectious waste treatment 62618
facility, without submitting an application for a permit with 62619
accompanying detail plans, specifications, and information 62620
regarding the facility and method of operation and receiving a 62621
permit issued by the director, except that no permit shall be 62622

required under this division to install or operate a solid waste 62623
facility for sewage sludge treatment or disposal when the 62624
treatment or disposal is authorized by a current permit issued 62625
under Chapter 3704. or 6111. of the Revised Code. 62626

No person shall continue to operate a solid waste facility 62627
for which the director has denied a permit for which an 62628
application was required under division (A)(3) of section 3734.05 62629
of the Revised Code, or for which the director has disapproved 62630
plans and specifications required to be filed by an order issued 62631
under division (A)(5) of that section, after the date prescribed 62632
for commencement of closure of the facility in the order issued 62633
under division (A)(6) of section 3734.05 of the Revised Code 62634
denying the permit application or approval. 62635

On and after the effective date of the rules adopted under 62636
division (A) of this section and division (D) of section 3734.12 62637
of the Revised Code governing solid waste transfer facilities, no 62638
person shall establish a new, or modify an existing, solid waste 62639
transfer facility without first submitting an application for a 62640
permit with accompanying engineering detail plans, specifications, 62641
and information regarding the facility and its method of operation 62642
to the director and receiving a permit issued by the director. 62643

No person shall establish a new compost facility or continue 62644
to operate an existing compost facility that accepts exclusively 62645
source separated yard wastes without submitting a completed 62646
registration for the facility to the director in accordance with 62647
rules adopted under divisions (A) and (N)(3) of this section. 62648

This division does not apply to a generator of infectious 62649
wastes that does any of the following: 62650

(1) Treats, by methods, techniques, and practices established 62651
by rules adopted under division (B)(2)(a) of section 3734.021 of 62652
the Revised Code, any of the following: 62653

(a) Infectious wastes that are generated on any premises that are owned or operated by the generator; 62654
62655

(b) Infectious wastes that are generated by a generator who has staff privileges at a hospital as defined in section 3727.01 of the Revised Code; 62656
62657
62658

(c) Infectious wastes that are generated in providing care to a patient by an emergency medical services organization as defined in section 4765.01 of the Revised Code. 62659
62660
62661

(2) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code; 62662
62663
62664

(3) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following: 62665
62666

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 62667
62668

(b) Chapter 918. of the Revised Code; 62669

(c) Chapter 953. of the Revised Code. 62670

(D) Neither this chapter nor any rules adopted under it apply to single-family residential premises; to infectious wastes generated by individuals for purposes of their own care or treatment; to the temporary storage of solid wastes, other than scrap tires, prior to their collection for disposal; to the storage of one hundred or fewer scrap tires unless they are stored in such a manner that, in the judgment of the director or the board of health of the health district in which the scrap tires are stored, the storage causes a nuisance, a hazard to public health or safety, or a fire hazard; or to the collection of solid wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the 62671
62672
62673
62674
62675
62676
62677
62678
62679
62680
62681
62682
62683

Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.

(E)(1) As used in this division:

(a) "On-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated on the premises of the facility.

(b) "Off-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated off the premises of the facility and includes such a facility that is also an on-site facility.

(c) "Satellite facility" means any of the following:

(i) An on-site facility that also receives hazardous waste from other premises owned by the same person who generates the waste on the facility premises;

(ii) An off-site facility operated so that all of the hazardous waste it receives is generated on one or more premises owned by the person who owns the facility;

(iii) An on-site facility that also receives hazardous waste that is transported uninterruptedly and directly to the facility through a pipeline from a generator who is not the owner of the facility.

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code and subject to the payment of an application fee not to exceed one thousand five hundred

dollars, payable upon application for a hazardous waste facility 62714
installation and operation permit and upon application for a 62715
renewal permit issued under division (H) of section 3734.05 of the 62716
Revised Code, to be credited to the hazardous waste facility 62717
management fund created in section 3734.18 of the Revised Code. 62718
The term of a hazardous waste facility installation and operation 62719
permit shall not exceed ten years. 62720

In addition to the application fee, there is hereby levied an 62721
annual permit fee to be paid by the permit holder upon the 62722
anniversaries of the date of issuance of the hazardous waste 62723
facility installation and operation permit and of any subsequent 62724
renewal permits and to be credited to the hazardous waste facility 62725
management fund. Annual permit fees totaling forty thousand 62726
dollars or more for any one facility may be paid on a quarterly 62727
basis with the first quarterly payment each year being due on the 62728
anniversary of the date of issuance of the hazardous waste 62729
facility installation and operation permit and of any subsequent 62730
renewal permits. The annual permit fee shall be determined for 62731
each permit holder by the director in accordance with the 62732
following schedule: 62733

TYPE OF BASIC			62734
MANAGEMENT UNIT	TYPE OF FACILITY	FEE	62735
Storage facility using:			62736
Containers	On-site, off-site, and		62737
	satellite	\$ 500	62738
Tanks	On-site, off-site, and		62739
	satellite	500	62740
Waste pile	On-site, off-site, and		62741
	satellite	3,000	62742
Surface impoundment	On-site and satellite	8,000	62743
	Off-site	10,000	62744
Disposal facility using:			62745

Deep well injection	On-site and satellite	15,000	62746
	Off-site	25,000	62747
Landfill	On-site and satellite	25,000	62748
	Off-site	40,000	62749
Land application	On-site and satellite	2,500	62750
	Off-site	5,000	62751
Surface impoundment	On-site and satellite	10,000	62752
	Off-site	20,000	62753
Treatment facility using:			62754
Tanks	On-site, off-site, and		62755
	satellite	700	62756
Surface impoundment	On-site and satellite	8,000	62757
	Off-site	10,000	62758
Incinerator	On-site and satellite	5,000	62759
	Off-site	10,000	62760
Other forms			62761
of treatment	On-site, off-site, and		62762
	satellite	1,000	62763

A hazardous waste disposal facility that disposes of 62764
hazardous waste by deep well injection and that pays the annual 62765
permit fee established in section 6111.046 of the Revised Code is 62766
not subject to the permit fee established in this division for 62767
disposal facilities using deep well injection unless the director 62768
determines that the facility is not in compliance with applicable 62769
requirements established under this chapter and rules adopted 62770
under it. 62771

In determining the annual permit fee required by this 62772
section, the director shall not require additional payments for 62773
multiple units of the same method of storage, treatment, or 62774
disposal or for individual units that are used for both storage 62775
and treatment. A facility using more than one method of storage, 62776
treatment, or disposal shall pay the permit fee indicated by the 62777
schedule for each such method. 62778

The director shall not require the payment of that portion of
an annual permit fee of any permit holder that would apply to a
hazardous waste management unit for which a permit has been
issued, but for which construction has not yet commenced. Once
construction has commenced, the director shall require the payment
of a part of the appropriate fee indicated by the schedule that
bears the same relationship to the total fee that the number of
days remaining until the next anniversary date at which payment of
the annual permit fee is due bears to three hundred sixty-five.

The director, by rules adopted in accordance with Chapters
119. and 3745. of the Revised Code, shall prescribe procedures for
collecting the annual permit fee established by this division and
may prescribe other requirements necessary to carry out this
division.

(3) The prohibition against establishing or operating a
hazardous waste facility without a hazardous waste facility
installation and operation permit does not apply to either of the
following:

(a) A facility that is operating in accordance with a permit
renewal issued under division (H) of section 3734.05 of the
Revised Code, a revision issued under division (I) of that section
as it existed prior to August 20, 1996, or a modification issued
by the director under division (I) of that section on and after
August 20, 1996;

(b) Except as provided in division (J) of section 3734.05 of
the Revised Code, a facility that will operate or is operating in
accordance with a permit by rule, or that is not subject to permit
requirements, under rules adopted by the director. In accordance
with Chapter 119. of the Revised Code, the director shall adopt,
and subsequently may amend, suspend, or rescind, rules for the
purposes of division (E)(3)(b) of this section. Any rules so
adopted shall be consistent with and equivalent to regulations

pertaining to interim status adopted under the "Resource 62811
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 62812
6921, as amended, except as otherwise provided in this chapter. 62813

If a modification is requested or proposed for a facility 62814
described in division (E)(3)(a) or (b) of this section, division 62815
(I)(7) of section 3734.05 of the Revised Code applies. 62816

(F) No person shall store, treat, or dispose of hazardous 62817
waste identified or listed under this chapter and rules adopted 62818
under it, regardless of whether generated on or off the premises 62819
where the waste is stored, treated, or disposed of, or transport 62820
or cause to be transported any hazardous waste identified or 62821
listed under this chapter and rules adopted under it to any other 62822
premises, except at or to any of the following: 62823

(1) A hazardous waste facility operating under a permit 62824
issued in accordance with this chapter; 62825

(2) A facility in another state operating under a license or 62826
permit issued in accordance with the "Resource Conservation and 62827
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 62828
amended; 62829

(3) A facility in another nation operating in accordance with 62830
the laws of that nation; 62831

(4) A facility holding a permit issued pursuant to Title I of 62832
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 62833
Stat. 1052, 33 U.S.C.A. 1401, as amended; 62834

(5) A hazardous waste facility as described in division 62835
(E)(3)(a) or (b) of this section. 62836

(G) The director, by order, may exempt any person generating, 62837
collecting, storing, treating, disposing of, or transporting solid 62838
wastes, infectious wastes, or hazardous waste, or processing solid 62839
wastes that consist of scrap tires, in such quantities or under 62840

such circumstances that, in the determination of the director, are 62841
unlikely to adversely affect the public health or safety or the 62842
environment from any requirement to obtain a registration 62843
certificate, permit, or license or comply with the manifest system 62844
or other requirements of this chapter. Such an exemption shall be 62845
consistent with and equivalent to any regulations adopted by the 62846
administrator of the United States environmental protection agency 62847
under the "Resource Conservation and Recovery Act of 1976," 90 62848
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 62849
provided in this chapter. 62850

(H) No person shall engage in filling, grading, excavating, 62851
building, drilling, or mining on land where a hazardous waste 62852
facility, or a solid waste facility, was operated without prior 62853
authorization from the director, who shall establish the procedure 62854
for granting such authorization by rules adopted in accordance 62855
with Chapter 119. of the Revised Code. 62856

A public utility that has main or distribution lines above or 62857
below the land surface located on an easement or right-of-way 62858
across land where a solid waste facility was operated may engage 62859
in any such activity within the easement or right-of-way without 62860
prior authorization from the director for purposes of performing 62861
emergency repair or emergency replacement of its lines; of the 62862
poles, towers, foundations, or other structures supporting or 62863
sustaining any such lines; or of the appurtenances to those 62864
structures, necessary to restore or maintain existing public 62865
utility service. A public utility may enter upon any such easement 62866
or right-of-way without prior authorization from the director for 62867
purposes of performing necessary or routine maintenance of those 62868
portions of its existing lines; of the existing poles, towers, 62869
foundations, or other structures sustaining or supporting its 62870
lines; or of the appurtenances to any such supporting or 62871
sustaining structure, located on or above the land surface on any 62872

such easement or right-of-way. Within twenty-four hours after 62873
commencing any such emergency repair, replacement, or maintenance 62874
work, the public utility shall notify the director or the 62875
director's authorized representative of those activities and shall 62876
provide such information regarding those activities as the 62877
director or the director's representative may request. Upon 62878
completion of the emergency repair, replacement, or maintenance 62879
activities, the public utility shall restore any land of the solid 62880
waste facility disturbed by those activities to the condition 62881
existing prior to the commencement of those activities. 62882

(I) No owner or operator of a hazardous waste facility, in 62883
the operation of the facility, shall cause, permit, or allow the 62884
emission therefrom of any particulate matter, dust, fumes, gas, 62885
mist, smoke, vapor, or odorous substance that, in the opinion of 62886
the director, unreasonably interferes with the comfortable 62887
enjoyment of life or property by persons living or working in the 62888
vicinity of the facility, or that is injurious to public health. 62889
Any such action is hereby declared to be a public nuisance. 62890

(J) Notwithstanding any other provision of this chapter, in 62891
the event the director finds an imminent and substantial danger to 62892
public health or safety or the environment that creates an 62893
emergency situation requiring the immediate treatment, storage, or 62894
disposal of hazardous waste, the director may issue a temporary 62895
emergency permit to allow the treatment, storage, or disposal of 62896
the hazardous waste at a facility that is not otherwise authorized 62897
by a hazardous waste facility installation and operation permit to 62898
treat, store, or dispose of the waste. The emergency permit shall 62899
not exceed ninety days in duration and shall not be renewed. The 62900
director shall adopt, and may amend, suspend, or rescind, rules in 62901
accordance with Chapter 119. of the Revised Code governing the 62902
issuance, modification, revocation, and denial of emergency 62903
permits. 62904

(K) Except for infectious wastes generated by a person who produces fewer than fifty pounds of infectious wastes at a premises during any one month, no owner or operator of a sanitary landfill shall knowingly accept for disposal, or dispose of, any infectious wastes that have not been treated to render them noninfectious.

(L) The director, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend, suspend, or rescind, rules having uniform application throughout the state establishing a training and certification program that shall be required for employees of boards of health who are responsible for enforcing the solid waste and infectious waste provisions of this chapter and rules adopted under them and for persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities. The rules shall provide all of the following, without limitation:

(1) The program shall be administered by the director and shall consist of a course on new solid waste and infectious waste technologies, enforcement procedures, and rules;

(2) The course shall be offered on an annual basis;

(3) Those persons who are required to take the course under division (L) of this section shall do so triennially;

(4) Persons who successfully complete the course shall be certified by the director;

(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;

(6)(a) All employees of a board of health who, on the

effective date of the rules adopted under this division, are 62936
responsible for enforcing the solid waste or infectious waste 62937
provisions of this chapter and the rules adopted under them shall 62938
complete the course and be certified by the director not later 62939
than January 1, 1995; 62940

(b) All employees of a board of health who, after the 62941
effective date of the rules adopted under division (L) of this 62942
section, become responsible for enforcing the solid waste or 62943
infectious waste provisions of this chapter and rules adopted 62944
under them and who do not hold a current and valid certification 62945
from the director at that time shall complete the course and be 62946
certified by the director within two years after becoming 62947
responsible for performing those activities. 62948

No person shall fail to obtain the certification required 62949
under this division. 62950

(M) The director shall not issue a permit under section 62951
3734.05 of the Revised Code to establish a solid waste facility, 62952
or to modify a solid waste facility operating on December 21, 62953
1988, in a manner that expands the disposal capacity or geographic 62954
area covered by the facility, that is or is to be located within 62955
the boundaries of a state park established or dedicated under 62956
Chapter 1541. of the Revised Code, a state park purchase area 62957
established under section 1541.02 of the Revised Code, any unit of 62958
the national park system, or any property that lies within the 62959
boundaries of a national park or recreation area, but that has not 62960
been acquired or is not administered by the secretary of the 62961
United States department of the interior, located in this state, 62962
or any candidate area located in this state and identified for 62963
potential inclusion in the national park system in the edition of 62964
the "national park system plan" submitted under paragraph (b) of 62965
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 62966
U.S.C.A. 1a-5, as amended, current at the time of filing of the 62967

application for the permit, unless the facility or proposed 62968
facility is or is to be used exclusively for the disposal of solid 62969
wastes generated within the park or recreation area and the 62970
director determines that the facility or proposed facility will 62971
not degrade any of the natural or cultural resources of the park 62972
or recreation area. The director shall not issue a variance under 62973
division (A) of this section and rules adopted under it, or issue 62974
an exemption order under division (G) of this section, that would 62975
authorize any such establishment or expansion of a solid waste 62976
facility within the boundaries of any such park or recreation 62977
area, state park purchase area, or candidate area, other than a 62978
solid waste facility exclusively for the disposal of solid wastes 62979
generated within the park or recreation area when the director 62980
determines that the facility will not degrade any of the natural 62981
or cultural resources of the park or recreation area. 62982

(N)(1) The rules adopted under division (A) of this section, 62983
other than those governing variances, do not apply to scrap tire 62984
collection, storage, monocell, monofill, and recovery facilities. 62985
Those facilities are subject to and governed by rules adopted 62986
under sections 3734.70 to 3734.73 of the Revised Code, as 62987
applicable. 62988

(2) Division (C) of this section does not apply to scrap tire 62989
collection, storage, monocell, monofill, and recovery facilities. 62990
The establishment and modification of those facilities are subject 62991
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 62992
Code, as applicable. 62993

(3) The director may adopt, amend, suspend, or rescind rules 62994
under division (A) of this section creating an alternative system 62995
for authorizing the establishment, operation, or modification of a 62996
solid waste compost facility in lieu of the requirement that a 62997
person seeking to establish, operate, or modify a solid waste 62998
compost facility apply for and receive a permit under division (C) 62999

of this section and section 3734.05 of the Revised Code and a 63000
license under division (A)(1) of that section. The rules may 63001
include requirements governing, without limitation, the 63002
classification of solid waste compost facilities, the submittal of 63003
operating records for solid waste compost facilities, and the 63004
creation of a registration or notification system in lieu of the 63005
issuance of permits and licenses for solid waste compost 63006
facilities. The rules shall specify the applicability of divisions 63007
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 63008
Code to a solid waste compost facility. 63009

(O)(1) As used in this division, "secondary aluminum waste" 63010
means waste material or byproducts, when disposed of, containing 63011
aluminum generated from secondary aluminum smelting operations and 63012
consisting of dross, salt cake, baghouse dust associated with 63013
aluminum recycling furnace operations, or dry-milled wastes. 63014

(2) The owner or operator of a sanitary landfill shall not 63015
dispose of municipal solid waste that has been commingled with 63016
secondary aluminum waste. 63017

(3) The owner or operator of a sanitary landfill may dispose 63018
of secondary aluminum waste, but only in a monocell or monofill 63019
that has been permitted for that purpose in accordance with this 63020
chapter and rules adopted under it. 63021

(P)(1) As used in divisions (P) and (Q) of this section: 63022

(a) "Natural background" means two picocuries per gram or the 63023
actual number of picocuries per gram as measured at an individual 63024
solid waste facility, subject to verification by the director of 63025
health. 63026

(b) "Drilling operation" includes a production operation as 63027
defined in section 1509.01 of the Revised Code. 63028

(2) The owner or operator of a solid waste facility shall not 63029
accept for transfer or disposal technologically enhanced naturally 63030

occurring radioactive material if that material contains or is 63031
contaminated with radium-226, radium-228, or any combination of 63032
radium-226 and radium-228 at concentrations equal to or greater 63033
than five picocuries per gram above natural background. 63034

(3) The owner or operator of a solid waste facility may 63035
receive and process for purposes other than transfer or disposal 63036
technologically enhanced naturally occurring radioactive material 63037
that contains or is contaminated with radium-226, radium-228, or 63038
any combination of radium-226 and radium-228 at concentrations 63039
equal to or greater than five picocuries per gram above natural 63040
background, provided that the owner or operator has obtained and 63041
maintains all other necessary authorizations, including any 63042
authorization required by rules adopted by the director of health 63043
under section 3748.04 of the Revised Code. 63044

(4) The director of environmental protection may adopt rules 63045
in accordance with Chapter 119. of the Revised Code governing the 63046
receipt, acceptance, processing, handling, management, and 63047
disposal by solid waste facilities of material that contains or is 63048
contaminated with radioactive material, including, without 63049
limitation, technologically enhanced naturally occurring 63050
radioactive material that contains or is contaminated with 63051
radium-226, radium-228, or any combination of radium-226 and 63052
radium-228 at concentrations less than five picocuries per gram 63053
above natural background. Rules adopted by the director may 63054
include at a minimum both of the following: 63055

(a) Requirements in accordance with which the owner or 63056
operator of a solid waste facility must monitor leachate and 63057
ground water for radium-226, radium-228, and other radionuclides; 63058

(b) Requirements in accordance with which the owner or 63059
operator of a solid waste facility must develop procedures to 63060
ensure that technologically enhanced naturally occurring 63061
radioactive material accepted at the facility neither contains nor 63062

is contaminated with radium-226, radium-228, or any combination of 63063
radium-226 and radium-228 at concentrations equal to or greater 63064
than five picocuries per gram above natural background. 63065

(Q) Notwithstanding any other provision of this section, the 63066
owner or operator of a solid waste facility shall not receive, 63067
accept, process, handle, manage, or dispose of technologically 63068
enhanced naturally occurring radioactive material associated with 63069
drilling operations without first obtaining representative 63070
analytical results to determine compliance with divisions (P)(2) 63071
and (3) of this section and rules adopted under it. 63072

Sec. 3734.021. (A) Infectious wastes shall be segregated, 63073
managed, treated, and disposed of in accordance with rules adopted 63074
under this section. 63075

(B) The director of environmental protection, in accordance 63076
with Chapter 119. of the Revised Code, shall adopt rules necessary 63077
or appropriate to protect human health or safety or the 63078
environment that do both of the following: 63079

(1) Establish standards for generators of infectious wastes 63080
that include, without limitation, the following requirements and 63081
authorizations that: 63082

(a) All generators of infectious wastes: 63083

(i) Either treat all specimen cultures and cultures of viable 63084
infectious agents on the premises where they are generated to 63085
render them noninfectious by methods, techniques, or practices 63086
prescribed by rules adopted under division (B)(2)(a) of this 63087
section before they are transported off that premises for disposal 63088
or ensure that such wastes are treated to render them 63089
noninfectious at an infectious waste treatment facility off that 63090
premises prior to disposal of the wastes; 63091

(ii) Transport and dispose of infectious wastes, if a 63092

generator produces fewer than fifty pounds of infectious wastes 63093
during any one month that are subject to and packaged and labeled 63094
in accordance with federal requirements, in the same manner as 63095
solid wastes. Such generators who treat specimen cultures and 63096
cultures of viable infectious agents on the premises where they 63097
are generated shall not be considered treatment facilities as 63098
"treatment" and "facility" are defined in section 3734.01 of the 63099
Revised Code. 63100

(iii) Dispose of infectious wastes subject to and treated in 63101
accordance with rules adopted under division (B)(1)(a)(i) of this 63102
section in the same manner as solid wastes; 63103

(iv) May take wastes generated in providing care to a patient 63104
by an emergency medical services organization, as defined in 63105
section 4765.01 of the Revised Code, to and leave them at a 63106
hospital, as defined in section 3727.01 of the Revised Code, for 63107
treatment at a treatment facility owned or operated by the 63108
hospital or, in conjunction with infectious wastes generated by 63109
the hospital, at another treatment facility regardless of whether 63110
the wastes were generated in providing care to the patient at the 63111
scene of an emergency or during the transportation of the patient 63112
to a hospital; 63113

(v) May take wastes generated by an individual for purposes 63114
of the individual's own care or treatment to and leave them at a 63115
hospital, as defined in section 3727.01 of the Revised Code, for 63116
treatment at a treatment facility owned or operated by the 63117
hospital or, in conjunction with infectious wastes generated by 63118
the hospital, at another treatment facility. 63119

(b) Each generator of fifty pounds or more of infectious 63120
wastes during any one month: 63121

(i) Register with the environmental protection agency as a 63122
generator of infectious wastes and obtain a registration 63123

certificate. The fee for issuance of a generator registration 63124
certificate is one hundred forty dollars payable at the time of 63125
application. The registration certificate applies to all the 63126
premises owned or operated by the generator in this state where 63127
infectious wastes are generated and shall list the address of each 63128
such premises. If a generator owns or operates facilities for the 63129
treatment of infectious wastes it generates, the certificate shall 63130
list the address and method of treatment used at each such 63131
facility. 63132

A generator registration certificate is valid for three years 63133
from the date of issuance and shall be renewed for a term of three 63134
years upon the generator's submission of an application for 63135
renewal and payment of a one hundred forty dollar renewal fee. 63136

The rules may establish a system of staggered renewal dates 63137
with approximately one-third of such certificates subject to 63138
renewal each year. The applicable renewal date shall be prescribed 63139
on each registration certificate. Registration fees shall be 63140
prorated according to the time remaining in the registration cycle 63141
to the nearest year. 63142

The registration and renewal fees collected under division 63143
(B)(1)(b)(i) of this section shall be ~~credited~~ deposited in the 63144
state treasury to the ~~infectious wastes management credit of the~~ 63145
waste management fund, ~~hereby created in the state treasury~~ 63146
section 3734.061 of the Revised Code. 63147

(ii) Segregate infectious wastes from other wastes at the 63148
point of generation. Nothing in this section and rules adopted 63149
under it prohibits a generator of infectious wastes from 63150
designating and managing any wastes, in addition to those defined 63151
as infectious wastes under section 3734.01 of the Revised Code, as 63152
infectious wastes. After designating any such other wastes as 63153
infectious, the generator shall manage those wastes in compliance 63154
with the requirements of this chapter and rules adopted under it 63155

applicable to the management of infectious wastes. 63156

(iii) Either treat the infectious wastes that it generates at 63157
a facility owned or operated by the generator by methods, 63158
techniques, or practices prescribed by rules adopted under 63159
division (B)(2)(a) of this section to render them noninfectious, 63160
or designate the wastes for treatment off that premises at an 63161
infectious waste treatment facility holding a license issued under 63162
division (B) of section 3734.05 of the Revised Code, at an 63163
infectious waste treatment facility that is located in another 63164
state that is in compliance with applicable state and federal 63165
laws, or at a treatment facility authorized by rules adopted under 63166
division (B)(2)(d) of this section, prior to disposal of the 63167
wastes. After being treated to render them noninfectious, the 63168
wastes shall be disposed of at a solid waste disposal facility 63169
holding a license issued under division (A) of section 3734.05 of 63170
the Revised Code or at a disposal facility in another state that 63171
is in compliance with applicable state and federal laws. 63172

(iv) Not compact or grind any type of infectious wastes prior 63173
to treatment in accordance with rules adopted under division 63174
(B)(2)(a) of this section; 63175

(v) May discharge untreated liquid or semiliquid infectious 63176
wastes consisting of blood, blood products, body fluids, and 63177
excreta into a disposal system, as defined in section 6111.01 of 63178
the Revised Code, unless the discharge of those wastes into a 63179
disposal system is inconsistent with the terms and conditions of 63180
the permit for the system issued under Chapter 6111. of the 63181
Revised Code; 63182

(vi) May transport or cause to be transported infectious 63183
wastes that have been treated to render them noninfectious in the 63184
same manner as solid wastes are transported. 63185

(2) Establish standards for owners and operators of 63186

infectious waste treatment facilities that include, without 63187
limitation, the following requirements and authorizations that: 63188

(a) Require treatment of all wastes received to be performed 63189
in accordance with methods, techniques, and practices approved by 63190
the director; 63191

(b) Govern the location, design, construction, and operation 63192
of infectious waste treatment facilities. The rules adopted under 63193
division (B)(2)(b) of this section shall require that a new 63194
infectious waste incineration facility be located so that the 63195
incinerator unit and all areas where infectious wastes are handled 63196
on the premises where the facility is proposed to be located are 63197
at least three hundred feet inside the property line of the tract 63198
of land on which the facility is proposed to be located and are at 63199
least one thousand feet from any domicile, school, prison, or jail 63200
that is in existence on the date on which the application for the 63201
permit to establish the incinerator is submitted under division 63202
(B)(2)(b) of section 3734.05 of the Revised Code. 63203

(c) Establish quality control and testing procedures to 63204
ensure compliance with the rules adopted under division (B)(2)(b) 63205
of this section; 63206

(d) Authorize infectious wastes to be treated at a facility 63207
that holds a license or renewal of a license to operate a 63208
crematory facility issued under Chapter 4717., and a permit issued 63209
under Chapter 3704., of the Revised Code to the extent that the 63210
treatment of those wastes is consistent with that permit and its 63211
terms and conditions. The rules adopted under divisions (B)(2)(b) 63212
and (c) of this section do not apply to a facility holding such a 63213
license and permit. 63214

In adopting the rules required by divisions (B)(2)(a) to (d) 63215
of this section, the director shall consider and, to the maximum 63216
feasible extent, utilize existing standards and guidelines 63217

established by professional and governmental organizations having 63218
expertise in the fields of infection control and infectious wastes 63219
management. 63220

(e) Require shipping papers to accompany shipments of wastes 63221
that have been treated to render them noninfectious. The shipping 63222
papers shall include only the following elements: 63223

(i) The name of the owner or operator of the facility where 63224
the wastes were treated and the address of the treatment facility; 63225
63226

(ii) A certification by the owner or operator of the 63227
treatment facility where the wastes were treated indicating that 63228
the wastes have been treated by the methods, techniques, and 63229
practices prescribed in rules adopted under division (B)(2)(a) of 63230
this section. 63231

(C) This section and rules adopted under it do not apply to 63232
the treatment or disposal of wastes consisting of dead animals or 63233
parts thereof, or the blood of animals: 63234

(1) By the owner of the animal after slaughter by the owner 63235
on the owner's premises to obtain meat for consumption by the 63236
owner and the members of the owner's household; 63237

(2) In accordance with Chapter 941. of the Revised Code; or 63238

(3) By persons who are subject to any of the following: 63239

(a) Inspection under the "Federal Meat Inspection Act," 81 63240
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 63241

(b) Chapter 918. of the Revised Code; 63242

(c) Chapter 953. of the Revised Code. 63243

(D) As used in this section, "generator" means a person who 63244
produces infectious wastes at a specific premises. 63245

(E) Rules adopted under this section shall not concern or 63246

relate to personnel policies, salaries, wages, fringe benefits, or 63247
other conditions of employment of employees of persons owning or 63248
operating infectious waste treatment facilities. 63249

(F)(1) The director, in accordance with Chapter 119. of the 63250
Revised Code, shall adopt rules governing the issuance, 63251
modification, revocation, suspension, and denial of variances from 63252
the rules adopted under division (B) of this section. Variances 63253
shall be issued, modified, revoked, suspended, or denied in 63254
accordance with division (F) of this section, rules adopted under 63255
it, and Chapter 3745. of the Revised Code. 63256

(2) A person who desires to obtain a variance or renew a 63257
variance from the rules adopted under division (B) of this section 63258
shall submit to the director an application as prescribed by the 63259
director. The application shall contain detail plans, 63260
specifications, and information regarding objectives, procedures, 63261
controls, and any other information that the director may require. 63262
The director shall issue, renew, or deny a variance or renewal of 63263
a variance within six months of the date on which the director 63264
receives a complete application with all required information and 63265
data. 63266

(3) The director may hold a public hearing on an application 63267
submitted under division (F) of this section for a variance at a 63268
location in the county in which the operations that are the 63269
subject of the application for a variance or renewal of variance 63270
are conducted. Not less than twenty days before the hearing, the 63271
director shall provide to the applicant notice of the hearing by 63272
certified mail or by another type of mail that is accompanied by a 63273
receipt and shall publish notice of the hearing at least one time 63274
in a newspaper of general circulation in the county in which the 63275
hearing is to be held. The director shall make a complete 63276
stenographic record of testimony and other evidence submitted at 63277
the hearing. Not later than ten days after the hearing, the 63278

director shall make a written determination to issue, renew, or 63279
deny the variance and shall enter the determination and the basis 63280
for it into the record of the hearing. 63281

(4) A variance shall not be issued, modified, revoked, or 63282
denied under division (F) of this section until the director has 63283
considered the relative interests of the applicant, other persons 63284
and property that will be affected by the variance, and the 63285
general public. The director shall grant a variance only if the 63286
applicant demonstrates to the director's satisfaction that the 63287
requested action will not create a nuisance or a hazard to the 63288
health or safety of the public or to the environment. In granting 63289
a variance, the director shall state the specific provision or 63290
provisions whose terms are to be varied and also shall state 63291
specific terms or conditions imposed on the applicant in place of 63292
the provision or provisions. 63293

(5) A variance granted under division (F) of this section 63294
shall be for a period specified by the director and may be renewed 63295
from time to time on terms and for periods that the director 63296
determines to be appropriate. The director may order the person to 63297
whom a variance has been issued to take action within the time 63298
that the director determines to be appropriate and reasonable to 63299
prevent the creation of a nuisance or a hazard to the health or 63300
safety of the public or to the environment. 63301

(6) An application submitted under division (F) of this 63302
section shall not be denied and a variance shall not be revoked or 63303
modified under that division without a written order of the 63304
director stating the findings on which the denial, revocation, or 63305
modification is based. A copy of the order shall be sent to the 63306
applicant or holder of a variance by certified mail or by another 63307
type of mail that is accompanied by a receipt. 63308

(7) The director shall make available for public inspection 63309
at the principal office of the environmental protection agency a 63310

current list of pending applications for variances submitted under 63311
division (F) of this section and a current schedule of pending 63312
variance hearings under it. 63313

Sec. 3734.029. (A)(1) Except as otherwise provided in 63314
division (A)(2) of this section, the standards of quality for 63315
compost products established in rules adopted under division (A) 63316
of section 3734.028 of the Revised Code apply to compost products 63317
produced by a facility composting dead animals that is subject to 63318
section ~~1511.022~~ 939.04 of the Revised Code in addition to compost 63319
products produced by facilities subject to this chapter. 63320

(2) The standards of quality established in rules adopted 63321
under division (A) of section 3734.028 of the Revised Code do not 63322
apply to the use, distribution for use, or giving away of the 63323
compost products produced by a composting facility subject to 63324
section ~~1511.022~~ 939.04 of the Revised Code when either of the 63325
following applies: 63326

(a) The composting is conducted by the person who raises the 63327
animals and the compost product is used in agricultural operations 63328
owned or operated by that person, regardless of whether the person 63329
owns the animals; 63330

(b) The composting is conducted by the person who owns the 63331
animals, but does not raise them and the compost product is used 63332
in agricultural operations either by a person who raises the 63333
animals or by a person who raises grain that is used to feed them 63334
and that is supplied by the owner of the animals. 63335

(B) No owner or operator of a composting facility that is 63336
subject to regulation under section ~~1511.022~~ 939.04 of the Revised 63337
Code shall sell or offer for sale at retail or wholesale, 63338
distribute for use, or give away any compost product that does not 63339
comply with the standard of quality applicable under division (A) 63340
of this section for the use for which the product is being sold, 63341

offered for sale, distributed, or given away. 63342

No person shall violate this division. 63343

Sec. 3734.061. (A) There is hereby created in the state 63344
treasury the waste management fund. The fund shall consist of 63345
money credited to it under division (C)(4) of section 3714.051, 63346
divisions (A)(4) and (B) of section 3714.07, division (D) of 63347
section 3714.08, division (B)(4) of section 3714.09, division (B) 63348
of section 3734.021, division (D)(4) of section 3734.07, division 63349
(B) of section 3734.551, and division (A)(2) of section 3734.57 of 63350
the Revised Code. 63351

(B) The director of environmental protection shall use money 63352
in the fund as follows: 63353

(1) Money credited to the fund under division (C)(4) of 63354
section 3714.051, divisions (A)(4) and (B) of section 3714.07, 63355
division (D) of section 3714.08, and division (B)(4) of section 63356
3714.09 of the Revised Code exclusively for the administration and 63357
enforcement of Chapter 3714. of the Revised Code and rules adopted 63358
under it; 63359

(2) Money credited to the fund under division (B) of section 63360
3734.551 and division (A)(2) of section 3734.57 of the Revised 63361
Code exclusively to pay the costs of administering and enforcing 63362
the laws pertaining to solid wastes, infectious wastes, and 63363
construction and demolition debris, including ground water 63364
evaluations related to solid wastes, infectious wastes, and 63365
construction and demolition debris, under this chapter and Chapter 63366
3714. of the Revised Code and any rules adopted under those 63367
chapters and addressing violations of Chapters 3704. and 6111. of 63368
the Revised Code at facilities; 63369

(3) Money credited to the fund under division (B) of section 63370
3734.021 and division (D)(4) of section 3734.07 of the Revised 63371

Code exclusively for the administration and enforcement of the 63372
provisions of this chapter governing the management of infectious 63373
wastes and rules adopted under them. 63374

Sec. 3734.07. (A) Before a license is initially issued and 63375
annually thereafter, or more often if necessary, the board of 63376
health shall cause each solid waste facility and infectious waste 63377
treatment facility to be inspected and a record to be made of each 63378
inspection and shall require each solid waste facility and 63379
infectious waste treatment facility in the health district to be 63380
in substantial compliance with this chapter and the rules adopted 63381
under it. 63382

(B) Within thirty days after the issuance of a license, the 63383
board of health shall certify to the director of environmental 63384
protection that the solid waste facility or infectious waste 63385
treatment facility has been inspected and is in substantial 63386
compliance with this chapter and the rules adopted under it. Each 63387
board of health shall provide the director with such other 63388
information as he may require from time to time. 63389

(C) The board of health or its authorized representative and 63390
the director or ~~his~~ the director's authorized representative, upon 63391
proper identification and upon stating the purpose and necessity 63392
of an inspection, may enter at reasonable times upon any private 63393
or public property, real or personal, to inspect or investigate, 63394
obtain samples, and examine or copy any records to determine 63395
compliance with this chapter and the rules adopted under it. The 63396
board of health or its authorized representative or the director 63397
or ~~his~~ the director's authorized representative may apply for, and 63398
any judge of a court of record may issue, an appropriate search 63399
warrant necessary to achieve the purposes of this chapter and the 63400
rules adopted under it within the court's territorial 63401
jurisdiction. If entry is refused or inspection or investigation 63402

is refused, hindered, or thwarted, the board of health may suspend 63403
or revoke the operating license of the solid waste facility or 63404
infectious waste treatment facility that refused entry, or the 63405
director may suspend or revoke the license or permit of the solid 63406
waste facility, hazardous waste facility, or infectious waste 63407
treatment facility that refused entry. 63408

(D) If the entry authorized by division (C) of this section 63409
is refused or if the inspection or investigation so authorized is 63410
refused, hindered, or thwarted by intimidation or otherwise and 63411
the director, board of health, or authorized representative of 63412
either applies for and obtains a search warrant under division (C) 63413
of this section to conduct the inspection or investigation, the 63414
owner or operator of the premises where entry was refused or 63415
inspection or investigation was refused, hindered, or thwarted is 63416
liable to the director or board of health for the reasonable costs 63417
incurred by either for the regular salaries and fringe benefit 63418
costs of personnel assigned to conduct the inspection or 63419
investigation from the time the entry, inspection, or 63420
investigation was refused, hindered, or thwarted until the search 63421
warrant is executed; for the salary, fringe benefits, and travel 63422
expenses of the attorney general, prosecuting attorney of the 63423
county, or city director of law, or an authorized assistant, 63424
incurred in obtaining the search warrant; and for expenses 63425
necessarily incurred for the assistance of local law enforcement 63426
officers in executing the search warrant. In the application for 63427
the search warrant, the director or board of health may request 63428
and the court, in its order granting the search warrant, may order 63429
the owner or operator of the premises to reimburse the director or 63430
board of health for such of those costs as the court finds 63431
reasonable. ~~From~~ 63432

From moneys recovered under this division, the director shall 63433
reimburse the attorney general for the costs incurred by ~~him~~ the 63434

attorney general or ~~his~~ the attorney general's authorized 63435
assistant in connection with proceedings for obtaining the search 63436
warrant; shall reimburse the political subdivision in which the 63437
premises is located for the assistance of its law enforcement 63438
officers in executing the search warrant; and shall deposit the 63439
remainder of any such moneys to the credit of the following, as 63440
applicable: 63441

(1) The hazardous waste facility management fund created in 63442
section 3734.18 of the Revised Code if the inspection or 63443
investigation pertained to compliance with the hazardous waste 63444
provisions of this chapter or a rule, order, or term or condition 63445
of a permit adopted or issued under them or with a rule adopted 63446
under section 3734.121 of the Revised Code ~~to the credit of the;~~ 63447

(2) The general revenue fund if the inspection or 63448
investigation pertained to compliance with the solid waste 63449
provisions of this chapter or rules, orders, or terms and 63450
conditions of a permit, license, or variance adopted or issued 63451
under them, other than the provisions governing solid wastes that 63452
consist of scrap tires; ~~to the credit of the~~ 63453

(3) The scrap tire management fund created in section 3734.82 63454
of the Revised Code if the inspection or investigation pertained 63455
to compliance with the provisions of this chapter governing solid 63456
wastes that consist of scrap tires or rules, orders, or terms and 63457
conditions of a permit, license, or variance adopted or issued 63458
under them; ~~or to the credit of the infectious~~ 63459

(4) The waste management fund created in section ~~3734.021~~ 63460
3734.061 of the Revised Code if the inspection or investigation 63461
pertained to compliance with the infectious waste provisions of 63462
this chapter or rules, orders, or terms and conditions of a permit 63463
or license issued under them. ~~From~~ 63464

From moneys recovered under this division, the board of 63465

health shall reimburse the prosecuting attorney of the county or 63466
city director of law for the costs incurred by ~~him~~ the prosecuting 63467
attorney or city director of law or an authorized assistant in 63468
connection with proceedings for obtaining the search warrant; 63469
shall reimburse the political subdivision in which the premises is 63470
located for the assistance of its law enforcement officers in 63471
executing the search warrant; and shall deposit the remainder of 63472
any such moneys to the special infectious waste fund of the health 63473
district created under division (C) of section 3734.06 of the 63474
Revised Code if the inspection or investigation pertained to 63475
compliance with the infectious waste provisions of this chapter or 63476
rules, orders, or terms and conditions of a permit or license 63477
issued under them; to the credit of the special fund of the health 63478
district created under division (B) of section 3734.06 of the 63479
Revised Code if the inspection or investigation pertained to 63480
compliance with the solid waste provisions of this chapter or 63481
rules, orders, or terms and conditions of a permit, license, or 63482
variance adopted or issued under them, other than the provisions 63483
governing solid wastes that consist of scrap tires; or to the 63484
credit of the special fund of the health district created under 63485
division (F) of section 3734.82 of the Revised Code if the 63486
inspection or investigation pertained to compliance with the 63487
provisions of this chapter governing solid wastes that consist of 63488
scrap tires or rules, orders, or terms and conditions of a permit, 63489
license, or variance adopted or issued under them. 63490

Sec. 3734.49. (A) There is hereby created within the 63491
environmental protection agency the materials management advisory 63492
council consisting of the following thirteen members who shall be 63493
appointed by the governor with the advice and consent of the 63494
senate: 63495

(1) One member who is an employee of a health district whose 63496
duties include enforcement of the solid waste provisions of this 63497

<u>chapter;</u>	63498
<u>(2) One member representing the interests of counties;</u>	63499
<u>(3) One member representing the interests of municipal corporations;</u>	63500 63501
<u>(4) One member representing the interests of townships;</u>	63502
<u>(5) One member representing the interests of solid waste management districts;</u>	63503 63504
<u>(6) One member representing a statewide environmental advocacy organization;</u>	63505 63506
<u>(7) One member representing the public;</u>	63507
<u>(8) Six members, representing private industry, with knowledge of or experience in waste management, recycling, or litter prevention programs. Those members also shall represent a broad range of interests, including manufacturing, wholesale, retail, labor, raw materials, commercial recycling, and solid waste management.</u>	63508 63509 63510 63511 63512 63513
<u>(B)(1) The governor shall make initial appointments to the advisory council not later than forty-five days after the effective date of this section.</u>	63514 63515 63516
<u>(2) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2016:</u>	63517 63518
<u>(a) The member representing the interests of counties;</u>	63519
<u>(b) The member representing the interests of solid waste management districts;</u>	63520 63521
<u>(c) Three of the members with knowledge of or experience in waste management, recycling, or litter prevention programs.</u>	63522 63523
<u>(3) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2017:</u>	63524 63525
<u>(a) The member who is an employee of a health district whose</u>	63526

duties include enforcement of the solid waste provisions of this 63527
chapter; 63528

(b) The member representing the interests of municipal 63529
corporations; 63530

(c) Three of the members with knowledge of or experience in 63531
waste management, recycling, or litter prevention programs. 63532

(4) The following initial members of the advisory council 63533
each shall be appointed for a term ending July 1, 2018: 63534

(a) The member representing the interests of townships; 63535

(b) The member representing a statewide environmental 63536
advocacy organization; 63537

(c) The member representing the public. 63538

Thereafter, terms of office shall be for three years. Each 63539
member shall hold office from the date of the member's appointment 63540
until the end of the term for which the member was appointed. In 63541
the event of death, removal, resignation, or incapacity of a 63542
member, the governor, with the advice and consent of the senate, 63543
shall appoint a successor who shall hold office for the remainder 63544
of the term for which the successor's predecessor was appointed. A 63545
member shall continue in office subsequent to the expiration date 63546
of the member's term until the member's successor takes office or 63547
until a period of sixty days has elapsed, whichever occurs first. 63548
Members may be reappointed. The governor at any time may remove a 63549
member for misfeasance, nonfeasance, or malfeasance in office. 63550

(C) The advisory council shall hold at least two meetings 63551
each year. Special meetings may be held at the request of the 63552
chairperson or a majority of the members. The director of 63553
environmental protection shall select from among the advisory 63554
council's members a chairperson. The advisory council annually 63555
shall select from among its members a vice-chairperson and a 63556

secretary to keep a record of its proceedings. Not later than two 63557
hundred days after the selection of the first chairperson of the 63558
advisory council, the advisory council shall adopt bylaws 63559
governing its procedural operations. A majority vote of the 63560
members of the advisory council is necessary to take action on any 63561
matter. 63562

(D) Membership on the advisory council does not constitute 63563
holding a public office or position of employment under the laws 63564
of this state and does not constitute grounds for removal of 63565
public officers or employees from their offices or positions of 63566
employment. 63567

(E) A member of the advisory council shall serve without 63568
compensation for attending advisory council meetings, but shall be 63569
reimbursed for all ordinary and necessary expenses incurred in the 63570
performance of duties as a member. 63571

(F) The advisory council shall do all of the following: 63572

(1) Advise and assist the director with preparation of the 63573
state solid waste management plan and periodic revisions to the 63574
plan under section 3734.50 of the Revised Code; 63575

(2) Approve or disapprove the draft state solid waste 63576
management plan and periodic revisions prior to adoption of the 63577
plan under section 3734.50 of the Revised Code; 63578

(3) Annually review implementation of the state solid waste 63579
management plan; 63580

(4) Prepare and submit an annual report to the general 63581
assembly on the state's solid waste management system and efforts 63582
towards achieving the goals, restrictions, and objectives 63583
established under divisions (A) to (C) of section 3734.50 of the 63584
Revised Code. The report may recommend legislative action. 63585

(5) Triennially advise the director in conducting a review of 63586

the progress made toward achieving the objectives, restrictions, 63587
and goals established under divisions (A) to (C) of section 63588
3734.50 of the Revised Code; 63589

(6) With the approval of the director, establish criteria by 63590
which to certify, and certify, agencies of the state and political 63591
subdivisions for receipt of grants for activities or projects that 63592
are intended to accomplish the purposes of any of the programs 63593
established under section 3736.02 or 3736.05 of the Revised Code; 63594

(7) Advise the director on establishing and implementing 63595
statewide source reduction, recycling, recycling market 63596
development, and litter prevention programs; 63597

(8) Research and respond to questions posed to the advisory 63598
council by the director; 63599

(9) Establish and develop formal and informal partnerships 63600
with other entities that foster a productive marketplace for the 63601
collection and use of recycled materials. 63602

Sec. 3734.50. The director of environmental protection, with 63603
the advice of the ~~solid waste~~ materials management advisory 63604
council created in section ~~3734.51~~ 3734.49 of the Revised Code, 63605
shall prepare a state solid waste management plan to do all of the 63606
following: 63607

(A) Reduce reliance on the use of landfills for management of 63608
solid wastes; 63609

(B) Establish objectives for solid waste reduction, 63610
recycling, reuse, and minimization and a schedule for implementing 63611
those objectives; 63612

(C) Establish restrictions on the types of solid wastes 63613
disposed of by landfilling for which alternative management 63614
methods are available, such as yard wastes, and a schedule for 63615
implementing those restrictions. The objectives under division (B) 63616

of this section and restrictions under this division need not be 63617
of uniform application throughout the state or as to categories of 63618
solid waste generators. Rather, in establishing those objectives 63619
and restrictions, the director shall take into consideration the 63620
feasibility of waste reduction, recycling, reuse, and minimization 63621
measures and landfilling restrictions in urban, suburban, and 63622
rural areas and also shall take into consideration the extent to 63623
which those measures have been implemented by specific categories 63624
of solid waste generators and political subdivisions prior to June 63625
24, 1988. 63626

(D) Establish revised general criteria for the location of 63627
solid waste facilities; 63628

(E) Examine alternative methods for disposal of fly ash and 63629
bottom ash resulting from the burning of mixed municipal solid 63630
wastes; 63631

(F) Establish a statewide strategy for managing scrap tires, 63632
which shall include identification of locations within the state 63633
that qualify as scrap tire facilities and accumulations. In 63634
developing the strategy, the director shall examine the 63635
feasibility of recycling or recovering materials or energy from 63636
scrap tires and landfilling scrap tires in abandoned coal strip 63637
mines as well as other methods for managing scrap tires. 63638

(G) Establish a strategy that contains specific 63639
recommendations for legislative and administrative action to 63640
promote markets for products containing recycled materials 63641
generally and for promoting the use by state government of 63642
products containing recycled materials; 63643

(H) Establish a program for the proper separation and 63644
disposal of hazardous waste generated by households. 63645

The director shall adopt the state solid waste management 63646
plan within one year after June 24, 1988. After completion of a 63647

draft plan, the director shall hold a public hearing on the draft 63648
plan at each of five different locations within the state. After 63649
receiving public comments on the draft plan, the director may make 63650
such revisions to it as ~~he~~ the director considers appropriate 63651
based on the comments received and shall submit the draft plan 63652
with any revisions to the advisory council for approval. If the 63653
advisory council approves the draft plan, the director shall adopt 63654
it as the state solid waste management plan. If the advisory 63655
council disapproves the draft plan, the director, with the advice 63656
of the advisory council, shall prepare a new draft plan and 63657
proceed in the same manner as for the initial draft plan to hold 63658
hearings on, revise, and submit the new draft plan to the advisory 63659
council for approval, and adopt the new draft plan. 63660

Not later than one year after adoption of the plan, the 63661
director shall adopt rules in accordance with Chapter 119. of the 63662
Revised Code establishing the objectives and restrictions of the 63663
state plan, and schedules for implementing them, under divisions 63664
(B) and (C) of this section as mandatory elements of the solid 63665
waste management plans of county and joint solid waste management 63666
districts under division (A) of section 3734.53 of the Revised 63667
Code. Within one year after adoption of the plan, the director 63668
shall adopt rules in accordance with Chapter 119. of the Revised 63669
Code, which rules are hereby deemed to constitute rules adopted 63670
under division (A) of section 3734.02 of the Revised Code, 63671
establishing revised general location criteria for solid waste 63672
facilities, other than solid waste transfer facilities, and 63673
standards for the disposal of fly ash and bottom ash resulting 63674
from the burning of mixed municipal solid waste. 63675

Triennially the director, with the advice of the advisory 63676
council, shall conduct a thorough review of the progress made 63677
toward achieving the goals set forth in divisions (A) to (H) of 63678
this section. Based upon the findings of ~~his~~ the review, the 63679

director, in accordance with the procedures of this section, may 63680
prepare and adopt a revised state solid waste management plan. If 63681
the revised plan modifies any of the objectives, restrictions, or 63682
implementation schedules established under division (B) or (C) of 63683
this section, the director, not later than one year after adoption 63684
of the revised plan, shall amend the existing rules adopted under 63685
this section in a manner consistent with those revisions. 63686

If any revision to the plan or enactment or amendment of a 63687
statute by the general assembly that takes effect on or after 63688
April 16, 1993, establishes a restriction on the landfilling or 63689
burning or other thermal processing in an incinerator or energy 63690
recovery facility of any type of solid waste with mixed municipal 63691
solid waste, or prescribes for a type of solid waste a management 63692
method alternative to landfilling or thermal processing with mixed 63693
municipal solid waste, the estimated reduction in the quantity of 63694
solid wastes being disposed of by landfilling or thermal 63695
processing that results from the implementation of the restriction 63696
or alternative management method within a county or joint solid 63697
waste management district constitutes a reduction in solid waste 63698
generation within the district for purposes of determining the 63699
district's compliance with the waste reduction objective 63700
established under division (C) of this section and any revisions 63701
thereof and the rules and amendments thereto adopted under this 63702
section to implement that objective. 63703

Sec. 3734.551. (A) The board of county commissioners of a 63704
county or board of directors of a joint solid waste management 63705
district that is ordered to implement an initial or amended solid 63706
waste management plan prepared by the director of environmental 63707
protection under section 3734.521, 3734.55, or 3734.56 of the 63708
Revised Code and that is levying fees under division (A) or (B) of 63709
section 3734.574 of the Revised Code shall reimburse the director 63710
from moneys in the special fund of the district created in 63711

division (G) of section 3734.57 of the Revised Code for the 63712
expenses incurred by the director in preparing and ordering the 63713
implementation of the plan or amended plan for all of the 63714
following purposes, as applicable: 63715

(1) Postage; 63716

(2) Copying and duplicating; 63717

(3) Notices published in newspapers; 63718

(4) A court reporter to record testimony at public hearings 63719
and transcribe the record of those hearings; 63720

(5) Facility rental for holding public information sessions 63721
or public hearings; 63722

(6) Conducting a survey of industrial solid waste generators 63723
within the district and other primary data collection activities 63724
when the necessary data are not available from the district, 63725
including, without limitation, the costs of conducting the survey 63726
or data collection by contract; 63727

(7) Fuel, meals, and lodging for the staff of the 63728
environmental protection agency when travel to the district is 63729
necessary to conduct data collection and other plan preparation 63730
activities; 63731

(8) Necessary long-distance telephone calls. 63732

(B) Upon ordering a district to implement a plan or amended 63733
plan under section 3734.521, 3734.55, or 3734.56 of the Revised 63734
Code, the director shall send to the board of county commissioners 63735
or directors an itemized demand for the expenses enumerated in 63736
division (A) of this section that were incurred by the director in 63737
preparing and ordering the implementation of the plan or amended 63738
plan. The board of county commissioners or directors shall pay to 63739
the director the amount stated in the demand within sixty days 63740
after receiving it. Moneys received by the director under this 63741

division shall be deposited in the state treasury to the credit of 63742
the solid waste management fund created in ~~division (A) of~~ section 63743
~~3734.57~~ 3734.061 of the Revised Code. 63744

Sec. 3734.57. (A) The following fees are hereby levied on the 63745
transfer or disposal of solid wastes in this state: 63746

(1) ~~One dollar~~ Ninety cents per ton through June 30, ~~2016~~ 63747
~~2018, thirty per cent~~ twenty cents of the proceeds of which shall 63748
be deposited in the state treasury to the credit of the hazardous 63749
waste facility management fund created in section 3734.18 of the 63750
Revised Code and ~~seventy per cent~~ cents of the proceeds of which 63751
shall be deposited in the state treasury to the credit of the 63752
hazardous waste clean-up fund created in section 3734.28 of the 63753
Revised Code; 63754

(2) An additional ~~one dollar~~ seventy-five cents per ton 63755
through June 30, ~~2016~~ 2018, the proceeds of which shall be 63756
deposited in the state treasury to the credit of the solid waste 63757
management fund, ~~which is hereby created in section 3734.061 of~~ 63758
~~the Revised Code. The environmental protection agency shall use~~ 63759
~~money in the solid waste fund to pay the costs of administering~~ 63760
~~and enforcing the laws pertaining to solid wastes, infectious~~ 63761
~~wastes, and construction and demolition debris, including, without~~ 63762
~~limitation, ground water evaluations related to solid wastes,~~ 63763
~~infectious wastes, and construction and demolition debris, under~~ 63764
~~this chapter and Chapter 3714. of the Revised Code and any rules~~ 63765
~~adopted under them, providing compliance assistance to small~~ 63766
~~businesses, and paying a share of the administrative costs of the~~ 63767
~~environmental protection agency pursuant to section 3745.014 of~~ 63768
~~the Revised Code.~~ 63769

(3) An additional two dollars and ~~fifty~~ eighty-five cents per 63770
ton through June 30, ~~2016~~ 2018, the proceeds of which shall be 63771
deposited in the state treasury to the credit of the environmental 63772

protection fund created in section 3745.015 of the Revised Code; 63773

(4) An additional twenty-five cents per ton through June 30, 63774
~~2016~~ 2018, the proceeds of which shall be deposited in the state 63775
treasury to the credit of the soil and water conservation district 63776
assistance fund created in section ~~1515.14~~ 940.15 of the Revised 63777
Code. 63778

In the case of solid wastes that are taken to a solid waste 63779
transfer facility located in this state prior to being transported 63780
for disposal at a solid waste disposal facility located in this 63781
state or outside of this state, the fees levied under this 63782
division shall be collected by the owner or operator of the 63783
transfer facility as a trustee for the state. The amount of fees 63784
required to be collected under this division at such a transfer 63785
facility shall equal the total tonnage of solid wastes received at 63786
the facility multiplied by the fees levied under this division. In 63787
the case of solid wastes that are not taken to a solid waste 63788
transfer facility located in this state prior to being transported 63789
to a solid waste disposal facility, the fees shall be collected by 63790
the owner or operator of the solid waste disposal facility as a 63791
trustee for the state. The amount of fees required to be collected 63792
under this division at such a disposal facility shall equal the 63793
total tonnage of solid wastes received at the facility that was 63794
not previously taken to a solid waste transfer facility located in 63795
this state multiplied by the fees levied under this division. Fees 63796
levied under this division do not apply to materials separated 63797
from a mixed waste stream for recycling by a generator or 63798
materials removed from the solid waste stream through recycling, 63799
as "recycling" is defined in rules adopted under section 3734.02 63800
of the Revised Code. 63801

The owner or operator of a solid waste transfer facility or 63802
disposal facility, as applicable, shall prepare and file with the 63803
director of environmental protection each month a return 63804

indicating the total tonnage of solid wastes received at the 63805
facility during that month and the total amount of the fees 63806
required to be collected under this division during that month. In 63807
addition, the owner or operator of a solid waste disposal facility 63808
shall indicate on the return the total tonnage of solid wastes 63809
received from transfer facilities located in this state during 63810
that month for which the fees were required to be collected by the 63811
transfer facilities. The monthly returns shall be filed on a form 63812
prescribed by the director. Not later than thirty days after the 63813
last day of the month to which a return applies, the owner or 63814
operator shall mail to the director the return for that month 63815
together with the fees required to be collected under this 63816
division during that month as indicated on the return or may 63817
submit the return and fees electronically in a manner approved by 63818
the director. If the return is filed and the amount of the fees 63819
due is paid in a timely manner as required in this division, the 63820
owner or operator may retain a discount of three-fourths of one 63821
per cent of the total amount of the fees that are required to be 63822
paid as indicated on the return. 63823

The owner or operator may request an extension of not more 63824
than thirty days for filing the return and remitting the fees, 63825
provided that the owner or operator has submitted such a request 63826
in writing to the director together with a detailed description of 63827
why the extension is requested, the director has received the 63828
request not later than the day on which the return is required to 63829
be filed, and the director has approved the request. If the fees 63830
are not remitted within thirty days after the last day of the 63831
month to which the return applies or are not remitted by the last 63832
day of an extension approved by the director, the owner or 63833
operator shall not retain the three-fourths of one per cent 63834
discount and shall pay an additional ten per cent of the amount of 63835
the fees for each month that they are late. For purposes of 63836
calculating the late fee, the first month in which fees are late 63837

begins on the first day after the deadline has passed for timely 63838
submitting the return and fees, and one additional month shall be 63839
counted every thirty days thereafter. 63840

The owner or operator of a solid waste facility may request a 63841
refund or credit of fees levied under this division and remitted 63842
to the director that have not been paid to the owner or operator. 63843
Such a request shall be made only if the fees have not been 63844
collected by the owner or operator, have become a debt that has 63845
become worthless or uncollectable for a period of six months or 63846
more, and may be claimed as a deduction, including a deduction 63847
claimed if the owner or operator keeps accounts on an accrual 63848
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 63849
U.S.C. 166, as amended, and regulations adopted under it. Prior to 63850
making a request for a refund or credit, an owner or operator 63851
shall make reasonable efforts to collect the applicable fees. A 63852
request for a refund or credit shall not include any costs 63853
resulting from those efforts to collect unpaid fees. 63854

A request for a refund or credit of fees shall be made in 63855
writing, on a form prescribed by the director, and shall be 63856
supported by evidence that may be required in rules adopted by the 63857
director under this chapter. After reviewing the request, and if 63858
the request and evidence submitted with the request indicate that 63859
a refund or credit is warranted, the director shall grant a refund 63860
to the owner or operator or shall permit a credit to be taken by 63861
the owner or operator on a subsequent monthly return submitted by 63862
the owner or operator. The amount of a refund or credit shall not 63863
exceed an amount that is equal to ninety days' worth of fees owed 63864
to an owner or operator by a particular debtor of the owner or 63865
operator. A refund or credit shall not be granted by the director 63866
to an owner or operator more than once in any twelve-month period 63867
for fees owed to the owner or operator by a particular debtor. 63868

If, after receiving a refund or credit from the director, an 63869

owner or operator receives payment of all or part of the fees, the 63870
owner or operator shall remit the fees with the next monthly 63871
return submitted to the director together with a written 63872
explanation of the reason for the submittal. 63873

For purposes of computing the fees levied under this division 63874
or division (B) of this section, any solid waste transfer or 63875
disposal facility that does not use scales as a means of 63876
determining gate receipts shall use a conversion factor of three 63877
cubic yards per ton of solid waste or one cubic yard per ton for 63878
baled waste, as applicable. 63879

The fees levied under this division and divisions (B) and (C) 63880
of this section are in addition to all other applicable fees and 63881
taxes and shall be paid by the customer or a political subdivision 63882
to the owner or operator of a solid waste transfer or disposal 63883
facility. In the alternative, the fees shall be paid by a customer 63884
or political subdivision to a transporter of waste who 63885
subsequently transfers the fees to the owner or operator of such a 63886
facility. The fees shall be paid notwithstanding the existence of 63887
any provision in a contract that the customer or a political 63888
subdivision may have with the owner or operator or with a 63889
transporter of waste to the facility that would not require or 63890
allow such payment regardless of whether the contract was entered 63891
prior to or after October 16, 2009. For those purposes, "customer" 63892
means a person who contracts with, or utilizes the solid waste 63893
services of, the owner or operator of a solid waste transfer or 63894
disposal facility or a transporter of solid waste to such a 63895
facility. 63896

(B) For the purposes specified in division (G) of this 63897
section, the solid waste management policy committee of a county 63898
or joint solid waste management district may levy fees upon the 63899
following activities: 63900

(1) The disposal at a solid waste disposal facility located 63901

in the district of solid wastes generated within the district; 63902

(2) The disposal at a solid waste disposal facility within 63903
the district of solid wastes generated outside the boundaries of 63904
the district, but inside this state; 63905

(3) The disposal at a solid waste disposal facility within 63906
the district of solid wastes generated outside the boundaries of 63907
this state. 63908

The solid waste management plan of the county or joint 63909
district approved under section 3734.521 or 3734.55 of the Revised 63910
Code and any amendments to it, or the resolution adopted under 63911
this division, as appropriate, shall establish the rates of the 63912
fees levied under divisions (B)(1), (2), and (3) of this section, 63913
if any, and shall specify whether the fees are levied on the basis 63914
of tons or cubic yards as the unit of measurement. A solid waste 63915
management district that levies fees under this division on the 63916
basis of cubic yards shall do so in accordance with division (A) 63917
of this section. 63918

The fee levied under division (B)(1) of this section shall be 63919
not less than one dollar per ton nor more than two dollars per 63920
ton, the fee levied under division (B)(2) of this section shall be 63921
not less than two dollars per ton nor more than four dollars per 63922
ton, and the fee levied under division (B)(3) of this section 63923
shall be not more than the fee levied under division (B)(1) of 63924
this section. 63925

Prior to the approval of the solid waste management plan of a 63926
district under section 3734.55 of the Revised Code, the solid 63927
waste management policy committee of a district may levy fees 63928
under this division by adopting a resolution establishing the 63929
proposed amount of the fees. Upon adopting the resolution, the 63930
committee shall deliver a copy of the resolution to the board of 63931
county commissioners of each county forming the district and to 63932

the legislative authority of each municipal corporation and 63933
township under the jurisdiction of the district and shall prepare 63934
and publish the resolution and a notice of the time and location 63935
where a public hearing on the fees will be held. Upon adopting the 63936
resolution, the committee shall deliver written notice of the 63937
adoption of the resolution; of the amount of the proposed fees; 63938
and of the date, time, and location of the public hearing to the 63939
director and to the fifty industrial, commercial, or institutional 63940
generators of solid wastes within the district that generate the 63941
largest quantities of solid wastes, as determined by the 63942
committee, and to their local trade associations. The committee 63943
shall make good faith efforts to identify those generators within 63944
the district and their local trade associations, but the 63945
nonprovision of notice under this division to a particular 63946
generator or local trade association does not invalidate the 63947
proceedings under this division. The publication shall occur at 63948
least thirty days before the hearing. After the hearing, the 63949
committee may make such revisions to the proposed fees as it 63950
considers appropriate and thereafter, by resolution, shall adopt 63951
the revised fee schedule. Upon adopting the revised fee schedule, 63952
the committee shall deliver a copy of the resolution doing so to 63953
the board of county commissioners of each county forming the 63954
district and to the legislative authority of each municipal 63955
corporation and township under the jurisdiction of the district. 63956
Within sixty days after the delivery of a copy of the resolution 63957
adopting the proposed revised fees by the policy committee, each 63958
such board and legislative authority, by ordinance or resolution, 63959
shall approve or disapprove the revised fees and deliver a copy of 63960
the ordinance or resolution to the committee. If any such board or 63961
legislative authority fails to adopt and deliver to the policy 63962
committee an ordinance or resolution approving or disapproving the 63963
revised fees within sixty days after the policy committee 63964
delivered its resolution adopting the proposed revised fees, it 63965

shall be conclusively presumed that the board or legislative 63966
authority has approved the proposed revised fees. The committee 63967
shall determine if the resolution has been ratified in the same 63968
manner in which it determines if a draft solid waste management 63969
plan has been ratified under division (B) of section 3734.55 of 63970
the Revised Code. 63971

The committee may amend the schedule of fees levied pursuant 63972
to a resolution adopted and ratified under this division by 63973
adopting a resolution establishing the proposed amount of the 63974
amended fees. The committee may repeal the fees levied pursuant to 63975
such a resolution by adopting a resolution proposing to repeal 63976
them. Upon adopting such a resolution, the committee shall proceed 63977
to obtain ratification of the resolution in accordance with this 63978
division. 63979

Not later than fourteen days after declaring the new fees to 63980
be ratified or the fees to be repealed under this division, the 63981
committee shall notify by certified mail the owner or operator of 63982
each solid waste disposal facility that is required to collect the 63983
fees of the ratification and the amount of the fees or of the 63984
repeal of the fees. Collection of any fees shall commence or 63985
collection of repealed fees shall cease on the first day of the 63986
second month following the month in which notification is sent to 63987
the owner or operator. 63988

Fees levied under this division also may be established, 63989
amended, or repealed by a solid waste management policy committee 63990
through the adoption of a new district solid waste management 63991
plan, the adoption of an amended plan, or the amendment of the 63992
plan or amended plan in accordance with sections 3734.55 and 63993
3734.56 of the Revised Code or the adoption or amendment of a 63994
district plan in connection with a change in district composition 63995
under section 3734.521 of the Revised Code. 63996

Not later than fourteen days after the director issues an 63997

order approving a district's solid waste management plan, amended 63998
plan, or amendment to a plan or amended plan that establishes, 63999
amends, or repeals a schedule of fees levied by the district, the 64000
committee shall notify by certified mail the owner or operator of 64001
each solid waste disposal facility that is required to collect the 64002
fees of the approval of the plan or amended plan, or the amendment 64003
to the plan, as appropriate, and the amount of the fees, if any. 64004
In the case of an initial or amended plan approved under section 64005
3734.521 of the Revised Code in connection with a change in 64006
district composition, other than one involving the withdrawal of a 64007
county from a joint district, the committee, within fourteen days 64008
after the change takes effect pursuant to division (G) of that 64009
section, shall notify by certified mail the owner or operator of 64010
each solid waste disposal facility that is required to collect the 64011
fees that the change has taken effect and of the amount of the 64012
fees, if any. Collection of any fees shall commence or collection 64013
of repealed fees shall cease on the first day of the second month 64014
following the month in which notification is sent to the owner or 64015
operator. 64016

If, in the case of a change in district composition involving 64017
the withdrawal of a county from a joint district, the director 64018
completes the actions required under division (G)(1) or (3) of 64019
section 3734.521 of the Revised Code, as appropriate, forty-five 64020
days or more before the beginning of a calendar year, the policy 64021
committee of each of the districts resulting from the change that 64022
obtained the director's approval of an initial or amended plan in 64023
connection with the change, within fourteen days after the 64024
director's completion of the required actions, shall notify by 64025
certified mail the owner or operator of each solid waste disposal 64026
facility that is required to collect the district's fees that the 64027
change is to take effect on the first day of January immediately 64028
following the issuance of the notice and of the amount of the fees 64029
or amended fees levied under divisions (B)(1) to (3) of this 64030

section pursuant to the district's initial or amended plan as so 64031
approved or, if appropriate, the repeal of the district's fees by 64032
that initial or amended plan. Collection of any fees set forth in 64033
such a plan or amended plan shall commence on the first day of 64034
January immediately following the issuance of the notice. If such 64035
an initial or amended plan repeals a schedule of fees, collection 64036
of the fees shall cease on that first day of January. 64037

If, in the case of a change in district composition involving 64038
the withdrawal of a county from a joint district, the director 64039
completes the actions required under division (G)(1) or (3) of 64040
section 3734.521 of the Revised Code, as appropriate, less than 64041
forty-five days before the beginning of a calendar year, the 64042
director, on behalf of each of the districts resulting from the 64043
change that obtained the director's approval of an initial or 64044
amended plan in connection with the change proceedings, shall 64045
notify by certified mail the owner or operator of each solid waste 64046
disposal facility that is required to collect the district's fees 64047
that the change is to take effect on the first day of January 64048
immediately following the mailing of the notice and of the amount 64049
of the fees or amended fees levied under divisions (B)(1) to (3) 64050
of this section pursuant to the district's initial or amended plan 64051
as so approved or, if appropriate, the repeal of the district's 64052
fees by that initial or amended plan. Collection of any fees set 64053
forth in such a plan or amended plan shall commence on the first 64054
day of the second month following the month in which notification 64055
is sent to the owner or operator. If such an initial or amended 64056
plan repeals a schedule of fees, collection of the fees shall 64057
cease on the first day of the second month following the month in 64058
which notification is sent to the owner or operator. 64059

If the schedule of fees that a solid waste management 64060
district is levying under divisions (B)(1) to (3) of this section 64061
is amended or repealed, the fees in effect immediately prior to 64062

the amendment or repeal shall continue to be collected until 64063
collection of the amended fees commences or collection of the 64064
repealed fees ceases, as applicable, as specified in this 64065
division. In the case of a change in district composition, money 64066
so received from the collection of the fees of the former 64067
districts shall be divided among the resulting districts in 64068
accordance with division (B) of section 343.012 of the Revised 64069
Code and the agreements entered into under division (B) of section 64070
343.01 of the Revised Code to establish the former and resulting 64071
districts and any amendments to those agreements. 64072

For the purposes of the provisions of division (B) of this 64073
section establishing the times when newly established or amended 64074
fees levied by a district are required to commence and the 64075
collection of fees that have been amended or repealed is required 64076
to cease, "fees" or "schedule of fees" includes, in addition to 64077
fees levied under divisions (B)(1) to (3) of this section, those 64078
levied under section 3734.573 or 3734.574 of the Revised Code. 64079

(C) For the purposes of defraying the added costs to a 64080
municipal corporation or township of maintaining roads and other 64081
public facilities and of providing emergency and other public 64082
services, and compensating a municipal corporation or township for 64083
reductions in real property tax revenues due to reductions in real 64084
property valuations resulting from the location and operation of a 64085
solid waste disposal facility within the municipal corporation or 64086
township, a municipal corporation or township in which such a 64087
solid waste disposal facility is located may levy a fee of not 64088
more than twenty-five cents per ton on the disposal of solid 64089
wastes at a solid waste disposal facility located within the 64090
boundaries of the municipal corporation or township regardless of 64091
where the wastes were generated. 64092

The legislative authority of a municipal corporation or 64093
township may levy fees under this division by enacting an 64094

ordinance or adopting a resolution establishing the amount of the 64095
fees. Upon so doing the legislative authority shall mail a 64096
certified copy of the ordinance or resolution to the board of 64097
county commissioners or directors of the county or joint solid 64098
waste management district in which the municipal corporation or 64099
township is located or, if a regional solid waste management 64100
authority has been formed under section 343.011 of the Revised 64101
Code, to the board of trustees of that regional authority, the 64102
owner or operator of each solid waste disposal facility in the 64103
municipal corporation or township that is required to collect the 64104
fee by the ordinance or resolution, and the director of 64105
environmental protection. Although the fees levied under this 64106
division are levied on the basis of tons as the unit of 64107
measurement, the legislative authority, in its ordinance or 64108
resolution levying the fees under this division, may direct that 64109
the fees be levied on the basis of cubic yards as the unit of 64110
measurement based upon a conversion factor of three cubic yards 64111
per ton generally or one cubic yard per ton for baled wastes. 64112

Not later than five days after enacting an ordinance or 64113
adopting a resolution under this division, the legislative 64114
authority shall so notify by certified mail the owner or operator 64115
of each solid waste disposal facility that is required to collect 64116
the fee. Collection of any fee levied on or after March 24, 1992, 64117
shall commence on the first day of the second month following the 64118
month in which notification is sent to the owner or operator. 64119

(D)(1) The fees levied under divisions (A), (B), and (C) of 64120
this section do not apply to the disposal of solid wastes that: 64121

(a) Are disposed of at a facility owned by the generator of 64122
the wastes when the solid waste facility exclusively disposes of 64123
solid wastes generated at one or more premises owned by the 64124
generator regardless of whether the facility is located on a 64125
premises where the wastes are generated; 64126

(b) Are generated from the combustion of coal, or from the 64127
combustion of primarily coal, regardless of whether the disposal 64128
facility is located on the premises where the wastes are 64129
generated; 64130

(c) Are asbestos or asbestos-containing materials or products 64131
disposed of at a construction and demolition debris facility that 64132
is licensed under Chapter 3714. of the Revised Code or at a solid 64133
waste facility that is licensed under this chapter. 64134

(2) Except as provided in section 3734.571 of the Revised 64135
Code, any fees levied under division (B)(1) of this section apply 64136
to solid wastes originating outside the boundaries of a county or 64137
joint district that are covered by an agreement for the joint use 64138
of solid waste facilities entered into under section 343.02 of the 64139
Revised Code by the board of county commissioners or board of 64140
directors of the county or joint district where the wastes are 64141
generated and disposed of. 64142

(3) When solid wastes, other than solid wastes that consist 64143
of scrap tires, are burned in a disposal facility that is an 64144
incinerator or energy recovery facility, the fees levied under 64145
divisions (A), (B), and (C) of this section shall be levied upon 64146
the disposal of the fly ash and bottom ash remaining after burning 64147
of the solid wastes and shall be collected by the owner or 64148
operator of the sanitary landfill where the ash is disposed of. 64149

(4) When solid wastes are delivered to a solid waste transfer 64150
facility, the fees levied under divisions (B) and (C) of this 64151
section shall be levied upon the disposal of solid wastes 64152
transported off the premises of the transfer facility for disposal 64153
and shall be collected by the owner or operator of the solid waste 64154
disposal facility where the wastes are disposed of. 64155

(5) The fees levied under divisions (A), (B), and (C) of this 64156
section do not apply to sewage sludge that is generated by a waste 64157

water treatment facility holding a national pollutant discharge 64158
elimination system permit and that is disposed of through 64159
incineration, land application, or composting or at another 64160
resource recovery or disposal facility that is not a landfill. 64161

(6) The fees levied under divisions (A), (B), and (C) of this 64162
section do not apply to solid wastes delivered to a solid waste 64163
composting facility for processing. When any unprocessed solid 64164
waste or compost product is transported off the premises of a 64165
composting facility and disposed of at a landfill, the fees levied 64166
under divisions (A), (B), and (C) of this section shall be 64167
collected by the owner or operator of the landfill where the 64168
unprocessed waste or compost product is disposed of. 64169

(7) When solid wastes that consist of scrap tires are 64170
processed at a scrap tire recovery facility, the fees levied under 64171
divisions (A), (B), and (C) of this section shall be levied upon 64172
the disposal of the fly ash and bottom ash or other solid wastes 64173
remaining after the processing of the scrap tires and shall be 64174
collected by the owner or operator of the solid waste disposal 64175
facility where the ash or other solid wastes are disposed of. 64176

(8) The director of environmental protection may issue an 64177
order exempting from the fees levied under this section solid 64178
wastes, including, but not limited to, scrap tires, that are 64179
generated, transferred, or disposed of as a result of a contract 64180
providing for the expenditure of public funds entered into by the 64181
administrator or regional administrator of the United States 64182
environmental protection agency, the director of environmental 64183
protection, or the director of administrative services on behalf 64184
of the director of environmental protection for the purpose of 64185
remediating conditions at a hazardous waste facility, solid waste 64186
facility, or other location at which the administrator or regional 64187
administrator or the director of environmental protection has 64188
reason to believe that there is a substantial threat to public 64189

health or safety or the environment or that the conditions are 64190
causing or contributing to air or water pollution or soil 64191
contamination. An order issued by the director of environmental 64192
protection under division (D)(8) of this section shall include a 64193
determination that the amount of the fees not received by a solid 64194
waste management district as a result of the order will not 64195
adversely impact the implementation and financing of the 64196
district's approved solid waste management plan and any approved 64197
amendments to the plan. Such an order is a final action of the 64198
director of environmental protection. 64199

(E) The fees levied under divisions (B) and (C) of this 64200
section shall be collected by the owner or operator of the solid 64201
waste disposal facility where the wastes are disposed of as a 64202
trustee for the county or joint district and municipal corporation 64203
or township where the wastes are disposed of. Moneys from the fees 64204
levied under division (B) of this section shall be forwarded to 64205
the board of county commissioners or board of directors of the 64206
district in accordance with rules adopted under division (H) of 64207
this section. Moneys from the fees levied under division (C) of 64208
this section shall be forwarded to the treasurer or such other 64209
officer of the municipal corporation as, by virtue of the charter, 64210
has the duties of the treasurer or to the fiscal officer of the 64211
township, as appropriate, in accordance with those rules. 64212

(F) Moneys received by the treasurer or other officer of the 64213
municipal corporation under division (E) of this section shall be 64214
paid into the general fund of the municipal corporation. Moneys 64215
received by the fiscal officer of the township under that division 64216
shall be paid into the general fund of the township. The treasurer 64217
or other officer of the municipal corporation or the township 64218
fiscal officer, as appropriate, shall maintain separate records of 64219
the moneys received from the fees levied under division (C) of 64220
this section. 64221

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit of the district. Moneys in the special fund of the county or joint district arising from the fees levied under division (B) of this section and the fee levied under division (A) of section 3734.573 of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's solid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;

(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and

terms and conditions of permits, licenses, and variances adopted 64254
or issued under it, other than the hazardous waste provisions of 64255
this chapter and rules adopted and orders and terms and conditions 64256
of permits issued under those provisions; 64257

(4) Providing financial assistance to each county within the 64258
district to defray the added costs of maintaining roads and other 64259
public facilities and of providing emergency and other public 64260
services resulting from the location and operation of a solid 64261
waste facility within the county under the district's approved 64262
solid waste management plan or amended plan; 64263

(5) Pursuant to contracts entered into with boards of health 64264
within the district, if solid waste facilities contained in the 64265
district's approved plan or amended plan are located within the 64266
district, for paying the costs incurred by those boards of health 64267
for collecting and analyzing samples from public or private water 64268
wells on lands adjacent to those facilities; 64269

(6) Developing and implementing a program for the inspection 64270
of solid wastes generated outside the boundaries of this state 64271
that are disposed of at solid waste facilities included in the 64272
district's approved solid waste management plan or amended plan; 64273

(7) Providing financial assistance to boards of health within 64274
the district for the enforcement of section 3734.03 of the Revised 64275
Code or to local law enforcement agencies having jurisdiction 64276
within the district for enforcing anti-littering laws and 64277
ordinances; 64278

(8) Providing financial assistance to boards of health of 64279
health districts within the district that are on the approved list 64280
under section 3734.08 of the Revised Code to defray the costs to 64281
the health districts for the participation of their employees 64282
responsible for enforcement of the solid waste provisions of this 64283
chapter and rules adopted and orders and terms and conditions of 64284

permits, licenses, and variances issued under those provisions in 64285
the training and certification program as required by rules 64286
adopted under division (L) of section 3734.02 of the Revised Code; 64287

(9) Providing financial assistance to individual municipal 64288
corporations and townships within the district to defray their 64289
added costs of maintaining roads and other public facilities and 64290
of providing emergency and other public services resulting from 64291
the location and operation within their boundaries of a 64292
composting, energy or resource recovery, incineration, or 64293
recycling facility that either is owned by the district or is 64294
furnishing solid waste management facility or recycling services 64295
to the district pursuant to a contract or agreement with the board 64296
of county commissioners or directors of the district; 64297

(10) Payment of any expenses that are agreed to, awarded, or 64298
ordered to be paid under section 3734.35 of the Revised Code and 64299
of any administrative costs incurred pursuant to that section. In 64300
the case of a joint solid waste management district, if the board 64301
of county commissioners of one of the counties in the district is 64302
negotiating on behalf of affected communities, as defined in that 64303
section, in that county, the board shall obtain the approval of 64304
the board of directors of the district in order to expend moneys 64305
for administrative costs incurred. 64306

Prior to the approval of the district's solid waste 64307
management plan under section 3734.55 of the Revised Code, moneys 64308
in the special fund of the district arising from the fees shall be 64309
expended for those purposes in the manner prescribed by the solid 64310
waste management policy committee by resolution. 64311

Notwithstanding division (G)(6) of this section as it existed 64312
prior to October 29, 1993, or any provision in a district's solid 64313
waste management plan prepared in accordance with division 64314
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 64315
prior to that date, any moneys arising from the fees levied under 64316

division (B)(3) of this section prior to January 1, 1994, may be 64317
expended for any of the purposes authorized in divisions (G)(1) to 64318
(10) of this section. 64319

(H) The director shall adopt rules in accordance with Chapter 64320
119. of the Revised Code prescribing procedures for collecting and 64321
forwarding the fees levied under divisions (B) and (C) of this 64322
section to the boards of county commissioners or directors of 64323
county or joint solid waste management districts and to the 64324
treasurers or other officers of municipal corporations and the 64325
fiscal officers of townships. The rules also shall prescribe the 64326
dates for forwarding the fees to the boards and officials and may 64327
prescribe any other requirements the director considers necessary 64328
or appropriate to implement and administer divisions (A), (B), and 64329
(C) of this section. 64330

Sec. 3734.822. (A) There is hereby created in the state 64331
treasury the scrap tire grant fund, consisting of moneys 64332
transferred to the fund under section 3734.82 of the Revised Code. 64333
The director of environmental protection may make grants from the 64334
fund for the following purposes: 64335

(1) Supporting market development activities for scrap tires 64336
and synthetic rubber from tire manufacturing processes and tire 64337
recycling processes; 64338

(2) Supporting scrap tire amnesty and cleanup events 64339
sponsored by solid waste management districts. 64340

Grants awarded under division (A)(1) of this section may be 64341
awarded to individuals, businesses, and entities certified under 64342
division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code. 64343

(B) Projects and activities that are eligible for grants 64344
under division (A)(1) of this section shall be evaluated for 64345
funding using, at a minimum, the following criteria: 64346

(1) The degree to which a proposed project contributes to the increased use of scrap tires generated in this state;

(2) The degree of local financial support for a proposed project;

(3) The technical merit and quality of a proposed project.

Sec. 3734.901. (A)(1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire provisions of this chapter, rules adopted under those provisions, and terms and conditions of orders, variances, and licenses issued under those provisions; to abate accumulations of scrap tires; to make grants supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes and to support scrap tire amnesty and cleanup events; to make loans to promote the recycling or recovery of energy from scrap tires; and to defray the costs of administering and enforcing sections 3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents per tire is hereby levied on the sale of tires. The proceeds of the fee shall be deposited in the state treasury to the credit of the scrap tire management fund created in section 3734.82 of the Revised Code. The fee is levied from the first day of the calendar month that begins next after thirty days from October 29, 1993, through June 30, ~~2016~~ 2018.

(2) Beginning on July 1, 2011, and ending on June 30, ~~2016~~ 2018, there is hereby levied an additional fee of fifty cents per tire on the sale of tires the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section ~~1515.14~~ 940.15 of the Revised Code.

(B) Only one sale of the same article shall be used in computing the amount of the fee due.

Sec. 3736.03. (A) There is hereby created in the state 64377
treasury the recycling and litter prevention fund, consisting of 64378
moneys distributed to it from fees, including the fee levied under 64379
division (A)(2) of section 3714.073 of the Revised Code, gifts, 64380
donations, grants, reimbursements, and other sources, including 64381
investment earnings. 64382

(B) The director of environmental protection shall do all of 64383
the following: 64384

(1) Use moneys credited to the fund exclusively for the 64385
purposes set forth in sections 3734.49, 3736.02, ~~3736.04~~, 3736.05, 64386
and 3745.014 of the Revised Code, with particular emphasis on 64387
programs relating to recycling; 64388

(2) Require recipients of grants under section 3736.05 of the 64389
Revised Code, as a condition of receiving and retaining them, to 64390
do all of the following: 64391

(a) Create a separate account for the grants and any cash 64392
donations received that qualify for the donor credit allowed by 64393
section 5733.064 of the Revised Code; 64394

(b) Make expenditures from the account exclusively for the 64395
purposes for which the grants were received; 64396

(c) Use any auditing and accounting practices the director 64397
considers necessary regarding the account; 64398

(d) Report to the director information regarding the amount 64399
and donor of cash donations received as described by section 64400
5733.064 of the Revised Code; 64401

(e) Use grants received to supplement and not to replace any 64402
existing funding for such purposes. 64403

(3) Report to the tax commissioner information the director 64404
receives pursuant to division (B)(2)(d) of this section. 64405

Sec. 3736.05. (A) The director of environmental protection, 64406
pursuant to division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the 64407
Revised Code, may make grants from the recycling and litter 64408
prevention fund created in section 3736.03 of the Revised Code to 64409
accomplish the purposes of the programs established under section 64410
3736.02 of the Revised Code. 64411

(B) Except as provided in division (C) of this section, the 64412
director may require any eligible applicant certified by the 64413
~~recycling and litter prevention~~ materials management advisory 64414
council under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the 64415
Revised Code that applies for a grant for an activity or project 64416
that is intended to further the purposes of any program 64417
established under division (A)(1), (2), or (4) of section 3736.02 64418
of the Revised Code to provide a matching contribution of not more 64419
than fifty per cent of the grant. 64420

(C) Notwithstanding division (B) of this section, any grant 64421
awarded under division (A) of this section to foster cooperative 64422
research and development regarding recycling or the cooperative 64423
establishment or expansion of private recycling facilities or 64424
programs shall be made in conjunction with a contribution to the 64425
project by a cooperating enterprise that maintains or proposes to 64426
maintain a relevant research and development or recycling facility 64427
or program in this state or by an agency of the state, provided 64428
that funding provided by a state agency shall not be provided from 64429
general revenue funds appropriated by the general assembly. No 64430
grant made under division (A) of this section for the purposes 64431
described in this division shall exceed the contribution made by 64432
the cooperating enterprise or state agency. The director may 64433
consider cooperating contributions in the form of state of the art 64434
new equipment or in other forms if the director determines that 64435
the contribution is essential to the successful implementation of 64436
the project. 64437

Grants made under division (A) of this section for the 64438
purposes described in this division shall be made in such form and 64439
conditioned on such terms as the director considers to be 64440
appropriate. 64441

(D)(1) The director may require any eligible applicant 64442
certified by the ~~recycling and litter prevention~~ advisory council 64443
under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised 64444
Code that applies for a grant that is intended to further the 64445
purposes of the program established under division (A)(3) of 64446
section 3736.02 of the Revised Code, except any eligible applicant 64447
that is or is located in a county that has a per capita income 64448
equal to or below ninety per cent of the median county per capita 64449
income of the state as determined by the director using the most 64450
recently available figures from the United States census bureau, 64451
to provide a matching contribution as follows: 64452

(a) Up to ten per cent of the grant from any eligible 64453
applicant that is or is located in a county that has a per capita 64454
income above ninety per cent of the median county per capita 64455
income of the state, but equal to or below one hundred per cent of 64456
the median county per capita income of the state; 64457

(b) Up to twenty per cent of the grant from any eligible 64458
applicant that is or is located in a county that has a per capita 64459
income above the median county per capita income of the state. 64460

(2) If the eligible applicant is a joint solid waste 64461
management district or is filing a joint application on behalf of 64462
two or more counties, the matching contribution required under 64463
division (D)(1) of this section shall be the average of the 64464
matching contributions of all of the counties covered by the 64465
application as determined in accordance with that division. The 64466
matching contribution of a county that has a per capita income 64467
equal to or below ninety per cent of the median county per capita 64468
income of the state shall be included as zero in calculating the 64469

average matching contribution. 64470

(E) The director shall ensure that not less than fifty per 64471
cent of the moneys distributed as grants under this section shall 64472
be expended for the purposes of recycling and recycling market 64473
development. 64474

(F) No information that is submitted to, acquired by, or 64475
exchanged with employees of the environmental protection agency 64476
who administer or provide services under this section and that is 64477
submitted, acquired, or exchanged in order to obtain a grant 64478
pursuant to division (A) of this section shall be used in any 64479
manner for the purpose of the enforcement of any requirement 64480
established in an environmental law or used as evidence in any 64481
judicial or administrative enforcement proceeding unless that 64482
information reveals a clear and immediate danger to the 64483
environment or to the health, safety, or welfare of the public. 64484

(G) Nothing in this section confers immunity on persons from 64485
enforcement that is based on information that is obtained by the 64486
director or the director's authorized representatives who are not 64487
employees of the agency who administer or provide services under 64488
this section. 64489

(H) As used in this section, "environmental law" means a law 64490
that is administered by the environmental protection agency. 64491

Sec. 3736.06. (A) Agencies of the state certified pursuant to 64492
section ~~3736.04~~ 3734.49 of the Revised Code as eligible to receive 64493
a grant shall designate an employee as the liaison with the 64494
director of environmental protection to cooperate with the 64495
director in carrying out the director's duties under this chapter. 64496

(B) The executive and legislative authorities of municipal 64497
corporations, counties, and townships and the boards of park 64498
commissioners of township park districts created under section 64499

511.18 of the Revised Code, boards of park commissioners of park districts created under section 1545.04 of the Revised Code, and boards of education of city, exempted village, local, and joint vocational school districts may participate in the programs established under section 3736.02 of the Revised Code.

Sec. 3737.17. (A) As used in this section, a "qualifying small government" means any of the following:

(1) A township that has a population of not more than five thousand or, regardless of its population, is located in a county that has a population of less than one hundred thousand;

(2) A municipal corporation that has a population of not more than seven thousand five hundred;

(3) A fire district, joint fire district, or fire and ambulance district that shares territory exclusively with townships or municipal corporations that meet the conditions of division (A)(1) or (2) of this section.

(B) The state fire marshal shall administer a small government fire department services revolving loan program under which the state fire marshal makes loans to qualifying small governments for the following purposes:

(1) To expedite purchases of major equipment for fire fighting, ambulance, emergency medical, or rescue services;

(2) To expedite projects for the construction or renovation of fire department buildings.

A loan for either purpose under the small government fire department services revolving loan program is not to carry interest, and is to be repaid within a term of not longer than twenty years. A qualifying small government is not eligible to receive a loan for a project or purchase under the program unless the qualifying small government contributes to the project or

purchase an amount equal to at least five per cent of the loan 64530
amount. 64531

(C) A qualifying small government may apply to the state fire 64532
marshal for a loan under the small government fire department 64533
services revolving loan program. In its application, the 64534
qualifying small government shall explain how it qualifies for the 64535
loan, describe the project or purchase for which it is requesting 64536
a loan, state the amount of the loan it requests, and state the 64537
amount it is prepared to contribute to the project or purchase. 64538
The qualifying small government shall provide additional 64539
information to support its application for a loan under the 64540
program as requested by the state fire marshal. 64541

(D) The state fire marshal, in accordance with Chapter 119. 64542
of the Revised Code, shall adopt rules for the administration of 64543
the small government fire department services revolving loan 64544
program. 64545

(E) There is hereby created in the state treasury the small 64546
government fire department services revolving loan fund, into 64547
which shall be deposited repayments by qualifying small 64548
governments of loans authorized under this section. The fund also 64549
shall consist of appropriated money. Investment earnings on money 64550
in the fund shall be credited to the fund. The state fire marshal 64551
shall use the money credited to the fund to make loans to 64552
qualifying small governments as described in this section. The 64553
state fire marshal may loan money from repaid loans credited to 64554
the fund at any time to qualifying small governments in accordance 64555
with this section. 64556

Sec. 3737.84. (A) The state fire code adopted pursuant to 64557
sections 3737.82 and 3737.83 of the Revised Code shall not contain 64558
any provision as follows: 64559

(1) Relating to the organization or structure of a municipal 64560

or township fire department; 64561

(2) Relating to structural building requirements covered by 64562
the Ohio building code; 64563

(3) That would cause an employer, in complying with it, to be 64564
in violation of the "Occupational Safety and Health Act of 1970," 64565
84 Stat. 1590, 29 U.S.C.A. 651, or the "Consumer Product Safety 64566
Act of 1972," 86 Stat. 1207, 15 U.S.C.A. 2051; 64567

(4) Regulating manufacturers or manufacturing facilities with 64568
respect to occupational hazards where they are subject to 64569
regulation by the federal occupational safety and health 64570
administration; 64571

(5) That is inconsistent with, or in conflict with, 64572
regulations of the federal occupational safety and health 64573
administration or the hazardous materials regulations of the 64574
hazardous materials regulations board of the federal highway 64575
administration, United States department of transportation, or the 64576
public utilities commission; 64577

(6) That establishes a minimum standard of flammability for 64578
consumer goods in any area where the "Flammable Fabrics Act," 81 64579
Stat. 568 (1967), 15 U.S.C. 1191 authorizes the federal government 64580
or any department or agency of the federal government to establish 64581
national standards of flammability for consumer goods; 64582

(7) That establishes a health or safety standard for the use 64583
of explosives in mining, for which the federal government through 64584
its authorized agency sets health or safety standards pursuant to 64585
section 6 of the "Federal Metal and Nonmetallic Mine Safety Act of 64586
1966," 80 Stat. 772, 30 U.S.C. 725, or section 101 of the "Federal 64587
Coal Mine Health and Safety Act of 1969," 83 Stat. 745, 30 64588
U.S.C.A. 811; 64589

(8) That is inconsistent with, or in conflict with, section 64590
3737.73 or Chapter 3743. of the Revised Code, or the rules adopted 64591

pursuant to that chapter; 64592

(9)(a) Restricting the dispensing of diesel fuel at a 64593
terminal or bulk plant into a motor vehicle that is transporting 64594
petroleum products or equipment essential to the operation of the 64595
terminal or bulk plant, provided that the motor vehicle is owned 64596
or leased by or operated under a contract with a person who has 64597
been issued a motor fuel dealer's license under section 5735.02 of 64598
the Revised Code; 64599

(b) Authorizing the dispensing of any petroleum products at a 64600
terminal or bulk plant from an ~~above-ground~~ aboveground storage 64601
tank at the terminal or bulk plant to a motor vehicle other than a 64602
motor vehicle that is described in division (A)(9)(a) of this 64603
section or to a member of the general public. 64604

As used in division (A)(9) of this section, "terminal or bulk 64605
plant" means that portion of a property where petroleum products 64606
are received by tank vessels, pipelines, tank cars, or tank 64607
vehicles and are stored or blended in bulk for the purpose of 64608
distributing the petroleum products via tank vessel, pipeline, 64609
tank car, tank vehicle, portable tank, or container. 64610

(10) That prohibits the use of a device described in section 64611
3381.106 of the Revised Code and used in accordance with rules 64612
adopted pursuant to that section. 64613

(B) No penalty shall be imposed by the fire marshal on any 64614
person for a violation of the state fire code if a penalty has 64615
been imposed or an order issued by the federal government for a 64616
violation of a similar provision contained in or adopted pursuant 64617
to the federal acts referred to in this section, where the facts 64618
that constitute the violation of the state fire code are the same 64619
as those that constitute the violation or alleged violation of the 64620
federal act. 64621

Sec. 3743.07. (A) Licensed manufacturers of fireworks shall 64622
keep complete records of all fireworks in their inventory. 64623

~~(B) Licensed manufacturers of fireworks shall keep the 64624
following records with respect to fireworks sold at wholesale or 64625
retail for a period of three years after the date of their sale: 64626~~

~~(1) In the case of a wholesale sale, the name and address of 64627
the purchaser; the destination to which the fireworks will be 64628
transported; if applicable, the number of the purchaser's 64629
wholesale license; the date of purchase; when the fireworks are to 64630
be shipped directly out of this state by a manufacturer to a 64631
purchaser, the manner in which the fireworks were shipped to the 64632
purchaser; and such other information as the fire marshal may 64633
require. 64634~~

~~(2) In the case of a retail sale, the name and address of the 64635
purchaser; the destination to which the fireworks will be 64636
transported; if applicable, the number of the purchaser's 64637
exhibitor's license and the number and political subdivision 64638
designation of the purchaser's permit for a fireworks exhibition; 64639
the date of purchase; when the fireworks are shipped directly out 64640
of this state by a manufacturer to a purchaser, the manner in 64641
which the fireworks were shipped to the purchaser; and such other 64642
information as the fire marshal may require. 64643~~

~~(C) The seller shall require each purchaser described in 64644
division (B) of this section to complete a purchaser's form, which 64645
shall be prescribed by the fire marshal and furnished by the 64646
seller. On this form the purchaser shall include the information 64647
described in division (B) of this section and the purchaser's 64648
signature. Each purchaser's form shall contain a statement printed 64649
in bold letters indicating that knowingly making a false statement 64650
on the form is falsification under section 2921.13 of the Revised 64651
Code and is a misdemeanor of the first degree. Each seller shall 64652~~

~~keep each purchaser's form for a period of three years after the~~ 64653
~~date of the purchase, and such forms shall be open to inspection~~ 64654
~~by the fire marshal or the fire marshal's designated authority.~~ 64655

~~(D) A licensed manufacturer of fireworks shall keep its~~ 64656
~~wholesale sale and retail sale records in separate books. These~~ 64657
~~records and the inventory records shall be open to inspection by~~ 64658
~~the fire marshal or the fire marshal's designated authority.~~ 64659

Sec. 3743.20. ~~(A)~~ Licensed wholesalers of fireworks shall 64660
keep complete records of all fireworks in their inventory. 64661

~~(B) Licensed wholesalers of fireworks shall keep the~~ 64662
~~following records with respect to fireworks sold at wholesale or~~ 64663
~~retail for a period of three years after the date of their sale:~~ 64664

~~(1) In the case of a wholesale sale, the name and address of~~ 64665
~~the purchaser; the destination to which the fireworks will be~~ 64666
~~transported; if applicable, the number of the purchaser's~~ 64667
~~wholesale license; the date of the purchase; when the fireworks~~ 64668
~~are to be shipped directly out of this state by a wholesaler to a~~ 64669
~~purchaser, the manner in which the fireworks were shipped to the~~ 64670
~~purchaser; and such other information as the fire marshal may~~ 64671
~~require;~~ 64672

~~(2) In the case of a retail sale, the name and address of the~~ 64673
~~purchaser; the destination to which the fireworks will be~~ 64674
~~transported; if applicable, the number of the purchaser's~~ 64675
~~exhibitor's license and the number and political subdivision~~ 64676
~~designation of the purchaser's permit for a fireworks exhibition;~~ 64677
~~the date of purchase; when the fireworks are shipped directly out~~ 64678
~~of this state by a wholesaler to a purchaser, the manner in which~~ 64679
~~the fireworks were shipped to the purchaser; and such other~~ 64680
~~information as the fire marshal may require.~~ 64681

~~(C) The seller shall require each purchaser described in~~ 64682

~~division (B) of this section to complete a purchaser's form, which~~ 64683
~~shall be prescribed by the fire marshal and furnished by the~~ 64684
~~seller. On this form the purchaser shall include the information~~ 64685
~~described in division (B) of this section and the purchaser's~~ 64686
~~signature. Each purchaser's form shall contain a statement printed~~ 64687
~~in bold letters indicating that knowingly making a false statement~~ 64688
~~on the form is falsification under section 2921.13 of the Revised~~ 64689
~~Code and is a misdemeanor of the first degree. Each seller shall~~ 64690
~~keep each purchaser's form for a period of three years after the~~ 64691
~~date of the purchase, and such forms shall be open to inspection~~ 64692
~~by the fire marshal or the fire marshal's designated authority.~~ 64693

~~(D) A licensed wholesaler of fireworks shall keep its~~ 64694
~~wholesale sale and retail sale records in separate books. These~~ 64695
~~records and the inventory records shall be open to inspection by~~ 64696
~~the fire marshal or the fire marshal's designated authority.~~ 64697

Sec. 3743.44. (A) Any person who resides in another state and 64698
who intends to obtain possession in this state of fireworks 64699
purchased in this state shall obtain possession of the fireworks 64700
only from a licensed manufacturer or licensed wholesaler and only 64701
possess the fireworks in this state while in the course of 64702
directly transporting them out of this state. ~~No~~ 64703

No licensed manufacturer or licensed wholesaler shall sell 64704
1.3G fireworks to a person who resides in another state unless 64705
that person has been issued a license or permit in the state of 64706
the person's residence that authorizes the person to engage in the 64707
manufacture, wholesale sale, or retail sale of 1.3G fireworks or 64708
that authorizes the person to conduct 1.3G fireworks exhibitions 64709
in that state and that person presents a certified copy of the 64710
license. ~~No~~ 64711

No licensed manufacturer or licensed wholesaler shall sell 64712
fireworks to a person who resides in another state unless that 64713

person has been issued a license or permit in the state of the 64714
person's residence that authorizes the person to engage in the 64715
manufacture, wholesale sale, or retail sale of fireworks in that 64716
state or that authorizes the person to conduct fireworks 64717
exhibitions in that state and that person presents a certified 64718
copy of the license, or, if that person does not possess a license 64719
or permit of that nature, only if the person presents a current 64720
valid motor vehicle operator's license issued to the person in the 64721
person's state of residence, or, if that person does not possess a 64722
motor vehicle operator's license issued in that state, an 64723
identification card issued to the person by a governmental agency 64724
in the person's state of residence indicating that the person is a 64725
resident of that state. If a person who is required to present a 64726
motor vehicle operator's license or other identification card 64727
intends to transport the fireworks purchased directly out of this 64728
state by a motor vehicle and the person will not also be the 64729
operator of that motor vehicle while so transporting the 64730
fireworks, the operator of the motor vehicle also shall present 64731
the operator's motor vehicle operator's license. 64732

(B) ~~A licensed manufacturer or licensed wholesaler selling 64733
fireworks under this section shall require the purchaser to 64734
complete a purchaser's form. The fire marshal shall prescribe the 64735
form, and the licensed manufacturer or licensed wholesaler shall 64736
furnish the form. On this form the purchaser shall include the 64737
purchaser's name and address; the date of the purchase; a 64738
statement that the purchaser acknowledges that the purchaser is 64739
responsible for any illegal use of the fireworks, including any 64740
damages caused by improper use; the number of the purchaser's 64741
license or permit authorizing the purchaser to manufacture, sell 64742
at wholesale, or sell at retail fireworks or to conduct fireworks 64743
exhibitions, or the number of the purchaser's motor vehicle 64744
operator's license or other identification card, as applicable; 64745
such other information as the fire marshal may require; and the 64746~~

~~purchaser's signature. Each purchaser's form shall contain a~~ 64747
~~statement printed in bold letters indicating that knowingly making~~ 64748
~~a false statement on the form is falsification under section~~ 64749
~~2921.13 of the Revised Code and is a misdemeanor of the first~~ 64750
~~degree.~~ 64751

~~Each licensed manufacturer and licensed wholesaler shall keep~~ 64752
~~each purchaser's form for a period of three years after the date~~ 64753
~~of the purchase, and such forms shall be open to inspection by the~~ 64754
~~fire marshal or the fire marshal's designated authority.~~ 64755

~~(C)~~ Each purchaser of fireworks under this section shall 64756
transport the fireworks so purchased directly out of this state 64757
within forty-eight hours after the time of their purchase. 64758

This section regulates wholesale sales and retail sales of 64759
fireworks in this state only insofar as purchasers of fireworks 64760
are residents of other states and will be obtaining possession in 64761
this state of purchased fireworks. This section does not prohibit 64762
licensed manufacturers or wholesalers from selling fireworks, in 64763
accordance with section 3743.04 or sections 3743.17 and 3743.25 of 64764
the Revised Code, to a resident of another state and from shipping 64765
the purchased fireworks directly out of this state to the 64766
purchaser. 64767

Sec. 3743.45. (A) Any person who resides in this state and 64768
who intends to obtain possession in this state of 1.4G fireworks 64769
purchased in this state shall obtain possession of the 1.4G 64770
fireworks only from a licensed manufacturer or licensed 64771
wholesaler. 64772

~~A licensed manufacturer or licensed wholesaler selling 1.4G~~ 64773
~~fireworks under this division shall require the purchaser to~~ 64774
~~complete a purchaser's form, which shall be prescribed by the~~ 64775
~~state fire marshal and furnished by the licensed manufacturer or~~ 64776
~~licensed wholesaler. On this form the purchaser shall include the~~ 64777

~~purchaser's name and address; the date of the purchase; a~~ 64778
~~statement that the purchaser acknowledges that the purchaser is~~ 64779
~~responsible for any illegal use of the fireworks, including any~~ 64780
~~damages caused by improper use; such other information as the fire~~ 64781
~~marshal may require; and the purchaser's signature. Each~~ 64782
~~purchaser's form shall contain a statement printed in bold letters~~ 64783
~~indicating that knowingly making a false statement on the form is~~ 64784
~~falsification under section 2921.13 of the Revised Code and is a~~ 64785
~~misdemeanor of the first degree.~~ 64786

~~Each licensed manufacturer and licensed wholesaler shall keep~~ 64787
~~each purchaser's form for a period of three years after the date~~ 64788
~~of the purchase, and such forms shall be open to inspection by the~~ 64789
~~fire marshal or the fire marshal's designated authority.~~ 64790

Each purchaser of 1.4G fireworks under this division shall 64791
transport the fireworks so purchased directly out of this state 64792
within forty-eight hours after the time of their purchase. 64793

This division does not apply to a person who resides in this 64794
state and who is also a licensed manufacturer, licensed 64795
wholesaler, or licensed exhibitor of fireworks in this state. 64796

(B) No licensed manufacturer or licensed wholesaler shall 64797
sell 1.3G fireworks to a person who resides in this state unless 64798
that person is a licensed manufacturer, licensed wholesaler, or 64799
licensed exhibitor of fireworks in this state. 64800

Sec. 3743.63. (A) No person who resides in another state and 64801
purchases fireworks in this state shall obtain possession of the 64802
fireworks in this state unless the person complies with section 64803
3743.44 of the Revised Code, ~~provided that knowingly making a~~ 64804
~~false statement on the fireworks purchaser form is not a violation~~ 64805
~~of this section but is a violation of section 2921.13 of the~~ 64806
~~Revised Code.~~ 64807

(B) No person who resides in another state and who purchases fireworks in this state shall obtain possession of fireworks in this state other than from a licensed manufacturer or wholesaler, or fail, when transporting ~~the 1.3G~~ fireworks, to transport them directly out of this state within seventy-two hours after the time of their purchase. No such person shall give or sell to any other person in this state fireworks that the person has acquired in this state.

(C) No person who resides in this state and purchases fireworks in this state shall obtain possession of the fireworks in this state unless the person complies with section 3743.45 of the Revised Code, ~~provided that knowingly making a false statement on the fireworks purchaser form is not a violation of this section but is a violation of section 2921.13 of the Revised Code.~~

(D) No person who resides in this state and who purchases fireworks in this state under section 3743.45 of the Revised Code shall obtain possession of fireworks in this state other than from a licensed manufacturer or licensed wholesaler, or fail, when transporting the fireworks, to transport them directly out of this state within forty-eight hours after the time of their purchase. No such person shall give or sell to any other person in this state fireworks that the person has acquired in this state.

Sec. 3743.65. (A) No person shall possess fireworks in this state or shall possess for sale or sell fireworks in this state, except a licensed manufacturer of fireworks as authorized by sections 3743.02 to 3743.08 of the Revised Code, a licensed wholesaler of fireworks as authorized by sections 3743.15 to 3743.21 of the Revised Code, a shipping permit holder as authorized by section 3743.40 of the Revised Code, an out-of-state resident as authorized by section 3743.44 of the Revised Code, a resident of this state as authorized by section 3743.45 of the

Revised Code, or a licensed exhibitor of fireworks as authorized 64839
by sections 3743.50 to 3743.55 of the Revised Code, and except as 64840
provided in section 3743.80 of the Revised Code. 64841

(B) Except as provided in section 3743.80 of the Revised Code 64842
and except for licensed exhibitors of fireworks authorized to 64843
conduct a fireworks exhibition pursuant to sections 3743.50 to 64844
3743.55 of the Revised Code, no person shall discharge, ignite, or 64845
explode any fireworks in this state. 64846

(C) No person shall use in a theater or public hall, what is 64847
technically known as fireworks showers, or a mixture containing 64848
potassium chlorate and sulphur. 64849

(D) No person shall sell fireworks of any kind to a person 64850
under eighteen years of age. No person under eighteen years of age 64851
shall enter a fireworks sales showroom unless that person is 64852
accompanied by a parent, legal guardian, or other responsible 64853
adult. No person under eighteen years of age shall touch or 64854
possess fireworks on a licensed premises without the consent of 64855
the licensee. A licensee may eject any person from a licensed 64856
premises that is in any way disruptive to the safe operation of 64857
the premises. 64858

(E) ~~No~~ Except as otherwise provided in section 3743.44 of the 64859
Revised Code, no person, other than a licensed manufacturer, 64860
licensed wholesaler, licensed exhibitor, or shipping permit 64861
holder, shall possess 1.3G fireworks in this state. 64862

(F) Except as otherwise provided in division (J) of section 64863
3743.06 and division (K) of section 3743.19 of the Revised Code, 64864
no person shall knowingly disable a fire suppression system as 64865
defined in section 3781.108 of the Revised Code on the premises of 64866
a fireworks plant of a licensed manufacturer of fireworks or on 64867
the premises of the business operations of a licensed wholesaler 64868
of fireworks. 64869

Sec. 3743.75. (A) During the period beginning on June 29, 64870
2001, and ending on December 15, ~~2015~~ 2017, the state fire marshal 64871
shall not do any of the following: 64872

(1) Issue a license as a manufacturer of fireworks under 64873
sections 3743.02 and 3743.03 of the Revised Code to a person for a 64874
particular fireworks plant unless that person possessed such a 64875
license for that fireworks plant immediately prior to June 29, 64876
2001; 64877

(2) Issue a license as a wholesaler of fireworks under 64878
sections 3743.15 and 3743.16 of the Revised Code to a person for a 64879
particular location unless that person possessed such a license 64880
for that location immediately prior to June 29, 2001; 64881

(3) Except as provided in division (B) of this section, 64882
approve the geographic transfer of a license as a manufacturer or 64883
wholesaler of fireworks issued under this chapter to any location 64884
other than a location for which a license was issued under this 64885
chapter immediately prior to June 29, 2001. 64886

(B) Division (A)(3) of this section does not apply to a 64887
transfer that the state fire marshal approves under division (F) 64888
of section 3743.17 of the Revised Code. 64889

(C) Notwithstanding section 3743.59 of the Revised Code, the 64890
prohibited activities established in divisions (A)(1) and (2) of 64891
this section, geographic transfers approved pursuant to division 64892
(F) of section 3743.17 of the Revised Code, and storage locations 64893
allowed pursuant to division (I) of section 3743.04 of the Revised 64894
Code or division (G) of section 3743.17 of the Revised Code are 64895
not subject to any variance, waiver, or exclusion. 64896

(D) As used in division (A) of this section: 64897

(1) "Person" includes any person or entity, in whatever form 64898
or name, that acquires possession of a manufacturer or wholesaler 64899

of fireworks license issued pursuant to this chapter by transfer 64900
of possession of a license, whether that transfer occurs by 64901
purchase, assignment, inheritance, bequest, stock transfer, or any 64902
other type of transfer, on the condition that the transfer is in 64903
accordance with division (D) of section 3743.04 of the Revised 64904
Code or division (D) of section 3743.17 of the Revised Code and is 64905
approved by the fire marshal. 64906

(2) "Particular location" includes a licensed premises and, 64907
regardless of when approved, any storage location approved in 64908
accordance with section 3743.04 or 3743.17 of the Revised Code. 64909

(3) "Such a license" includes a wholesaler of fireworks 64910
license that was issued in place of a manufacturer of fireworks 64911
license that existed prior to June 29, 2001, and was requested to 64912
be canceled by the license holder pursuant to division (D) of 64913
section 3743.03 of the Revised Code. 64914

Sec. 3745.015. There is hereby created in the state treasury 64915
the environmental protection fund consisting of money credited to 64916
the fund under division (A)(3) of section 3734.57 of the Revised 64917
Code. The environmental protection agency shall use money in the 64918
fund to pay the agency's costs associated with administering and 64919
enforcing, or otherwise conducting activities under, this chapter 64920
and Chapters 3704., 3734., 3746., 3747., 3748., 3750., 3751., 64921
3752., 3753., 5709., 6101., 6103., 6105., 6109., 6111., 6112., 64922
6113., 6115., 6117., and 6119. and sections 122.65 and 1521.19 of 64923
the Revised Code, including providing compliance assistance to 64924
small businesses. 64925

Sec. 3745.11. (A) Applicants for and holders of permits, 64926
licenses, variances, plan approvals, and certifications issued by 64927
the director of environmental protection pursuant to Chapters 64928
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 64929

to the environmental protection agency for each such issuance and 64930
each application for an issuance as provided by this section. No 64931
fee shall be charged for any issuance for which no application has 64932
been submitted to the director. 64933

(B) Except as otherwise provided in division (C)(2) of this 64934
section, beginning July 1, 1994, each person who owns or operates 64935
an air contaminant source and who is required to apply for and 64936
obtain a Title V permit under section 3704.036 of the Revised Code 64937
shall pay the fees set forth in this division. For the purposes of 64938
this division, total emissions of air contaminants may be 64939
calculated using engineering calculations, emissions factors, 64940
material balance calculations, or performance testing procedures, 64941
as authorized by the director. 64942

The following fees shall be assessed on the total actual 64943
emissions from a source in tons per year of the regulated 64944
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 64945
organic compounds, and lead: 64946

(1) Fifteen dollars per ton on the total actual emissions of 64947
each such regulated pollutant during the period July through 64948
December 1993, to be collected no sooner than July 1, 1994; 64949

(2) Twenty dollars per ton on the total actual emissions of 64950
each such regulated pollutant during calendar year 1994, to be 64951
collected no sooner than April 15, 1995; 64952

(3) Twenty-five dollars per ton on the total actual emissions 64953
of each such regulated pollutant in calendar year 1995, and each 64954
subsequent calendar year, to be collected no sooner than the 64955
fifteenth day of April of the year next succeeding the calendar 64956
year in which the emissions occurred. 64957

The fees levied under this division do not apply to that 64958
portion of the emissions of a regulated pollutant at a facility 64959
that exceed four thousand tons during a calendar year. 64960

(C)(1) The fees assessed under division (B) of this section 64961
are for the purpose of providing funding for the Title V permit 64962
program. 64963

(2) The fees assessed under division (B) of this section do 64964
not apply to emissions from any electric generating unit 64965
designated as a Phase I unit under Title IV of the federal Clean 64966
Air Act prior to calendar year 2000. Those fees shall be assessed 64967
on the emissions from such a generating unit commencing in 64968
calendar year 2001 based upon the total actual emissions from the 64969
generating unit during calendar year 2000 and shall continue to be 64970
assessed each subsequent calendar year based on the total actual 64971
emissions from the generating unit during the preceding calendar 64972
year. 64973

(3) The director shall issue invoices to owners or operators 64974
of air contaminant sources who are required to pay a fee assessed 64975
under division (B) or (D) of this section. Any such invoice shall 64976
be issued no sooner than the applicable date when the fee first 64977
may be collected in a year under the applicable division, shall 64978
identify the nature and amount of the fee assessed, and shall 64979
indicate that the fee is required to be paid within thirty days 64980
after the issuance of the invoice. 64981

(D)(1) Except as provided in division (D)(3) of this section, 64982
from January 1, 1994, through December 31, 2003, each person who 64983
owns or operates an air contaminant source; who is required to 64984
apply for a permit to operate pursuant to rules adopted under 64985
division (G), or a variance pursuant to division (H), of section 64986
3704.03 of the Revised Code; and who is not required to apply for 64987
and obtain a Title V permit under section 3704.036 of the Revised 64988
Code shall pay a single fee based upon the sum of the actual 64989
annual emissions from the facility of the regulated pollutants 64990
particulate matter, sulfur dioxide, nitrogen oxides, organic 64991
compounds, and lead in accordance with the following schedule: 64992

Total tons per year		64993
of regulated pollutants	Annual fee	64994
emitted	per facility	64995
More than 0, but less than 50	\$ 75	64996
50 or more, but less than 100	300	64997
100 or more	700	64998

(2) Except as provided in division (D)(3) of this section, 64999
beginning January 1, 2004, each person who owns or operates an air 65000
contaminant source; who is required to apply for a permit to 65001
operate pursuant to rules adopted under division (G), or a 65002
variance pursuant to division (H), of section 3704.03 of the 65003
Revised Code; and who is not required to apply for and obtain a 65004
Title V permit under section 3704.03 of the Revised Code shall pay 65005
a single fee based upon the sum of the actual annual emissions 65006
from the facility of the regulated pollutants particulate matter, 65007
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 65008
accordance with the following schedule: 65009

Total tons per year		65010
of regulated pollutants	Annual fee	65011
emitted	per facility	65012
More than 0, but less than 10	\$ 100	65013
10 or more, but less than 50	200	65014
50 or more, but less than 100	300	65015
100 or more	700	65016

(3)(a) As used in division (D) of this section, "synthetic 65017
minor facility" means a facility for which one or more permits to 65018
install or permits to operate have been issued for the air 65019
contaminant sources at the facility that include terms and 65020
conditions that lower the facility's potential to emit air 65021
contaminants below the major source thresholds established in 65022
rules adopted under section 3704.036 of the Revised Code. 65023

(b) Beginning January 1, 2000, through June 30, ~~2016~~ 2018, 65024

each person who owns or operates a synthetic minor facility shall 65025
pay an annual fee based on the sum of the actual annual emissions 65026
from the facility of particulate matter, sulfur dioxide, nitrogen 65027
dioxide, organic compounds, and lead in accordance with the 65028
following schedule: 65029

Combined total tons		65030
per year of all regulated	Annual fee	65031
pollutants emitted	per facility	65032
Less than 10	\$ 170	65033
10 or more, but less than 20	340	65034
20 or more, but less than 30	670	65035
30 or more, but less than 40	1,010	65036
40 or more, but less than 50	1,340	65037
50 or more, but less than 60	1,680	65038
60 or more, but less than 70	2,010	65039
70 or more, but less than 80	2,350	65040
80 or more, but less than 90	2,680	65041
90 or more, but less than 100	3,020	65042
100 or more	3,350	65043

(4) The fees assessed under division (D)(1) of this section 65044
shall be collected annually no sooner than the fifteenth day of 65045
April, commencing in 1995. The fees assessed under division (D)(2) 65046
of this section shall be collected annually no sooner than the 65047
fifteenth day of April, commencing in 2005. The fees assessed 65048
under division (D)(3) of this section shall be collected no sooner 65049
than the fifteenth day of April, commencing in 2000. The fees 65050
assessed under division (D) of this section in a calendar year 65051
shall be based upon the sum of the actual emissions of those 65052
regulated pollutants during the preceding calendar year. For the 65053
purpose of division (D) of this section, emissions of air 65054
contaminants may be calculated using engineering calculations, 65055
emission factors, material balance calculations, or performance 65056
testing procedures, as authorized by the director. The director, 65057

by rule, may require persons who are required to pay the fees 65058
assessed under division (D) of this section to pay those fees 65059
biennially rather than annually. 65060

(E)(1) Consistent with the need to cover the reasonable costs 65061
of the Title V permit program, the director annually shall 65062
increase the fees prescribed in division (B) of this section by 65063
the percentage, if any, by which the consumer price index for the 65064
most recent calendar year ending before the beginning of a year 65065
exceeds the consumer price index for calendar year 1989. Upon 65066
calculating an increase in fees authorized by division (E)(1) of 65067
this section, the director shall compile revised fee schedules for 65068
the purposes of division (B) of this section and shall make the 65069
revised schedules available to persons required to pay the fees 65070
assessed under that division and to the public. 65071

(2) For the purposes of division (E)(1) of this section: 65072

(a) The consumer price index for any year is the average of 65073
the consumer price index for all urban consumers published by the 65074
United States department of labor as of the close of the 65075
twelve-month period ending on the thirty-first day of August of 65076
that year. 65077

(b) If the 1989 consumer price index is revised, the director 65078
shall use the revision of the consumer price index that is most 65079
consistent with that for calendar year 1989. 65080

(F) Each person who is issued a permit to install pursuant to 65081
rules adopted under division (F) of section 3704.03 of the Revised 65082
Code on or after July 1, 2003, shall pay the fees specified in the 65083
following schedules: 65084

(1) Fuel-burning equipment (boilers, furnaces, or process 65085
heaters used in the process of burning fuel for the primary 65086
purpose of producing heat or power by indirect heat transfer) 65087
Input capacity (maximum) 65088

(million British thermal units per hour)	Permit to install	65089
Greater than 0, but less than 10	\$ 200	65090
10 or more, but less than 100	400	65091
100 or more, but less than 300	1000	65092
300 or more, but less than 500	2250	65093
500 or more, but less than 1000	3750	65094
1000 or more, but less than 5000	6000	65095
5000 or more	9000	65096

Units burning exclusively natural gas, number two fuel oil,
or both shall be assessed a fee that is one-half the applicable
amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		65100
Generating capacity (mega watts)	Permit to install	65101
0 or more, but less than 10	\$ 25	65102
10 or more, but less than 25	150	65103
25 or more, but less than 50	300	65104
50 or more, but less than 100	500	65105
100 or more, but less than 250	1000	65106
250 or more	2000	65107

(3) Incinerators		65109
Input capacity (pounds per hour)	Permit to install	65110
0 to 100	\$ 100	65111
101 to 500	500	65112
501 to 2000	1000	65113
2001 to 20,000	1500	65114
more than 20,000	3750	65115

(4)(a) Process		65116
Process weight rate (pounds per hour)	Permit to install	65117
0 to 1000	\$ 200	65118
1001 to 5000	500	65119
5001 to 10,000	750	65120

10,001 to 50,000	1000	65121
more than 50,000	1250	65122

In any process where process weight rate cannot be 65123
ascertained, the minimum fee shall be assessed. A boiler, furnace, 65124
combustion turbine, stationary internal combustion engine, or 65125
process heater designed to provide direct heat or power to a 65126
process not designed to generate electricity shall be assessed a 65127
fee established in division (F)(4)(a) of this section. A 65128
combustion turbine or stationary internal combustion engine 65129
designed to generate electricity shall be assessed a fee 65130
established in division (F)(2) of this section. 65131

(b) Notwithstanding division (F)(4)(a) of this section, any 65132
person issued a permit to install pursuant to rules adopted under 65133
division (F) of section 3704.03 of the Revised Code shall pay the 65134
fees set forth in division (F)(4)(c) of this section for a process 65135
used in any of the following industries, as identified by the 65136
applicable two-digit, three-digit, or four-digit standard 65137
industrial classification code according to the Standard 65138
Industrial Classification Manual published by the United States 65139
office of management and budget in the executive office of the 65140
president, 1987, as revised: 65141

Major group 10, metal mining; 65142

Major group 12, coal mining; 65143

Major group 14, mining and quarrying of nonmetallic minerals; 65144

Industry group 204, grain mill products; 65145

2873 Nitrogen fertilizers; 65146

2874 Phosphatic fertilizers; 65147

3281 Cut stone and stone products; 65148

3295 Minerals and earth, ground or otherwise treated; 65149

4221 Grain elevators (storage only); 65150

5159 Farm related raw materials;		65151
5261 Retail nurseries and lawn and garden supply stores.		65152
(c) The fees set forth in the following schedule apply to the		65153
issuance of a permit to install pursuant to rules adopted under		65154
division (F) of section 3704.03 of the Revised Code for a process		65155
identified in division (F)(4)(b) of this section:		65156
Process weight rate (pounds per	Permit to install	65157
hour)		
0 to 10,000	\$ 200	65158
10,001 to 50,000	400	65159
50,001 to 100,000	500	65160
100,001 to 200,000	600	65161
200,001 to 400,000	750	65162
400,001 or more	900	65163
(5) Storage tanks		65164
Gallons (maximum useful capacity)	Permit to install	65165
0 to 20,000	\$ 100	65166
20,001 to 40,000	150	65167
40,001 to 100,000	250	65168
100,001 to 500,000	400	65169
500,001 or greater	750	65170
(6) Gasoline/fuel dispensing facilities		65171
For each gasoline/fuel		65172
dispensing facility (includes all	Permit to install	65173
units at the facility)	\$ 100	65174
(7) Dry cleaning facilities		65175
For each dry cleaning		65176
facility (includes all units	Permit to install	65177
at the facility)	\$ 100	65178
(8) Registration status		65179
For each source covered	Permit to install	65180

by registration status \$ 75 65181

(G) An owner or operator who is responsible for an asbestos 65182
demolition or renovation project pursuant to rules adopted under 65183
section 3704.03 of the Revised Code shall pay the fees set forth 65184
in the following schedule: 65185

Action	Fee	
Each notification	\$75	65186
Asbestos removal	\$3/unit	65187
Asbestos cleanup	\$4/cubic yard	65188

For purposes of this division, "unit" means any combination of 65189
linear feet or square feet equal to fifty. 65190

(H) A person who is issued an extension of time for a permit 65191
to install an air contaminant source pursuant to rules adopted 65192
under division (F) of section 3704.03 of the Revised Code shall 65193
pay a fee equal to one-half the fee originally assessed for the 65194
permit to install under this section, except that the fee for such 65195
an extension shall not exceed two hundred dollars. 65196

(I) A person who is issued a modification to a permit to 65197
install an air contaminant source pursuant to rules adopted under 65198
section 3704.03 of the Revised Code shall pay a fee equal to 65199
one-half of the fee that would be assessed under this section to 65200
obtain a permit to install the source. The fee assessed by this 65201
division only applies to modifications that are initiated by the 65202
owner or operator of the source and shall not exceed two thousand 65203
dollars. 65204

(J) Notwithstanding division (F) of this section, a person 65205
who applies for or obtains a permit to install pursuant to rules 65206
adopted under division (F) of section 3704.03 of the Revised Code 65207
after the date actual construction of the source began shall pay a 65208
fee for the permit to install that is equal to twice the fee that 65209
otherwise would be assessed under the applicable division unless 65210
the applicant received authorization to begin construction under 65211
65212

division (W) of section 3704.03 of the Revised Code. This division 65213
only applies to sources for which actual construction of the 65214
source begins on or after July 1, 1993. The imposition or payment 65215
of the fee established in this division does not preclude the 65216
director from taking any administrative or judicial enforcement 65217
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 65218
of the Revised Code, or a rule adopted under any of them, in 65219
connection with a violation of rules adopted under division (F) of 65220
section 3704.03 of the Revised Code. 65221

As used in this division, "actual construction of the source" 65222
means the initiation of physical on-site construction activities 65223
in connection with improvements to the source that are permanent 65224
in nature, including, without limitation, the installation of 65225
building supports and foundations and the laying of underground 65226
pipework. 65227

(K)(1) Money received under division (B) of this section 65228
shall be deposited in the state treasury to the credit of the 65229
Title V clean air fund created in section 3704.035 of the Revised 65230
Code. Annually, fifty cents per ton of each fee assessed under 65231
division (B) of this section on actual emissions from a source and 65232
received by the environmental protection agency pursuant to that 65233
division shall be transferred using an interstate transfer voucher 65234
to the state treasury to the credit of the small business 65235
assistance fund created in section 3706.19 of the Revised Code. In 65236
addition, annually, the amount of money necessary for the 65237
operation of the office of ombudsperson as determined under 65238
division (B) of that section shall be transferred to the state 65239
treasury to the credit of the small business ombudsperson fund 65240
created by that section. 65241

(2) Money received by the agency pursuant to divisions (D), 65242
(F), (G), (H), (I), and (J) of this section shall be deposited in 65243
the state treasury to the credit of the non-Title V clean air fund 65244

created in section 3704.035 of the Revised Code. 65245

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 65246
or (c) of this section, a person issued a water discharge permit 65247
or renewal of a water discharge permit pursuant to Chapter 6111. 65248
of the Revised Code shall pay a fee based on each point source to 65249
which the issuance is applicable in accordance with the following 65250
schedule: 65251

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	65253
1,001 to 5000	100	65254
5,001 to 50,000	200	65255
50,001 to 100,000	300	65256
100,001 to 300,000	525	65257
over 300,000	750	65258

(b) Notwithstanding the fee schedule specified in division 65259
(L)(1)(a) of this section, the fee for a water discharge permit 65260
that is applicable to coal mining operations regulated under 65261
Chapter 1513. of the Revised Code shall be two hundred fifty 65262
dollars per mine. 65263

(c) Notwithstanding the fee schedule specified in division 65264
(L)(1)(a) of this section, the fee for a water discharge permit 65265
for a public discharger identified by I in the third character of 65266
the permittee's NPDES permit number shall not exceed seven hundred 65267
fifty dollars. 65268

(2) A person applying for a plan approval for a wastewater 65269
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 65270
of the Revised Code shall pay a fee of one hundred dollars plus 65271
sixty-five one-hundredths of one per cent of the estimated project 65272
cost through June 30, ~~2016~~ 2018, and one hundred dollars plus 65273
two-tenths of one per cent of the estimated project cost on and 65274
after July 1, ~~2016~~ 2018, except that the total fee shall not 65275
exceed fifteen thousand dollars through June 30, ~~2016~~ 2018, and 65276

five thousand dollars on and after July 1, ~~2016~~ 2018. The fee 65277
shall be paid at the time the application is submitted. 65278

(3) A person issued a modification of a water discharge 65279
permit shall pay a fee equal to one-half the fee that otherwise 65280
would be charged for a water discharge permit, except that the fee 65281
for the modification shall not exceed four hundred dollars. 65282

(4) A person who has entered into an agreement with the 65283
director under section 6111.14 of the Revised Code shall pay an 65284
administrative service fee for each plan submitted under that 65285
section for approval that shall not exceed the minimum amount 65286
necessary to pay administrative costs directly attributable to 65287
processing plan approvals. The director annually shall calculate 65288
the fee and shall notify all persons who have entered into 65289
agreements under that section, or who have applied for agreements, 65290
of the amount of the fee. 65291

(5)(a)(i) Not later than January 30, ~~2014~~ 2016, and January 65292
30, ~~2015~~ 2017, a person holding an NPDES discharge permit issued 65293
pursuant to Chapter 6111. of the Revised Code with an average 65294
daily discharge flow of five thousand gallons or more shall pay a 65295
nonrefundable annual discharge fee. Any person who fails to pay 65296
the fee at that time shall pay an additional amount that equals 65297
ten per cent of the required annual discharge fee. 65298

(ii) The billing year for the annual discharge fee 65299
established in division (L)(5)(a)(i) of this section shall consist 65300
of a twelve-month period beginning on the first day of January of 65301
the year preceding the date when the annual discharge fee is due. 65302
In the case of an existing source that permanently ceases to 65303
discharge during a billing year, the director shall reduce the 65304
annual discharge fee, including the surcharge applicable to 65305
certain industrial facilities pursuant to division (L)(5)(c) of 65306
this section, by one-twelfth for each full month during the 65307
billing year that the source was not discharging, but only if the 65308

person holding the NPDES discharge permit for the source notifies 65309
the director in writing, not later than the first day of October 65310
of the billing year, of the circumstances causing the cessation of 65311
discharge. 65312

(iii) The annual discharge fee established in division 65313
(L)(5)(a)(i) of this section, except for the surcharge applicable 65314
to certain industrial facilities pursuant to division (L)(5)(c) of 65315
this section, shall be based upon the average daily discharge flow 65316
in gallons per day calculated using first day of May through 65317
thirty-first day of October flow data for the period two years 65318
prior to the date on which the fee is due. In the case of NPDES 65319
discharge permits for new sources, the fee shall be calculated 65320
using the average daily design flow of the facility until actual 65321
average daily discharge flow values are available for the time 65322
period specified in division (L)(5)(a)(iii) of this section. The 65323
annual discharge fee may be prorated for a new source as described 65324
in division (L)(5)(a)(ii) of this section. 65325

(b) An NPDES permit holder that is a public discharger shall 65326
pay the fee specified in the following schedule: 65327

Average daily	Fee due by	
discharge flow	January 30,	65329
	~~2014~~ <u>2016</u> , and	65330
	January 30, ~~2015~~	65331
	<u>2017</u>	
5,000 to 49,999	\$ 200	65332
50,000 to 100,000	500	65333
100,001 to 250,000	1,050	65334
250,001 to 1,000,000	2,600	65335
1,000,001 to 5,000,000	5,200	65336
5,000,001 to 10,000,000	10,350	65337
10,000,001 to 20,000,000	15,550	65338
20,000,001 to 50,000,000	25,900	65339

50,000,001 to 100,000,000	41,400	65340
100,000,001 or more	62,100	65341

Public dischargers owning or operating two or more publicly
owned treatment works serving the same political subdivision, as
"treatment works" is defined in section 6111.01 of the Revised
Code, and that serve exclusively political subdivisions having a
population of fewer than one hundred thousand shall pay an annual
discharge fee under division (L)(5)(b) of this section that is
based on the combined average daily discharge flow of the
treatment works.

(c) An NPDES permit holder that is an industrial discharger,
other than a coal mining operator identified by P in the third
character of the permittee's NPDES permit number, shall pay the
fee specified in the following schedule:

Average daily	Fee due by	65354
discharge flow	January 30,	65355
	~~2014~~ <u>2016</u> , and	65356
	January 30, ~~2015~~	65357
	<u>2017</u>	
5,000 to 49,999	\$ 250	65358
50,000 to 250,000	1,200	65359
250,001 to 1,000,000	2,950	65360
1,000,001 to 5,000,000	5,850	65361
5,000,001 to 10,000,000	8,800	65362
10,000,001 to 20,000,000	11,700	65363
20,000,001 to 100,000,000	14,050	65364
100,000,001 to 250,000,000	16,400	65365
250,000,001 or more	18,700	65366

In addition to the fee specified in the above schedule, an
NPDES permit holder that is an industrial discharger classified as
a major discharger during all or part of the annual discharge fee
billing year specified in division (L)(5)(a)(ii) of this section

shall pay a nonrefundable annual surcharge of seven thousand five 65371
hundred dollars not later than January 30, ~~2014~~ 2016, and not 65372
later than January 30, ~~2015~~ 2017. Any person who fails to pay the 65373
surcharge at that time shall pay an additional amount that equals 65374
ten per cent of the amount of the surcharge. 65375

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 65376
section, a public discharger identified by I in the third 65377
character of the permittee's NPDES permit number and an industrial 65378
discharger identified by I, J, L, V, W, X, Y, or Z in the third 65379
character of the permittee's NPDES permit number shall pay a 65380
nonrefundable annual discharge fee of one hundred eighty dollars 65381
not later than January 30, ~~2014~~ 2016, and not later than January 65382
30, ~~2015~~ 2017. Any person who fails to pay the fee at that time 65383
shall pay an additional amount that equals ten per cent of the 65384
required fee. 65385

(6) Each person obtaining a national pollutant discharge 65386
elimination system general or individual permit for municipal 65387
storm water discharge shall pay a nonrefundable storm water 65388
discharge fee of one hundred dollars per square mile of area 65389
permitted. The fee shall not exceed ten thousand dollars and shall 65390
be payable on or before January 30, 2004, and the thirtieth day of 65391
January of each year thereafter. Any person who fails to pay the 65392
fee on the date specified in division (L)(6) of this section shall 65393
pay an additional amount per year equal to ten per cent of the 65394
annual fee that is unpaid. 65395

(7) The director shall transmit all moneys collected under 65396
division (L) of this section to the treasurer of state for deposit 65397
into the state treasury to the credit of the surface water 65398
protection fund created in section 6111.038 of the Revised Code. 65399

(8) As used in division (L) of this section: 65400

(a) "NPDES" means the federally approved national pollutant 65401

discharge elimination system program for issuing, modifying, 65402
revoking, reissuing, terminating, monitoring, and enforcing 65403
permits and imposing and enforcing pretreatment requirements under 65404
Chapter 6111. of the Revised Code and rules adopted under it. 65405

(b) "Public discharger" means any holder of an NPDES permit 65406
identified by P in the second character of the NPDES permit number 65407
assigned by the director. 65408

(c) "Industrial discharger" means any holder of an NPDES 65409
permit identified by I in the second character of the NPDES permit 65410
number assigned by the director. 65411

(d) "Major discharger" means any holder of an NPDES permit 65412
classified as major by the regional administrator of the United 65413
States environmental protection agency in conjunction with the 65414
director. 65415

(M) Through June 30, ~~2016~~ 2018, a person applying for a 65416
license or license renewal to operate a public water system under 65417
section 6109.21 of the Revised Code shall pay the appropriate fee 65418
established under this division at the time of application to the 65419
director. Any person who fails to pay the fee at that time shall 65420
pay an additional amount that equals ten per cent of the required 65421
fee. The director shall transmit all moneys collected under this 65422
division to the treasurer of state for deposit into the drinking 65423
water protection fund created in section 6109.30 of the Revised 65424
Code. 65425

Except as provided in divisions (M)(4) and (5) of this 65426
section, fees required under this division shall be calculated and 65427
paid in accordance with the following schedule: 65428

(1) For the initial license required under section 6109.21 of 65429
the Revised Code for any public water system that is a community 65430
water system as defined in section 6109.01 of the Revised Code, 65431
and for each license renewal required for such a system prior to 65432

January 31, ~~2016~~ <u>2018</u> , the fee is:		65433
Number of service connections	Fee amount	65434
Not more than 49	\$ 112	65435
50 to 99	176	65436
Number of service connections	Average cost per connection	65437
100 to 2,499	\$ 1.92	65438
2,500 to 4,999	1.48	65439
5,000 to 7,499	1.42	65440
7,500 to 9,999	1.34	65441
10,000 to 14,999	1.16	65442
15,000 to 24,999	1.10	65443
25,000 to 49,999	1.04	65444
50,000 to 99,999	.92	65445
100,000 to 149,999	.86	65446
150,000 to 199,999	.80	65447
200,000 or more	.76	65448
A public water system may determine how it will pay the total		65449
amount of the fee calculated under division (M)(1) of this		65450
section, including the assessment of additional user fees that may		65451
be assessed on a volumetric basis.		65452
As used in division (M)(1) of this section, "service		65453
connection" means the number of active or inactive pipes,		65454
goosenecks, pigtails, and any other fittings connecting a water		65455
main to any building outlet.		65456
(2) For the initial license required under section 6109.21 of		65457
the Revised Code for any public water system that is not a		65458
community water system and serves a nontransient population, and		65459
for each license renewal required for such a system prior to		65460
January 31, ~~2016~~ <u>2018</u> , the fee is:		65461
Population served	Fee amount	65462
Fewer than 150	\$ 112	65463
150 to 299	176	65464

300 to 749	384	65465
750 to 1,499	628	65466
1,500 to 2,999	1,268	65467
3,000 to 7,499	2,816	65468
7,500 to 14,999	5,510	65469
15,000 to 22,499	9,048	65470
22,500 to 29,999	12,430	65471
30,000 or more	16,820	65472

As used in division (M)(2) of this section, "population
served" means the total number of individuals having access to the
water supply during a twenty-four-hour period for at least sixty
days during any calendar year. In the absence of a specific
population count, that number shall be calculated at the rate of
three individuals per service connection.

(3) For the initial license required under section 6109.21 of
the Revised Code for any public water system that is not a
community water system and serves a transient population, and for
each license renewal required for such a system prior to January
31, ~~2016~~ 2018, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	65485
2	112	65486
3	176	65487
4	278	65488
5	568	65489
System designated as using a surface water source	792	65490 65491

As used in division (M)(3) of this section, "number of wells
or sources, other than surface water, supplying system" means
those wells or sources that are physically connected to the
plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2016~~ 2018, and fifteen thousand dollars on and after July 1, ~~2016~~ 2018. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2016~~ 2018, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological		65527
MMO-MUG	\$2,000	65528
MF	2,100	65529
MMO-MUG and MF	2,550	65530
organic chemical	5,400	65531
trace metals	5,400	65532
standard chemistry	2,800	65533
limited chemistry	1,550	65534

On and after July 1, ~~2016~~ 2018, the following fee, on a per
survey basis, shall be charged any such person:

microbiological	\$ 1,650	65537
organic chemicals	3,500	65538
trace metals	3,500	65539
standard chemistry	1,800	65540
limited chemistry	1,000	65541

The fee for those services shall be paid at the time the request
for the survey is made. Through June 30, ~~2016~~ 2018, an individual
laboratory shall not be assessed a fee under this division more
than once in any three-year period unless the person requests the
addition of analytical methods or analysts, in which case the
person shall pay eighteen hundred dollars for each additional
survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this
division to the treasurer of state for deposit into the drinking
water protection fund created in section 6109.30 of the Revised
Code.

(0) Any person applying to the director to take an examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time the application is submitted, shall pay a fee in accordance with the following schedule through November 30, ~~2016~~ 2018:

Class A operator	\$ 80	
Class I operator	105	
Class II operator	120	
Class III operator	130	
Class IV operator	145	

On and after December 1, ~~2016~~ 2018, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$ 50	
Class I operator	70	
Class II operator	80	
Class III operator	90	
Class IV operator	100	

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	
Class I operator	35	
Class II operator	45	
Class III operator	55	
Class IV operator	65	

If a certification renewal fee is received by the director

more than thirty days, but not more than one year after the 65590
expiration date of the certification, the person shall pay a 65591
certification renewal fee in accordance with the following 65592
schedule: 65593

Class A operator	\$45	65594
Class I operator	55	65595
Class II operator	65	65596
Class III operator	75	65597
Class IV operator	85	65598

A person who requests a replacement certificate shall pay a 65599
fee of twenty-five dollars at the time the request is made. 65600

Any person applying to be a water supply system or wastewater 65601
treatment system examination provider shall pay an application fee 65602
of five hundred dollars. Any person approved by the director as a 65603
water supply system or wastewater treatment system examination 65604
provider shall pay an annual fee that is equal to ten per cent of 65605
the fees that the provider assesses and collects for administering 65606
water supply system or wastewater treatment system certification 65607
examinations in this state for the calendar year. The fee shall be 65608
paid not later than forty-five days after the end of a calendar 65609
year. 65610

The director shall transmit all moneys collected under this 65611
division to the treasurer of state for deposit into the drinking 65612
water protection fund created in section 6109.30 of the Revised 65613
Code. 65614

(P) Any person submitting an application for an industrial 65615
water pollution control certificate under section 6111.31 of the 65616
Revised Code, as that section existed before its repeal by H.B. 95 65617
of the 125th general assembly, shall pay a nonrefundable fee of 65618
five hundred dollars at the time the application is submitted. The 65619
director shall transmit all moneys collected under this division 65620
to the treasurer of state for deposit into the surface water 65621

protection fund created in section 6111.038 of the Revised Code. A 65622
person paying a certificate fee under this division shall not pay 65623
an application fee under division (S)(1) of this section. On and 65624
after June 26, 2003, persons shall file such applications and pay 65625
the fee as required under sections 5709.20 to 5709.27 of the 65626
Revised Code, and proceeds from the fee shall be credited as 65627
provided in section 5709.212 of the Revised Code. 65628

(Q) Except as otherwise provided in division (R) of this 65629
section, a person issued a permit by the director for a new solid 65630
waste disposal facility other than an incineration or composting 65631
facility, a new infectious waste treatment facility other than an 65632
incineration facility, or a modification of such an existing 65633
facility that includes an increase in the total disposal or 65634
treatment capacity of the facility pursuant to Chapter 3734. of 65635
the Revised Code shall pay a fee of ten dollars per thousand cubic 65636
yards of disposal or treatment capacity, or one thousand dollars, 65637
whichever is greater, except that the total fee for any such 65638
permit shall not exceed eighty thousand dollars. A person issued a 65639
modification of a permit for a solid waste disposal facility or an 65640
infectious waste treatment facility that does not involve an 65641
increase in the total disposal or treatment capacity of the 65642
facility shall pay a fee of one thousand dollars. A person issued 65643
a permit to install a new, or modify an existing, solid waste 65644
transfer facility under that chapter shall pay a fee of two 65645
thousand five hundred dollars. A person issued a permit to install 65646
a new or to modify an existing solid waste incineration or 65647
composting facility, or an existing infectious waste treatment 65648
facility using incineration as its principal method of treatment, 65649
under that chapter shall pay a fee of one thousand dollars. The 65650
increases in the permit fees under this division resulting from 65651
the amendments made by Amended Substitute House Bill 592 of the 65652
117th general assembly do not apply to any person who submitted an 65653
application for a permit to install a new, or modify an existing, 65654

solid waste disposal facility under that chapter prior to 65655
September 1, 1987; any such person shall pay the permit fee 65656
established in this division as it existed prior to June 24, 1988. 65657
In addition to the applicable permit fee under this division, a 65658
person issued a permit to install or modify a solid waste facility 65659
or an infectious waste treatment facility under that chapter who 65660
fails to pay the permit fee to the director in compliance with 65661
division (V) of this section shall pay an additional ten per cent 65662
of the amount of the fee for each week that the permit fee is 65663
late. 65664

Permit and late payment fees paid to the director under this 65665
division shall be credited to the general revenue fund. 65666

(R)(1) A person issued a registration certificate for a scrap 65667
tire collection facility under section 3734.75 of the Revised Code 65668
shall pay a fee of two hundred dollars, except that if the 65669
facility is owned or operated by a motor vehicle salvage dealer 65670
licensed under Chapter 4738. of the Revised Code, the person shall 65671
pay a fee of twenty-five dollars. 65672

(2) A person issued a registration certificate for a new 65673
scrap tire storage facility under section 3734.76 of the Revised 65674
Code shall pay a fee of three hundred dollars, except that if the 65675
facility is owned or operated by a motor vehicle salvage dealer 65676
licensed under Chapter 4738. of the Revised Code, the person shall 65677
pay a fee of twenty-five dollars. 65678

(3) A person issued a permit for a scrap tire storage 65679
facility under section 3734.76 of the Revised Code shall pay a fee 65680
of one thousand dollars, except that if the facility is owned or 65681
operated by a motor vehicle salvage dealer licensed under Chapter 65682
4738. of the Revised Code, the person shall pay a fee of fifty 65683
dollars. 65684

(4) A person issued a permit for a scrap tire monocell or 65685

monofill facility under section 3734.77 of the Revised Code shall 65686
pay a fee of ten dollars per thousand cubic yards of disposal 65687
capacity or one thousand dollars, whichever is greater, except 65688
that the total fee for any such permit shall not exceed eighty 65689
thousand dollars. 65690

(5) A person issued a registration certificate for a scrap 65691
tire recovery facility under section 3734.78 of the Revised Code 65692
shall pay a fee of one hundred dollars. 65693

(6) A person issued a permit for a scrap tire recovery 65694
facility under section 3734.78 of the Revised Code shall pay a fee 65695
of one thousand dollars. 65696

(7) In addition to the applicable registration certificate or 65697
permit fee under divisions (R)(1) to (6) of this section, a person 65698
issued a registration certificate or permit for any such scrap 65699
tire facility who fails to pay the registration certificate or 65700
permit fee to the director in compliance with division (V) of this 65701
section shall pay an additional ten per cent of the amount of the 65702
fee for each week that the fee is late. 65703

(8) The registration certificate, permit, and late payment 65704
fees paid to the director under divisions (R)(1) to (7) of this 65705
section shall be credited to the scrap tire management fund 65706
created in section 3734.82 of the Revised Code. 65707

(S)(1) Except as provided by divisions (L), (M), (N), (O), 65708
(P), and (S)(2) of this section, division (A)(2) of section 65709
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 65710
and rules adopted under division (T)(1) of this section, any 65711
person applying for a registration certificate under section 65712
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 65713
variance, or plan approval under Chapter 3734. of the Revised Code 65714
shall pay a nonrefundable fee of fifteen dollars at the time the 65715
application is submitted. 65716

Except as otherwise provided, any person applying for a 65717
permit, variance, or plan approval under Chapter 6109. or 6111. of 65718
the Revised Code shall pay a nonrefundable fee of one hundred 65719
dollars at the time the application is submitted through June 30, 65720
~~2016~~ 2018, and a nonrefundable fee of fifteen dollars at the time 65721
the application is submitted on and after July 1, ~~2016~~ 2018. 65722
Except as provided in division (S)(3) of this section, through 65723
June 30, ~~2016~~ 2018, any person applying for a national pollutant 65724
discharge elimination system permit under Chapter 6111. of the 65725
Revised Code shall pay a nonrefundable fee of two hundred dollars 65726
at the time of application for the permit. On and after July 1, 65727
~~2016~~ 2018, such a person shall pay a nonrefundable fee of fifteen 65728
dollars at the time of application. 65729

In addition to the application fee established under division 65730
(S)(1) of this section, any person applying for a national 65731
pollutant discharge elimination system general storm water 65732
construction permit shall pay a nonrefundable fee of twenty 65733
dollars per acre for each acre that is permitted above five acres 65734
at the time the application is submitted. However, the per acreage 65735
fee shall not exceed three hundred dollars. In addition, any 65736
person applying for a national pollutant discharge elimination 65737
system general storm water industrial permit shall pay a 65738
nonrefundable fee of one hundred fifty dollars at the time the 65739
application is submitted. 65740

The director shall transmit all moneys collected under 65741
division (S)(1) of this section pursuant to Chapter 6109. of the 65742
Revised Code to the treasurer of state for deposit into the 65743
drinking water protection fund created in section 6109.30 of the 65744
Revised Code. 65745

The director shall transmit all moneys collected under 65746
division (S)(1) of this section pursuant to Chapter 6111. of the 65747
Revised Code and under division (S)(3) of this section to the 65748

treasurer of state for deposit into the surface water protection 65749
fund created in section 6111.038 of the Revised Code. 65750

If a registration certificate is issued under section 65751
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 65752
the application fee paid shall be deducted from the amount of the 65753
registration certificate fee due under division (R)(1), (2), or 65754
(5) of this section, as applicable. 65755

If a person submits an electronic application for a 65756
registration certificate, permit, variance, or plan approval for 65757
which an application fee is established under division (S)(1) of 65758
this section, the person shall pay the applicable application fee 65759
as expeditiously as possible after the submission of the 65760
electronic application. An application for a registration 65761
certificate, permit, variance, or plan approval for which an 65762
application fee is established under division (S)(1) of this 65763
section shall not be reviewed or processed until the applicable 65764
application fee, and any other fees established under this 65765
division, are paid. 65766

(2) Division (S)(1) of this section does not apply to an 65767
application for a registration certificate for a scrap tire 65768
collection or storage facility submitted under section 3734.75 or 65769
3734.76 of the Revised Code, as applicable, if the owner or 65770
operator of the facility or proposed facility is a motor vehicle 65771
salvage dealer licensed under Chapter 4738. of the Revised Code. 65772

(3) A person applying for coverage under a national pollutant 65773
discharge elimination system general discharge permit for 65774
household sewage treatment systems shall pay the following fees: 65775

(a) A nonrefundable fee of two hundred dollars at the time of 65776
application for initial permit coverage; 65777

(b) A nonrefundable fee of one hundred dollars at the time of 65778
application for a renewal of permit coverage. 65779

(T) The director may adopt, amend, and rescind rules in 65780
accordance with Chapter 119. of the Revised Code that do all of 65781
the following: 65782

(1) Prescribe fees to be paid by applicants for and holders 65783
of any license, permit, variance, plan approval, or certification 65784
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 65785
the Revised Code that are not specifically established in this 65786
section. The fees shall be designed to defray the cost of 65787
processing, issuing, revoking, modifying, denying, and enforcing 65788
the licenses, permits, variances, plan approvals, and 65789
certifications. 65790

The director shall transmit all moneys collected under rules 65791
adopted under division (T)(1) of this section pursuant to Chapter 65792
6109. of the Revised Code to the treasurer of state for deposit 65793
into the drinking water protection fund created in section 6109.30 65794
of the Revised Code. 65795

The director shall transmit all moneys collected under rules 65796
adopted under division (T)(1) of this section pursuant to Chapter 65797
6111. of the Revised Code to the treasurer of state for deposit 65798
into the surface water protection fund created in section 6111.038 65799
of the Revised Code. 65800

(2) Exempt the state and political subdivisions thereof, 65801
including education facilities or medical facilities owned by the 65802
state or a political subdivision, or any person exempted from 65803
taxation by section 5709.07 or 5709.12 of the Revised Code, from 65804
any fee required by this section; 65805

(3) Provide for the waiver of any fee, or any part thereof, 65806
otherwise required by this section whenever the director 65807
determines that the imposition of the fee would constitute an 65808
unreasonable cost of doing business for any applicant, class of 65809
applicants, or other person subject to the fee; 65810

(4) Prescribe measures that the director considers necessary 65811
to carry out this section. 65812

(U) When the director reasonably demonstrates that the direct 65813
cost to the state associated with the issuance of a permit to 65814
install, license, variance, plan approval, or certification 65815
exceeds the fee for the issuance or review specified by this 65816
section, the director may condition the issuance or review on the 65817
payment by the person receiving the issuance or review of, in 65818
addition to the fee specified by this section, the amount, or any 65819
portion thereof, in excess of the fee specified under this 65820
section. The director shall not so condition issuances for which a 65821
fee is prescribed in division (L)(1)(b) of this section. 65822

(V) Except as provided in divisions (L), (M), and (P) of this 65823
section or unless otherwise prescribed by a rule of the director 65824
adopted pursuant to Chapter 119. of the Revised Code, all fees 65825
required by this section are payable within thirty days after the 65826
issuance of an invoice for the fee by the director or the 65827
effective date of the issuance of the license, permit, variance, 65828
plan approval, or certification. If payment is late, the person 65829
responsible for payment of the fee shall pay an additional ten per 65830
cent of the amount due for each month that it is late. 65831

(W) As used in this section, "fuel-burning equipment," 65832
"fuel-burning equipment input capacity," "incinerator," 65833
"incinerator input capacity," "process," "process weight rate," 65834
"storage tank," "gasoline dispensing facility," "dry cleaning 65835
facility," "design flow discharge," and "new source treatment 65836
works" have the meanings ascribed to those terms by applicable 65837
rules or standards adopted by the director under Chapter 3704. or 65838
6111. of the Revised Code. 65839

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 65840
(J) of this section, and in any other provision of this section 65841
pertaining to fees paid pursuant to Chapter 3704. of the Revised 65842

Code: 65843

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code. 65844 65845 65846

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least: 65847 65848 65849

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement; 65850 65851 65852

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal; 65853 65854 65855 65856

(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry; 65857 65858 65859

(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions; 65860 65861 65862

(e) Emission and ambient monitoring; 65863

(f) Modeling, analyses, or demonstrations; 65864

(g) Preparing inventories and tracking emissions; 65865

(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code. 65866 65867 65868 65869 65870 65871 65872

(3) "Organic compound" means any chemical compound of carbon, 65873
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic 65874
carbides or carbonates, and ammonium carbonate. 65875

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 65876
of this section, each sewage sludge facility shall pay a 65877
nonrefundable annual sludge fee equal to three dollars and fifty 65878
cents per dry ton of sewage sludge, including the dry tons of 65879
sewage sludge in materials derived from sewage sludge, that the 65880
sewage sludge facility treats or disposes of in this state. The 65881
annual volume of sewage sludge treated or disposed of by a sewage 65882
sludge facility shall be calculated using the first day of January 65883
through the thirty-first day of December of the calendar year 65884
preceding the date on which payment of the fee is due. 65885

(2)(a) Except as provided in division (Y)(2)(d) of this 65886
section, each sewage sludge facility shall pay a minimum annual 65887
sewage sludge fee of one hundred dollars. 65888

(b) The annual sludge fee required to be paid by a sewage 65889
sludge facility that treats or disposes of exceptional quality 65890
sludge in this state shall be thirty-five per cent less per dry 65891
ton of exceptional quality sludge than the fee assessed under 65892
division (Y)(1) of this section, subject to the following 65893
exceptions: 65894

(i) Except as provided in division (Y)(2)(d) of this section, 65895
a sewage sludge facility that treats or disposes of exceptional 65896
quality sludge shall pay a minimum annual sewage sludge fee of one 65897
hundred dollars. 65898

(ii) A sewage sludge facility that treats or disposes of 65899
exceptional quality sludge shall not be required to pay the annual 65900
sludge fee for treatment or disposal in this state of exceptional 65901
quality sludge generated outside of this state and contained in 65902
bags or other containers not greater than one hundred pounds in 65903

capacity. 65904

A thirty-five per cent reduction for exceptional quality 65905
sludge applies to the maximum annual fees established under 65906
division (Y)(3) of this section. 65907

(c) A sewage sludge facility that transfers sewage sludge to 65908
another sewage sludge facility in this state for further treatment 65909
prior to disposal in this state shall not be required to pay the 65910
annual sludge fee for the tons of sewage sludge that have been 65911
transferred. In such a case, the sewage sludge facility that 65912
disposes of the sewage sludge shall pay the annual sludge fee. 65913
However, the facility transferring the sewage sludge shall pay the 65914
one-hundred-dollar minimum fee required under division (Y)(2)(a) 65915
of this section. 65916

In the case of a sewage sludge facility that treats sewage 65917
sludge in this state and transfers it out of this state to another 65918
entity for disposal, the sewage sludge facility in this state 65919
shall be required to pay the annual sludge fee for the tons of 65920
sewage sludge that have been transferred. 65921

(d) A sewage sludge facility that generates sewage sludge 65922
resulting from an average daily discharge flow of less than five 65923
thousand gallons per day is not subject to the fees assessed under 65924
division (Y) of this section. 65925

(3) No sewage sludge facility required to pay the annual 65926
sludge fee shall be required to pay more than the maximum annual 65927
fee for each disposal method that the sewage sludge facility uses. 65928
The maximum annual fee does not include the additional amount that 65929
may be charged under division (Y)(5) of this section for late 65930
payment of the annual sludge fee. The maximum annual fee for the 65931
following methods of disposal of sewage sludge is as follows: 65932

(a) Incineration: five thousand dollars; 65933

(b) Preexisting land reclamation project or disposal in a 65934

landfill: five thousand dollars; 65935

(c) Land application, land reclamation, surface disposal, or 65936
any other disposal method not specified in division (Y)(3)(a) or 65937
(b) of this section: twenty thousand dollars. 65938

(4)(a) In the case of an entity that generates sewage sludge 65939
or a sewage sludge facility that treats sewage sludge and 65940
transfers the sewage sludge to an incineration facility for 65941
disposal, the incineration facility, and not the entity generating 65942
the sewage sludge or the sewage sludge facility treating the 65943
sewage sludge, shall pay the annual sludge fee for the tons of 65944
sewage sludge that are transferred. However, the entity or 65945
facility generating or treating the sewage sludge shall pay the 65946
one-hundred-dollar minimum fee required under division (Y)(2)(a) 65947
of this section. 65948

(b) In the case of an entity that generates sewage sludge and 65949
transfers the sewage sludge to a landfill for disposal or to a 65950
sewage sludge facility for land reclamation or surface disposal, 65951
the entity generating the sewage sludge, and not the landfill or 65952
sewage sludge facility, shall pay the annual sludge fee for the 65953
tons of sewage sludge that are transferred. 65954

(5) Not later than the first day of April of the calendar 65955
year following March 17, 2000, and each first day of April 65956
thereafter, the director shall issue invoices to persons who are 65957
required to pay the annual sludge fee. The invoice shall identify 65958
the nature and amount of the annual sludge fee assessed and state 65959
the first day of May as the deadline for receipt by the director 65960
of objections regarding the amount of the fee and the first day of 65961
July as the deadline for payment of the fee. 65962

Not later than the first day of May following receipt of an 65963
invoice, a person required to pay the annual sludge fee may submit 65964
objections to the director concerning the accuracy of information 65965

regarding the number of dry tons of sewage sludge used to 65966
calculate the amount of the annual sludge fee or regarding whether 65967
the sewage sludge qualifies for the exceptional quality sludge 65968
discount established in division (Y)(2)(b) of this section. The 65969
director may consider the objections and adjust the amount of the 65970
fee to ensure that it is accurate. 65971

If the director does not adjust the amount of the annual 65972
sludge fee in response to a person's objections, the person may 65973
appeal the director's determination in accordance with Chapter 65974
119. of the Revised Code. 65975

Not later than the first day of June, the director shall 65976
notify the objecting person regarding whether the director has 65977
found the objections to be valid and the reasons for the finding. 65978
If the director finds the objections to be valid and adjusts the 65979
amount of the annual sludge fee accordingly, the director shall 65980
issue with the notification a new invoice to the person 65981
identifying the amount of the annual sludge fee assessed and 65982
stating the first day of July as the deadline for payment. 65983

Not later than the first day of July, any person who is 65984
required to do so shall pay the annual sludge fee. Any person who 65985
is required to pay the fee, but who fails to do so on or before 65986
that date shall pay an additional amount that equals ten per cent 65987
of the required annual sludge fee. 65988

(6) The director shall transmit all moneys collected under 65989
division (Y) of this section to the treasurer of state for deposit 65990
into the surface water protection fund created in section 6111.038 65991
of the Revised Code. The moneys shall be used to defray the costs 65992
of administering and enforcing provisions in Chapter 6111. of the 65993
Revised Code and rules adopted under it that govern the use, 65994
storage, treatment, or disposal of sewage sludge. 65995

(7) Beginning in fiscal year 2001, and every two years 65996

thereafter, the director shall review the total amount of moneys 65997
generated by the annual sludge fees to determine if that amount 65998
exceeded six hundred thousand dollars in either of the two 65999
preceding fiscal years. If the total amount of moneys in the fund 66000
exceeded six hundred thousand dollars in either fiscal year, the 66001
director, after review of the fee structure and consultation with 66002
affected persons, shall issue an order reducing the amount of the 66003
fees levied under division (Y) of this section so that the 66004
estimated amount of moneys resulting from the fees will not exceed 66005
six hundred thousand dollars in any fiscal year. 66006

If, upon review of the fees under division (Y)(7) of this 66007
section and after the fees have been reduced, the director 66008
determines that the total amount of moneys collected and 66009
accumulated is less than six hundred thousand dollars, the 66010
director, after review of the fee structure and consultation with 66011
affected persons, may issue an order increasing the amount of the 66012
fees levied under division (Y) of this section so that the 66013
estimated amount of moneys resulting from the fees will be 66014
approximately six hundred thousand dollars. Fees shall never be 66015
increased to an amount exceeding the amount specified in division 66016
(Y)(7) of this section. 66017

Notwithstanding section 119.06 of the Revised Code, the 66018
director may issue an order under division (Y)(7) of this section 66019
without the necessity to hold an adjudicatory hearing in 66020
connection with the order. The issuance of an order under this 66021
division is not an act or action for purposes of section 3745.04 66022
of the Revised Code. 66023

(8) As used in division (Y) of this section: 66024

(a) "Sewage sludge facility" means an entity that performs 66025
treatment on or is responsible for the disposal of sewage sludge. 66026

(b) "Sewage sludge" means a solid, semi-solid, or liquid 66027

residue generated during the treatment of domestic sewage in a 66028
treatment works as defined in section 6111.01 of the Revised Code. 66029
"Sewage sludge" includes, but is not limited to, scum or solids 66030
removed in primary, secondary, or advanced wastewater treatment 66031
processes. "Sewage sludge" does not include ash generated during 66032
the firing of sewage sludge in a sewage sludge incinerator, grit 66033
and screenings generated during preliminary treatment of domestic 66034
sewage in a treatment works, animal manure, residue generated 66035
during treatment of animal manure, or domestic septage. 66036

(c) "Exceptional quality sludge" means sewage sludge that 66037
meets all of the following qualifications: 66038

(i) Satisfies the class A pathogen standards in 40 C.F.R. 66039
503.32(a); 66040

(ii) Satisfies one of the vector attraction reduction 66041
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 66042

(iii) Does not exceed the ceiling concentration limitations 66043
for metals listed in table one of 40 C.F.R. 503.13; 66044

(iv) Does not exceed the concentration limitations for metals 66045
listed in table three of 40 C.F.R. 503.13. 66046

(d) "Treatment" means the preparation of sewage sludge for 66047
final use or disposal and includes, but is not limited to, 66048
thickening, stabilization, and dewatering of sewage sludge. 66049

(e) "Disposal" means the final use of sewage sludge, 66050
including, but not limited to, land application, land reclamation, 66051
surface disposal, or disposal in a landfill or an incinerator. 66052

(f) "Land application" means the spraying or spreading of 66053
sewage sludge onto the land surface, the injection of sewage 66054
sludge below the land surface, or the incorporation of sewage 66055
sludge into the soil for the purposes of conditioning the soil or 66056
fertilizing crops or vegetation grown in the soil. 66057

(g) "Land reclamation" means the returning of disturbed land to productive use.

(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.

(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.

(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway.

(k) "Annual sludge fee" means the fee assessed under division (Y)(1) of this section.

(l) "Landfill" means a sanitary landfill facility, as defined in rules adopted under section 3734.02 of the Revised Code, that is licensed under section 3734.05 of the Revised Code.

(m) "Preexisting land reclamation project" means a property-specific land reclamation project that has been in continuous operation for not less than five years pursuant to approval of the activity by the director and includes the implementation of a community outreach program concerning the activity.

Sec. 3745.70. As used in sections 3745.70 to 3745.73 of the Revised Code:

(A) "Environmental audit" means a voluntary, thorough, and discrete self-evaluation of one or more activities at one or more facilities or properties that is documented; is designed to

improve compliance, or identify, correct, or prevent 66088
noncompliance, with environmental laws; and is conducted by the 66089
owner or operator of a facility or property or the owner's or 66090
operator's employee or independent contractor. An environmental 66091
audit may be conducted by the owner or operator of a facility or 66092
property, the owner's or operator's employees, or independent 66093
contractors. Once initiated, an audit shall be completed within a 66094
reasonable time, not to exceed six months, unless a written 66095
request for an extension is approved by the head officer of the 66096
governmental agency, or division or office thereof, with 66097
jurisdiction over the activities being audited based on a showing 66098
of reasonable grounds. An audit shall not be considered to be 66099
initiated until the owner or operator or the owner's or operator's 66100
employee or independent contractor actively has begun the 66101
self-evaluation of environmental compliance. 66102

(B) "Activity" means any process, procedure, or function that 66103
is subject to environmental laws. 66104

(C) "Voluntary" means, with respect to an environmental audit 66105
of a particular activity, that both of the following apply when 66106
the audit of that activity commences: 66107

(1) The audit is not required by law, prior litigation, or an 66108
order by a court or a government agency; 66109

(2) The owner or operator who conducts the audit does not 66110
know or have reason to know that a government agency has commenced 66111
an investigation or enforcement action that concerns a violation 66112
of environmental laws involving the activity or that such an 66113
investigation or enforcement action is imminent. 66114

(D) "Environmental audit report" means interim or final data, 66115
documents, records, or plans that are necessary to an 66116
environmental audit and are collected, developed, made, and 66117
maintained in good faith as part of the audit, and may include, 66118

without limitation: 66119

(1) Analytical data, laboratory reports, field notes and 66120
records of observations, findings, opinions, suggestions, 66121
conclusions, drafts, memoranda, drawings, photographs, 66122
computer-generated or electronically recorded information, maps, 66123
charts, graphs, and surveys; 66124

(2) Reports that describe the scope, objectives, and methods 66125
of the environmental audit, audit management policies, the 66126
information gained by the environmental audit, and conclusions and 66127
recommendations together with exhibits and appendices; 66128

(3) Memoranda, documents, records, and plans analyzing the 66129
environmental audit report or discussing implementation, 66130
prevention, compliance, and remediation issues associated with the 66131
environmental audit. 66132

"Environmental audit report" does not mean corrective or 66133
remedial action taken pursuant to an environmental audit. 66134

(E) "Environmental laws" means sections ~~1511.02~~ 939.02 and 66135
1531.29, Chapters 3704., 3734., 3745., 3746., 3750., 3751., 3752., 66136
6109., and 6111. of the Revised Code, and any other sections or 66137
chapters of the Revised Code the principal purpose of which is 66138
environmental protection; any federal or local counterparts or 66139
extensions of those sections or chapters; rules adopted under any 66140
such sections, chapters, counterparts, or extensions; and terms 66141
and conditions of orders, permits, licenses, license renewals, 66142
variances, exemptions, or plan approvals issued under such 66143
sections, chapters, counterparts, or extensions. 66144

Sec. 3750.081. (A) Notwithstanding any provision in this 66145
chapter to the contrary, an owner or operator of a facility that 66146
is regulated under Chapter 1509. of the Revised Code ~~who has filed~~ 66147
~~a log in accordance with section 1509.10 of the Revised Code and a~~ 66148

~~production statement in accordance with section 1509.11 of the~~ 66149
Revised Code shall be deemed to have satisfied all of the 66150
~~inventory, notification, listing, and other submission and filing~~ 66151
requirements established under this chapter, except for the 66152
release reporting requirements established under section 3750.06 66153
of the Revised Code, by complying with the requirements 66154
established in section 1509.231 of the Revised Code. 66155

(B) The emergency response commission and every local 66156
emergency planning committee and fire department in this state 66157
shall establish a means by which to access, view, and retrieve 66158
~~information, through the use of the internet or a computer disk,~~ 66159
from the electronic database maintained by the division of oil and 66160
gas resources management in the department of natural resources in 66161
accordance with section ~~1509.23~~ 1509.231 of the Revised Code. With 66162
respect to facilities regulated under Chapter 1509. of the Revised 66163
Code, the database shall be the means of providing and receiving 66164
the information described in division (A) of this section. 66165

Sec. 3750.13. (A)(1) Except as provided in division (A)(3) or 66166
(4) of this section, the owner or operator of a facility required 66167
to annually file an emergency and hazardous chemical inventory 66168
form under section 3750.08 of the Revised Code shall submit with 66169
the inventory form a filing fee of one hundred fifty dollars. In 66170
addition to the filing fee, the owner or operator shall submit 66171
with the inventory form the following additional fees for 66172
reporting inventories of the individual hazardous chemicals and 66173
extremely hazardous substances produced, used, or stored at the 66174
facility: 66175

(a) Except as provided in division (A)(1)(b) of this section, 66176
an additional fee of twenty dollars per hazardous chemical 66177
enumerated on the inventory form; 66178

(b) An additional fee of one hundred fifty dollars per 66179

extremely hazardous substance enumerated on the inventory form. 66180
The fee established in division (A)(1)(a) of this section does not 66181
apply to the reporting of the inventory of a hazardous chemical 66182
that is also an extremely hazardous substance to which the 66183
inventory reporting fee established in division (A)(1)(b) of this 66184
section applies. 66185

The total fees required to accompany any inventory form shall 66186
not exceed twenty-five hundred dollars. 66187

(2) An owner or operator of a facility who fails to submit 66188
such an inventory form within thirty days after the applicable 66189
filing date prescribed in section 3750.08 of the Revised Code 66190
shall submit with the inventory form a late filing fee in the 66191
amount of ten per cent per year of the total fees due under 66192
division (A)(1) or (4) of this section, in addition to the fees 66193
due under division (A)(1) or (4) of this section. 66194

(3) The owner or operator of a facility who, during the 66195
preceding year, was required to pay a fee to a municipal 66196
corporation pursuant to an ordinance, rule, or requirement that 66197
was in effect on the effective date of this section for the 66198
reporting or providing of the names or amounts of extremely 66199
hazardous substances or hazardous chemicals produced, used, or 66200
stored at the facility may claim a credit against the fees due 66201
under division (A)(1) or (4) of this section for the fees paid to 66202
the municipal corporation pursuant to its reporting requirement. 66203
The amount of the credit claimed in any reporting year shall not 66204
exceed the amount of the fees due under division (A)(1) or (4) of 66205
this section during that reporting year, and no unused portion of 66206
the credit shall be carried over to subsequent years. In order to 66207
claim a credit under this division, the owner or operator shall 66208
submit with the emergency and hazardous chemical inventory form a 66209
receipt issued by the municipal corporation or other documentation 66210
acceptable to the commission indicating the amount of the fee paid 66211

to the municipal corporation and the date on which the fee was 66212
paid. 66213

(4) An owner or operator who is regulated under Chapter 1509. 66214
of the Revised Code and who submits information under section 66215
~~1509.11~~ 1509.231 of the Revised Code for not more than twenty-five 66216
facilities shall submit to the emergency response commission on or 66217
before the first day of March a flat fee of fifty dollars if the 66218
facilities meet all of the following conditions: 66219

(a) The facility exclusively stores crude oil or liquid 66220
hydrocarbons or other fluids resulting, obtained, or produced in 66221
connection with the production or storage of crude oil or natural 66222
gas. 66223

(b) The crude oil, liquid hydrocarbons, or other fluids 66224
stored at the facility are conveyed directly to it through piping 66225
or tubing. 66226

(c) The facility is located on the same site as, or on a site 66227
adjacent to, the well from which the crude oil, liquid 66228
hydrocarbons, or other fluids are produced or obtained. 66229

(d) The facility is used for the storage of the crude oil, 66230
liquid hydrocarbons, or other fluids prior to their transportation 66231
off the premises of the facility for sale, use, or disposal. 66232

An owner or operator who submits information for more than 66233
twenty-five facilities that meet all of the conditions prescribed 66234
in divisions (A)(4)(a) to (d) of this section shall submit to the 66235
commission a base fee of fifty dollars and an additional filing 66236
fee of ten dollars for each facility reported in excess of 66237
twenty-five, but not exceeding a total fee of nine hundred 66238
dollars. 66239

As used in division (A)(4) of this section, "owner or 66240
operator" means the person who actually owns or operates any such 66241
facility and any other person who controls, is controlled by, or 66242

is under common control with the person who actually owns or 66243
operates the facility. 66244

(B) The emergency response commission and the local emergency 66245
planning committee of an emergency planning district may establish 66246
fees to be paid by persons, other than public officers or 66247
employees, obtaining copies of documents or information submitted 66248
to the commission or a committee under this chapter. The fees 66249
shall be established at a level calculated to defray the costs to 66250
the commission or committee for copying the documents or 66251
information, but shall not exceed the maximum fees established in 66252
rules adopted under division (B)(8) of section 3750.02 of the 66253
Revised Code. 66254

(C) Except as provided in this division and division (B) of 66255
this section, and except for fees authorized by section 3737.22 of 66256
the Revised Code or rules adopted under sections 3737.82 to 66257
3737.882 of the Revised Code and collected exclusively for either 66258
of those purposes, no committee or political subdivision shall 66259
levy any fee, tax, excise, or other charge to carry out the 66260
purposes of this chapter. A committee may charge the actual costs 66261
involved in accessing any computerized data base established by 66262
the commission under this chapter or by the United States 66263
environmental protection agency under the "Emergency Planning and 66264
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 66265
11001. 66266

(D) Moneys collected by the commission under this section 66267
shall be credited to the emergency planning and community 66268
right-to-know fund created in section 3750.14 of the Revised Code. 66269

Sec. 3769.03. The state racing commission shall prescribe the 66270
rules and conditions under which horse racing may be conducted and 66271
may issue, deny, suspend, diminish, or revoke permits to conduct 66272
horse racing as authorized by sections 3769.01 to 3769.14 of the 66273

Revised Code. The commission may impose, in addition to any other 66274
penalty imposed by the commission, fines in an amount not to 66275
exceed ten thousand dollars on any permit holder or any other 66276
person who violates the rules or orders of the commission. The 66277
commission may prescribe the forms of wagering that are 66278
permissible, the number of races, the procedures on wagering, and 66279
the wagering information to be provided to the public. 66280

The commission may require totalizator equipment to display 66281
the amount of wagering in each wagering pool. The commission shall 66282
initiate safeguards as necessary to account for the amount of 66283
money wagered at each track in each wagering pool. It may require 66284
permit holders to install equipment that will provide a complete 66285
check and analysis of the functioning of any computers and require 66286
safeguards on their performance. The commission shall require all 66287
permit holders, except those holding state fair, county fair, or 66288
other fair permits, to provide a photographic recording, approved 66289
by the commission, of the entire running of all races conducted by 66290
the permit holder. 66291

The state racing commission may issue, deny, suspend, or 66292
revoke licenses to those persons engaged in racing and to those 66293
employees of permit holders as is in the public interest for the 66294
purpose of maintaining a proper control over horse-racing 66295
meetings. The commission, as is in the public interest for the 66296
purpose of maintaining proper control over horse-racing meetings, 66297
also may rule any person off a permit holder's premises. License 66298
fees shall include registration fees and shall be set by the 66299
commission. Each license issued by the commission, unless revoked 66300
for cause, shall be for the period of one year from the first day 66301
of January of the year in which it is issued, except as otherwise 66302
provided in section 3769.07 of the Revised Code. Applicants for 66303
licenses issued by the commission shall submit their fingerprints 66304
to the commission, and the commission may forward the fingerprints 66305

to the federal bureau of investigation or to any other agency, or 66306
to both, for examination. 66307

There is hereby created in the state treasury the state 66308
racing commission operating fund. All license fees established and 66309
collected by the commission pursuant to this section, and the 66310
amounts specified in divisions (B) and (C) of section 3769.08 and 66311
division (A)~~(6)~~(5) of section 3769.087 of the Revised Code, shall 66312
be paid into the state treasury to the credit of the fund. Moneys 66313
in the fund shall be expended by the commission to defray its 66314
operating costs, salaries and expenses, and the cost of 66315
administering and enforcing this chapter. 66316

The commission may deny a permit to any permit holder that 66317
has defaulted in payments to the public, employees, or the 66318
horsemen and may deny a permit to any successor purchaser of a 66319
track for as long as any of those defaults have not been satisfied 66320
by either the seller or purchaser. 66321

The commission shall deny a permit to any permit holder that 66322
has defaulted in payments to the state or has defaulted in 66323
payments required under section 3769.089 or 3769.0810 of the 66324
Revised Code and shall deny a permit to any successor purchaser of 66325
a track for as long as those defaults have not been satisfied by 66326
either the seller or purchaser. 66327

Any violation of this chapter, of any rule of racing adopted 66328
by the commission, or of any law or rule with respect to racing in 66329
any jurisdiction shall be sufficient reason for a refusal to issue 66330
a license, or a suspension or revocation of any license issued, 66331
pursuant to this section. 66332

With respect to the issuance, denial, suspension, or 66333
revocation of a license to a participant in horse racing, the 66334
action of the commission shall be subject to Chapter 119. of the 66335
Revised Code. 66336

The commission may sue and be sued in its own name. Any 66337
action against the commission shall be brought in the court of 66338
common pleas of Franklin county. Any appeal from a determination 66339
or decision of the commission rendered in the exercise of its 66340
powers and duties under this chapter shall be brought in the court 66341
of common pleas of Franklin county. 66342

The commission, biennially, shall make a full report to the 66343
governor of its proceedings for the two-year period ending with 66344
the thirty-first day of December preceding the convening of the 66345
general assembly and shall include its recommendations in the 66346
report. The commission, semiannually, on the thirtieth day of June 66347
and on the thirty-first day of December of each year, shall make a 66348
report and accounting to the governor. 66349

Sec. 3769.08. (A) Any person holding a permit to conduct a 66350
horse-racing meeting may provide a place in the race meeting 66351
grounds or enclosure at which the permit holder may conduct and 66352
supervise the pari-mutuel system of wagering by patrons of legal 66353
age on the live racing programs and simulcast racing programs 66354
conducted by the permit holder. 66355

The pari-mutuel method of wagering upon the live racing 66356
programs and simulcast racing programs held at or conducted within 66357
such race track, and at the time of such horse-racing meeting, or 66358
at other times authorized by the state racing commission, shall 66359
not be unlawful. No other place, except that provided and 66360
designated by the permit holder and except as provided in section 66361
3769.26 of the Revised Code, nor any other method or system of 66362
betting or wagering on live racing programs and simulcast racing 66363
programs, except the pari-mutuel system, shall be used or 66364
permitted by the permit holder; nor, except as provided in section 66365
3769.089 or 3769.26 of the Revised Code, shall the pari-mutuel 66366
system of wagering be conducted by the permit holder on any races 66367

except the races at the race track, grounds, or enclosure for 66368
which the person holds a permit. Each permit holder may retain as 66369
a commission an amount not to exceed eighteen per cent of the 66370
total of all moneys wagered on live racing programs and simulcast 66371
racing programs. 66372

The pari-mutuel wagering authorized by this section is 66373
subject to sections 3769.25 to 3769.28 of the Revised Code. 66374

(B) At the close of each racing day, each permit holder 66375
authorized to conduct thoroughbred racing, out of the amount 66376
retained on that day by the permit holder, shall pay in the manner 66377
prescribed under section 3769.103 of the Revised Code, as a tax, a 66378
sum equal to the following percentages of the total of all moneys 66379
wagered on live racing programs on that day and shall separately 66380
compute and pay in the manner prescribed under section 3769.103 of 66381
the Revised Code, as a tax, a sum equal to the following 66382
percentages of the total of all money wagered on simulcast racing 66383
programs on that day: 66384

(1) One per cent of the first two hundred thousand dollars 66385
wagered, or any part of that amount; 66386

(2) Two per cent of the next one hundred thousand dollars 66387
wagered, or any part of that amount; 66388

(3) Three per cent of the next one hundred thousand dollars 66389
wagered, or any part of that amount; 66390

(4) Four per cent of all sums over four hundred thousand 66391
dollars wagered. 66392

Except as otherwise provided in section 3769.089 of the 66393
Revised Code, each permit holder authorized to conduct 66394
thoroughbred racing shall use for purse money a sum equal to fifty 66395
per cent of the pari-mutuel revenues retained by the permit holder 66396
as a commission after payment of the state tax. This fifty per 66397
cent payment shall be in addition to the purse distribution from 66398

breakage specified in this section. 66399

Subject to division (M) of this section, from the moneys paid 66400
to the tax commissioner by thoroughbred racing permit holders, 66401
one-half of one per cent of the total of all moneys so wagered on 66402
a racing day shall be paid into the Ohio fairs fund created by 66403
section 3769.082 of the Revised Code, one and one-eighth per cent 66404
of the total of all moneys so wagered on a racing day shall be 66405
paid into the Ohio thoroughbred race fund created by section 66406
3769.083 of the Revised Code, and one-quarter of one per cent of 66407
the total of all moneys wagered on a racing day by each permit 66408
holder shall be paid into the state racing commission operating 66409
fund created by section 3769.03 of the Revised Code. The required 66410
payment to the state racing commission operating fund does not 66411
apply to county and independent fairs and agricultural societies. 66412
The remaining moneys may be retained by the permit holder, except 66413
as provided in this section with respect to the odd cents 66414
redistribution. Amounts paid into the nursing home franchise 66415
permit fee fund pursuant to this section and section 3769.26 of 66416
the Revised Code shall be used solely for the support of the 66417
PASSPORT program as determined in appropriations made by the 66418
general assembly. If the PASSPORT program is abolished, the amount 66419
that would have been paid to the nursing home franchise permit fee 66420
fund under this chapter shall be paid to the general revenue fund 66421
of the state. As used in this chapter, "PASSPORT program" has the 66422
same meaning as in section 173.51 of the Revised Code. 66423

The total amount paid to the Ohio thoroughbred race fund 66424
under this section and division (A) of section 3769.087 of the 66425
Revised Code shall not exceed by more than six per cent the total 66426
amount paid to this fund under this section and division (A) of 66427
that section during the immediately preceding calendar year. 66428

Each year, the total amount calculated for payment into the 66429
Ohio fairs fund under this division, division (C) of this section, 66430

and division (A) of section 3769.087 of the Revised Code shall be 66431
an amount calculated using the percentages specified in this 66432
division, division (C) of this section, and division (A) of 66433
section 3769.087 of the Revised Code. 66434

A permit holder may contract with a thoroughbred horsemen's 66435
organization for the organization to act as a representative of 66436
all thoroughbred owners and trainers participating in a 66437
horse-racing meeting conducted by the permit holder. A 66438
"thoroughbred horsemen's organization" is any corporation or 66439
association that represents, through membership or otherwise, more 66440
than one-half of the aggregate of all thoroughbred owners and 66441
trainers who were licensed and actively participated in racing 66442
within this state during the preceding calendar year. Except as 66443
otherwise provided in this paragraph, any moneys received by a 66444
thoroughbred horsemen's organization shall be used exclusively for 66445
the benefit of thoroughbred owners and trainers racing in this 66446
state through the administrative purposes of the organization, 66447
benevolent activities on behalf of the horsemen, promotion of the 66448
horsemen's rights and interests, and promotion of equine research. 66449
A thoroughbred horsemen's organization may expend not more than an 66450
aggregate of five per cent of its annual gross receipts, or a 66451
larger amount as approved by the organization, for dues, 66452
assessments, and other payments to all other local, national, or 66453
international organizations having as their primary purposes the 66454
promotion of thoroughbred horse racing, thoroughbred horsemen's 66455
rights, and equine research. 66456

(C) Except as otherwise provided in division (B) of this 66457
section, at the close of each racing day, each permit holder 66458
authorized to conduct harness or quarter horse racing, out of the 66459
amount retained that day by the permit holder, shall pay in the 66460
manner prescribed under section 3769.103 of the Revised Code, as a 66461
tax, a sum equal to the following percentages of the total of all 66462

moneys wagered on live racing programs and shall separately 66463
compute and pay in the manner prescribed under section 3769.103 of 66464
the Revised Code, as a tax, a sum equal to the following 66465
percentages of the total of all money wagered on simulcast racing 66466
programs on that day: 66467

(1) One per cent of the first two hundred thousand dollars 66468
wagered, or any part of that amount; 66469

(2) Two per cent of the next one hundred thousand dollars 66470
wagered, or any part of that amount; 66471

(3) Three per cent of the next one hundred thousand dollars 66472
wagered, or any part of that amount; 66473

(4) Four per cent of all sums over four hundred thousand 66474
dollars wagered. 66475

Except as otherwise provided in division (B) and subject to 66476
division (M) of this section, from the moneys paid to the tax 66477
commissioner by permit holders authorized to conduct harness or 66478
quarter horse racing, one-half of one per cent of all moneys 66479
wagered on that racing day shall be paid into the Ohio fairs fund; 66480
from the moneys paid to the tax commissioner by permit holders 66481
authorized to conduct harness racing, five-eighths of one per cent 66482
of all moneys wagered on that racing day shall be paid into the 66483
Ohio standardbred development fund; and from the moneys paid to 66484
the tax commissioner by permit holders authorized to conduct 66485
quarter horse racing, five-eighths of one per cent of all moneys 66486
wagered on that racing day shall be paid into the Ohio 66487
thoroughbred race fund to support quarter horse development ~~fund~~ 66488
and purses. 66489

(D) In addition, subject to division (M) of this section, 66490
beginning on January 1, 1996, from the money paid to the tax 66491
commissioner as a tax under this section and division (A) of 66492
section 3769.087 of the Revised Code by harness horse permit 66493

holders, one-half of one per cent of the amount wagered on a 66494
racing day shall be paid into the Ohio standardbred development 66495
fund. Beginning January 1, 1998, the payment to the Ohio 66496
standardbred development fund required under this division does 66497
not apply to county agricultural societies or independent 66498
agricultural societies. 66499

The total amount paid to the Ohio standardbred development 66500
fund under this division, division (C) of this section, and 66501
division (A) of section 3769.087 of the Revised Code and the total 66502
amount paid to the Ohio thoroughbred race fund to support quarter 66503
horse development ~~fund~~ and purses under this division and division 66504
(A) of that section shall not exceed by more than six per cent the 66505
total amount paid into the fund under this division, division (C) 66506
of this section, and division (A) of section 3769.087 of the 66507
Revised Code in the immediately preceding calendar year. 66508

(E) Subject to division (M) of this section, from the money 66509
paid as a tax under this chapter by harness and quarter horse 66510
permit holders, one-quarter of one per cent of the total of all 66511
moneys wagered on a racing day by each permit holder shall be paid 66512
into the state racing commission operating fund created by section 66513
3769.03 of the Revised Code. This division does not apply to 66514
county and independent fairs and agricultural societies. 66515

(F) Except as otherwise provided in section 3769.089 of the 66516
Revised Code, each permit holder authorized to conduct harness 66517
racing shall pay to the harness horsemen's purse pool a sum equal 66518
to fifty per cent of the pari-mutuel revenues retained by the 66519
permit holder as a commission after payment of the state tax. This 66520
fifty per cent payment is to be in addition to the purse 66521
distribution from breakage specified in this section. 66522

(G) In addition, each permit holder authorized to conduct 66523
harness racing shall be allowed to retain the odd cents of all 66524
redistribution to be made on all mutual contributions exceeding a 66525

sum equal to the next lowest multiple of ten. 66526

Forty per cent of that portion of that total sum of such odd 66527
cents shall be used by the permit holder for purse money for Ohio 66528
sired, bred, and owned colts, for purse money for Ohio bred 66529
horses, and for increased purse money for horse races. Upon the 66530
formation of the corporation described in section 3769.21 of the 66531
Revised Code to establish a harness horsemen's health and 66532
retirement fund, twenty-five per cent of that portion of that 66533
total sum of odd cents shall be paid at the close of each racing 66534
day by the permit holder to that corporation to establish and fund 66535
the health and retirement fund. Until that corporation is formed, 66536
that twenty-five per cent shall be paid at the close of each 66537
racing day by the permit holder to the tax commissioner or the tax 66538
commissioner's agent in the county seat of the county in which the 66539
permit holder operates race meetings. The remaining thirty-five 66540
per cent of that portion of that total sum of odd cents shall be 66541
retained by the permit holder. 66542

(H) In addition, each permit holder authorized to conduct 66543
thoroughbred racing shall be allowed to retain the odd cents of 66544
all redistribution to be made on all mutuel contributions 66545
exceeding a sum equal to the next lowest multiple of ten. Twenty 66546
per cent of that portion of that total sum of such odd cents shall 66547
be used by the permit holder for increased purse money for horse 66548
races. Upon the formation of the corporation described in section 66549
3769.21 of the Revised Code to establish a thoroughbred horsemen's 66550
health and retirement fund, forty-five per cent of that portion of 66551
that total sum of odd cents shall be paid at the close of each 66552
racing day by the permit holder to that corporation to establish 66553
and fund the health and retirement fund. Until that corporation is 66554
formed, that forty-five per cent shall be paid by the permit 66555
holder to the tax commissioner or the tax commissioner's agent in 66556
the county seat of the county in which the permit holder operates 66557

race meetings, at the close of each racing day. The remaining 66558
thirty-five per cent of that portion of that total sum of odd 66559
cents shall be retained by the permit holder. 66560

(I) In addition, each permit holder authorized to conduct 66561
quarter horse racing shall be allowed to retain the odd cents of 66562
all redistribution to be made on all mutuel contributions 66563
exceeding a sum equal to the next lowest multiple of ten, subject 66564
to a tax of twenty-five per cent on that portion of the total sum 66565
of such odd cents that is in excess of two thousand dollars during 66566
a calendar year, which tax shall be paid at the close of each 66567
racing day by the permit holder to the tax commissioner or the tax 66568
commissioner's agent in the county seat of the county within which 66569
the permit holder operates race meetings. Forty per cent of that 66570
portion of that total sum of such odd cents shall be used by the 66571
permit holder for increased purse money for horse races. The 66572
remaining thirty-five per cent of that portion of that total sum 66573
of odd cents shall be retained by the permit holder. 66574

(J)(1) To encourage the improvement of racing facilities for 66575
the benefit of the public, breeders, and horse owners, and to 66576
increase the revenue to the state from the increase in pari-mutuel 66577
wagering resulting from those improvements, the taxes paid by a 66578
permit holder to the state as provided for in this chapter shall 66579
be reduced by three-fourths of one per cent of the total amount 66580
wagered for those permit holders who make capital improvements to 66581
existing race tracks or construct new race tracks. The percentage 66582
of the reduction that may be taken each racing day shall equal 66583
seventy-five per cent of the taxes levied under divisions (B) and 66584
(C) of this section and section 3769.087 of the Revised Code, and 66585
division (F)(2) of section 3769.26 of the Revised Code, as 66586
applicable, divided by the calculated amount each fund should 66587
receive under divisions (B) and (C) of this section and section 66588
3769.087 of the Revised Code, and division (F)(2) of section 66589

3769.26 of the Revised Code and the reduction provided for in this 66590
division. If the resulting percentage is less than one, that 66591
percentage shall be multiplied by the amount of the reduction 66592
provided for in this division. Otherwise, the permit holder shall 66593
receive the full reduction provided for in this division. The 66594
amount of the allowable reduction not received shall be carried 66595
forward and applied against future tax liability. After any 66596
reductions expire, any reduction carried forward shall be treated 66597
as a reduction as provided for in this division. 66598

If more than one permit holder is authorized to conduct 66599
racing at the facility that is being built or improved, the cost 66600
of the new race track or capital improvement shall be allocated 66601
between or among all the permit holders in the ratio that the 66602
permit holders' number of racing days bears to the total number of 66603
racing days conducted at the facility. 66604

A reduction for a new race track or a capital improvement 66605
shall start from the day racing is first conducted following the 66606
date actual construction of the new race track or each capital 66607
improvement is completed and the construction cost has been 66608
approved by the racing commission, unless otherwise provided in 66609
this section. A reduction for a new race track or a capital 66610
improvement shall continue for a period of twenty-five years for 66611
new race tracks and for fifteen years for capital improvements if 66612
the construction of the capital improvement or new race track 66613
commenced prior to March 29, 1988, and for a period of ten years 66614
for new race tracks or capital improvements if the construction of 66615
the capital improvement or new race track commenced on or after 66616
March 29, 1988, but before June 6, 2001, or until the total tax 66617
reduction reaches seventy per cent of the approved cost of the new 66618
race track or capital improvement, as allocated to each permit 66619
holder, whichever occurs first. A reduction for a new race track 66620
or a capital improvement approved after June 6, 2001, shall 66621

continue until the total tax reduction reaches one hundred per 66622
cent of the approved cost of the new race track or capital 66623
improvement, as allocated to each permit holder. 66624

A reduction granted for a new race track or a capital 66625
improvement, the application for which was approved by the racing 66626
commission after March 29, 1988, but before June 6, 2001, shall 66627
not commence nor shall the ten-year period begin to run until all 66628
prior tax reductions with respect to the same race track have 66629
ended. The total tax reduction because of capital improvements 66630
shall not during any one year exceed for all permit holders using 66631
any one track three-fourths of one per cent of the total amount 66632
wagered, regardless of the number of capital improvements made. 66633
Several capital improvements to a race track may be consolidated 66634
in an application if the racing commission approved the 66635
application prior to March 29, 1988. No permit holder may receive 66636
a tax reduction for a capital improvement approved by the racing 66637
commission on or after March 29, 1988, at a race track until all 66638
tax reductions have ended for all prior capital improvements 66639
approved by the racing commission under this section or section 66640
3769.20 of the Revised Code at that race track. If there are two 66641
or more permit holders operating meetings at the same track, they 66642
may consolidate their applications. The racing commission shall 66643
notify the tax commissioner when the reduction of tax begins and 66644
when it ends. 66645

Each fiscal year the racing commission shall submit a report 66646
to the tax commissioner, the office of budget and management, and 66647
the legislative service commission. The report shall identify each 66648
capital improvement project undertaken under this division and in 66649
progress at each race track, indicate the total cost of each 66650
project, state the tax reduction that resulted from each project 66651
during the immediately preceding fiscal year, estimate the tax 66652
reduction that will result from each project during the current 66653

fiscal year, state the total tax reduction that resulted from all 66654
such projects at all race tracks during the immediately preceding 66655
fiscal year, and estimate the total tax reduction that will result 66656
from all such projects at all race tracks during the current 66657
fiscal year. 66658

(2) In order to qualify for the reduction in tax, a permit 66659
holder shall apply to the racing commission in such form as the 66660
commission may require and shall provide full details of the new 66661
race track or capital improvement, including a schedule for its 66662
construction and completion, and set forth the costs and expenses 66663
incurred in connection with it. The racing commission shall not 66664
approve an application unless the permit holder shows that a 66665
contract for the new race track or capital improvement has been 66666
let under an unrestricted competitive bidding procedure, unless 66667
the contract is exempted by the controlling board because of its 66668
unusual nature. In determining whether to approve an application, 66669
the racing commission shall consider whether the new race track or 66670
capital improvement will promote the safety, convenience, and 66671
comfort of the racing public and horse owners and generally tend 66672
towards the improvement of racing in this state. 66673

(3) If a new race track or capital improvement is approved by 66674
the racing commission and construction has started, the tax 66675
reduction may be authorized by the commission upon presentation of 66676
copies of paid bills in excess of one hundred thousand dollars or 66677
ten per cent of the approved cost, whichever is greater. After the 66678
initial authorization, the permit holder shall present copies of 66679
paid bills. If the permit holder is in substantial compliance with 66680
the schedule for construction and completion of the new race track 66681
or capital improvement, the racing commission may authorize the 66682
continuation of the tax reduction upon the presentation of the 66683
additional paid bills. The total amount of the tax reduction 66684
authorized shall not exceed the percentage of the approved cost of 66685

the new race track or capital improvement specified in division 66686
(J)(1) of this section. The racing commission may terminate any 66687
tax reduction immediately if a permit holder fails to complete the 66688
new race track or capital improvement, or to substantially comply 66689
with the schedule for construction and completion of the new race 66690
track or capital improvement. If a permit holder fails to complete 66691
a new race track or capital improvement, the racing commission 66692
shall order the permit holder to repay to the state the total 66693
amount of tax reduced. The normal tax paid by the permit holder 66694
shall be increased by three-fourths of one per cent of the total 66695
amount wagered until the total amount of the additional tax 66696
collected equals the total amount of tax reduced. 66697

(4) As used in this section: 66698

(a) "Capital improvement" means an addition, replacement, or 66699
remodeling of a structural unit of a race track facility costing 66700
at least one hundred thousand dollars, including, but not limited 66701
to, the construction of barns used exclusively for the race track 66702
facility, backstretch facilities for horsemen, paddock facilities, 66703
new pari-mutuel and totalizator equipment and appurtenances to 66704
that equipment purchased by the track, new access roads, new 66705
parking areas, the complete reconstruction, reshaping, and 66706
leveling of the racing surface and appurtenances, the installation 66707
of permanent new heating or air conditioning, roof replacement or 66708
restoration, installations of a permanent nature forming a part of 66709
the track structure, and construction of buildings that are 66710
located on a permit holder's premises. "Capital improvement" does 66711
not include the cost of replacement of equipment that is not 66712
permanently installed, ordinary repairs, painting, and maintenance 66713
required to keep a race track facility in ordinary operating 66714
condition. 66715

(b) "New race track" includes the reconstruction of a race 66716
track damaged by fire or other cause that has been declared by the 66717

racing commission, as a result of the damage, to be an inadequate 66718
facility for the safe operation of horse racing. 66719

(c) "Approved cost" includes all debt service and interest 66720
costs that are associated with a capital improvement or new race 66721
track and that the racing commission approves for a tax reduction 66722
under division (J) of this section. 66723

(5) The racing commission shall not approve an application 66724
for a tax reduction under this section if it has reasonable cause 66725
to believe that the actions or negligence of the permit holder 66726
substantially contributed to the damage suffered by the track due 66727
to fire or other cause. The racing commission shall obtain any 66728
data or information available from a fire marshal, law enforcement 66729
official, or insurance company concerning any fire or other damage 66730
suffered by a track, prior to approving an application for a tax 66731
reduction. 66732

(6) The approved cost to which a tax reduction applies shall 66733
be determined by generally accepted accounting principles and 66734
verified by an audit of the permit holder's records upon 66735
completion of the project by the racing commission, or by an 66736
independent certified public accountant selected by the permit 66737
holder and approved by the commission. 66738

(K) No other license or excise tax or fee, except as provided 66739
in sections 3769.01 to 3769.14 of the Revised Code, shall be 66740
assessed or collected from such licensee by any county, township, 66741
district, municipal corporation, or other body having power to 66742
assess or collect a tax or fee. That portion of the tax paid under 66743
this section by permit holders for racing conducted at and during 66744
the course of an agricultural exposition or fair, and that portion 66745
of the tax that would have been paid by eligible permit holders 66746
into the nursing home franchise permit fee fund as a result of 66747
racing conducted at and during the course of an agricultural 66748
exposition or fair, shall be deposited into the state treasury to 66749

the credit of the horse racing tax fund, which is hereby created 66750
for the use of the agricultural societies of the several counties 66751
in which the taxes originate. The state racing commission shall 66752
determine eligible permit holders for purposes of the preceding 66753
sentence, taking into account the breed of horse, the racing 66754
dates, the geographic proximity to the fair, and the best 66755
interests of Ohio racing. On the first day of any month on which 66756
there is money in the fund, the tax commissioner shall provide for 66757
payment to the treasurer of each agricultural society the amount 66758
of the taxes collected under this section upon racing conducted at 66759
and during the course of any exposition or fair conducted by the 66760
society. 66761

(L) From the tax paid under this section by harness track 66762
permit holders, the tax commissioner shall pay into the Ohio 66763
thoroughbred race fund a sum equal to a percentage of the amount 66764
wagered upon which the tax is paid. The percentage shall be 66765
determined by the tax commissioner and shall be rounded to the 66766
nearest one-hundredth. The percentage shall be such that, when 66767
multiplied by the amount wagered upon which tax was paid by the 66768
harness track permit holders in the most recent year for which 66769
final figures are available, it results in a sum that 66770
substantially equals the same amount of tax paid by the tax 66771
commissioner during that year into the Ohio fairs fund from taxes 66772
paid by thoroughbred permit holders. This division does not apply 66773
to county and independent fairs and agricultural societies. 66774

(M) Twenty-five per cent of the taxes levied on thoroughbred 66775
racing permit holders, harness racing permit holders, and quarter 66776
horse racing permit holders under this section, division (A) of 66777
section 3769.087 of the Revised Code, and division (F)(2) of 66778
section 3769.26 of the Revised Code shall be paid into the nursing 66779
home franchise permit fee fund. The tax commissioner shall pay any 66780
money remaining, after the payment into the nursing home franchise 66781

permit fee fund and the reductions provided for in division (J) of 66782
this section and in section 3769.20 of the Revised Code, into the 66783
Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred 66784
development fund, ~~Ohio quarter horse fund~~, and state racing 66785
commission operating fund as prescribed in this section and 66786
division (A) of section 3769.087 of the Revised Code. The tax 66787
commissioner shall thereafter use and apply the balance of the 66788
money paid as a tax by any permit holder to cover any shortage in 66789
the accounts of such funds resulting from an insufficient payment 66790
as a tax by any other permit holder. Subject to section 3769.101 66791
of the Revised Code, the moneys received by the tax commissioner 66792
shall be deposited monthly and paid by the tax commissioner into 66793
the funds to cover the total aggregate amount due from all permit 66794
holders to the funds, as calculated under this section and 66795
division (A) of section 3769.087 of the Revised Code, as 66796
applicable. If, after the payment into the nursing home franchise 66797
permit fee fund, sufficient funds are not available from the tax 66798
deposited by the tax commissioner to pay the required amounts into 66799
the Ohio fairs fund, Ohio standardbred development fund, Ohio 66800
thoroughbred race fund, ~~Ohio quarter horse fund~~, and the state 66801
racing commission operating fund, the tax commissioner shall 66802
prorate on a proportional basis the amount paid to each of the 66803
funds. Any shortage to the funds as a result of a proration shall 66804
be applied against future deposits for the same calendar year when 66805
funds are available. After this application, the tax commissioner 66806
shall pay any remaining money paid as a tax by all permit holders 66807
into the nursing home franchise permit fee fund. This division 66808
does not apply to permit holders conducting racing at the course 66809
of an agricultural exposition or fair as described in division (K) 66810
of this section. 66811

Sec. 3769.083. (A) As used in this section: 66812

(1) An "accredited Ohio thoroughbred horse" means a horse 66813

conceived in this state and born in this state which is both of 66814
the following: 66815

(a) Born of a mare that is domiciled in this state at the 66816
time of the horse's conception, that remains continuously in the 66817
state through the date on which the horse is born, and that is 66818
registered as required by the rules of the state racing 66819
commission; 66820

(b) By a stallion that stands for breeding purposes only in 66821
this state in the year in which the horse is conceived, and that 66822
is registered as required by the rules of the commission. 66823

(2) An "Ohio foaled horse" means a horse registered as 66824
required by the rules of the state racing commission which is 66825
either of the following: 66826

(a) A horse born of a mare that enters this state before 66827
foaling and remains continuously in this state until the horse is 66828
born; 66829

(b) A thoroughbred foal produced within the state by any 66830
broodmare shipped into the state to foal and be bred to a 66831
registered Ohio stallion. To qualify this foal as an Ohio foaled 66832
horse, the broodmare shall remain in this state one year 66833
continuously after foaling or continuously through foaling to the 66834
cover of the Ohio stallion, whichever is sooner. All horses 66835
previously registered as Ohio conceived and foaled shall be 66836
considered as Ohio foaled horses effective January 1, 1976. 66837

Any thoroughbred mare may leave this state for periods of 66838
time for purposes of activities such as veterinary treatment or 66839
surgery, sales purposes, breeding purposes, racing purposes, and 66840
similar activities if permission is granted by the state racing 66841
commission and the mare is returned to this state immediately upon 66842
the conclusion of the requested activity. 66843

(3) "Horse," "stallion," "mare," or "foal" means a horse of 66844

the thoroughbred breed as distinguished from a horse of the 66845
standard breed or any other breed, and "race" means a race for 66846
thoroughbred horses conducted by a permit holder of the state 66847
racing commission. 66848

(4) "Horse" includes animals of all ages and of both sexes. 66849

(B) There is hereby created in the state treasury the Ohio 66850
thoroughbred race fund, to consist of moneys paid into it pursuant 66851
to sections 3769.08 and 3769.087 of the Revised Code. All 66852
investment earnings on the cash balances in the fund shall be 66853
credited to it. Moneys to the credit of the fund shall be 66854
distributed on order of the state racing commission. The 66855
commission, with the advice and assistance of the Ohio 66856
thoroughbred racing advisory committee, shall use the fund, except 66857
as provided in divisions (C)(2) and (3) and (D) of this section, 66858
to promote races and provide purses for races for horses in the 66859
following classes: 66860

(1) Accredited Ohio thoroughbred horses; 66861

(2) Ohio foaled horses. 66862

Not less than ten nor more than twenty-five per cent of the 66863
total money to be paid from the fund for all types of races shall 66864
be allocated to races restricted to accredited Ohio thoroughbred 66865
horses. The commission may combine the classes of horses described 66866
in divisions (B)(1) and (2) of this section in one race, except in 66867
stakes races. 66868

(C)(1) Each permit holder conducting thoroughbred races shall 66869
schedule races each week for horses in the classes named in 66870
division (B) of this section; the number of the races shall be 66871
prescribed by the state racing commission. The commission, 66872
pursuant to division (B) of this section, shall prescribe the 66873
class or classes of the races to be held by each permit holder 66874
and, with the advice of the Ohio thoroughbred racing advisory 66875

committee, shall fix the dates and conditions of the races and the 66876
amount of moneys to be paid from the Ohio thoroughbred race fund 66877
to be added in each race to the minimum purse established by the 66878
permit holder for the class of race held. 66879

(2) The commission, with the advice of the Ohio thoroughbred 66880
racing advisory committee, may provide for stakes races to be run 66881
each year, and fix the number of stakes races and the time, place, 66882
and conditions under which each shall be run. The commission shall 66883
fix the amount of moneys to be paid from the Ohio thoroughbred 66884
race fund to be added to the purse provided for each stakes race 66885
by the permit holder, except that, in at least four stakes races 66886
each year, the commission shall require, if four stakes races can 66887
be arranged, that the permit holder conducting the stakes race 66888
provide no less than fifteen thousand dollars for the purse for 66889
the stakes race, and the commission shall provide moneys from the 66890
fund to be added to the purse in an amount equal to or greater 66891
than the amount provided by the permit holder. The commission may 66892
require a nominating, sustaining, and entry fee not to exceed one 66893
per cent of the money added from the fund for each horse in any 66894
stakes race, which fee shall be added to the purse for the race. 66895

Stakes races where money is added from the Ohio thoroughbred 66896
race fund shall be open only to accredited Ohio thoroughbred 66897
horses and Ohio foaled horses. Twenty-five per cent of the total 66898
moneys to be paid from the fund for stakes races shall be 66899
allocated to races for only accredited Ohio thoroughbred horses. 66900
The commission may require a nominating, sustaining, and entry 66901
fee, not to exceed one per cent of the money added from the fund, 66902
for each horse in any of these stakes races. These fees shall be 66903
accumulated by the commission and shall be paid out by the 66904
commission at its discretion as part of the purse money for 66905
additional races. 66906

(3) The commission may pay from the Ohio thoroughbred race 66907

fund to the breeder of a horse of class (1) or (2) of division (B) 66908
of this section winning first, second, or third prize money of a 66909
purse for a thoroughbred race an amount not to exceed fifteen per 66910
cent of the first, second, or third prize money of the purse. For 66911
the purposes of this division, the term "breeder" shall be defined 66912
by rule of the commission. 66913

The commission also may provide for stallion owners' awards 66914
in an amount equal to not less than three nor more than ten per 66915
cent of the first, second, or third place share of the purse. The 66916
award shall be paid to the owner of the stallion, provided that 66917
the stallion was standing in this state as provided in division 66918
(A)(1)(b) of this section at the time the horse placing first, 66919
second, or third was conceived. 66920

(D) The state racing commission may provide for the 66921
expenditure of moneys from the Ohio thoroughbred race fund in an 66922
amount not to exceed in any one calendar year ten per cent of the 66923
total amount received in the account that year to provide for 66924
research projects directed toward improving the breeding, raising, 66925
racing, and health and soundness of thoroughbred horses in the 66926
state and toward education or promotion of the industry. Research 66927
for which the moneys from the fund may be used may include, but 66928
shall not be limited to, studies of pre-race blood testing, 66929
post-race testing, improvement of the breed, and nutrition. 66930

(E) The state racing commission shall appoint qualified 66931
personnel as may be required to supervise registration of horses 66932
under the terms of this section, to determine the eligibility of 66933
horses for accredited Ohio thoroughbred races, Ohio foaled races, 66934
and the stakes races authorized by division (C)(2) of this 66935
section, and to assist the Ohio thoroughbred racing advisory 66936
committee and the commission in determining the conditions, class, 66937
and quality of the race program to be established under this 66938
section so as to carry out the purposes of this section. The 66939

personnel shall serve at the pleasure of the commission, and 66940
compensation shall be fixed by the commission. The compensation of 66941
the personnel and necessary expenses shall be paid out of the Ohio 66942
thoroughbred race fund. 66943

The commission shall adopt rules as are necessary to carry 66944
out this section and shall administer the stakes race program and 66945
other races supported by the Ohio thoroughbred race fund in a 66946
manner best designed to aid in the development of the thoroughbred 66947
horse industry in the state, to upgrade the quality of horse 66948
racing in the state, and to improve the quality of horses 66949
conceived and foaled in the state. 66950

(F) The state racing commission shall adopt rules regarding 66951
the maintenance and use of money collected for quarter horse 66952
development and purses under division (C) of section 3769.08 and 66953
division (A) of section 3769.087 of the Revised Code. 66954

Sec. 3769.087. (A) In addition to the commission of eighteen 66955
per cent retained by each permit holder as provided in section 66956
3769.08 of the Revised Code, each permit holder shall retain an 66957
additional amount equal to four per cent of the total of all 66958
moneys wagered on each racing day on all wagering pools other than 66959
win, place, and show, of which amount retained an amount equal to 66960
three per cent of the total of all moneys wagered on each racing 66961
day on those pools shall be paid in the manner prescribed under 66962
section 3769.103 of the Revised Code, as a tax. Subject to the 66963
restrictions contained in divisions (B), (C), and (M) of section 66964
3769.08 of the Revised Code, from such additional moneys paid to 66965
the tax commissioner: 66966

(1) Four-sixths shall be allocated to fund distribution as 66967
provided in division (M) of section 3769.08 of the Revised Code. 66968

(2) One-twelfth shall be paid into the Ohio fairs fund 66969
created by section 3769.082 of the Revised Code. 66970

(3) ~~One-twelfth~~ One-sixth of the additional moneys paid to 66971
the tax commissioner by thoroughbred racing permit holders shall 66972
be paid into the Ohio thoroughbred race fund created by section 66973
3769.083 of the Revised Code. 66974

(4) One-twelfth of the additional moneys paid to the tax 66975
commissioner by harness horse racing permit holders shall be paid 66976
to the Ohio standardbred development fund created by section 66977
3769.085 of the Revised Code. 66978

~~(5) One-twelfth of the additional moneys paid to the tax 66979
commissioner by quarter horse racing permit holders shall be paid 66980
to the Ohio quarter horse development fund created by section 66981
3769.086 of the Revised Code. 66982~~

~~(6)~~ One-sixth shall be paid into the state racing commission 66983
operating fund created by section 3769.03 of the Revised Code. 66984

The remaining one per cent that is retained of the total of 66985
all moneys wagered on each racing day on all pools other than win, 66986
place, and show, shall be retained by racing permit holders, and, 66987
except as otherwise provided in section 3769.089 of the Revised 66988
Code, racing permit holders shall use one-half for purse money and 66989
retain one-half. 66990

(B) In addition to the commission of eighteen per cent 66991
retained by each permit holder as provided in section 3769.08 of 66992
the Revised Code and the additional amount retained by each permit 66993
holder as provided in division (A) of this section, each permit 66994
holder shall retain an additional amount equal to one-half of one 66995
per cent of the total of all moneys wagered on each racing day on 66996
all wagering pools other than win, place, and show. The additional 66997
amount retained under this division shall be paid in the manner 66998
prescribed under section 3769.103 of the Revised Code, as a tax. 66999
The tax commissioner shall pay the amount of the tax received 67000
under this division to the state racing commission operating fund 67001

created by section 3769.03 of the Revised Code. 67002

(C) Unless otherwise agreed to by the video lottery sales 67003
agent and the applicable horsemen's association recognized by the 67004
state racing commission to represent such persons, within ninety 67005
days after ~~the effective date of this amendment~~ September 29, 67006
2013, for video lottery sales agents operating as such on ~~the~~ 67007
~~effective date of this amendment~~ September 29, 2013, or within six 67008
months after the date a video lottery sales agent begins operating 67009
as such for video lottery sales agents not operating as such on 67010
~~the effective date of this amendment~~ September 29, 2013, the state 67011
racing commission shall direct through rule that a percentage of 67012
the lottery sales agent's commission as determined by the state 67013
lottery commission for conducting video lottery terminal gaming on 67014
behalf of the state be paid to the state racing commission for the 67015
benefit of breeding and racing in this state. The percentage so 67016
determined shall not be less than nine per cent or more than 67017
eleven per cent of the video lottery terminal income, and shall be 67018
a sliding scale based upon capital expenditures necessary to build 67019
the video lottery sales agent's facility. The aggregate of one 67020
hundred per cent of video lottery terminal income minus the 67021
lottery sales agent's commission percentage as determined by the 67022
state lottery commission plus the percentage of the lottery sale 67023
agent's commission, as determined by the state racing commission 67024
or otherwise agreed to by the video lottery sales agent and the 67025
applicable horsemen's association recognized by the state racing 67026
commission to represent such persons, for the benefit of breeding 67027
and racing in this state shall not exceed forty-five per cent of 67028
the video lottery terminal income. In addition, beginning July 1, 67029
2013, the state lottery commission shall adopt a rule to require 67030
the lottery sales agent conducting video lottery terminal gaming 67031
on behalf of the state to disperse to the state lottery commission 67032
one-half of one per cent of such a lottery sales agent's 67033
commission for the purpose of providing funding support to 67034

appropriate state agencies for programs that provide for gambling 67035
addiction and other related addiction services. The state lottery 67036
commission's rule also may require the lottery sales agent 67037
conducting video lottery terminal gaming on behalf of the state to 67038
disperse to the state lottery commission an additional amount up 67039
to one-half of one per cent of such a lottery sales agent's 67040
commission for that purpose. 67041

Sec. 3769.089. (A) As used in this chapter: 67042

(1) "Racing day" means any day authorized under a permit 67043
holder's permit on which, at a simulcast host, either a live 67044
racing program is conducted as authorized under section 3769.07 of 67045
the Revised Code or a simulcast racing program is conducted as 67046
authorized under this section. 67047

(2) "Live racing day" means a racing day on which a live 67048
racing program is conducted by the permit holder along with 67049
simulcasts of all other available racing programs from within this 67050
state and simulcast racing programs from outside this state as 67051
authorized under this section. 67052

(3) "Live racing program" means a racing program consisting 67053
of no fewer than seven live horse races at thoroughbred tracks and 67054
nine live races at standardbred tracks and additional horse races 67055
simulcast from other facilities located either inside or outside 67056
this state, in which not more than two horse races on which 67057
pari-mutuel wagering is conducted are simulcast from facilities 67058
located outside this state. If only one racing meeting of a 67059
particular breed of horse is being held, no fewer than nine live 67060
horse races shall be held on a live racing day. If, during the 67061
course of a racing meeting at a standardbred track, the racing 67062
secretary of the permit holder determines that there is an 67063
insufficient number of entries to have a full field of eight 67064
horses for each of nine races on a live racing program, then the 67065

67066 racing secretary of the permit holder, after consultation with the
67067 Ohio harness horsemens association, may reduce the number of live
67068 races on that live racing program, as the racing secretary may
67069 determine. The racing secretary shall not reduce the live racing
67070 program to less than seven live races. If during the course of a
67071 meeting at a thoroughbred track, the racing secretary of a permit
67072 holder determines that there is an insufficient number of entries
67073 to have a full field of eight horses for each of nine races on a
67074 live racing program, then the racing secretary of the permit
67075 holder, with the consent of the thoroughbred horsemens
67076 association, may reduce the number of live races on that live
67077 racing program, as the racing secretary may determine. The racing
67078 secretary shall not reduce the live racing program to less than
67079 seven live races. No more than seventeen races on which
67080 pari-mutuel wagering is conducted, including both live races and
67081 races simulcast from other facilities located either inside or
67082 outside this state, shall be part of a live racing program.

67083 (4) "Simulcast host" means a track or enclosure in this state
67084 where, on a racing day, a permit holder is doing one or both of
67085 the following:

67086 (a) Conducting a live racing program and offering this
67087 program for simulcasting to one or more simulcast guests and
67088 satellite facilities in this state;

67089 (b) Receiving a simulcast racing program for simulcasting to
67090 one or more simulcast guests and satellite facilities in this
67091 state.

67092 (5) "Simulcast guest" means any track or enclosure that is
67093 receiving from a simulcast host, on a day other than a racing day,
67094 a live racing program or a simulcast racing program.

67095 (6) "Simulcast racing program" means all simulcasts of horse
67096 races to a simulcast host or simulcast guest on a racing day or on

any other day on which pari-mutuel wagering is conducted, but does 67097
not include any simulcast horse races from inside or outside this 67098
state that are included in a simulcast host's live racing program. 67099

(7) "Satellite facility" has the same meaning as in section 67100
3769.25 of the Revised Code. 67101

(8) "Collection and settlement agent" has the same meaning as 67102
in section 3769.0810 of the Revised Code. 67103

(9) "Special racing event" means individual races in live 67104
racing programs or simulcast racing programs, and simulcast racing 67105
programs on special event days under division (C) of this section, 67106
conducted at facilities located outside this state for which the 67107
track, racing association, or state regulatory agency conducting 67108
such races charges a simulcast host a fee for the privilege of 67109
receiving a simulcast of such races into this state that is higher 67110
than the customary and regular fee charged for simulcast races 67111
because of the status or popularity of such races. 67112

(B)(1)(a) The state racing commission shall, upon request by 67113
any permit holder, permit electronically televised simulcasts of 67114
horse races at the permit holder's track or enclosure on racing 67115
days authorized by the permit holder's permit. Except as provided 67116
in division (B) of this section, the commission shall not permit 67117
the simulcast of any simulcast racing program conducted at tracks 67118
or facilities located outside this state unless the out-of-state 67119
simulcast racing program is available at the same signal rate to 67120
all permit holders, whether serving as simulcast hosts or 67121
simulcast guests, and all satellite facilities, in this state open 67122
and operating on that day. A permit holder or satellite facility 67123
may inform the commission that it waives the right to receive the 67124
simulcast of a simulcast racing program or a race in a simulcast 67125
racing program on that day and in this event the simulcast racing 67126
program or simulcast race shall be available to all other 67127
simulcast hosts, simulcast guests, and satellite facilities open 67128

and operating in this state on that day. 67129

(b) In order for a permit holder to offer simulcasts of horse 67130
races conducted at facilities located outside this state, the 67131
permit holder shall have conducted live racing programs during the 67132
immediately preceding calendar year on a number of days that is 67133
not less than the number of regular live racing days it conducted 67134
in calendar year 1991, not including additional racing days 67135
conducted in calendar year 1991 by the permit holder at a 67136
winterized facility under a permit issued under section 3769.07 of 67137
the Revised Code, as certified by the commission. In satisfying 67138
the foregoing requirement for live racing days during the 67139
immediately preceding calendar year, a permit holder may include 67140
the number of days on which live racing programs were conducted 67141
under a permit issued under section 3769.07 of the Revised Code 67142
for additional racing days at a winterized facility. In addition, 67143
in order for a permit holder to offer simulcasts of horse races 67144
conducted at facilities located outside this state, the permit 67145
holder shall offer all simulcasts of horse races conducted in this 67146
state made available to it. 67147

In order for a permit holder to offer simulcasts of races 67148
conducted at race tracks located outside this state at the same 67149
time and during the hours in which the live races of a live racing 67150
program are being conducted at its track, a permit holder 67151
conducting a thoroughbred live racing program shall obtain the 67152
consent of the thoroughbred horsemens association and a permit 67153
holder conducting a harness live racing program shall obtain the 67154
consent of the Ohio harness horsemens association. The consent of 67155
the horsemen's organization shall not be unreasonably withheld, 67156
and shall be consistent with the interest of preserving live 67157
racing in this state. If a horsemen's organization withholds its 67158
consent, the permit holder may file an objection with the 67159
commission, which shall promptly consider the objection and 67160

determine whether the horsemen's organization's action in 67161
withholding consent is without substantial merit and, if the 67162
commission so determines, shall authorize the permit holder to 67163
simulcast the simulcast racing programs. The determination of the 67164
commission is final. A permit holder, as a simulcast host, may 67165
offer simulcast racing programs at its track or enclosure of races 67166
conducted at tracks and facilities located outside this state 67167
prior to the commencement of, and following the conclusion of, its 67168
live races without obtaining the consent of a horsemen's 67169
organization under this division. 67170

(c) Division (B)(1)(b) of this section remains in effect for 67171
each permit holder until the calendar year after that permit 67172
holder first receives a commission as a lottery sales agent for 67173
conducting video lottery terminal gaming on behalf of the state. 67174

(2) Notwithstanding section 3769.07 of the Revised Code and 67175
unless otherwise agreed to by the applicable horsemen's 67176
association and the permit holder, beginning in the calendar year 67177
after the permit holder first receives video lottery terminal 67178
income, one of the following applies as determined on a yearly 67179
basis: 67180

(a) If eleven per cent of the gross gaming revenue from video 67181
lottery terminals at the permit holder's facilities (either 67182
existing or relocated) in the previous calendar year exceeds 67183
fifteen million dollars, a permit holder shall conduct a minimum 67184
of one hundred twenty-five live racing days. 67185

(b) If eleven per cent of the gross gaming revenue from video 67186
lottery terminals at the permit holder's facilities (either 67187
existing or relocated) in the previous calendar year exceeds 67188
eleven million dollars, but is less than or equal to fifteen 67189
million dollars, a permit holder shall conduct a minimum of one 67190
hundred live racing days or the number of racing days applied for 67191
by the permit holder in calendar year 2012, whichever is greater. 67192

(c) If eleven per cent of the gross gaming revenue from video lottery terminals at the permit holder's facilities (either existing or relocated) in the previous calendar year is less than or equal to eleven million dollars, a permit holder shall conduct a minimum of seventy-five racing days or the number of racing days applied for by the permit holder for calendar year 2012, whichever is greater.

In no case shall the minimum number of racing days for any permit holder exceed one hundred twenty-five racing days ~~or the maximum number of racing days for any permit holder exceed two hundred ten racing days.~~

(3) For the purposes of division (B)(2) of this section, for live racing conducted at a track with more than one permit, the minimum ~~and maximum~~ live racing days shall apply to those permits collectively and not as a single permit.

(4) In addition to the required live racing days, a permit holder shall simulcast a simulcast racing program on a minimum of three hundred sixty days each calendar year. The permit holder shall simulcast all simulcast racing programs conducted in this state and made available to the permit holder and simulcast racing programs conducted outside this state.

(5) The commission may make exception to the required minimum number of live racing days or simulcast racing program days in instances of natural disaster or other unexpected circumstances as defined by the commission, in its sole discretion. For any calendar year, the horsemen's association at each track may negotiate an agreement with the permit holder for that track to reduce the number of live racing days at that track to less than the minimum live racing days required by division (B)(2)(a), (b), or (c) of this section, as applicable, ~~or to increase the number of live racing days at that track to a number that is greater than the maximum live racing days permitted by division (B)(2)(c) of~~

~~this section,~~ subject to the approval of the commission. These 67225
negotiations shall not reduce the number of live racing days to 67226
less than fifty days per calendar year. 67227

(6) To satisfy the requirement of live racing days, a permit 67228
holder may include the number of days on which live racing 67229
programs were conducted under a permit issued under section 67230
3769.07 of the Revised Code for racing days authorized at a 67231
winterized facility. 67232

(C) The commission shall allocate to each track one racing 67233
day for each permit holder during each calendar year for the 67234
conduct of a live racing program on which a permit holder may 67235
conduct as few as one live horse race, with the remainder of the 67236
horse races on that racing day on which pari-mutuel wagering is 67237
conducted as part of the live racing program being simulcast from 67238
other tracks and facilities located either inside or outside this 67239
state. In addition, the commission may allocate to each permit 67240
holder racing days on which it may as part of a live racing 67241
program simulcast more than two horse races from facilities 67242
located outside this state if the horse races involve a national 67243
wagering pool and pari-mutuel wagering is conducted on the 67244
national wagering pool, but on such a racing day there shall in no 67245
event be more than two horse races simulcast from facilities 67246
located outside this state included in a live racing program on 67247
which separate pari-mutuel wagering is conducted. As used in this 67248
division, "national wagering pool" means an interstate or 67249
intrastate common pari-mutuel wagering pool involving two or more 67250
selections covering two or more horse races conducted at tracks 67251
located inside or outside this state. 67252

In emergency situations, the commission may authorize a live 67253
racing day at a track in which all horse races on that racing day 67254
on which pari-mutuel wagering is conducted are simulcast from 67255
tracks and facilities located either inside or outside this state 67256

with the consent of the thoroughbred horsemens association for a 67257
track conducting a thoroughbred live racing program and with the 67258
consent of the Ohio harness horsemens association for a track 67259
conducting a harness live racing program. If a horsemen's 67260
organization withholds its consent, the permit holder may file an 67261
objection with the commission, which shall promptly consider the 67262
objection and determine whether the horsemen's organization's 67263
action in withholding consent is without substantial merit and, if 67264
the commission so determines, shall authorize the permit holder to 67265
simulcast the simulcast racing programs. The determination of the 67266
commission is final. 67267

(D) On any day that a racing day has been applied for at any 67268
track in this state, each track in this state may operate as 67269
either a simulcast host or a simulcast guest and may conduct, with 67270
the approval of the state racing commission, pari-mutuel wagering 67271
on all simulcasts of races conducted inside this state made 67272
available to it plus all simulcasts of races conducted at 67273
facilities located outside this state as determined by the 67274
simulcast hosts. Except as otherwise provided in this section, any 67275
simulcast host or simulcast guest may receive and conduct 67276
simulcast racing programs that feature any breed of horse at any 67277
time of day, as authorized by the commission. Those persons 67278
holding state fair, county fair, or other fair permits shall not 67279
receive a simulcast racing program on which pari-mutuel wagering 67280
is conducted, except that a holder of a permit issued under 67281
section 3769.07 of the Revised Code that has been authorized by 67282
the commission to conduct races of the state fair, a county fair, 67283
or other fair at a commercial track may receive and conduct 67284
simulcast racing programs as a simulcast host or simulcast guest 67285
at the same time in conjunction with the live racing program of 67286
the state fair, county fair, or other fair permit holder conducted 67287
at its track. 67288

The simulcast hosts, with the approval of the state racing commission, shall determine which simulcast racing programs offered by race tracks located outside this state will be simulcast at their tracks and at all simulcast hosts, simulcast guests, and satellite facilities in this state that are open and operating during the hours that the simulcast hosts are operating. Simulcast guests and satellite facilities shall receive all approved simulcast racing programs offered by simulcast hosts. In addition, a simulcast host and simulcast guest, with the approval of the commission, may also receive simulcast horse races and simulcast racing programs not agreed to by simulcast hosts.

A simulcast host that normally operates during the day only may serve as a simulcast host for only day-simulcast racing programs, which include all simulcast racing programs that commence at a track located outside this state on or before four p.m. A simulcast host that normally operates during the evening only may serve as a simulcast host for only evening-simulcast racing programs, which include all simulcast racing programs that commence at a track located outside this state on or after three p.m. A simulcast host that normally operates during the evening, but that under its permit conducts live racing programs during the day, may serve as a simulcast host for day-simulcast racing programs. A permit holder that is offering at its track simulcast racing programs that commence at a track located outside this state on or before four p.m. and simulcast racing programs that commence at a track located outside this state on or after three p.m. may serve as a simulcast host for both the day-simulcast racing program and the evening-simulcast racing program only if no other permit holder is serving as a simulcast host for the other simulcast racing programs. The times listed in this and the immediately following paragraphs are standard time as described in section 1.04 of the Revised Code and in the "Uniform Time Act of 1966," 80 Stat. 107, 15 U.S.C. 260 to 265.

~~If a simulcast host is conducting a racing program that features thoroughbred or quarter horses on the same day that another simulcast host is conducting a live racing program that features harness horses at a track located in the same county as, or within twenty miles of, the track of the first simulcast host, the first simulcast host shall not conduct pari-mutuel wagering on simulcast racing programs that commence after four p.m. on that day and the second simulcast host shall not conduct wagering on simulcast racing programs that commence before three p.m. on that day.~~

A simulcast host that is conducting a live racing program and is simulcasting that program to other simulcast hosts and simulcast guests in this state shall receive from each simulcast host and each simulcast guest receiving the simulcast an intrastate simulcast fee of one and three-eighths per cent of the amounts wagered on such simulcast racing program at its facilities. The simulcast hosts and simulcast guests receiving such simulcast racing program shall pay the intrastate simulcast fee to the collection and settlement agent, and the fee shall be disbursed by the agent, at the time and in the manner provided in section 3769.0810 of the Revised Code.

(E)(1) The moneys wagered on simulcast racing programs on a racing day shall be separated from the moneys wagered on the live racing program on that racing day. From the moneys wagered on the simulcast races, each permit holder may retain as a commission the percentage of the amount wagered as specified in sections 3769.08 and 3769.087 of the Revised Code, as applicable, and shall pay, in the manner prescribed under section 3769.103 of the Revised Code, as a tax, the tax specified in sections 3769.08 and 3769.087 of the Revised Code, as applicable. From the tax collected, the tax commissioner shall make the distributions to the respective funds, and in the proper amounts, as required by sections 3769.08 and

3769.087 of the Revised Code, as applicable. Except as provided in
division (E)(2) of this section, from the amount remaining after
the payment of state taxes on the moneys wagered on live racing
programs and on the moneys wagered on simulcast racing programs, a
permit holder shall retain an amount equal to two and
three-eighths per cent of the amount wagered on live racing
programs and on intrastate and interstate simulcast racing
programs simulcast at its track and on the amount wagered on the
live racing programs and simulcast racing programs at a satellite
facility allocated to it under section 3769.26 of the Revised
Code, as a fee to pay for those costs associated with the
reception and transmission of simulcasts and the administrative
cost of the conduct of live racing programs and simulcast racing
programs. From the remaining balance, one-half shall be retained
by the permit holder for purses. On a day when a permit holder
conducts a live racing program, all purse money generated from
wagering on live racing programs and on simulcast racing programs
at its track shall be used for that permit holder's purse account.
On a day when a permit holder operates as a simulcast host with no
live racing program, or operates as a simulcast guest, all purse
money generated from wagering on intrastate and interstate
simulcast racing programs shall be paid to the state racing
commission for deposit into the Ohio combined simulcast horse
racing purse fund created under this section. In addition, on a
day when a permit holder serves as a simulcast host for a
satellite facility, all purse money generated from amounts wagered
at the satellite facility allocated to the permit holder under
section 3769.26 of the Revised Code shall be paid to the
commission for deposit into the Ohio simulcast horse racing purse
fund.

(2) If there are not four satellite facilities in operation
in this state within one year after September 19, 1996, or if
there are not seven satellite facilities in operation in this

state within two years after September 19, 1996, or if there are 67387
not ten satellite facilities in operation in this state within 67388
three years after September 19, 1996, then in any such event the 67389
amount to be retained as a fee by the permit holder under division 67390
(E)(1) of this section shall be one and seven-eighths per cent 67391
until such time as the number of satellite facilities specified in 67392
division (E)(2) of this section are in operation. For good cause 67393
shown, the thoroughbred horsemens association and Ohio harness 67394
horsemens association may waive the requirements of division 67395
(E)(2) of this section or extend the date for compliance as to any 67396
year by filing a written notification with the state racing 67397
commission. 67398

(3) If a simulcast racing program simulcast by a simulcast 67399
host at its track or enclosure and to other simulcast hosts, 67400
simulcast guests, and satellite facilities in this state is a 67401
special racing event, the permit holder offering the special 67402
racing event and other simulcast hosts, simulcast guests, and 67403
satellite facilities receiving the special racing event shall not 67404
retain the fee provided under division (E)(1) or (2) of this 67405
section but shall retain from the moneys wagered on the special 67406
racing event an amount equal to the fee charged by the track, 67407
racing association, or state regulatory agency simulcasting the 67408
special racing event to the simulcast host. From the remaining 67409
balance, one-half shall be retained by the permit holder for 67410
purses in the manner provided in division (E)(1) of this section. 67411

A permit holder proposing to simulcast a special racing event 67412
as a simulcast host shall advise its horsemen's organization of 67413
the proposed schedule of the special racing event and obtain its 67414
consent to this schedule. The consent of the horsemen's 67415
organization shall not be unreasonably withheld and shall be 67416
consistent with the interest of preserving live racing in this 67417
state. If the horsemen's organization withholds its consent, the 67418

permit holder may file an objection with the state racing 67419
commission, which shall promptly consider the objection and 67420
determine whether the organization's action in withholding consent 67421
is without substantial merit and, if the commission so determines, 67422
shall authorize the permit holder to simulcast the special racing 67423
event. The determination of the commission is final. 67424

(F) There is hereby created in the state treasury the Ohio 67425
combined simulcast horse racing purse fund, to consist of moneys 67426
paid into it by permit holders pursuant to division (E) of this 67427
section and by satellite facilities pursuant to division (F) of 67428
section 3769.26 of the Revised Code. Moneys to the credit of the 67429
fund, including interest earned thereon, may be used by the 67430
commission for the costs of administering this division and the 67431
balance shall be distributed among permit holders no less 67432
frequently than monthly to each permit holder's purse account on 67433
order of the commission. 67434

For each calendar year, permit holders at each track shall 67435
receive a share of each distribution of the Ohio combined 67436
simulcast horse racing purse fund in the same percentage, rounded 67437
to the nearest one-hundredth of the amount of each distribution, 67438
as the average total amount wagered at the track on racing days at 67439
which live racing programs were conducted, including the amount 67440
allocated to the track under section 3769.26 of the Revised Code 67441
for live races, during the five calendar years immediately 67442
preceding the year for which the distribution is made bears to the 67443
average annual total amount wagered at all tracks in the state 67444
operating under permits issued by the state racing commission 67445
under section 3769.07, 3769.071, or 3769.072 of the Revised Code 67446
on all racing days at which live racing programs were conducted, 67447
including the amount allocated to the tracks under section 3769.26 67448
of the Revised Code for live races, during the five calendar years 67449
immediately preceding the year for which the distribution is made. 67450

By the thirty-first day of January of each year the commission 67451
shall calculate the share of the permit holders at each track for 67452
that year, shall enter the share percentages in its official 67453
records, and shall notify all permit holders of the share 67454
percentages of all tracks for that calendar year. 67455

The permit holders at each track, with the approval of the 67456
commission, shall allocate their share of the fund as distributed 67457
to the purse account of each permit holder for each race meeting. 67458

The commission shall cause to be kept accurate records of its 67459
administration of the fund, including all administrative expenses 67460
incurred by it and charged to the fund, and of distributions to 67461
permit holders. These records are public records available for 67462
inspection at any time during the regular business hours of the 67463
commission by any permit holder or horsemen's organization, by an 67464
authorized agent of the permit holder or horsemen's organization, 67465
or by any other person. 67466

(G) Upon the approval of the commission, a permit holder 67467
conducting live racing programs may transmit electronically 67468
televised simulcasts of horse races conducted at the permit 67469
holder's track to racing associations, tracks, and facilities 67470
located outside this state for the conduct of pari-mutuel wagering 67471
thereon, at the times, on the terms, and for the fee agreed upon 67472
by the permit holder and the receiving racing association, track, 67473
or facility. From the fees paid to the permit holder for such 67474
simulcasts, a permit holder shall retain for the costs of 67475
administration a fee in an amount equal to one per cent of the 67476
amount wagered on the races simulcast by the permit holder. From 67477
the remaining balance of the fee, one-half shall be retained by 67478
the permit holder for purses, except that notwithstanding the fee 67479
arrangement between the permit holder and the receiving racing 67480
association, track, or facility, the permit holder shall deposit 67481
into its purse account not less than an amount equal to 67482

three-fourths of one per cent of the amount wagered at racing 67483
associations, tracks, and facilities located outside the state on 67484
the races simulcast by the permit holder. 67485

All televised simulcasts of horse races conducted in this 67486
state to racing associations, tracks, and facilities located 67487
outside this state shall comply with the "Interstate Horse Racing 67488
Act of 1978," 92 Stat. 1811, 15 U.S.C.A. 3001 to 3007. The consent 67489
of the horsemen's organization at the track of the permit holder 67490
applying to the commission to simulcast horse races conducted at 67491
the permit holder's track to racing associations, tracks, and 67492
facilities located outside this state shall be consistent with the 67493
interest of preserving live racing. 67494

(H)(1) The state racing commission may authorize any permit 67495
holder that is authorized to conduct live horse racing on racing 67496
days and that conducts pari-mutuel wagering on simulcasts of horse 67497
races under this section that are conducted at race tracks either 67498
inside or outside this state to conduct, supervise, and 67499
participate in interstate and intrastate common pari-mutuel 67500
wagering pools on those races in the manner provided in division 67501
(H) of this section. Except as otherwise expressly provided in 67502
division (H) of this section or in the rules of the state racing 67503
commission, the provisions of this chapter that govern pari-mutuel 67504
wagering apply to interstate or intrastate common pari-mutuel 67505
wagering pools. 67506

(2) Subject to the approval of the state racing commission, 67507
the types of wagering, calculation of the commission retained by 67508
the permit holder, tax rates, distribution of winnings, and rules 67509
of racing in effect for pari-mutuel wagering pools at the host 67510
track may govern wagers placed at a receiving track in this state 67511
and merged into an interstate or intrastate common pari-mutuel 67512
wagering pool. Breakage from interstate or intrastate common 67513
pari-mutuel wagering pools shall be calculated in accordance with 67514

the rules that govern the host track and shall be distributed 67515
among the tracks participating in the interstate or intrastate 67516
common wagering pool in a manner agreed to by the participating 67517
tracks and the host track. An interstate common pari-mutuel 67518
wagering pool formed under division (H)(3) of this section is 67519
subject to that division rather than to division (H)(2) of this 67520
section. 67521

(3) Subject to the approval of the state racing commission, 67522
an interstate common pari-mutuel wagering pool may be formed 67523
between a permit holder and one or more receiving tracks located 67524
in states other than the state in which the host track is located. 67525
The commission may approve types of wagering, calculation of the 67526
commission retained by the permit holder, tax rates, distribution 67527
of winnings, rules of racing, and calculation of breakage for such 67528
an interstate common pari-mutuel wagering pool that differ from 67529
those that would otherwise be applied in this state under this 67530
chapter but that are consistent for all tracks participating in 67531
the interstate common pari-mutuel wagering pool formed under 67532
division (H)(3) of this section. 67533

(4) As used in division (H) of this section: 67534

(a) "Host track" means a track where live horse races are 67535
conducted and offered for simulcasting to receiving tracks. 67536

(b) "Receiving track" means a track where simulcasts of races 67537
from a host track are displayed and wagered on. 67538

(I) Each permit holder is responsible for paying all costs 67539
associated with the up-link for, and reception of, simulcasts, and 67540
the conduct and operation of simulcast racing programs, for all 67541
fees and costs associated with serving as a simulcast host or 67542
simulcast guest, and for any required fees payable to the tracks, 67543
racing associations, or state regulatory agencies where simulcast 67544
racing is conducted at tracks located outside this state. 67545

(J) No license, fee, or excise tax, other than as specified 67546
in division (E) of this section, shall be assessed upon or 67547
collected from a permit holder or the owners of a permit holder in 67548
connection with, or pertaining to, the operation and conduct of 67549
simulcast racing programs in this state, by any county, township, 67550
municipal corporation, district, or other body having the 67551
authority to assess or collect a tax or fee. 67552

(K)(1) Permit holders operating tracks within the same county 67553
or adjacent counties that are conducting simulcast racing programs 67554
under this section may enter into agreements regarding the conduct 67555
of simulcast racing programs at their respective tracks and the 67556
sharing of the retained commissions therefrom, for such periods of 67557
time, upon such terms and conditions, and subject to such rights 67558
and obligations, as the contracting permit holders consider 67559
appropriate under the circumstances. Permit holders shall notify 67560
the state racing commission of their entry into an agreement 67561
pursuant to this division, the names of the permit holders that 67562
are parties to the agreement, and the length of time the agreement 67563
shall be in effect. 67564

(2) Permit holders and the thoroughbred horsemens association 67565
and Ohio harness horsemens association may agree to do any of the 67566
following: 67567

(a) Increase or reduce the fees and amounts to be retained by 67568
the permit holders under this section; 67569

(b) Increase or reduce the fees and amounts to be allocated 67570
to the purse accounts of permit holders under this section; 67571

(c) Increase or reduce the fees to be paid between and among 67572
simulcast hosts and simulcast guests under this section and under 67573
division (C) of section 3769.0810 of the Revised Code; 67574

(d) Modify, suspend, or waive the requirements set forth in 67575
division (B) of this section as to any permit holder or as to all 67576

permit holders. 67577

All permit holders and both horsemen's organizations shall 67578
approve such agreement. Any agreement entered into under division 67579
(K)(2) of this section shall set forth the effective date of any 67580
such increase or reduction, and the terms and provisions of the 67581
agreement, and a copy of the agreement shall be filed with the 67582
state racing commission. 67583

Sec. 3769.101. (A) For the purposes of receiving, 67584
distributing, and accounting for revenue received from the taxes 67585
levied by sections 3769.08, 3769.087, and 3769.26 of the Revised 67586
Code, there is hereby created in the state treasury the 67587
horse-racing tax revenue fund. 67588

(B) All moneys collected from the taxes imposed by sections 67589
3769.08, 3769.087, and 3769.26 of the Revised Code shall be 67590
deposited into the horse-racing tax revenue fund. 67591

(C) On or before the fifteenth day of each month, the tax 67592
commissioner shall pay into the nursing home franchise permit fee 67593
fund, Ohio fairs fund, Ohio thoroughbred race fund, Ohio 67594
standardbred development fund, ~~Ohio quarter horse fund~~, and state 67595
racing commission operating fund created under this chapter the 67596
amounts required by sections 3769.08, 3769.087, and 3769.26 of the 67597
Revised Code based on amounts received in the preceding month. 67598

Sec. 3770.01. (A) There is hereby created the state lottery 67599
commission consisting of nine members appointed by the governor 67600
with the advice and consent of the senate. No more than five 67601
members of the commission shall be members of the same political 67602
party. Of the additional and new appointments made to the 67603
commission pursuant to the amendment of August 1, 1980, three 67604
shall be for terms ending August 1, 1981, three shall be for terms 67605
ending August 1, 1982, and three shall be for terms ending August 67606

1, 1983. Thereafter, terms of office shall be for three years, 67607
each term ending on the same day of the same month of the year as 67608
did the term which it succeeds. 67609

(B) Each member shall hold office from the date of 67610
appointment until the end of the term for which the member was 67611
appointed. Any member appointed to fill a vacancy occurring prior 67612
to the expiration of the term for which the member's predecessor 67613
was appointed shall hold office for the remainder of that term. 67614
Any member shall continue in office subsequent to the expiration 67615
date of the member's term until the member's successor takes 67616
office, or until a period of sixty days has elapsed, whichever 67617
occurs first. 67618

(C) All members of the commission shall be citizens of the 67619
United States and residents of this state. The members of the 67620
commission shall represent the various geographic regions of the 67621
state. No member of the commission shall have any pecuniary 67622
interest in any contract or license awarded by the commission. One 67623
person appointed as a member of the commission shall ~~represent an~~ 67624
~~organization that deals with~~ have experience or training in the 67625
area of problem gambling ~~and assists~~ or other addictions and in 67626
assistance to recovering gambling ~~or other addicts~~ and in 67627
assistance to recovering gambling ~~or other addicts~~, shall have 67628
appointed as a member of the commission, except the member 67629
appointed as a ~~representative of an organization that deals with~~ 67630
having experience or training in the area of problem gambling ~~and~~ 67631
~~assists recovering gambling addicts~~ or other addictions and in 67632
assistance to recovering gambling or other addicts, shall have 67633
prior experience or education in business administration, 67634
management, sales, marketing, or advertising.

(D) The commission shall elect annually one of its members to 67635
serve as chairperson for a term of one year. Election as 67636
chairperson shall not extend a member's appointive term. Each 67637
member of the commission shall receive an annual salary of five 67638

thousand dollars, payable in monthly installments. Each member of
the commission also shall receive the member's actual and
necessary expenses incurred in the discharge of the member's
official duties.

(E) Each member of the commission, before entering upon the
discharge of the member's official duties, shall give a bond,
payable to the treasurer of state, in the sum of ten thousand
dollars with sufficient sureties to be approved by the treasurer
of state, which bond shall be filed with the secretary of state.

(F) The governor may remove any member of the commission for
malfeasance, misfeasance, or nonfeasance in office, giving the
member a copy of the charges against the member and affording the
member an opportunity to be publicly heard in person or by counsel
in the member's own defense upon not less than ten days' notice.
If the member is removed, the governor shall file in the office of
the secretary of state a complete statement of all charges made
against the member and the governor's finding on the charges,
together with a complete report of the proceedings, and the
governor's decision on the charges is final.

(G) The commission shall maintain offices at locations in the
state as it may consider necessary for the efficient performance
of its functions. The director shall maintain an office in
Columbus to coordinate the activities of the state lottery
commission with other state departments.

Sec. 3770.03. (A) The state lottery commission shall
promulgate rules under which a statewide lottery may be conducted,
which includes, and since the original enactment of this section
has included, the authority for the commission to operate video
lottery terminal games. Any reference in this chapter to tickets
shall not be construed to in any way limit the authority of the
commission to operate video lottery terminal games. Nothing in

this chapter shall restrict the authority of the commission to
promulgate rules related to the operation of games utilizing video
lottery terminals as described in section 3770.21 of the Revised
Code. The rules shall be promulgated pursuant to Chapter 119. of
the Revised Code, except that instant game rules shall be
promulgated pursuant to section 111.15 of the Revised Code but are
not subject to division (D) of that section. Subjects covered in
these rules shall include, but need not be limited to, the
following:

(1) The type of lottery to be conducted;

(2) The prices of tickets in the lottery;

(3) The number, nature, and value of prize awards, the manner
and frequency of prize drawings, and the manner in which prizes
shall be awarded to holders of winning tickets.

(B) The commission shall promulgate rules, in addition to
those described in division (A) of this section, pursuant to
Chapter 119. of the Revised Code under which a statewide lottery
and statewide joint lottery games may be conducted. Subjects
covered in these rules shall include, but not be limited to, the
following:

(1) The locations at which lottery tickets may be sold and
the manner in which they are to be sold. These rules may authorize
the sale of lottery tickets by commission personnel or other
licensed individuals from traveling show wagons at the state fair,
and at any other expositions the director of the commission
considers acceptable. These rules shall prohibit commission
personnel or other licensed individuals from soliciting from an
exposition the right to sell lottery tickets at that exposition,
but shall allow commission personnel or other licensed individuals
to sell lottery tickets at an exposition if the exposition
requests commission personnel or licensed individuals to do so.

These rules may also address the accessibility of sales agent 67701
locations to commission products in accordance with the "Americans 67702
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 67703
et seq. 67704

(2) The manner in which lottery sales revenues are to be 67705
collected, including authorization for the director to impose 67706
penalties for failure by lottery sales agents to transfer revenues 67707
to the commission in a timely manner; 67708

(3) The amount of compensation to be paid licensed lottery 67709
sales agents; 67710

(4) The substantive criteria for the licensing of lottery 67711
sales agents consistent with section 3770.05 of the Revised Code, 67712
and procedures for revoking or suspending their licenses 67713
consistent with Chapter 119. of the Revised Code. If 67714
circumstances, such as the nonpayment of funds owed by a lottery 67715
sales agent, or other circumstances related to the public safety, 67716
convenience, or trust, require immediate action, the director may 67717
suspend a license without affording an opportunity for a prior 67718
hearing under section 119.07 of the Revised Code. 67719

(5) Special game rules to implement any agreements signed by 67720
the governor that the director enters into with other lottery 67721
jurisdictions under division (J) of section 3770.02 of the Revised 67722
Code to conduct statewide joint lottery games. The rules shall 67723
require that the entire net proceeds of those games that remain, 67724
after associated operating expenses, prize disbursements, lottery 67725
sales agent bonuses, commissions, and reimbursements, and any 67726
other expenses necessary to comply with the agreements or the 67727
rules are deducted from the gross proceeds of those games, be 67728
transferred to the lottery profits education fund under division 67729
(B) of section 3770.06 of the Revised Code. 67730

(6) Making EZPlay keno and EZPlay lucky numbers bingo 67731

self-service terminal-generated instant-win style lottery games 67732
available to licensed lottery sales agents, with at least the 67733
following criteria: 67734

(a) EZPlay keno shall consist of and contain the ability to 67735
be played at multiple ticket prices as established by the 67736
commission, and shall be available as an instant play style 67737
lottery game on the interactive format self-service terminal and 67738
other lottery terminals and devices. 67739

(b) EZPlay lucky numbers bingo shall consist of and contain 67740
the ability to be played at multiple ticket prices as established 67741
by the commission, and shall be available as both instant play and 67742
draw style lottery games on the interactive format self-service 67743
terminal and other lottery terminals and devices. 67744

(c) The games shall be made available using either a 67745
clerk-facing lottery terminal or a self-service lottery terminal, 67746
which shall not be a video lottery terminal, as available from the 67747
commission's gaming systems vendor. 67748

(d) The games shall be available for play in graphical, 67749
paperless, and interactive formats. "Interactive format" means the 67750
ability of a player to initiate, play, and view the game, 67751
including the reveal of a result, on the self-service terminal 67752
from which the game is purchased. 67753

(e) The player shall have the option to receive a paper pay 67754
voucher to be redeemed by a licensed lottery sales agent or 67755
credited through a self-service lottery terminal. 67756

(f) These interactive format self-service terminals shall 67757
only be made available to a licensed lottery sales agent that is 67758
also a holder of a D-1, D-2, D-2x, D-3, D-3x, D-3a, or D-5 liquor 67759
permit issued under Chapter 4303. of the Revised Code. 67760

(g) The commission shall acquire and make available at least 67761
three thousand interactive format self-service terminals before 67762

March 1, 2016, one thousand five hundred of which shall be 67763
acquired, deployed, and in operation before January 1, 2016. 67764

Any other subjects the commission determines are necessary 67765
for the operation of video lottery terminal games, including the 67766
establishment of any fees, fines, or payment schedules. 67767

(C) Chapter 2915. of the Revised Code does not apply to, 67768
affect, or prohibit lotteries conducted pursuant to this chapter. 67769

(D) The commission may promulgate rules, in addition to those 67770
described in divisions (A) and (B) of this section, that establish 67771
standards governing the display of advertising and celebrity 67772
images on lottery tickets and on other items that are used in the 67773
conduct of, or to promote, the statewide lottery and statewide 67774
joint lottery games. Any revenue derived from the sale of 67775
advertising displayed on lottery tickets and on those other items 67776
shall be considered, for purposes of section 3770.06 of the 67777
Revised Code, to be related proceeds in connection with the 67778
statewide lottery or gross proceeds from statewide joint lottery 67779
games, as applicable. 67780

(E)(1) The commission shall meet with the director at least 67781
once each month and shall convene other meetings at the request of 67782
the chairperson or any five of the members. No action taken by the 67783
commission shall be binding unless at least five of the members 67784
present vote in favor of the action. A written record shall be 67785
made of the proceedings of each meeting and shall be transmitted 67786
forthwith to the governor, the president of the senate, the senate 67787
minority leader, the speaker of the house of representatives, and 67788
the house minority leader. 67789

(2) The director shall present to the commission a report 67790
each month, showing the total revenues, prize disbursements, and 67791
operating expenses of the state lottery for the preceding month. 67792
As soon as practicable after the end of each fiscal year, the 67793

commission shall prepare and transmit to the governor and the 67794
general assembly a report of lottery revenues, prize 67795
disbursements, and operating expenses for the preceding fiscal 67796
year and any recommendations for legislation considered necessary 67797
by the commission. 67798

Sec. 3770.05. (A) As used in this section, "person" means any 67799
~~person~~ individual, association, corporation, limited liability 67800
company, partnership, club, trust, estate, society, receiver, 67801
trustee, person acting in a fiduciary or representative capacity, 67802
instrumentality of the state or any of its political subdivisions, 67803
or any other business entity or combination of individuals meeting 67804
the requirements set forth in this section or established by rule 67805
or order of the state lottery commission. 67806

(B) The director of the state lottery commission may license 67807
any person as a lottery sales agent. ~~No license shall be issued to~~ 67808
~~any person or group of persons to engage in the sale of lottery~~ 67809
~~tickets as the person's or group's sole occupation or business.~~ 67810

Before issuing any license to a lottery sales agent, the 67811
director shall consider all of the following: 67812

(1) The financial responsibility and security of the 67813
applicant and the applicant's business or activity; 67814

(2) The accessibility of the applicant's place of business or 67815
activity to the public; 67816

(3) The sufficiency of existing licensed agents to serve the 67817
public interest; 67818

(4) The volume of expected sales by the applicant; 67819

(5) Any other factors pertaining to the public interest, 67820
convenience, or trust. 67821

(C) Except as otherwise provided in division (F) of this 67822
section, the director of the state lottery commission ~~shall~~ may 67823

refuse to grant, or ~~shall~~ may suspend or revoke, a license if the
applicant or licensee:

(1) Has been convicted of a felony or has been convicted of a
crime involving moral turpitude;

(2) Has been convicted of an offense that involves illegal
gambling;

(3) Has been found guilty of fraud or misrepresentation in
any connection;

(4) Has been found to have violated any rule or order of the
commission; or

(5) Has been convicted of illegal trafficking in supplemental
nutrition assistance program benefits.

(D) Except as otherwise provided in division (F) of this
section, the director of the state lottery commission ~~shall~~ may
refuse to grant, or ~~shall~~ may suspend or revoke, a license if the
applicant or licensee is a corporation or other business entity,
and any of the following applies:

(1) Any of the ~~corporation's~~ directors, officers, managers,
or controlling shareholders has been found guilty of any of the
activities specified in divisions (C)(1) to (5) of this section;

(2) It appears to the director of the state lottery
commission that, due to the experience, character, or general
fitness of any director, officer, manager, or controlling
shareholder ~~of the corporation~~, the granting of a license as a
lottery sales agent would be inconsistent with the public
interest, convenience, or trust;

(3) The corporation or other business entity is not the owner
or lessee of the business at which it would conduct a lottery
sales agency pursuant to the license applied for;

(4) Any person, firm, association, or corporation other than

the applicant or licensee shares or will share in the profits of 67854
the applicant or licensee, other than receiving dividends or 67855
distributions as a shareholder, or participates or will 67856
participate in the management of the affairs of the applicant or 67857
licensee. 67858

(E)(1) The director of the state lottery commission shall 67859
refuse to grant a license to an applicant for a lottery sales 67860
agent license and shall revoke a lottery sales agent license if 67861
the applicant or licensee is or has been convicted of a violation 67862
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 67863

(2) The director shall refuse to grant a license to an 67864
applicant for a lottery sales agent license that is a corporation 67865
and shall revoke the lottery sales agent license of a corporation 67866
if the corporation is or has been convicted of a violation of 67867
division (A) or (C)(1) of section 2913.46 of the Revised Code. 67868

(F) The director of the state lottery commission shall 67869
request the bureau of criminal identification and investigation, 67870
the department of public safety, or any other state, local, or 67871
federal agency to supply the director with the criminal records of 67872
any applicant for a lottery sales agent license, and may 67873
periodically request the criminal records of any person to whom a 67874
lottery sales agent license has been issued. At or prior to the 67875
time of making such a request, the director shall require an 67876
applicant or licensee to obtain fingerprint impressions on 67877
fingerprint cards prescribed by the superintendent of the bureau 67878
of criminal identification and investigation at a qualified law 67879
enforcement agency, and the director shall cause those fingerprint 67880
cards to be forwarded to the bureau of criminal identification and 67881
investigation, to the federal bureau of investigation, or to both 67882
bureaus. The commission shall assume the cost of obtaining the 67883
fingerprint cards. 67884

The director shall pay to each agency supplying criminal 67885

records for each investigation a reasonable fee, as determined by 67886
the agency. 67887

The commission may adopt uniform rules specifying time 67888
periods after which the persons described in divisions (C)(1) to 67889
(5) and (D)(1) to (4) of this section may be issued a license and 67890
establishing requirements for those persons to seek a court order 67891
to have records sealed in accordance with law. 67892

(G)(1) Each applicant for a lottery sales agent license shall 67893
do both of the following: 67894

(a) Pay fees to the state lottery commission, if required by 67895
rule adopted by the director under Chapter 119. of the Revised 67896
Code and the controlling board approves the fees; 67897

(b) Prior to approval of the application, obtain a surety 67898
bond in an amount the director determines by rule adopted under 67899
Chapter 119. of the Revised Code or, alternatively, with the 67900
director's approval, deposit the same amount into a dedicated 67901
account for the benefit of the state lottery. The director also 67902
may approve the obtaining of a surety bond to cover part of the 67903
amount required, together with a dedicated account deposit to 67904
cover the remainder of the amount required. The director also may 67905
establish an alternative program or policy, with the approval of 67906
the commission by rule adopted under Chapter 119. of the Revised 67907
Code, that otherwise ensures the lottery's financial interests are 67908
adequately protected. If such an alternative program or policy is 67909
established, an applicant or lottery sales agent, subject to the 67910
director's approval, may be permitted to participate in the 67911
program or proceed under that policy in lieu of providing a surety 67912
bond or dedicated amount. 67913

A surety bond may be with any company that complies with the 67914
bonding and surety laws of this state and the requirements 67915
established by rules of the commission pursuant to this chapter. A 67916

dedicated account deposit shall be conducted in accordance with 67917
policies and procedures the director establishes. 67918

A surety bond, dedicated account, other established program 67919
or policy, or any combination of these resources, as applicable, 67920
may be used to pay for the lottery sales agent's failure to make 67921
prompt and accurate payments for lottery ticket sales, for missing 67922
or stolen lottery tickets, for damage to equipment or materials 67923
issued to the lottery sales agent, or to pay for expenses the 67924
commission incurs in connection with the lottery sales agent's 67925
license. 67926

(2) A lottery sales agent license is effective for at least 67927
one year, but not more than three years. 67928

A licensed lottery sales agent, on or before the date 67929
established by the director, shall renew the agent's license and 67930
provide at that time evidence to the director that the surety 67931
bond, dedicated account deposit, or both, required under division 67932
(G)(1)(b) of this section has been renewed or is active, whichever 67933
applies. 67934

Before the commission renews a lottery sales agent license, 67935
the lottery sales agent shall submit a renewal fee to the 67936
commission, if one is required by rule adopted by the director 67937
under Chapter 119. of the Revised Code and the controlling board 67938
approves the renewal fee. The renewal fee shall not exceed the 67939
actual cost of administering the license renewal and processing 67940
changes reflected in the renewal application. The renewal of the 67941
license is effective for at least one year, but not more than 67942
three years. 67943

(3) A lottery sales agent license shall be complete, 67944
accurate, and current at all times during the term of the license. 67945
Any changes to an original license application or a renewal 67946
application may subject the applicant or lottery sales agent, as 67947

applicable, to paying an administrative fee that shall be in an amount that the director determines by rule adopted under Chapter 119. of the Revised Code, and that the controlling board approves, and that shall not exceed the actual cost of administering and processing the changes to an application.

(4) The relationship between the commission and a lottery sales agent is one of trust. A lottery sales agent collects funds on behalf of the commission through the sale of lottery tickets for which the agent receives a compensation.

(H) Pending a final resolution of any question arising under this section, the director of the state lottery commission may issue a temporary lottery sales agent license, subject to the terms and conditions the director considers appropriate.

(I) If a lottery sales agent's rental payments for the lottery sales agent's premises are determined, in whole or in part, by the amount of retail sales the lottery sales agent makes, and if the rental agreement does not expressly provide that the amount of those retail sales includes the amounts the lottery sales agent receives from lottery ticket sales, only the amounts the lottery sales agent receives as compensation from the state lottery commission for selling lottery tickets shall be considered to be amounts the lottery sales agent receives from the retail sales the lottery sales agent makes, for the purpose of computing the lottery sales agent's rental payments.

Sec. 3770.07. (A)(1) Except as provided in division (A)(2) of this section, lottery prize awards shall be claimed by the holder of the winning lottery product, or by the executor or administrator, or the trustee of a trust, of the estate of a deceased holder of a winning lottery product, in a manner to be determined by the state lottery commission, within one hundred eighty days after the date on which the prize award was announced

if the lottery game is an online game, and within one hundred 67979
eighty days after the close of the game if the lottery game is an 67980
instant game. 67981

Any lottery prize award with a value that meets or exceeds 67982
the reportable winnings amounts set by 26 U.S.C. 6041, or a 67983
subsequent analogous section of the Internal Revenue Code, shall 67984
not be claimed by or paid to any person, as defined in section 67985
1.59 of the Revised Code or as defined by rule or order of the 67986
state lottery commission, until the name, address, and social 67987
security number of each beneficial owner of the prize award are 67988
documented for the commission. Except when a beneficial owner 67989
otherwise consents in writing, in the case of a claim for a 67990
lottery prize award made by one or more beneficial owners using a 67991
trust, the name, address, and social security number of each such 67992
beneficial owner in the commission's records as a result of such a 67993
disclosure are confidential and shall not be subject to inspection 67994
or copying under section 149.43 of the Revised Code as a public 67995
record. 67996

Except as otherwise provided in division (A)(1) of this 67997
section or as otherwise provided by law, the name and address of 67998
any individual claiming a lottery prize award are subject to 67999
inspection or copying under section 149.43 of the Revised Code as 68000
a public record. 68001

(2) An eligible person serving on active military duty in any 68002
branch of the United States armed forces during a war or national 68003
emergency declared in accordance with federal law may submit a 68004
delayed claim for a lottery prize award. The eligible person shall 68005
do so by notifying the state lottery commission about the claim 68006
not later than the five hundred fortieth day after the date on 68007
which the prize award was announced if the lottery game is an 68008
online game or after the date on which the lottery game closed if 68009
the lottery game is an instant game. 68010

(3) If no valid claim to a lottery prize award is made within 68011
the prescribed period, the prize money, the cost of goods and 68012
services awarded as prizes, or, if goods or services awarded as 68013
prizes are resold by the state lottery commission, the proceeds 68014
from their sale shall be returned to the state lottery fund and 68015
distributed in accordance with section 3770.06 of the Revised 68016
Code. 68017

(4) The state lottery commission may share with other 68018
governmental agencies the name, address, and social security 68019
number of a beneficial owner disclosed to the commission under 68020
division (A)(1) of this section, as authorized under sections 68021
3770.071 and 3770.073 of the Revised Code. Any shared information 68022
as disclosed pursuant to those sections that is made confidential 68023
by division (A)(1) of this section remains confidential and shall 68024
not be subject to inspection or copying under section 149.43 of 68025
the Revised Code as a public record unless the applicable 68026
beneficial owner otherwise provides written consent. 68027

(5) As used in this division: 68028

(a) "Eligible person" means a person who is entitled to a 68029
lottery prize award and who falls into either of the following 68030
categories: 68031

(i) While on active military duty in this state, the person, 68032
as the result of a war or national emergency declared in 68033
accordance with federal law, is transferred out of this state 68034
before the one hundred eightieth day after the date on which the 68035
winner of the lottery prize award is selected. 68036

(ii) While serving in the reserve forces in this state, the 68037
person, as the result of a war or national emergency declared in 68038
accordance with federal law, is placed on active military duty and 68039
is transferred out of this state before the expiration of the one 68040
hundred eightieth day after the date on which the prize drawing 68041

occurs for an online game or before the expiration of the one 68042
hundred eightieth day following the close of an instant game as 68043
determined by the commission. 68044

(b) "Active military duty" means that a person is covered by 68045
the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 68046
U.S.C. 501 et seq., as amended, or the "Uniformed Services 68047
Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 68048
38 U.S.C. 4301 et seq., as amended. 68049

(c) "Each beneficial owner" means the ultimate recipient or, 68050
if there is more than one, each ultimate recipient of a lottery 68051
prize award. 68052

(B) If a prize winner, as defined in section 3770.10 of the 68053
Revised Code, is under eighteen years of age, or is under some 68054
other legal disability, and the prize money or the cost of goods 68055
or services awarded as a prize exceeds one thousand dollars, the 68056
director of the state lottery commission shall order that payment 68057
be made to the order of the legal guardian of that prize winner. 68058
If the amount of the prize money or the cost of goods or services 68059
awarded as a prize is one thousand dollars or less, the director 68060
may order that payment be made to the order of the adult member, 68061
if any, of that prize winner's family legally responsible for the 68062
care of that prize winner. 68063

(C) No right of any prize winner, as defined in section 68064
3770.10 of the Revised Code, to a prize award shall be the subject 68065
of a security interest or used as collateral. 68066

(D)(1) No right of any prize winner, as defined in section 68067
3770.10 of the Revised Code, to a prize award shall be assignable 68068
except as follows: when the payment is to be made to the executor 68069
or administrator, or the trustee of a trust, of the estate of a 68070
prize winner; when the award of a prize is disputed, any person 68071
may be awarded a prize award to which another has claimed title, 68072

pursuant to the order of a court of competent jurisdiction; when a 68073
person is awarded a prize award to which another has claimed 68074
title, pursuant to the order of a federal bankruptcy court under 68075
Title 11 of the United States Code; or as provided in sections 68076
3770.10 to 3770.14 of the Revised Code. 68077

(2)(a) No right of any prize winner, as defined in section 68078
3770.10 of the Revised Code, to a prize award with a remaining 68079
unpaid balance of less than one hundred thousand dollars shall be 68080
subject to garnishment, attachment, execution, withholding, or 68081
deduction except as provided in sections 3119.80, 3119.81, 68082
3121.02, 3121.03, and 3123.06 of the Revised Code or when the 68083
director is to make a payment pursuant to section 3770.071 or 68084
3770.073 of the Revised Code. 68085

(b) No right of any prize winner, as defined in section 68086
3770.10 of the Revised Code, to a prize award with an unpaid 68087
balance of one hundred thousand dollars or more shall be subject 68088
to garnishment, attachment, execution, withholding, or deduction 68089
except as follows: as provided in sections 3119.80, 3119.81, 68090
3121.02, 3121.03, and 3123.06 of the Revised Code; when the 68091
director is to make a payment pursuant to section 3770.071 or 68092
3770.073 of the Revised Code; or pursuant to the order of a court 68093
of competent jurisdiction located in this state in a proceeding in 68094
which the state lottery commission is a named party, in which case 68095
the garnishment, attachment, execution, withholding, or deduction 68096
pursuant to the order shall be subordinate to any payments to be 68097
made pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 68098
3123.06, 3770.071, or 3770.073 of the Revised Code. 68099

(3) The state lottery commission may adopt and amend rules 68100
pursuant to Chapter 119. of the Revised Code as necessary to 68101
implement division (D) of this section, to provide for payments 68102
from prize awards subject to garnishment, attachment, execution, 68103
withholding, or deduction, and to comply with any applicable 68104

requirements of federal law. 68105

(4) Upon making payments from a prize award as required by 68106
division (D) of this section, the director and the state lottery 68107
commission are discharged from all further liability for those 68108
payments, whether they are made to an executor, administrator, 68109
trustee, judgment creditor, or another person, or to the prize 68110
winner, as defined in section 3770.10 of the Revised Code. 68111

(5) The state lottery commission shall adopt rules pursuant 68112
to section 3770.03 of the Revised Code concerning the payment of 68113
prize awards upon the death of a prize winner, as defined in 68114
section 3770.10 of the Revised Code. Upon the death of a prize 68115
winner, the remainder of the prize winner's prize award, to the 68116
extent it is not subject to a transfer agreement under sections 68117
3770.10 to 3770.14 of the Revised Code, may be paid to the 68118
executor, administrator, or trustee in the form of a discounted 68119
lump sum cash settlement. 68120

(E) No lottery prize award shall be awarded to or for any 68121
officer or employee of the state lottery commission, any officer 68122
or employee of the auditor of state actively auditing, 68123
coordinating, or ~~certifying~~ observing commission drawings, or any 68124
blood relative or spouse of such an officer or employee of the 68125
commission or auditor of state living as a member of the officer's 68126
or employee's household, nor shall any such officer, employee, 68127
blood relative, or spouse attempt to claim a lottery prize award. 68128

(F) The director may prohibit vendors to the state lottery 68129
commission and their employees from being awarded a lottery prize 68130
award. 68131

(G) Upon the payment of prize awards pursuant to a provision 68132
of this section, other than a provision of division (D) of this 68133
section, the director and the state lottery commission are 68134
discharged from all further liability for their payment. 68135

Installment payments of lottery prize awards shall be paid by 68136
official check or warrant, and they shall be sent by mail delivery 68137
to the prize winner's address within the United States or by 68138
electronic funds transfer to an established bank account located 68139
within the United States, or the prize winner may pick them up at 68140
an office of the commission. 68141

Sec. 3772.02. (A) There is hereby created the Ohio casino 68142
control commission described in Section 6(C)(1) of Article XV, 68143
Ohio Constitution. 68144

(B) The commission shall consist of seven members appointed 68145
within one month of September 10, 2010, by the governor with the 68146
advice and consent of the senate. The governor shall forward all 68147
appointments to the senate within twenty-four hours. 68148

(1) Each commission member is eligible for reappointment at 68149
the discretion of the governor. No commission member shall be 68150
appointed for more than three terms in total. 68151

(2) Each commission member shall be a resident of Ohio. 68152

(3) At least one commission member shall be experienced in 68153
law enforcement and criminal investigation. 68154

(4) At least one commission member shall be a certified 68155
public accountant experienced in accounting and auditing. 68156

(5) At least one commission member shall be an attorney 68157
admitted to the practice of law in Ohio. 68158

(6) At least one commission member shall be a resident of a 68159
county where one of the casino facilities is located. 68160

(7) Not more than four commission members shall be of the 68161
same political party. 68162

(8) No commission member shall have any affiliation with an 68163
Ohio casino operator or facility. 68164

(C) Commission members shall serve four-year terms, except 68165
that when the governor makes initial appointments to the 68166
commission under this chapter, the governor shall appoint three 68167
members to serve four-year terms with not more than two such 68168
members from the same political party, two members to serve 68169
three-year terms with such members not being from the same 68170
political party, and two members to serve two-year terms with such 68171
members not being from the same political party. 68172

(D) Each commission member shall hold office from the date of 68173
appointment until the end of the term for which the member was 68174
appointed. Any member appointed to fill a vacancy occurring before 68175
the expiration of the term for which the member's predecessor was 68176
appointed shall hold office for the remainder of the unexpired 68177
term. Any member shall continue in office after the expiration 68178
date of the member's term until the member's successor takes 68179
office, or until a period of sixty days has elapsed, whichever 68180
occurs first. A vacancy in the commission membership shall be 68181
filled in the same manner as the original appointment. 68182

(E) The governor shall select one member to serve as 68183
chairperson and the commission members shall select one member 68184
from a different party than the chairperson to serve as 68185
vice-chairperson. The governor may remove and replace the 68186
chairperson at any time. No such member shall serve as chairperson 68187
for more than six successive years. The vice-chairperson shall 68188
assume the duties of the chairperson in the absence of the 68189
chairperson. The chairperson and vice-chairperson shall perform 68190
but shall not be limited to additional duties as are prescribed by 68191
commission rule. 68192

(F) A commission member is not required to devote the 68193
member's full time to membership on the commission. Each Beginning 68194
on the effective date of this amendment, each member of the 68195
commission shall receive compensation of ~~thirty~~ fifty thousand 68196

dollars per year, ~~payable in monthly installments. Beginning July~~ 68197
~~1, 2016, each member of the commission shall receive compensation~~ 68198
~~of forty thousand dollars per year. Beginning July 1, 2017, each~~ 68199
~~member of the commission shall receive compensation of thirty~~ 68200
~~thousand dollars per year.~~ Each member shall receive the member's 68201
actual and necessary expenses incurred in the discharge of the 68202
member's official duties. 68203

(G) The governor shall not appoint an individual to the 68204
commission, and an individual shall not serve on the commission, 68205
if the individual has been convicted of or pleaded guilty or no 68206
contest to a disqualifying offense as defined in section 3772.07 68207
of the Revised Code. Members coming under indictment or bill of 68208
information of a disqualifying offense shall resign from the 68209
commission immediately upon indictment. 68210

(H) At least five commission members shall be present for the 68211
commission to meet. The concurrence of four members is necessary 68212
for the commission to take any action. All members shall vote on 68213
the adoption of rules, and the approval of, and the suspension or 68214
revocation of, the licenses of casino operators or management 68215
companies, unless a member has a written leave of absence filed 68216
with and approved by the chairperson. 68217

(I) A commission member may be removed or suspended from 68218
office in accordance with section 3.04 of the Revised Code. 68219

(J) Each commission member, before entering upon the 68220
discharge of the member's official duties, shall make an oath to 68221
uphold the Ohio Constitution and laws of the state of Ohio and 68222
shall give a bond, payable by the commission, to the treasurer of 68223
state, in the sum of ten thousand dollars with sufficient sureties 68224
to be approved by the treasurer of state, which bond shall be 68225
filed with the secretary of state. 68226

(K) The commission shall hold one regular meeting each month 68227

and shall convene other meetings at the request of the chairperson 68228
or a majority of the members. A member who fails to attend at 68229
least three-fifths of the regular and special meetings of the 68230
commission during any two-year period forfeits membership on the 68231
commission. All meetings of the commission shall be open meetings 68232
under section 121.22 of the Revised Code except as otherwise 68233
allowed by law. 68234

Sec. 3772.03. (A) To ensure the integrity of casino gaming, 68235
the commission shall have authority to complete the functions of 68236
licensing, regulating, investigating, and penalizing casino 68237
operators, management companies, holding companies, key employees, 68238
casino gaming employees, and gaming-related vendors. The 68239
commission also shall have jurisdiction over all persons 68240
participating in casino gaming authorized by Section 6(C) of 68241
Article XV, Ohio Constitution, and this chapter. 68242

(B) All rules adopted by the commission under this chapter 68243
shall be adopted under procedures established in Chapter 119. of 68244
the Revised Code. The commission may contract for the services of 68245
experts and consultants to assist the commission in carrying out 68246
its duties under this section. 68247

(C) ~~Within six months of September 10, 2010, the~~ The 68248
commission shall adopt ~~initial~~ rules as are necessary for 68249
completing the functions stated in division (A) of this section 68250
and for addressing the subjects enumerated in division (D) of this 68251
section. 68252

(D) The commission shall adopt, and as advisable and 68253
necessary shall amend or repeal, rules that include all of the 68254
following: 68255

(1) The prevention of practices detrimental to the public 68256
interest; 68257

- (2) Prescribing the method of applying, and the form of application, that an applicant for a license under this chapter must follow as otherwise described in this chapter; 68258
68259
68260
- (3) Prescribing the information to be furnished by an applicant or licensee as described in section 3772.11 of the Revised Code; 68261
68262
68263
- (4) Describing the certification standards and duties of an independent testing laboratory certified under section 3772.31 of the Revised Code and the relationship between the commission, the laboratory, the gaming-related vendor, and the casino operator; 68264
68265
68266
68267
- (5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor; 68268
68269
68270
- (6) The approval process for a significant change in ownership or transfer of control of a licensee as provided in section 3772.091 of the Revised Code; 68271
68272
68273
- (7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors; 68274
68275
- (8) Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in section 3772.20 of the Revised Code, and requiring gaming devices and equipment to meet the standards of this state; 68276
68277
68278
68279
68280
68281
68282
- (9) Tournament play in any casino facility; 68283
- (10) Establishing and implementing a voluntary exclusion program that provides all of the following: 68284
68285
- (a) Except as provided by commission rule, a person who participates in the program shall agree to refrain from entering a 68286
68287

casino facility. 68288

(b) The name of a person participating in the program shall 68289
be included on a list of persons excluded from all casino 68290
facilities. 68291

(c) Except as provided by commission rule, no person who 68292
participates in the program shall petition the commission for 68293
admittance into a casino facility. 68294

(d) The list of persons participating in the program and the 68295
personal information of those persons shall be confidential and 68296
shall only be disseminated by the commission to a casino operator 68297
and the agents and employees of the casino operator for purposes 68298
of enforcement and to other entities, upon request of the 68299
participant and agreement by the commission. 68300

(e) A casino operator shall make all reasonable attempts as 68301
determined by the commission to cease all direct marketing efforts 68302
to a person participating in the program. 68303

(f) A casino operator shall not cash the check of a person 68304
participating in the program or extend credit to the person in any 68305
manner. However, the program shall not exclude a casino operator 68306
from seeking the payment of a debt accrued by a person before 68307
participating in the program. 68308

(g) Any and all locations at which a person may register as a 68309
participant in the program shall be published. 68310

(11) Requiring the commission to adopt standards regarding 68311
the marketing materials of a licensed casino operator, including 68312
allowing the commission to prohibit marketing materials that are 68313
contrary to the adopted standards; 68314

(12) Requiring that the records, including financial 68315
statements, of any casino operator, management company, holding 68316
company, and gaming-related vendor be maintained in the manner 68317

prescribed by the commission and made available for inspection 68318
upon demand by the commission, but shall be subject to section 68319
3772.16 of the Revised Code; 68320

(13) Permitting a licensed casino operator, management 68321
company, key employee, or casino gaming employee to question a 68322
person suspected of violating this chapter; 68323

(14) The chips, tokens, tickets, electronic cards, or similar 68324
objects that may be purchased by means of an agreement under which 68325
credit is extended to a wagerer by a casino operator; 68326

(15) Establishing standards for provisional key employee 68327
licenses for a person who is required to be licensed as a key 68328
employee and is in exigent circumstances and standards for 68329
provisional licenses for casino gaming employees who submit 68330
complete applications and are compliant under an instant 68331
background check. A provisional license shall be valid not longer 68332
than three months. A provisional license may be renewed one time, 68333
at the commission's discretion, for an additional three months. In 68334
establishing standards with regard to instant background checks 68335
the commission shall take notice of criminal records checks as 68336
they are conducted under section 311.41 of the Revised Code using 68337
electronic fingerprint reading devices. 68338

(16) Establishing approval procedures for third-party 68339
engineering or accounting firms, as described in section 3772.09 68340
of the Revised Code; 68341

(17) Prescribing the manner in which winnings, compensation 68342
from casino gaming, and gross revenue must be computed and 68343
reported by a licensee as described in Chapter 5753. of the 68344
Revised Code; 68345

(18) Prescribing conditions under which a licensee's license 68346
may be suspended or revoked as described in section 3772.04 of the 68347
Revised Code; 68348

- (19) Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner; 68349 68350
- (20) Prescribing technical standards and requirements that are to be met by security and surveillance equipment that is used at and standards and requirements to be met by personnel who are employed at casino facilities, and standards and requirements for the provision of security at and surveillance of casino facilities; 68351 68352 68353 68354 68355 68356
- (21) Prescribing requirements for a casino operator to provide unarmed security services at a casino facility by licensed casino employees, and the training that shall be completed by these employees; 68357 68358 68359 68360
- (22) Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under section 5753.02 of the Revised Code; 68361 68362 68363 68364 68365
- (23) Defining penalties for violation of commission rules and a process for imposing such penalties subject to the review of the joint committee on gaming and wagering; 68366 68367 68368
- (24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government; 68369 68370
- (25) Establishing standards for the repair of casino gaming equipment; 68371 68372
- (26) Establishing procedures to ensure that casino operators, management companies, and holding companies are compliant with the compulsive and problem gambling plan submitted under section 3772.18 of the Revised Code; 68373 68374 68375 68376
- (27) Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding 68377 68378

company, or gaming-related vendor that fall below the threshold 68379
needed to be considered an institutional investor or a holding 68380
company, standards regarding what any employees, members, or 68381
owners of those investors or holding companies may do and shall 68382
not do in relation to casino facilities and casino gaming in this 68383
state, which standards shall rationally relate to the need to 68384
proscribe conduct that is inconsistent with passive institutional 68385
investment status; 68386

(28) Providing for any other thing necessary and proper for 68387
successful and efficient regulation of casino gaming under this 68388
chapter. 68389

(E) The commission shall employ and assign gaming agents as 68390
necessary to assist the commission in carrying out the duties of 68391
this chapter and Chapter 2915. of the Revised Code. In order to 68392
maintain employment as a gaming agent, the gaming agent shall 68393
successfully complete all continuing training programs required by 68394
the commission and shall not have been convicted of or pleaded 68395
guilty or no contest to a disqualifying offense as defined in 68396
section 3772.07 of the Revised Code. 68397

(F) The commission, as a law enforcement agency, and its 68398
gaming agents, as law enforcement officers as defined in section 68399
2901.01 of the Revised Code, shall have authority with regard to 68400
the detection and investigation of, the seizure of evidence 68401
allegedly relating to, and the apprehension and arrest of persons 68402
allegedly committing gaming violations of this chapter or gambling 68403
offenses as defined in section 2915.01 of the Revised Code or 68404
violations of any other law of this state that may affect the 68405
integrity of casino gaming or the operation of skill-based 68406
amusement machines, and shall have access to casino facilities and 68407
skill-based amusement machine facilities to carry out the 68408
requirements of this chapter. 68409

(G) The commission may eject or exclude or authorize the 68410

ejection or exclusion of and a gaming agent may eject a person 68411
from a casino facility for any of the following reasons: 68412

(1) The person's name is on the list of persons voluntarily 68413
excluding themselves from all casinos in a program established 68414
according to rules adopted by the commission; 68415

(2) The person violates or conspires to violate this chapter 68416
or a rule adopted thereunder; or 68417

(3) The commission determines that the person's conduct or 68418
reputation is such that the person's presence within a casino 68419
facility may call into question the honesty and integrity of the 68420
casino gaming operations or interfere with the orderly conduct of 68421
the casino gaming operations. 68422

(H) A person, other than a person participating in a 68423
voluntary exclusion program, may petition the commission for a 68424
public hearing on the person's ejection or exclusion under this 68425
chapter. 68426

(I) A casino operator or management company shall have the 68427
same authority to eject or exclude a person from the management 68428
company's casino facilities as authorized in division (G) of this 68429
section. The licensee shall immediately notify the commission of 68430
an ejection or exclusion. 68431

(J) The commission shall submit a written annual report with 68432
the governor, president and minority leader of the senate, speaker 68433
and minority leader of the house of representatives, and joint 68434
committee on gaming and wagering before the first day of September 68435
each year. The annual report shall cover the previous fiscal year 68436
and shall include all of the following: 68437

(1) A statement describing the receipts and disbursements of 68438
the commission; 68439

(2) Relevant financial data regarding casino gaming, 68440

including gross revenues and disbursements made under this 68441
chapter; 68442

(3) Actions taken by the commission; 68443

(4) An update on casino operators', management companies', 68444
and holding companies' compulsive and problem gambling plans and 68445
the voluntary exclusion program and list; 68446

(5) Information regarding prosecutions for conduct described 68447
in division (H) of section 3772.99 of the Revised Code, including, 68448
but not limited to, the total number of prosecutions commenced and 68449
the name of each person prosecuted; 68450

(6) Any additional information that the commission considers 68451
useful or that the governor, president or minority leader of the 68452
senate, speaker or minority leader of the house of 68453
representatives, or joint committee on gaming and wagering 68454
requests. 68455

(K) ~~Notwithstanding any law to the contrary, beginning on~~ 68456
~~July 1, 2011, the~~ To ensure the integrity of skill-based amusement 68457
machine operations, the commission shall ~~assume~~ have jurisdiction 68458
~~over and oversee the regulation of all persons conducting or~~ 68459
~~participating in the conduct of skill-based amusement machines as~~ 68460
~~is provided in the law of this state~~ machine operations authorized 68461
by this chapter and Chapter 2915. of the Revised Code, including 68462
the authority to complete the functions of licensing, regulating, 68463
investigating, and penalizing those persons in a manner that is 68464
consistent with the commission's authority to do the same with 68465
respect to casino gaming. To carry out this division, the 68466
commission may adopt rules under Chapter 119. of the Revised Code, 68467
including rules establishing fees and penalties related to the 68468
operation of skill-based amusement machines. 68469

Sec. 3772.99. (A) The commission shall levy and collect 68470

penalties for noncriminal violations of this chapter. Noncriminal 68471
violations include using the term "casino" in any advertisement in 68472
regard to a facility operating video lottery terminals, as defined 68473
in section 3770.21 of the Revised Code, in this state. Moneys 68474
collected from such penalty levies shall be credited to the 68475
general revenue fund. 68476

(B) If a licensed casino operator, management company, 68477
holding company, gaming-related vendor, or key employee violates 68478
this chapter or engages in a fraudulent act, the commission may 68479
suspend or revoke the license and may do either or both of the 68480
following: 68481

(1) Suspend, revoke, or restrict the casino gaming operations 68482
of a casino operator; 68483

(2) Require the removal of a management company, key 68484
employee, or discontinuance of services from a gaming-related 68485
vendor. 68486

(C) The commission shall impose civil penalties against a 68487
person who violates this chapter under the penalties adopted by 68488
commission rule and reviewed by the joint committee on gaming and 68489
wagering. 68490

(D) A person who purposely or knowingly ~~or intentionally~~ does 68491
any of the following commits a misdemeanor of the first degree on 68492
the first offense and a felony of the fifth degree for a 68493
subsequent offense: 68494

(1) Makes a false statement on an application submitted under 68495
this chapter; 68496

(2) Permits a person less than twenty-one years of age to 68497
make a wager at a casino facility; 68498

(3) Aids, induces, or causes a person less than twenty-one 68499
years of age who is not an employee of the casino gaming operation 68500

to enter or attempt to enter a casino facility; 68501

(4) Enters or attempts to enter a casino facility while under 68502
twenty-one years of age, unless the person enters a designated 68503
area as described in section 3772.24 of the Revised Code; 68504

(5) Is a casino operator or employee and participates in 68505
casino gaming other than as part of operation or employment. 68506

(E) A person who purposely or knowingly ~~or intentionally~~ does 68507
any of the following commits a felony of the fifth degree on a 68508
first offense and a felony of the fourth degree for a subsequent 68509
offense. If the person is a licensee under this chapter, the 68510
commission shall revoke the person's license after the first 68511
offense. 68512

(1) Uses or possesses with the intent to use a device to 68513
assist in projecting the outcome of the casino game, keeping track 68514
of the cards played, analyzing the probability of the occurrence 68515
of an event relating to the casino game, or analyzing the strategy 68516
for playing or betting to be used in the casino game, except as 68517
permitted by the commission; 68518

(2) Cheats at a casino game; 68519

(3) Manufactures, sells, or distributes any cards, chips, 68520
dice, game, or device that is intended to be used to violate this 68521
chapter; 68522

(4) Alters or misrepresents the outcome of a casino game on 68523
which wagers have been made after the outcome is made sure but 68524
before the outcome is revealed to the players; 68525

(5) Places, increases, or decreases a wager on the outcome of 68526
a casino game after acquiring knowledge that is not available to 68527
all players and concerns the outcome of the casino game that is 68528
the subject of the wager; 68529

(6) Aids a person in acquiring the knowledge described in 68530

division (E)(5) of this section for the purpose of placing, 68531
increasing, or decreasing a wager contingent on the outcome of a 68532
casino game; 68533

(7) Claims, collects, takes, or attempts to claim, collect, 68534
or take money or anything of value in or from a casino game with 68535
the intent to defraud or without having made a wager contingent on 68536
winning a casino game; 68537

(8) Claims, collects, or takes an amount of money or thing of 68538
value of greater value than the amount won in a casino game; 68539

(9) Uses or possesses counterfeit chips, tokens, or cashless 68540
wagering instruments in or for use in a casino game; 68541

(10) Possesses a key or device designed for opening, 68542
entering, or affecting the operation of a casino game, drop box, 68543
or an electronic or a mechanical device connected with the casino 68544
game or removing coins, tokens, chips, or other contents of a 68545
casino game. This division does not apply to a casino operator, 68546
management company, or gaming-related vendor or their agents and 68547
employees in the course of agency or employment. 68548

(11) Possesses materials used to manufacture a device 68549
intended to be used in a manner that violates this chapter; 68550

(12) Operates a casino gaming operation in which wagering is 68551
conducted or is to be conducted in a manner other than the manner 68552
required under this chapter or a skill-based amusement machine 68553
operation in a manner other than the manner required under Chapter 68554
2915. of the Revised Code. 68555

(F) The possession of more than one of the devices described 68556
in division (E)(9), (10), or (11) of this section creates a 68557
rebuttable presumption that the possessor intended to use the 68558
devices for cheating. 68559

(G) A person who purposely or knowingly ~~or intentionally~~ does 68560

any of the following commits a felony of the third degree. If the
person is a licensee under this chapter, the commission shall
revoke the person's license after the first offense. A public
servant or party official who is convicted under this division is
forever disqualified from holding any public office, employment,
or position of trust in this state.

(1) Offers, promises, or gives anything of value or benefit
to a person who is connected with the casino operator, management
company, holding company, or gaming-related vendor, including
their officers and employees, under an agreement to influence or
with the intent to influence the actions of the person to whom the
offer, promise, or gift was made in order to affect or attempt to
affect the outcome of a casino game or an official action of a
commission member, agent, or employee;

(2) Solicits, accepts, or receives a promise of anything of
value or benefit while the person is connected with a casino,
including an officer or employee of a casino operator, management
company, or gaming-related vendor, under an agreement to influence
or with the intent to influence the actions of the person to
affect or attempt to affect the outcome of a casino game or an
official action of a commission member, agent, or employee;

(H) A person who knowingly or intentionally does any of the
following while participating in casino gaming or otherwise
transacting with a casino facility as permitted by Chapter 3772.
of the Revised Code commits a felony of the fifth degree on a
first offense and a felony of the fourth degree for a subsequent
offense:

(1) Causes or attempts to cause a casino facility to fail to
file a report required under 31 U.S.C. 5313(a) or 5325 or any
regulation prescribed thereunder or section 1315.53 of the Revised
Code, or to fail to file a report or maintain a record required by
an order issued under section 21 of the "Federal Deposit Insurance

Act" or section 123 of Pub. L. No. 91-508; 68593

(2) Causes or attempts to cause a casino facility to file a 68594
report required under 31 U.S.C. 5313(a) or 5325 or any regulation 68595
prescribed thereunder or section 1315.53 of the Revised Code, to 68596
file a report or to maintain a record required by any order issued 68597
under 31 U.S.C. 5326, or to maintain a record required under any 68598
regulation prescribed under section 21 of the "Federal Deposit 68599
Insurance Act" or section 123 of Pub. L. No. 91-508 that contains 68600
a material omission or misstatement of fact; 68601

(3) With one or more casino facilities, structures a 68602
transaction, is complicit in structuring a transaction, attempts 68603
to structure a transaction, or is complicit in an attempt to 68604
structure a transaction. 68605

(I) A person who is convicted of a felony described in this 68606
chapter may be barred for life from entering a casino facility by 68607
the commission. 68608

(J) As used in division (H) of this section: 68609

(1) To be "complicit" means to engage in any conduct of a 68610
type described in divisions (A)(1) to (4) of section 2923.03 of 68611
the Revised Code. 68612

(2) "Structure a transaction" has the same meaning as in 68613
section 1315.51 of the Revised Code. 68614

(K) Premises used or occupied in violation of division 68615
(E)(12) of this section constitute a nuisance subject to abatement 68616
under Chapter 3767. of the Revised Code. 68617

Sec. 3773.33. (A) There is hereby created the Ohio athletic 68618
commission. The commission shall consist of five voting members 68619
appointed by the governor with the advice and consent of the 68620
senate, not more than three of whom shall be of the same political 68621
party, and two nonvoting members, one of whom shall be a member of 68622

the senate appointed by and to serve at the pleasure of the 68623
president of the senate and one of whom shall be a member of the 68624
house of representatives appointed by and to serve at the pleasure 68625
of the speaker of the house of representatives. To be eligible for 68626
appointment as a voting member, a person shall be a qualified 68627
elector and a resident of the state for not less than five years 68628
immediately preceding the person's appointment. Two voting members 68629
shall be knowledgeable in boxing, ~~at least one voting member shall~~ 68630
~~be knowledgeable and experienced in high school athletics, one~~ 68631
~~voting member shall be knowledgeable and experienced in~~ 68632
~~professional athletics, and at least one voting member shall be~~ 68633
~~knowledgeable and experienced in collegiate athletics and mixed~~ 68634
martial arts. One commission member shall hold the degree of 68635
doctor of medicine or doctor of osteopathy. 68636

(B) No person shall be appointed to the commission or be an 68637
employee of the commission who is licensed, registered, or 68638
regulated by the commission. No member shall have any legal or 68639
beneficial interest, direct or indirect, pecuniary or otherwise, 68640
in any person who is licensed, registered, or regulated by the 68641
commission or who participates in prize fights or public boxing or 68642
wrestling matches or exhibitions. No member shall participate in 68643
any fight, match, or exhibition other than in the member's 68644
official capacity as a member of the commission, or as an 68645
inspector as authorized in section 3773.52 of the Revised Code. 68646

(C) The governor shall appoint the voting members to the 68647
commission. Of the initial appointments, two shall be for terms 68648
ending one year after September 3, 1996, two shall be for terms 68649
ending two years after September 3, 1996, and one shall be for a 68650
term ending three years after September 3, 1996. Thereafter, terms 68651
of office shall be for three years, each term ending the same day 68652
of the same month of the year as did the term which it succeeds. 68653
Each member shall hold office from the date of the member's 68654

appointment until the end of the term for which the member was 68655
appointed. Any member appointed to fill a vacancy occurring prior 68656
to the expiration of the term for which the member's predecessor 68657
was appointed shall hold office for the remainder of the term. Any 68658
member shall continue in office subsequent to the expiration date 68659
of the member's term until the member's successor takes office, ~~or~~ 68660
~~until a period of sixty days has elapsed, whichever occurs first.~~ 68661

The governor shall name one voting member as chairperson of 68662
the commission at the time of making the appointment of any member 68663
for a full term. Three voting members shall constitute a quorum, 68664
and the affirmative vote of ~~three~~ the majority of voting members 68665
shall be necessary for any action taken by the commission. No 68666
vacancy on the commission impairs the authority of the remaining 68667
members to exercise all powers of the commission. 68668

Voting members, when engaged in commission duties, shall 68669
receive a per diem compensation determined in accordance with 68670
division (J) of section 124.15 of the Revised Code, and all 68671
members shall receive their actual and necessary expenses incurred 68672
in the performance of their official duties. 68673

Each voting member, before entering upon the discharge of the 68674
member's duties, shall file a surety bond payable to the treasurer 68675
of state in the sum of ten thousand dollars. Each surety bond 68676
shall be conditioned upon the faithful performance of the duties 68677
of the office, executed by a surety company authorized to transact 68678
business in this state, and filed in the office of the secretary 68679
of state. 68680

The governor may remove any voting member for malfeasance, 68681
misfeasance, or nonfeasance in office after giving the member a 68682
copy of the charges against the member and affording the member an 68683
opportunity for a public hearing, at which the member may be 68684
represented by counsel, upon not less than ten days' notice. If 68685
the member is removed, the governor shall file a complete 68686

statement of all charges made against the member and the 68687
governor's finding on the charges in the office of the secretary 68688
of state, together with a complete report of the proceedings. The 68689
governor's decision shall be final. 68690

Sec. 3773.41. Any person who desires to participate in a 68691
public boxing match ~~or exhibition, mixed martial arts event, or~~ 68692
any other unarmed combat sport regulated by the Ohio athletic 68693
commission as a referee, judge, matchmaker, timekeeper, or 68694
contestant, or as a manager, trainer, or second of a contestant, 68695
shall apply for a license from the Ohio athletic commission. The 68696
application shall be on forms provided by the commission. Each 68697
application shall be accompanied by the application fee prescribed 68698
in section 3773.43 of the Revised Code. The applicant shall verify 68699
the application under oath. 68700

The commission shall prescribe the form of the application 68701
for a participant's license. The application shall include the 68702
correct and ring or assumed name, if any, of the applicant, the 68703
applicant's address, the applicant's date and place of birth, the 68704
applicant's occupation, and a copy of the applicant's win and loss 68705
record as a contestant, if applicable. 68706

~~An application for a contestant's license shall also include 68707
a certified copy of the results of a physical examination of the 68708
applicant that a licensed physician, physician assistant, clinical 68709
nurse specialist, certified nurse practitioner, or certified 68710
nurse-midwife conducted not more than sixty days prior to the 68711
filing of the application. 68712~~

Sec. 3773.42. Upon the proper filing of an application for a 68713
referee's, judge's, matchmaker's, timekeeper's, manager's, 68714
trainer's, contestant's, or second's license and payment of the 68715
applicable application fee, the Ohio athletic commission shall 68716

issue the license to the applicant if it determines that the
applicant is of good moral character, is not likely to engage in
acts detrimental to the fair and honest conduct of public boxing
matches ~~or exhibitions, mixed martial arts events, or any other~~
~~unarmed combat sports regulated by the commission,~~ and is
qualified to hold such a license by reason of the applicant's
knowledge and experience.

A person shall not be determined to possess the knowledge and
experience necessary to qualify that person to hold a referee's
license unless all of the following conditions are met:

(A) The person has completed such referee training
requirements as the commission prescribes by rule.

(B) The person possesses such experience requirements as the
commission prescribes by rule.

~~(C) The person has obtained a passing grade on an examination
administered by the commission and designed to test the examinee's
knowledge of the rules of the particular sport that the person
seeks to referee, the commission's rules applicable to the conduct
of matches and exhibitions in the particular sport that the person
seeks to referee, and such other aspects of officiating as the
commission determines appropriate to its determination as to
whether the applicant possesses the qualifications and
capabilities to act as a referee.~~

The commission shall issue a referee's license to each person
who meets the requirements of divisions (A) ~~to (C)~~ and (B) of this
section.

If upon the proper filing of an application for a
contestant's license the commission determines that the applicant
is of good moral character, is not likely to engage in acts
detrimental to the conduct of public boxing matches ~~or~~

~~exhibitions, mixed martial arts events, or any other unarmed~~ 68747
~~combat sports regulated by the commission, and possesses~~ 68748
sufficient knowledge and experience ~~and, in the opinion of the~~ 68749
~~licensed physician, physician assistant, clinical nurse~~ 68750
~~specialist, certified nurse practitioner, or certified~~ 68751
~~nurse-midwife who examined the applicant pursuant to section~~ 68752
~~3773.41 of the Revised Code, is physically fit to engage in public~~ 68753
~~boxing matches or exhibitions, the commission shall issue the~~ 68754
license to the applicant. 68755

Each license issued pursuant to this section shall bear the 68756
correct name ~~and ring,~~ or assumed name, if any, of the licensee, 68757
the address of the licensee, the date of issue, and a ~~serial~~ 68758
number designated by the commission, ~~the seal of the commission,~~ 68759
~~and the signature of the commission chairperson.~~ 68760

A license issued pursuant to this section shall expire twelve 68761
months after its date of issue unless renewed. Upon application 68762
for renewal and payment of the renewal fee prescribed in section 68763
3773.43 of the Revised Code, the commission shall renew the 68764
license unless it denies the application for one or more reasons 68765
stated in section 3123.47 or 3773.53 of the Revised Code. ~~If the~~ 68766
~~application is for renewal of a contestant's license, the~~ 68767
~~commission shall also require the applicant to submit the results~~ 68768
~~of a physical examination that a licensed physician, physician~~ 68769
~~assistant, clinical nurse specialist, certified nurse~~ 68770
~~practitioner, or certified nurse-midwife conducted not more than~~ 68771
~~sixty days prior to the date of the application.~~ 68772

Sec. 3781.10. (A)(1) The board of building standards shall 68773
formulate and adopt rules governing the erection, construction, 68774
repair, alteration, and maintenance of all buildings or classes of 68775
buildings specified in section 3781.06 of the Revised Code, 68776
including land area incidental to those buildings, the- 68777

construction of industrialized units, the installation of 68778
equipment, and the standards or requirements for materials used in 68779
connection with those buildings. The board shall incorporate those 68780
rules into separate residential and nonresidential building codes. 68781
The standards shall relate to the conservation of energy and the 68782
safety and sanitation of those buildings. 68783

(2) The rules governing nonresidential buildings are the 68784
lawful minimum requirements specified for those buildings and 68785
industrialized units, except that no rule other than as provided 68786
in division (C) of section 3781.108 of the Revised Code that 68787
specifies a higher requirement than is imposed by any section of 68788
the Revised Code is enforceable. The rules governing residential 68789
buildings are uniform requirements for residential buildings in 68790
any area with a building department certified to enforce the state 68791
residential building code. In no case shall any local code or 68792
regulation differ from the state residential building code unless 68793
that code or regulation addresses subject matter not addressed by 68794
the state residential building code or is adopted pursuant to 68795
section 3781.01 of the Revised Code. 68796

(3) The rules adopted pursuant to this section are complete, 68797
lawful alternatives to any requirements specified for buildings or 68798
industrialized units in any section of the Revised Code. Except as 68799
otherwise provided in division (I) of this section, the board 68800
shall, on its own motion or on application made under sections 68801
3781.12 and 3781.13 of the Revised Code, formulate, propose, 68802
adopt, modify, amend, or repeal the rules to the extent necessary 68803
or desirable to effectuate the purposes of sections 3781.06 to 68804
3781.18 of the Revised Code. 68805

(B) The board shall report to the general assembly proposals 68806
for amendments to existing statutes relating to the purposes 68807
declared in section 3781.06 of the Revised Code that public health 68808
and safety and the development of the arts require and shall 68809

recommend any additional legislation to assist in carrying out 68810
fully, in statutory form, the purposes declared in that section. 68811
The board shall prepare and submit to the general assembly a 68812
summary report of the number, nature, and disposition of the 68813
petitions filed under sections 3781.13 and 3781.14 of the Revised 68814
Code. 68815

(C) On its own motion or on application made under sections 68816
3781.12 and 3781.13 of the Revised Code, and after thorough 68817
testing and evaluation, the board shall determine by rule that any 68818
particular fixture, device, material, process of manufacture, 68819
manufactured unit or component, method of manufacture, system, or 68820
method of construction complies with performance standards adopted 68821
pursuant to section 3781.11 of the Revised Code. The board shall 68822
make its determination with regard to adaptability for safe and 68823
sanitary erection, use, or construction, to that described in any 68824
section of the Revised Code, wherever the use of a fixture, 68825
device, material, method of manufacture, system, or method of 68826
construction described in that section of the Revised Code is 68827
permitted by law. The board shall amend or annul any rule or issue 68828
an authorization for the use of a new material or manufactured 68829
unit on any like application. No department, officer, board, or 68830
commission of the state other than the board of building standards 68831
or the board of building appeals shall permit the use of any 68832
fixture, device, material, method of manufacture, newly designed 68833
product, system, or method of construction at variance with what 68834
is described in any rule the board of building standards adopts or 68835
issues or that is authorized by any section of the Revised Code. 68836
Nothing in this section shall be construed as requiring approval, 68837
by rule, of plans for an industrialized unit that conforms with 68838
the rules the board of building standards adopts pursuant to 68839
section 3781.11 of the Revised Code. 68840

(D) The board shall recommend rules, codes, and standards to 68841

help carry out the purposes of section 3781.06 of the Revised Code 68842
and to help secure uniformity of state administrative rulings and 68843
local legislation and administrative action to the bureau of 68844
workers' compensation, the director of commerce, any other 68845
department, officer, board, or commission of the state, and to 68846
legislative authorities and building departments of counties, 68847
townships, and municipal corporations, and shall recommend that 68848
they audit those recommended rules, codes, and standards by any 68849
appropriate action that they are allowed pursuant to law or the 68850
constitution. 68851

(E)(1) The board shall certify municipal, township, and 68852
county building departments and the personnel of those building 68853
departments, and persons and employees of individuals, firms, or 68854
corporations as described in division (E)(7) of this section to 68855
exercise enforcement authority, to accept and approve plans and 68856
specifications, and to make inspections, pursuant to sections 68857
3781.03, 3791.04, and 4104.43 of the Revised Code. 68858

(2) The board shall certify departments, personnel, and 68859
persons to enforce the state residential building code, to enforce 68860
the nonresidential building code, or to enforce both the 68861
residential and the nonresidential building codes. Any department, 68862
personnel, or person may enforce only the type of building code 68863
for which certified. 68864

(3) The board shall not require a building department, its 68865
personnel, or any persons that it employs to be certified for 68866
residential building code enforcement if that building department 68867
does not enforce the state residential building code. The board 68868
shall specify, in rules adopted pursuant to Chapter 119. of the 68869
Revised Code, the requirements for certification for residential 68870
and nonresidential building code enforcement, which shall be 68871
consistent with this division. The requirements for residential 68872
and nonresidential certification may differ. Except as otherwise 68873

provided in this division, the requirements shall include, but are 68874
not limited to, the satisfactory completion of an initial 68875
examination and, to remain certified, the completion of a 68876
specified number of hours of continuing building code education 68877
within each three-year period following the date of certification 68878
which shall be not less than thirty hours. The rules shall provide 68879
that continuing education credits and certification issued by the 68880
council of American building officials, national model code 68881
organizations, and agencies or entities the board recognizes are 68882
acceptable for purposes of this division. The rules shall specify 68883
requirements that are consistent with the provisions of section 68884
5903.12 of the Revised Code relating to active duty military 68885
service and are compatible, to the extent possible, with 68886
requirements the council of American building officials and 68887
national model code organizations establish. 68888

(4) The board shall establish and collect a certification and 68889
renewal fee for building department personnel, and persons and 68890
employees of persons, firms, or corporations as described in this 68891
section, who are certified pursuant to this division. 68892

(5) Any individual certified pursuant to this division shall 68893
complete the number of hours of continuing building code education 68894
that the board requires or, for failure to do so, forfeit 68895
certification. 68896

(6) This division does not require or authorize the board to 68897
certify personnel of municipal, township, and county building 68898
departments, and persons and employees of persons, firms, or 68899
corporations as described in this section, whose responsibilities 68900
do not include the exercise of enforcement authority, the approval 68901
of plans and specifications, or making inspections under the state 68902
residential and nonresidential building codes. 68903

(7) Enforcement authority for approval of plans and 68904
specifications and enforcement authority for inspections may be 68905

exercised, and plans and specifications may be approved and 68906
inspections may be made on behalf of a municipal corporation, 68907
township, or county, by any of the following who the board of 68908
building standards certifies: 68909

(a) Officers or employees of the municipal corporation, 68910
township, or county; 68911

(b) Persons, or employees of persons, firms, or corporations, 68912
pursuant to a contract to furnish architectural, engineering, or 68913
other services to the municipal corporation, township, or county; 68914

(c) Officers or employees of, and persons under contract 68915
with, a municipal corporation, township, county, health district, 68916
or other political subdivision, pursuant to a contract to furnish 68917
architectural, engineering, or other services. 68918

(8) Municipal, township, and county building departments have 68919
jurisdiction within the meaning of sections 3781.03, 3791.04, and 68920
4104.43 of the Revised Code, only with respect to the types of 68921
buildings and subject matters for which they are certified under 68922
this section. 68923

(9) A certified municipal, township, or county building 68924
department may exercise enforcement authority, accept and approve 68925
plans and specifications, and make inspections pursuant to 68926
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 68927
park district created pursuant to Chapter 1545. of the Revised 68928
Code upon the approval, by resolution, of the board of park 68929
commissioners of the park district requesting the department to 68930
exercise that authority and conduct those activities, as 68931
applicable. 68932

(10) Certification shall be granted upon application by the 68933
municipal corporation, the board of township trustees, or the 68934
board of county commissioners and approval of that application by 68935
the board of building standards. The application shall set forth: 68936

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;

(e) The proposed budget for the operation of the building department.

~~(10)~~(11) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work.

(b) The minimum services to be provided by a certified building department.

~~(11)~~(12) The board of building standards may revoke or 68968
suspend certification to enforce the residential and 68969
nonresidential building codes, on petition to the board by any 68970
person affected by that enforcement or approval of plans, or by 68971
the board on its own motion. Hearings shall be held and appeals 68972
permitted on any proceedings for certification or revocation or 68973
suspension of certification in the same manner as provided in 68974
section 3781.101 of the Revised Code for other proceedings of the 68975
board of building standards. 68976

~~(12)~~(13) Upon certification, and until that authority is 68977
revoked, any county or township building department shall enforce 68978
the residential and nonresidential building codes for which it is 68979
certified without regard to limitation upon the authority of 68980
boards of county commissioners under Chapter 307. of the Revised 68981
Code or boards of township trustees under Chapter 505. of the 68982
Revised Code. 68983

(F) In addition to hearings sections 3781.06 to 3781.18 and 68984
3791.04 of the Revised Code require, the board of building 68985
standards shall make investigations and tests, and require from 68986
other state departments, officers, boards, and commissions 68987
information the board considers necessary or desirable to assist 68988
it in the discharge of any duty or the exercise of any power 68989
mentioned in this section or in sections 3781.06 to 3781.18, 68990
3791.04, and 4104.43 of the Revised Code. 68991

(G) The board shall adopt rules and establish reasonable fees 68992
for the review of all applications submitted where the applicant 68993
applies for authority to use a new material, assembly, or product 68994
of a manufacturing process. The fee shall bear some reasonable 68995
relationship to the cost of the review or testing of the 68996
materials, assembly, or products and for the notification of 68997
approval or disapproval as provided in section 3781.12 of the 68998
Revised Code. 68999

(H) The residential construction advisory committee shall 69000
provide the board with a proposal for a state residential building 69001
code that the committee recommends pursuant to division (D)(1) of 69002
section 4740.14 of the Revised Code. Upon receiving a 69003
recommendation from the committee that is acceptable to the board, 69004
the board shall adopt rules establishing that code as the state 69005
residential building code. 69006

(I)(1) The committee may provide the board with proposed 69007
rules to update or amend the state residential building code that 69008
the committee recommends pursuant to division (E) of section 69009
4740.14 of the Revised Code. 69010

(2) If the board receives a proposed rule to update or amend 69011
the state residential building code as provided in division (I)(1) 69012
of this section, the board either may accept or reject the 69013
proposed rule for incorporation into the residential building 69014
code. If the board does not act to either accept or reject the 69015
proposed rule within ninety days after receiving the proposed rule 69016
from the committee as described in division (I)(1) of this 69017
section, the proposed rule shall become part of the residential 69018
building code. 69019

(J) The board shall cooperate with the director of job and 69020
family services when the director promulgates rules pursuant to 69021
section 5104.05 of the Revised Code regarding safety and 69022
sanitation in type A family day-care homes. 69023

(K) The board shall adopt rules to implement the requirements 69024
of section 3781.108 of the Revised Code. 69025

Sec. 3781.106. (A) The board of building standards shall 69026
adopt rules, in accordance with Chapter 119. of the Revised Code, 69027
for the use of a device by a staff member of a public or private 69028
school or institution of higher education that prevents both 69029
ingress and egress through a door in a school building, for a 69030

finite period of time, in an emergency situation, and during 69031
active shooter drills. The rules shall provide that the use of a 69032
device is permissible only if the device requires minimal steps to 69033
remove it after it is engaged. 69034

The rules shall provide that the administrative authority of 69035
a building notify the police chief, or equivalent, of the law 69036
enforcement agency that has jurisdiction over the building, and 69037
the fire chief, or equivalent, of the fire department that serves 69038
the political subdivision in which the building is located, prior 69039
to the use of such devices in a building. 69040

The rules may require that the device be visible from the 69041
exterior of the door. 69042

(B) The device described in division (A) of this section 69043
shall not be permanently mounted to the door. 69044

(C) Each public and private school and institution of higher 69045
education shall provide its staff members in-service training on 69046
the use of the device described in division (A) of this section. 69047
The school shall maintain a record verifying this training on 69048
file. 69049

(D) In consultation with the state board of education and the 69050
chancellor of higher education, the board shall determine and 69051
include in the rules a definition of "emergency situation." These 69052
rules shall apply to both existing and new school buildings. 69053

(E) As used in this section: 69054

(1) "Institution of higher education" means a state 69055
institution of higher education as defined in section 3345.011 of 69056
the Revised Code, a private nonprofit college or university 69057
located in this state that possesses a certificate of 69058
authorization issued pursuant to Chapter 1713. of the Revised 69059
Code, or a school located in this state that possesses a 69060
certificate of registration and one or more program authorizations 69061

issued by the state board of career colleges and schools under 69062
Chapter 3332. of the Revised Code. 69063

(2) "Private school" means a chartered nonpublic school or a 69064
nonchartered nonpublic school. 69065

(3) "Public school" means any school operated by a school 69066
district board of education, any community school established 69067
under Chapter 3314. of the Revised Code, any STEM school 69068
established under Chapter 3326. of the Revised Code, and any 69069
college-preparatory boarding school established under Chapter 69070
3328. of the Revised Code. 69071

(4) "School building" means a structure used for the 69072
instruction of students by a public or private school or 69073
institution of higher education. 69074

Sec. 3794.07. Duties of the Department of Health. 69075

This chapter shall be enforced by the department of health 69076
and its designees. The director of health shall within six months 69077
of ~~the effective date of this section~~ December 7, 2006: 69078

(A) Promulgate rules in accordance with Chapter 119_ of the 69079
Revised Code to implement and enforce all provisions of this 69080
chapter; 69081

(B) Promulgate rules in accordance with Chapter 119_ of the 69082
Revised Code to prescribe a schedule of fines for violations of 69083
this chapter designed to foster compliance with the provisions of 69084
this chapter. The amount of a fine for a violation of divisions 69085
(A) and (B) of section 3794.02 ~~(A) and (B)~~ and divisions (A) and 69086
(B) of section 3794.06 of the Revised Code shall not be less than 69087
one hundred dollars and the maximum for a violation shall be 69088
twenty five hundred dollars. The amount of a fine for a violation 69089
of division (D) of section 3794.02 ~~(D)~~ of the Revised Code shall 69090
be up to a maximum of one hundred dollars per violation. Each day 69091

of a violation shall constitute a separate violation. The schedule 69092
of fines that apply to a proprietor shall be progressive based on 69093
the number of prior violations by the proprietor. Violations which 69094
occurred more than two years prior to a subsequent violation shall 69095
not be considered if there has been no finding of a violation in 69096
the intervening time period. The fine schedule shall set forth 69097
specific factors that may be considered to decrease or waive the 69098
amount of a fine that otherwise would apply. Fines shall be 69099
doubled for intentional violations~~7~~. 69100

(C) Promulgate rules in accordance with Chapter 119~~1~~ of the 69101
Revised Code to prescribe a procedure for providing a proprietor 69102
or individual written notice of a report of a violation and the 69103
opportunity to present in writing any statement or evidence to 69104
contest the report, and prescribing procedures for making findings 69105
whether a proprietor or individual violated a provision of this 69106
chapter and for imposing fines for violations; 69107

(D) Establish a system for receiving reports of violations of 69108
the provisions of this chapter from any member of the public, 69109
including, but not limited to, by mail and one or more e-mail 69110
addresses and toll-free telephone numbers exclusively for such 69111
purpose. A person shall not be required to disclose his or her 69112
identity in order to report a violation; 69113

(E) Inform proprietors of public places and places of 69114
employment of the requirements of this chapter and how to comply 69115
with its provisions, including, but not limited to, by providing 69116
printed and other materials and a toll-free telephone number and 69117
e-mail address exclusively for such purposes; and 69118

(F) Design and implement a program to educate the public 69119
regarding the provisions of this chapter, including, but not 69120
limited to, through the establishment of an internet ~~website~~ web 69121
site and how a violation may be reported. 69122

(G) Adopt rules to prescribe fines for a violation of 69123
division (E) of section 3794.03 of the Revised Code. Division (B) 69124
of this section does not apply to a fine for a violation of 69125
division (E) of section 3794.03 of the Revised Code. 69126

Sec. 3901.052. The superintendent of insurance shall apply to 69127
the United States secretary of health and human services and the 69128
United States secretary of the treasury for an innovative waiver 69129
regarding health insurance coverage in this state as authorized by 69130
section 1332 of the "Patient Protection and Affordable Care Act," 69131
42 U.S.C. 18052. The superintendent shall include in the 69132
application a request for waivers of the employer and individual 69133
mandates in sections 4980H and 5000A of the "Internal Revenue Code 69134
of 1986," 26 U.S.C. 4980H and 5000A. The application shall provide 69135
for the establishment of a system that provides access to 69136
affordable health insurance coverage for the residents of this 69137
state. 69138

Sec. 3901.241. (A) As used in this section: 69139

(1) "Exchange" has the same meaning as in section 3905.01 of 69140
the Revised Code. 69141

(2) "Enrollee's expected contribution" means any portion of 69142
the cost of a health service covered by a health benefit plan 69143
offered through an exchange that a person enrolled under such a 69144
plan would be expected to pay, including any copayments or cost 69145
sharing. 69146

(B)(1) An insurer offering a health benefit plan through an 69147
exchange shall make available to individuals seeking information 69148
on the plan a list of the top twenty per cent of services, 69149
according to utilization of health services by individuals insured 69150
by the insurer, and an enrollee's expected contribution for each 69151
service. 69152

(2) The enrollee's expected contribution for each service shall be provided both for situations in which the enrollee has and has not met any associated deductibles. 69153
69154
69155

(C) A violation of division (B) of this section shall be considered an unfair and deceptive practice in the business of insurance under section 3901.21 of the Revised Code. 69156
69157
69158

Sec. 3901.491. (A) As used in this section: 69159

(1) "Genetic screening or testing" means a laboratory test of 69160
a person's genes or chromosomes for abnormalities, defects, or 69161
deficiencies, including carrier status, that are linked to 69162
physical or mental disorders or impairments, or that indicate a 69163
susceptibility to illness, disease, or other disorders, whether 69164
physical or mental, which test is a direct test for abnormalities, 69165
defects, or deficiencies, and not an indirect manifestation of 69166
genetic disorders. 69167

(2) "Insurer" means any person authorized under Title XXXIX 69168
of the Revised Code to engage in the business of sickness and 69169
accident insurance. 69170

(3) "Sickness and accident insurance" means sickness and 69171
accident insurance under Chapter 3923. of the Revised Code 69172
excluding disability income insurance and excluding supplemental 69173
policies of sickness and accident insurance. 69174

~~(B) Upon the repeal of section 3901.49 of the Revised Code,~~ 69175
~~no~~ No insurer or public employee benefit plan shall do either of 69176
the following: 69177

(1) Consider any information obtained from genetic screening 69178
or testing in processing an application for an individual or group 69179
policy of sickness and accident insurance or public employee 69180
benefit plan, or in determining insurability under such a policy 69181
or plan; 69182

(2) Inquire, directly or indirectly, into the results of 69183
genetic screening or testing or use such information, in whole or 69184
in part, to cancel, refuse to issue or renew, ~~or~~ limit benefits 69185
under, or set premiums for a sickness and accident insurance 69186
policy or public employee benefit plan. 69187

(C) Any insurer or plan that has engaged in, is engaged in, 69188
or is about to engage in a violation of division (B) of this 69189
section is subject to the jurisdiction of the superintendent of 69190
insurance under section 3901.04 of the Revised Code. 69191

Sec. 3903.81. As used in sections 3903.81 to 3903.93 of the 69192
Revised Code: 69193

(A) "Adjusted RBC report" means an RBC report that has been 69194
adjusted by the superintendent of insurance in accordance with 69195
division (C) of section 3903.82 of the Revised Code. 69196

(B) "Authorized control level RBC" means the number 69197
determined under the risk-based capital formula in accordance with 69198
the RBC instructions. 69199

(C) "Company action level RBC" means the product of 2.0 and 69200
an insurer's authorized control level RBC. 69201

(D) "Corrective order" means an order issued by the 69202
superintendent of insurance in accordance with division (B)(3) of 69203
section 3903.84 of the Revised Code specifying corrective actions 69204
that the superintendent has determined are required. 69205

(E) "Domestic insurer" means any insurance company organized 69206
under Chapter 3907. or 3925. of the Revised Code. 69207

(F) "Foreign insurer" means any insurance company licensed 69208
under section 3909.01 or 3927.01 of the Revised Code. 69209

(G) "Life or health insurer" means any insurance company 69210
licensed under section 3907.08 or 3909.01 of the Revised Code, a 69211
company possessing a certificate of authority pursuant to section 69212

3929.01 of the Revised Code that writes only accident and health insurance, ~~or~~ a fraternal benefit society licensed under Chapter 3921. of the Revised Code, or a multiple employer welfare arrangement issued a certificate of authority under Chapter 1739. of the Revised Code.

(H) "Mandatory control level RBC" means the product of .70 and an insurer's authorized control level RBC.

(I) "NAIC" means the national association of insurance commissioners.

(J) "Negative trend" means a negative trend over a period of time for a life or health insurer as determined in accordance with the trend test calculation included in the RBC instructions.

(K) "Property and casualty insurer" means any insurance company that has a certificate of authority pursuant to section 3929.01 of the Revised Code. "Property and casualty insurer" does not include monoline mortgage guarantee insurers, financial guarantee insurers, or title insurers.

(L) "RBC" means risk-based capital.

(M) "RBC instructions" means the RBC report, including risk-based capital instructions, as adopted by the NAIC and as amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC. "RBC instructions" shall also include any modifications adopted by the superintendent, as the superintendent considers to be necessary.

(N) "RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC.

(O) "RBC plan" means a comprehensive financial plan containing the elements specified in division (B) of section 3903.83 of the Revised Code.

(P) "Revised RBC plan" means an RBC plan rejected by the 69243
superintendent of insurance and then revised by an insurer with or 69244
without incorporating the superintendent of insurance's 69245
recommendation. 69246

(Q) "RBC report" means the report required by section 3903.82 69247
of the Revised Code. 69248

(R) "Regulatory action level RBC" means the product of 1.5 69249
and an insurer's authorized control level RBC. 69250

(S) "Total adjusted capital" means the sum of both of the 69251
following: 69252

(1) An insurer's statutory capital and surplus as determined 69253
in accordance with the statutory accounting applicable to the 69254
annual statements prepared on a form adopted under section 3901.77 69255
of the Revised Code, as required to be filed by sections 3907.19, 69256
3909.06, and 3929.30 of the Revised Code; 69257

(2) Such other items, if any, as the RBC instructions may 69258
provide. 69259

Sec. 3905.33. (A) No person licensed under section 3905.30 of 69260
the Revised Code shall solicit, procure an application for, bind, 69261
issue, renew, or deliver a policy with any insurer that is not 69262
eligible to write insurance on an unauthorized basis in this 69263
state. 69264

Pursuant to the "Nonadmitted and Reinsurance Reform Act of 69265
2010," 15 U.S.C. 8201 et seq., 124 Stat. 1589, or any successor or 69266
replacement law, where this state is the home state of the 69267
insured, an insurer shall be considered eligible to write 69268
insurance on an unauthorized basis in this state if either of the 69269
following are true: 69270

(1) The insurer meets the requirements and criteria in 69271
sections 5A(2) and 5C(2)(a) of the ~~non-admitted~~ nonadmitted 69272

insurance model act adopted by the national association of 69273
insurance commissioners, or alternative nationwide uniform 69274
eligibility requirements adopted by this state through 69275
participation in a compact or other nationwide system pursuant to 69276
15 U.S.C. 8201 et seq., 124 Stat. 1589. 69277

(2) For unauthorized insurance placed with, or procured from 69278
an unauthorized insurer domiciled outside the United States, the 69279
insurer is listed on the quarterly listing of alien insurers 69280
maintained by the international insurers department of the 69281
national association of insurance commissioners. 69282

(B)(1) No surplus lines broker shall solicit, procure, place, 69283
or renew any insurance with an unauthorized insurer unless an 69284
agent or the surplus lines broker has complied with the due 69285
diligence requirements of this section and is unable to procure 69286
the requested insurance from an authorized insurer. 69287

Due diligence requires an agent to contact at least five of 69288
the authorized insurers the agent represents, or as many insurers 69289
as the agent represents, that customarily write the kind of 69290
insurance required by the insured. Due diligence is presumed if 69291
declinations are received from each authorized insurer contacted. 69292
If any authorized insurer fails to respond within ten days after 69293
the initial contact, the agent may assume the insurer has declined 69294
to accept the risk. 69295

(2) Due diligence shall only be performed by an agent 69296
licensed in this state that holds an active property and casualty 69297
insurance agent license. 69298

(3) An insurance agent or surplus lines broker is exempt from 69299
the due diligence requirements of this section if the agent or 69300
surplus lines broker is procuring insurance from a risk purchasing 69301
group or risk retention group as provided in Chapter 3960. of the 69302
Revised Code. 69303

(4) An insurance agent or surplus lines broker is exempt from the due diligence requirements of this section if the agent or surplus lines broker is seeking to procure or place unauthorized insurance for a person that qualifies as an exempt commercial purchaser under section 3905.331 of the Revised Code and both of the following are true:

(a) The surplus lines broker procuring or placing the surplus lines insurance has disclosed to the exempt commercial purchaser that the insurance may or may not be available from the authorized market that may provide greater protection with more regulatory oversight.

(b) After receipt of the disclosure required under division (B)(4)(a) of this section, the exempt commercial purchaser has requested in writing that the insurance agent or broker procure or place the insurance from an unauthorized insurer.

(C) Except when exempt from due diligence requirements under division (B) of this section, an insurance agent who procures or places insurance through a surplus lines broker shall obtain ~~an affidavit~~ a signed statement from the insured acknowledging that the insurance policy is to be placed with a company or insurer not authorized to do business in this state and acknowledging that, in the event of the insolvency of the insurer, the insured is not entitled to any benefits or proceeds from the Ohio insurance guaranty association. The ~~affidavit~~ statement must be on a form prescribed by the superintendent and need not be notarized. The agent shall submit the ~~originally executed affidavit~~ original signed statement to the surplus lines broker within thirty days after the effective date of the policy. If no other agent is involved, the surplus lines broker shall obtain the ~~affidavit~~ statement from the insured.

The surplus lines broker shall maintain the ~~originally executed affidavit~~ original signed statement or a copy of the

~~affidavit~~ statement, and the originating agent shall keep a copy 69336
of the ~~affidavit~~ statement, for at least five years after the 69337
effective date of the policy to which the ~~affidavit~~ statement 69338
pertains. A copy of the ~~affidavit~~ signed statement shall be given 69339
to the insured at the time the insurance is bound or a policy is 69340
delivered. 69341

(D) For the purpose of carrying out the "Nonadmitted and 69342
Reinsurance Reform Act of 2010," 124 Stat. 1589, 15 U.S.C. 8201 et 69343
seq., or any successor or replacement law, the superintendent 69344
shall conduct a fiscal analysis of the impact of entering into a 69345
~~multi-state~~ multistate agreement or compact for determining 69346
eligibility for placement of unauthorized insurance and for 69347
payment, reporting, collection, and allocation of the tax on 69348
unauthorized insurance. If the fiscal analysis indicates that 69349
entering into a ~~multi-state~~ multistate agreement or compact is 69350
advantageous to this state, the superintendent may enter into the 69351
surplus lines insurance ~~multi-state~~ multistate compliance compact 69352
adopted by the national conference of insurance legislators and 69353
known as "SLIMPACT," as amended on December 21, 2010, and 69354
including any subsequent amendment; or, if it is in this state's 69355
financial best interest, the superintendent shall request that the 69356
general assembly authorize the superintendent to enter into a 69357
different ~~multi-state~~ multistate agreement or compact. 69358

(E) The superintendent may adopt rules in accordance with 69359
Chapter 119. of the Revised Code to carry out the purposes of 69360
sections 3905.30 to 3905.38 of the Revised Code. 69361

Sec. 3905.481. Each individual who is issued a resident 69362
insurance agent license shall complete at least twenty-four hours 69363
of continuing education ~~in~~ for each license renewal period. The 69364
continuing education shall be offered in a course or program of 69365
study approved by the superintendent of insurance in consultation 69366

with the insurance agent education advisory council and shall 69367
include at least three hours of approved ethics training. 69368

This section does not apply to any person or class of 69369
persons, as determined by the superintendent in consultation with 69370
the council. 69371

Sec. 3929.86. (A) No insurance company doing business in this 69372
state shall pay a claim of a named insured for fire damage to a 69373
structure located within a municipal corporation or township in 69374
this state where the amount recoverable for the fire loss to the 69375
structure under all policies exceeds five thousand dollars, unless 69376
the company is furnished with a certificate pursuant to division 69377
(B) of this section, and unless there is compliance with the 69378
procedures set forth in divisions (C) and (D) of this section. 69379

(B)(1) The county treasurer, upon the written request of the 69380
named insured specifying the tax description of the property and 69381
the date agreed upon by the insurance company and the named 69382
insured as the date of the receipt of a proof of loss of the 69383
claim, shall furnish the named insured, to be supplied by the 69384
named insured to the company, either: 69385

(a) A certificate to the effect that, as of the date 69386
specified in the request, there are no delinquent taxes, 69387
assessments, penalties, or charges against the property and that, 69388
as of the date of the treasurer's certificate, no municipal 69389
corporation or township has certified to the auditor any amount as 69390
total costs incurred by the municipal corporation or township for 69391
removal, repair, or securing of buildings or structures on the 69392
property pursuant to section 715.261 or 505.86 of the Revised 69393
Code; 69394

(b) A certificate and bill showing the amount of delinquent 69395
taxes, assessments, penalties, and charges against the property as 69396
of the date specified in the request that have not been paid as of 69397

the date of the certificate and also showing, as of the date of 69398
the treasurer's certificate, the amount of the total costs, if 69399
any, incurred by a municipal corporation or township for removal, 69400
repair, or securing of buildings or structures on the property 69401
that have been certified to the county auditor under section 69402
715.261 or 505.86 of the Revised Code. The county auditor shall, 69403
for the purposes of division (B) of this section, certify to the 69404
treasurer the total amount, if any, of such costs certified to the 69405
auditor by the municipal corporation or township. 69406

(2)(a) Upon the receipt of a certificate pursuant to division 69407
(B)(1)(a) of this section, the insurance company shall pay the 69408
claim of the named insured in accordance with the policy terms, 69409
unless the loss agreed to between the named insured or insureds 69410
and the company or companies equals or exceeds sixty per cent of 69411
the aggregate limits of liability on all fire policies covering 69412
the building or structure. In the case of such a loss, the 69413
insurance company, the insured property owner, and the municipal 69414
corporation or township shall follow the procedures set forth in 69415
divisions (C) and (D) of this section. 69416

(b) Upon the receipt of a certificate and bill pursuant to 69417
division (B)(1)(b) of this section, the insurance company shall 69418
return the bill to the treasurer and transfer to the county 69419
treasurer an amount from the insurance proceeds necessary to pay 69420
such taxes, assessments, penalties, charges, and costs as shown on 69421
the bill. Notwithstanding section 323.15 of the Revised Code, the 69422
treasurer shall receive such amount and apply or credit it to 69423
payment of the items shown in the bill. 69424

(C) When the loss agreed to between the named insured or 69425
insureds and the company or companies equals or exceeds sixty per 69426
cent of the aggregate limits of liability on all fire policies 69427
covering the building or structure, the insurance company or 69428
companies, in accordance with division (F) of section 715.26 or 69429

division ~~(D)~~(G) of section 505.86 of the Revised Code, shall 69430
transfer from the insurance proceeds to the designated officer of 69431
the municipal corporation or township in the aggregate two 69432
thousand dollars for each fifteen thousand dollars, and each 69433
fraction of that amount, of a claim, or, if, at the time of a 69434
proof of loss agreed to between the named insured or insureds and 69435
the insurance company or companies, the named insured or insureds 69436
have submitted a contractor's signed estimate of the costs of 69437
removing, repairing, or securing the building or other structure, 69438
shall transfer from the insurance proceeds the amount specified in 69439
the estimate. 69440

The transfer of proceeds shall be on a pro rata basis by all 69441
companies insuring the building or other structure. Policy 69442
proceeds remaining after the transfer to the municipal corporation 69443
or township shall be disbursed in accordance with the policy 69444
terms. 69445

The named insured or insureds may submit a contractor's 69446
signed estimate of the costs of removing, repairing, or securing 69447
the building or other structure after the transfer, and the 69448
designated officer shall return the amount of the fund in excess 69449
of the estimate to the named insured or insureds, provided that 69450
the municipal corporation or township has not commenced to remove, 69451
repair, or secure the building or other structure. 69452

This division only applies to municipal corporations or 69453
townships that have adopted a resolution, ordinance, or regulation 69454
authorizing the procedure described in divisions (C) and (D) of 69455
this section and have filed a certified copy of the resolution, 69456
ordinance, or regulation for public record with the superintendent 69457
of insurance, and applies only to fire losses that occur after the 69458
filing of the certified copy. The resolution, ordinance, or 69459
regulation shall designate the officer authorized to carry out the 69460
duties of this section. 69461

(D) Upon receipt of proceeds by the municipal corporation or township as authorized by this section, the designated officer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing, or securing incurred by the municipal corporation or township pursuant to section 715.261 or 505.86 of the Revised Code.

When transferring the funds as required in division (C) of this section, an insurance company shall provide the municipal corporation or township with the name and address of the named insured or insureds, whereupon the municipal corporation or township shall contact the named insured or insureds, certify that the proceeds have been received by the municipal corporation or township, and notify them that the following procedures will be followed:

The fund shall be returned to the named insured or insureds when repairs, removal, or securing of the building or other structure have been completed and the required proof has been received by the designated officer, if the municipal corporation or township has not incurred any costs for the repairs, removal, or securing. However, the fund shall be returned to the named insured or insureds no later than sixty days after the designated officer receives the required proof. If the municipal corporation or township has incurred any costs for repairs, removal, or securing of the building or other structure, the costs shall be paid from the fund, and if excess funds remain, the municipal corporation or township shall transfer, no later than sixty days after all such costs have been paid, the remaining funds to the named insured or insureds. Nothing in this section shall be construed to limit the ability of a municipal corporation or township to recover any deficiency under section 715.261 or 505.86 of the Revised Code.

Nothing in this division shall be construed to prohibit the

municipal corporation or township and the named insured or 69494
insureds from entering into an agreement that permits the transfer 69495
of funds to the named insured or insureds if some other reasonable 69496
disposition of the damaged property has been negotiated. 69497

(E) Proof of payment by the company or companies of proceeds 69498
under a policy in accordance with division (C) of this section is 69499
conclusive evidence of the discharge of its obligation to the 69500
insured under the policy to the extent of the payment and of 69501
compliance by the company or companies with division (C) of this 69502
section. 69503

(F) Nothing in this section shall be construed to make an 69504
insurance company liable for any amount in excess of proceeds 69505
payable under its insurance policy or for any other act performed 69506
pursuant to this section, or to make a municipal corporation, 69507
township, or public official an insured under a policy of 69508
insurance, or to create an obligation to pay delinquent property 69509
taxes or unpaid removal liens or expenses other than as provided 69510
in this section. 69511

(G) An insurance company making payment of policy proceeds 69512
under this section for delinquent taxes or structure removal liens 69513
or removal expenses incurred by a municipal corporation or 69514
township shall have the full benefit of such payment including all 69515
rights of subrogation and of assignment. 69516

(H) As used in this section and section 3929.87 of the 69517
Revised Code, "insurance company" or "insurer" includes the Ohio 69518
fair plan underwriting association as established in section 69519
3929.43 of the Revised Code. 69520

(I) This section shall be liberally construed to accomplish 69521
its purpose to deter the commission of arson and related crimes, 69522
to discourage the abandonment of property, and to prevent urban 69523
blight and deterioration. 69524

Sec. 3959.01. (A) "Administration fees" means any amount 69525
charged a covered person for services rendered. "Administration 69526
fees" includes commissions earned or paid by any person relative 69527
to services performed by an administrator. 69528

(B) "Administrator" means any person who adjusts or settles 69529
claims on, residents of this state in connection with life, 69530
dental, health, prescription drugs, or disability insurance or 69531
self-insurance programs. "Administrator" includes a pharmacy 69532
benefit manager. "Administrator" does not include any of the 69533
following: 69534

(1) An insurance agent or solicitor licensed in this state 69535
whose activities are limited exclusively to the sale of insurance 69536
and who does not provide any administrative services; 69537

(2) Any person who administers or operates the workers' 69538
compensation program of a self-insuring employer under Chapter 69539
4123. of the Revised Code; 69540

(3) Any person who administers pension plans for the benefit 69541
of the person's own members or employees or administers pension 69542
plans for the benefit of the members or employees of any other 69543
person; 69544

(4) Any person that administers an insured plan or a 69545
self-insured plan that provides life, dental, health, or 69546
disability benefits exclusively for the person's own members or 69547
employees; 69548

(5) Any health insuring corporation holding a certificate of 69549
authority under Chapter 1751. of the Revised Code or an insurance 69550
company that is authorized to write life or sickness and accident 69551
insurance in this state. 69552

(C) "Aggregate excess insurance" means that type of coverage 69553
whereby the insurer agrees to reimburse the insured employer or 69554

trust for all benefits or claims paid during an agreement period 69555
on behalf of all covered persons under the plan or trust which 69556
exceed a stated deductible amount and subject to a stated maximum. 69557

(D) "Contracted pharmacy" or "pharmacy" means a pharmacy 69558
located in this state participating in either the network of a 69559
pharmacy benefit manager or in a health care or pharmacy benefit 69560
plan through a direct contract or through a contract with a 69561
pharmacy services administration organization, group purchasing 69562
organization, or another contracting agent. 69563

(E) "Contributions" means any amount collected from a covered 69564
person to fund the self-insured portion of any plan in accordance 69565
with the plan's provisions, summary plan descriptions, and 69566
contracts of insurance. 69567

~~(E)~~(F) "Drug product reimbursement" means the amount paid by 69568
a pharmacy benefit manager to a contracted pharmacy for the cost 69569
of the drug dispensed to a patient and does not include a 69570
dispensing or professional fee. 69571

(G) "Fiduciary" has the meaning set forth in section 69572
1002(21)(A) of the "Employee Retirement Income Security Act of 69573
1974," 88 Stat. 829, 29 U.S.C. 1001, as amended. 69574

~~(F)~~(H) "Fiscal year" means the twelve-month accounting period 69575
commencing on the date the plan is established and ending twelve 69576
months following that date, and each corresponding twelve-month 69577
accounting period thereafter as provided for in the summary plan 69578
description. 69579

~~(G)~~(I) "Insurer" means an entity authorized to do the 69580
business of insurance in this state or, for the purposes of this 69581
section, a health insuring corporation authorized to issue health 69582
care plans in this state. 69583

(J) "Managed care organization" means an entity that provides 69584
medical management and cost containment services and includes a 69585

medicaid managed care organization, as defined in section 5167.01 69586
of the Revised Code. 69587

(K) "Maximum allowable cost" means a maximum drug product 69588
reimbursement for an individual drug or for a group of 69589
therapeutically and pharmaceutically equivalent multiple source 69590
drugs that are listed in the United States food and drug 69591
administration's approved drug products with therapeutic 69592
equivalence evaluations, commonly referred to as the orange book. 69593

(L) "Maximum allowable cost list" means a list of the drugs 69594
for which a pharmacy benefit manager imposes a maximum allowable 69595
cost. 69596

(M) "Multiple employer welfare arrangement" has the same 69597
meaning as in section 1739.01 of the Revised Code. 69598

(N) "Pharmacy benefit manager" means an entity that contracts 69599
with pharmacies on behalf of an employer, a multiple employer 69600
welfare arrangement, public employee benefit plan, state agency, 69601
insurer, managed care organization, or other third-party payer to 69602
provide pharmacy health benefit services or administration. 69603

(O) "Plan" means any arrangement in written form for the 69604
payment of life, dental, health, or disability benefits to covered 69605
persons defined by the summary plan description and includes a 69606
drug benefit plan administered by a pharmacy benefit manager. 69607

~~(H)~~(P) "Plan sponsor" means the person who establishes the 69608
plan. 69609

~~(I)~~(Q) "Self-insurance program" means a program whereby an 69610
employer provides a plan of benefits for its employees without 69611
involving an intermediate insurance carrier to assume risk or pay 69612
claims. "Self-insurance program" includes but is not limited to 69613
employer programs that pay claims up to a prearranged limit beyond 69614
which they purchase insurance coverage to protect against 69615
unpredictable or catastrophic losses. 69616

~~(J)~~(R) "Specific excess insurance" means that type of 69617
coverage whereby the insurer agrees to reimburse the insured 69618
employer or trust for all benefits or claims paid during an 69619
agreement period on behalf of a covered person in excess of a 69620
stated deductible amount and subject to a stated maximum. 69621

~~(K)~~(S) "Summary plan description" means the written document 69622
adopted by the plan sponsor which outlines the plan of benefits, 69623
conditions, limitations, exclusions, and other pertinent details 69624
relative to the benefits provided to covered persons thereunder. 69625

(T) "Third-party payer" has the same meaning as in section 69626
3901.38 of the Revised Code. 69627

Sec. 3959.111. (A)(1)(a) In each contract between a pharmacy 69628
benefit manager and a pharmacy, the pharmacy shall be given the 69629
right to obtain from the pharmacy benefit manager, within ten days 69630
after any request, a current list of the sources used to determine 69631
maximum allowable cost pricing. In each contract between a 69632
pharmacy benefit manager and a pharmacy, the pharmacy benefit 69633
manager shall be obligated to update and implement the pricing 69634
information at least every seven days and provide a means by which 69635
contracted pharmacies may promptly review pricing updates in a 69636
format that is readily available and accessible. 69637

(b) A pharmacy benefit manager shall maintain a written 69638
procedure to eliminate products from the list of drugs subject to 69639
maximum allowable cost pricing in a timely manner. 69640

(2) In each contract between a pharmacy benefit manager and a 69641
pharmacy, a pharmacy benefit manager shall be obligated to ensure 69642
that all of the following conditions are met prior to placing a 69643
prescription drug on a maximum allowable cost list: 69644

(a) The drug is listed as "A" or "B" rated in the most recent 69645
version of the United States food and drug administration's 69646

approved drug products with therapeutic equivalence evaluations, 69647
or has an "NR" or "NA" rating or similar rating by nationally 69648
recognized reference. 69649

(b) The drug is generally available for purchase by 69650
pharmacies in this state from a national or regional wholesaler 69651
and is not obsolete. 69652

(3) Each contract between a pharmacy benefit manager and a 69653
pharmacy shall include a process to appeal, investigate, and 69654
resolve disputes regarding maximum allowable cost pricing that 69655
includes all of the following: 69656

(a) A twenty-one-day limit on the right to appeal following 69657
the initial claim; 69658

(b) A requirement that the appeal be investigated and 69659
resolved within twenty-one days after the appeal; 69660

(c) A telephone number at which the pharmacy may contact the 69661
pharmacy benefit manager to speak to a person responsible for 69662
processing appeals; 69663

(d) A requirement that a pharmacy benefit manager provide a 69664
reason for any appeal denial and the identification of the 69665
national drug code of a drug that may be purchased in this state 69666
by the pharmacy in this state from a national or regional 69667
wholesaler at a price at or below the benchmark price determined 69668
by the pharmacy benefit manager; 69669

(e) A requirement that a pharmacy benefit manager make an 69670
adjustment not later than one day after the date of determination 69671
of the appeal. The adjustment shall be retroactive to the date the 69672
appeal was made and shall apply to all situated pharmacies as 69673
determined by the pharmacy benefit manager. This requirement does 69674
not prohibit a pharmacy benefit manager from retroactively 69675
adjusting a claim for the appealing pharmacy or for any other 69676
similarly situated pharmacies. 69677

(B)(1)(a) A pharmacy benefit manager shall disclose to the 69678
plan sponsor whether or not the pharmacy benefit manager uses the 69679
same maximum allowable cost list when billing a plan sponsor as it 69680
does when reimbursing a pharmacy. 69681

(b) If a pharmacy benefit manager uses multiple maximum 69682
allowable cost lists, the pharmacy benefit manager shall disclose 69683
to a plan sponsor any differences between the amount paid to a 69684
pharmacy and the amount charged to a plan sponsor. 69685

(2) The disclosures required under division (B)(1) of this 69686
section shall be made within ten days of a pharmacy benefit 69687
manager and a plan sponsor signing a contract or within ten days 69688
of any applicable update to a maximum allowable cost list or 69689
lists. 69690

(C) Notwithstanding division (B)(5) of section 3959.01 of the 69691
Revised Code, a health insuring corporation or a sickness and 69692
accident insurer shall comply with the requirements of this 69693
section and is subject to the penalties under section 3959.12 of 69694
the Revised Code if the corporation or insurer is a pharmacy 69695
benefit manager, as defined in section 3959.01 of the Revised 69696
Code. 69697

Sec. 3959.12. (A) Any license issued under sections 3959.01 69698
to 3959.16 of the Revised Code may be suspended for a period not 69699
to exceed two years, revoked, or not renewed by the superintendent 69700
of insurance after notice to the licensee and hearing in 69701
accordance with Chapter 119. of the Revised Code. The 69702
superintendent may suspend, revoke, or refuse to renew a license 69703
if upon investigation and proof the superintendent finds that the 69704
licensee has done any of the following: 69705

(1) Knowingly violated any provision of sections 3959.01 to 69706
3959.16 of the Revised Code or any rule promulgated by the 69707
superintendent; 69708

(2) Knowingly made a material misstatement in the application for the license;	69709 69710
(3) Obtained or attempted to obtain a license through misrepresentation or fraud;	69711 69712
(4) Misappropriated or converted to the licensee's own use or improperly withheld insurance company premiums or contributions held in a fiduciary capacity, excluding, however, any interest earnings received by the administrator as disclosed in writing by the administrator to the plan sponsor;	69713 69714 69715 69716 69717
(5) In the transaction of business under the license, used fraudulent, coercive, or dishonest practices;	69718 69719
(6) Failed to appear without reasonable cause or excuse in response to a subpoena, examination, warrant, or other order lawfully issued by the superintendent;	69720 69721 69722
(7) Is affiliated with or under the same general management or interlocking directorate or ownership of another administrator that transacts business in this state and is not licensed under sections 3959.01 to 3959.16 of the Revised Code;	69723 69724 69725 69726
(8) Had a license suspended, revoked, or not renewed in any other state, district, territory, or province on grounds identical to those stated in sections 3959.01 to 3959.16 of the Revised Code;	69727 69728 69729 69730
(9) Been convicted of a financially related felony;	69731
(10) Failed to report a felony conviction as required under section 3959.13 of the Revised Code.	69732 69733
(B) Upon receipt of notice of the order of suspension in accordance with section 119.07 of the Revised Code, the licensee shall promptly deliver the license to the superintendent, unless the order of suspension is appealed under section 119.12 of the Revised Code.	69734 69735 69736 69737 69738

(C) Any person whose license is revoked or whose application
is denied pursuant to sections 3959.01 to 3959.16 of the Revised
Code is ineligible to apply for an administrators license for two
years.

(D) The superintendent may impose a monetary fine against a
licensee if, upon investigation and after notice and opportunity
for hearing in accordance with Chapter 119. of the Revised Code,
the superintendent finds that the licensee has done either of the
following:

(1) Committed fraud or engaged in any illegal or dishonest
activity in connection with the administration of pharmacy benefit
management services;

(2) Violated any provision of section 3959.111 of the Revised
Code or any rule adopted by the superintendent pursuant to or to
implement that section.

Sec. 4113.81. The state shall not engage in collective
bargaining with individuals who are excluded from coverage under
Chapter 4117. of the Revised Code and the "National Labor
Relations Act of 1935," 49 Stat. 449, 29 U.S.C. 151, as amended.
This section does not apply with respect to individuals who are
exempt from Chapter 4117. of the Revised Code pursuant to division
(C) of section 4117.01 of the Revised Code but with whom the state
may collectively bargain pursuant to division (C) of section
4117.03 of the Revised Code.

Sec. 4115.03. As used in sections 4115.03 to 4115.16 of the
Revised Code:

(A) "Public authority" means any officer, board, or
commission of the state, or any political subdivision of the
state, authorized to enter into a contract for the construction of
a public improvement or to construct the same by the direct

employment of labor, or any institution supported in whole or in 69769
part by public funds and said sections apply to expenditures of 69770
such institutions made in whole or in part from public funds. 69771

(B) "Construction" means any of the following: 69772

(1) Except as provided in division (B)(3) of this section, 69773
any new construction of a public improvement, the total overall 69774
project cost of which is fairly estimated to be more than the 69775
following amounts and performed by other than full-time employees 69776
who have completed their probationary periods in the classified 69777
service of a public authority: 69778

(a) One hundred twenty-five thousand dollars, beginning on 69779
~~the effective date of this amendment~~ September 29, 2011, and 69780
continuing for one year thereafter; 69781

(b) Two hundred thousand dollars, beginning when the time 69782
period described in division (B)(1)(a) of this section expires and 69783
continuing for one year thereafter; 69784

(c) Two hundred fifty thousand dollars, beginning when the 69785
time period described in division (B)(1)(b) of this section 69786
expires. 69787

(2) Except as provided in division (B)(4) of this section, 69788
any reconstruction, enlargement, alteration, repair, remodeling, 69789
renovation, or painting of a public improvement, the total overall 69790
project cost of which is fairly estimated to be more than the 69791
following amounts and performed by other than full-time employees 69792
who have completed their probationary period in the classified 69793
civil service of a public authority: 69794

(a) Thirty-eight thousand dollars, beginning on ~~the effective~~ 69795
~~date of this amendment~~ September 29, 2011, and continuing for one 69796
year thereafter; 69797

(b) Sixty thousand dollars, beginning when the time period 69798

described in division (B)(2)(a) of this section expires and 69799
continuing for one year thereafter; 69800

(c) Seventy-five thousand dollars, beginning when the time 69801
period described in division (B)(2)(b) of this section expires. 69802

(3) Any new construction of a public improvement that 69803
involves roads, streets, alleys, sewers, ditches, and other works 69804
connected to road or bridge construction, the total overall 69805
project cost of which is fairly estimated to be more than 69806
seventy-eight thousand two hundred fifty-eight dollars adjusted 69807
biennially by the director of commerce pursuant to section 69808
4115.034 of the Revised Code and performed by other than full-time 69809
employees who have completed their probationary periods in the 69810
classified service of a public authority; 69811

(4) Any reconstruction, enlargement, alteration, repair, 69812
remodeling, renovation, or painting of a public improvement that 69813
involves roads, streets, alleys, sewers, ditches, and other works 69814
connected to road or bridge construction, the total overall 69815
project cost of which is fairly estimated to be more than 69816
twenty-three thousand four hundred forty-seven dollars adjusted 69817
biennially by the director of commerce pursuant to section 69818
4115.034 of the Revised ~~code~~ Code and performed by other than 69819
full-time employees who have completed their probationary periods 69820
in the classified service of a public authority. 69821

(C) "Public improvement" includes all buildings, roads, 69822
streets, alleys, sewers, ditches, sewage disposal plants, water 69823
works, and all other structures or works constructed by a public 69824
authority of the state or any political subdivision thereof or by 69825
any person who, pursuant to a contract with a public authority, 69826
constructs any structure for a public authority of the state or a 69827
political subdivision thereof. When a public authority rents or 69828
leases a newly constructed structure within six months after 69829
completion of such construction, all work performed on such 69830

structure to suit it for occupancy by a public authority is a 69831
"public improvement." "Public improvement" does not include an 69832
improvement authorized by section ~~1515.08~~ 940.06 of the Revised 69833
Code that is constructed pursuant to a contract with a soil and 69834
water conservation district, as defined in section ~~1515.01~~ 940.01 69835
of the Revised Code, or performed as a result of a petition filed 69836
pursuant to Chapter 6131., 6133., or 6135. of the Revised Code, 69837
wherein no less than seventy-five per cent of the project is 69838
located on private land and no less than seventy-five per cent of 69839
the cost of the improvement is paid for by private property owners 69840
pursuant to Chapter ~~1515.~~ 940., 6131., 6133., or 6135. of the 69841
Revised Code. 69842

(D) "Locality" means the county wherein the physical work 69843
upon any public improvement is being performed. 69844

(E) "Prevailing wages" means the sum of the following: 69845

(1) The basic hourly rate of pay; 69846

(2) The rate of contribution irrevocably made by a contractor 69847
or subcontractor to a trustee or to a third person pursuant to a 69848
fund, plan, or program; 69849

(3) The rate of costs to the contractor or subcontractor 69850
which may be reasonably anticipated in providing the following 69851
fringe benefits to laborers and mechanics pursuant to an 69852
enforceable commitment to carry out a financially responsible plan 69853
or program which was communicated in writing to the laborers and 69854
mechanics affected: 69855

(a) Medical or hospital care or insurance to provide such; 69856

(b) Pensions on retirement or death or insurance to provide 69857
such; 69858

(c) Compensation for injuries or illnesses resulting from 69859
occupational activities if it is in addition to that coverage 69860

required by Chapters 4121. and 4123. of the Revised Code; 69861

(d) Supplemental unemployment benefits that are in addition 69862
to those required by Chapter 4141. of the Revised Code; 69863

(e) Life insurance; 69864

(f) Disability and sickness insurance; 69865

(g) Accident insurance; 69866

(h) Vacation and holiday pay; 69867

(i) Defraying of costs for apprenticeship or other similar 69868
training programs which are beneficial only to the laborers and 69869
mechanics affected; 69870

(j) Other bona fide fringe benefits. 69871

None of the benefits enumerated in division (E)(3) of this 69872
section may be considered in the determination of prevailing wages 69873
if federal, state, or local law requires contractors or 69874
subcontractors to provide any of such benefits. 69875

(F) "Interested party," with respect to a particular contract 69876
for construction of a public improvement, means: 69877

(1) Any person who submits a bid for the purpose of securing 69878
the award of the contract; 69879

(2) Any person acting as a subcontractor of a person 69880
described in division (F)(1) of this section; 69881

(3) Any bona fide organization of labor which has as members 69882
or is authorized to represent employees of a person described in 69883
division (F)(1) or (2) of this section and which exists, in whole 69884
or in part, for the purpose of negotiating with employers 69885
concerning the wages, hours, or terms and conditions of employment 69886
of employees; 69887

(4) Any association having as members any of the persons 69888
described in division (F)(1) or (2) of this section. 69889

(G) Except as used in division (A) of this section, "officer" 69890
means an individual who has an ownership interest or holds an 69891
office of trust, command, or authority in a corporation, business 69892
trust, partnership, or association. 69893

Sec. 4117.01. As used in this chapter: 69894

(A) "Person," in addition to those included in division (C) 69895
of section 1.59 of the Revised Code, includes employee 69896
organizations, public employees, and public employers. 69897

(B) "Public employer" means the state or any political 69898
subdivision of the state located entirely within the state, 69899
including, without limitation, any municipal corporation with a 69900
population of at least five thousand according to the most recent 69901
federal decennial census; county; township with a population of at 69902
least five thousand in the unincorporated area of the township 69903
according to the most recent federal decennial census; school 69904
district; governing authority of a community school established 69905
under Chapter 3314. of the Revised Code; college preparatory 69906
boarding school established under Chapter 3328. of the Revised 69907
Code or its operator; state institution of higher learning; public 69908
or special district; state agency, authority, commission, or 69909
board; or other branch of public employment. "Public employer" 69910
does not include the nonprofit corporation formed under section 69911
187.01 of the Revised Code. 69912

(C) "Public employee" means any person holding a position by 69913
appointment or employment in the service of a public employer, 69914
including any person working pursuant to a contract between a 69915
public employer and a private employer and over whom the national 69916
labor relations board has declined jurisdiction on the basis that 69917
the involved employees are employees of a public employer, except: 69918

(1) Persons holding elective office; 69919

- (2) Employees of the general assembly and employees of any other legislative body of the public employer whose principal duties are directly related to the legislative functions of the body; 69920 69921 69922 69923
- (3) Employees on the staff of the governor or the chief executive of the public employer whose principal duties are directly related to the performance of the executive functions of the governor or the chief executive; 69924 69925 69926 69927
- (4) Persons who are members of the Ohio organized militia, while training or performing duty under section 5919.29 or 5923.12 of the Revised Code; 69928 69929 69930
- (5) Employees of the state employment relations board, including those employees of the state employment relations board utilized by the state personnel board of review in the exercise of the powers and the performance of the duties and functions of the state personnel board of review; 69931 69932 69933 69934 69935
- (6) Confidential employees; 69936
- (7) Management level employees; 69937
- (8) Employees and officers of the courts, assistants to the attorney general, assistant prosecuting attorneys, and employees of the clerks of courts who perform a judicial function; 69938 69939 69940
- (9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised Code; 69941 69942 69943
- (10) Supervisors; 69944
- (11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit; 69945 69946 69947 69948 69949

(12) Employees of county boards of election;	69950
(13) Seasonal and casual employees as determined by the state employment relations board;	69951 69952
(14) Part-time faculty members of an institution of higher education;	69953 69954
(15) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	69955 69956 69957 69958 69959 69960
(16) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	69961 69962 69963
(17) Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code ~~who are not subject to a collective bargaining agreement on June 1, 2005.~~	69964 69965 69966 69967
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.	69968 69969 69970 69971 69972
(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive representative under section 4117.05 of the Revised Code.	69973 69974 69975
(F) "Supervisor" means any individual who has authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees; to responsibly direct them; to adjust	69976 69977 69978 69979

their grievances; or to effectively recommend such action, if the
exercise of that authority is not of a merely routine or clerical
nature, but requires the use of independent judgment, provided
that:

(1) Employees of school districts who are department
chairpersons or consulting teachers shall not be deemed
supervisors.

(2) With respect to members of a police or fire department,
no person shall be deemed a supervisor except the chief of the
department or those individuals who, in the absence of the chief,
are authorized to exercise the authority and perform the duties of
the chief of the department. Where prior to June 1, 1982, a public
employer pursuant to a judicial decision, rendered in litigation
to which the public employer was a party, has declined to engage
in collective bargaining with members of a police or fire
department on the basis that those members are supervisors, those
members of a police or fire department do not have the rights
specified in this chapter for the purposes of future collective
bargaining. The state employment relations board shall decide all
disputes concerning the application of division (F)(2) of this
section.

(3) With respect to faculty members of a state institution of
higher education, heads of departments or divisions are
supervisors; however, no other faculty member or group of faculty
members is a supervisor solely because the faculty member or group
of faculty members participate in decisions with respect to
courses, curriculum, personnel, or other matters of academic
policy.

(4) No teacher as defined in section 3319.09 of the Revised
Code shall be designated as a supervisor or a management level
employee unless the teacher is employed under a contract governed
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and

is assigned to a position for which a license deemed to be for 70012
administrators under state board rules is required pursuant to 70013
section 3319.22 of the Revised Code. 70014

(G) "To bargain collectively" means to perform the mutual 70015
obligation of the public employer, by its representatives, and the 70016
representatives of its employees to negotiate in good faith at 70017
reasonable times and places with respect to wages, hours, terms, 70018
and other conditions of employment and the continuation, 70019
modification, or deletion of an existing provision of a collective 70020
bargaining agreement, with the intention of reaching an agreement, 70021
or to resolve questions arising under the agreement. "To bargain 70022
collectively" includes executing a written contract incorporating 70023
the terms of any agreement reached. The obligation to bargain 70024
collectively does not mean that either party is compelled to agree 70025
to a proposal nor does it require the making of a concession. 70026

(H) "Strike" means continuous concerted action in failing to 70027
report to duty; willful absence from one's position; or stoppage 70028
of work in whole from the full, faithful, and proper performance 70029
of the duties of employment, for the purpose of inducing, 70030
influencing, or coercing a change in wages, hours, terms, and 70031
other conditions of employment. "Strike" does not include a 70032
stoppage of work by employees in good faith because of dangerous 70033
or unhealthful working conditions at the place of employment that 70034
are abnormal to the place of employment. 70035

(I) "Unauthorized strike" includes, but is not limited to, 70036
concerted action during the term or extended term of a collective 70037
bargaining agreement or during the pendency of the settlement 70038
procedures set forth in section 4117.14 of the Revised Code in 70039
failing to report to duty; willful absence from one's position; 70040
stoppage of work; slowdown, or abstinence in whole or in part from 70041
the full, faithful, and proper performance of the duties of 70042
employment for the purpose of inducing, influencing, or coercing a 70043

change in wages, hours, terms, and other conditions of employment. 70044
"Unauthorized strike" includes any such action, absence, stoppage, 70045
slowdown, or abstinence when done partially or intermittently, 70046
whether during or after the expiration of the term or extended 70047
term of a collective bargaining agreement or during or after the 70048
pendency of the settlement procedures set forth in section 4117.14 70049
of the Revised Code. 70050

(J) "Professional employee" means any employee engaged in 70051
work that is predominantly intellectual, involving the consistent 70052
exercise of discretion and judgment in its performance and 70053
requiring knowledge of an advanced type in a field of science or 70054
learning customarily acquired by a prolonged course in an 70055
institution of higher learning or a hospital, as distinguished 70056
from a general academic education or from an apprenticeship; or an 70057
employee who has completed the courses of specialized intellectual 70058
instruction and is performing related work under the supervision 70059
of a professional person to become qualified as a professional 70060
employee. 70061

(K) "Confidential employee" means any employee who works in 70062
the personnel offices of a public employer and deals with 70063
information to be used by the public employer in collective 70064
bargaining; or any employee who works in a close continuing 70065
relationship with public officers or representatives directly 70066
participating in collective bargaining on behalf of the employer. 70067

(L) "Management level employee" means an individual who 70068
formulates policy on behalf of the public employer, who 70069
responsibly directs the implementation of policy, or who may 70070
reasonably be required on behalf of the public employer to assist 70071
in the preparation for the conduct of collective negotiations, 70072
administer collectively negotiated agreements, or have a major 70073
role in personnel administration. Assistant superintendents, 70074
principals, and assistant principals whose employment is governed 70075

by section 3319.02 of the Revised Code are management level 70076
employees. With respect to members of a faculty of a state 70077
institution of higher education, no person is a management level 70078
employee because of the person's involvement in the formulation or 70079
implementation of academic or institution policy. 70080

(M) "Wages" means hourly rates of pay, salaries, or other 70081
forms of compensation for services rendered. 70082

(N) "Member of a police department" means a person who is in 70083
the employ of a police department of a municipal corporation as a 70084
full-time regular police officer as the result of an appointment 70085
from a duly established civil service eligibility list or under 70086
section 737.15 or 737.16 of the Revised Code, a full-time deputy 70087
sheriff appointed under section 311.04 of the Revised Code, a 70088
township constable appointed under section 509.01 of the Revised 70089
Code, or a member of a township or joint police district police 70090
department appointed under section 505.49 of the Revised Code. 70091

(O) "Members of the state highway patrol" means highway 70092
patrol troopers and radio operators appointed under section 70093
5503.01 of the Revised Code. 70094

(P) "Member of a fire department" means a person who is in 70095
the employ of a fire department of a municipal corporation or a 70096
township as a fire cadet, full-time regular firefighter, or 70097
promoted rank as the result of an appointment from a duly 70098
established civil service eligibility list or under section 70099
505.38, 709.012, or 737.22 of the Revised Code. 70100

(Q) "Day" means calendar day. 70101

Sec. 4117.10. (A) An agreement between a public employer and 70102
an exclusive representative entered into pursuant to this chapter 70103
governs the wages, hours, and terms and conditions of public 70104
employment covered by the agreement. If the agreement provides for 70105

a final and binding arbitration of grievances, public employers, 70106
employees, and employee organizations are subject solely to that 70107
grievance procedure and the state personnel board of review or 70108
civil service commissions have no jurisdiction to receive and 70109
determine any appeals relating to matters that were the subject of 70110
a final and binding grievance procedure. Where no agreement exists 70111
or where an agreement makes no specification about a matter, the 70112
public employer and public employees are subject to all applicable 70113
state or local laws or ordinances pertaining to the wages, hours, 70114
and terms and conditions of employment for public employees. ~~Laws~~ 70115
All of the following prevail over conflicting provisions of 70116
agreements between employee organizations and public employers: 70117

(1) Laws pertaining to civil any of the following subjects: 70118

(a) Civil rights,~~affirmative;~~ 70119

(b) Affirmative action,~~unemployment;~~ 70120

(c) Unemployment compensation,~~workers';~~ 70121

(d) Workers' compensation,~~the;~~ 70122

(e) The retirement of public employees,~~and residency;~~ 70123

(f) Residency requirements,~~the;~~ 70124

(g) The minimum educational requirements contained in the 70125
Revised Code pertaining to public education including the 70126
requirement of a certificate by the fiscal officer of a school 70127
district pursuant to section 5705.41 of the Revised Code,~~the;~~ 70128

(h) The provisions of division (A) of section 124.34 of the 70129
Revised Code governing the disciplining of officers and employees 70130
who have been convicted of a felony,~~and the;~~ 70131

(i) The minimum standards promulgated by the state board of 70132
education pursuant to division (D) of section 3301.07 of the 70133
Revised Code ~~prevail over conflicting provisions of agreements~~ 70134
~~between employee organizations and public employers.~~ 70135

(2) The law pertaining to the leave of absence and 70136
compensation provided under section 5923.05 of the Revised Code 70137
~~prevails over any conflicting provisions of such agreements,~~ if 70138
the terms of the agreement contain benefits which are less than 70139
those contained in that section or the agreement contains no such 70140
terms and the public authority is the state or any agency, 70141
authority, commission, or board of the state or if the public 70142
authority is another entity listed in division (B) of section 70143
4117.01 of the Revised Code that elects to provide leave of 70144
absence and compensation as provided in section 5923.05 of the 70145
Revised Code; 70146

(3) The law pertaining to the leave established under section 70147
5906.02 of the Revised Code ~~prevails over any conflicting~~ 70148
~~provision of an agreement between an employee organization and~~ 70149
~~public employer,~~ if the terms of the agreement contain benefits 70150
that are less than those contained in section 5906.02 of the 70151
Revised Code; 70152

(4) The law pertaining to excess benefits prohibited under 70153
section 3345.311 of the Revised Code with respect to an agreement 70154
between an employee organization and a public employer entered 70155
into on or after the effective date of this amendment. Except 70156

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 70157
the Revised Code and arrangements entered into thereunder, and 70158
section 4981.21 of the Revised Code as necessary to comply with 70159
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 70160
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 70161
entered into thereunder, this chapter prevails over any and all 70162
other conflicting laws, resolutions, provisions, present or 70163
future, except as otherwise specified in this chapter or as 70164
otherwise specified by the general assembly. Nothing in this 70165
section prohibits or shall be construed to invalidate the 70166
provisions of an agreement establishing supplemental workers' 70167

compensation or unemployment compensation benefits or exceeding 70168
minimum requirements contained in the Revised Code pertaining to 70169
public education or the minimum standards promulgated by the state 70170
board of education pursuant to division (D) of section 3301.07 of 70171
the Revised Code. 70172

(B) The public employer shall submit a request for funds 70173
necessary to implement an agreement and for approval of any other 70174
matter requiring the approval of the appropriate legislative body 70175
to the legislative body within fourteen days of the date on which 70176
the parties finalize the agreement, unless otherwise specified, 70177
but if the appropriate legislative body is not in session at the 70178
time, then within fourteen days after it convenes. The legislative 70179
body must approve or reject the submission as a whole, and the 70180
submission is deemed approved if the legislative body fails to act 70181
within thirty days after the public employer submits the 70182
agreement. The parties may specify that those provisions of the 70183
agreement not requiring action by a legislative body are effective 70184
and operative in accordance with the terms of the agreement, 70185
provided there has been compliance with division (C) of this 70186
section. If the legislative body rejects the submission of the 70187
public employer, either party may reopen all or part of the entire 70188
agreement. 70189

As used in this section, "legislative body" includes the 70190
governing board of a municipal corporation, school district, 70191
college or university, village, township, or board of county 70192
commissioners or any other body that has authority to approve the 70193
budget of their public jurisdiction and, with regard to the state, 70194
"legislative body" means the controlling board. 70195

(C) The chief executive officer, or the chief executive 70196
officer's representative, of each municipal corporation, the 70197
designated representative of the board of education of each school 70198
district, college or university, or any other body that has 70199

authority to approve the budget of their public jurisdiction, the 70200
designated representative of the board of county commissioners and 70201
of each elected officeholder of the county whose employees are 70202
covered by the collective negotiations, and the designated 70203
representative of the village or the board of township trustees of 70204
each township is responsible for negotiations in the collective 70205
bargaining process; except that the legislative body may accept or 70206
reject a proposed collective bargaining agreement. When the 70207
matters about which there is agreement are reduced to writing and 70208
approved by the employee organization and the legislative body, 70209
the agreement is binding upon the legislative body, the employer, 70210
and the employee organization and employees covered by the 70211
agreement. 70212

(D) There is hereby established an office of collective 70213
bargaining in the department of administrative services for the 70214
purpose of negotiating with and entering into written agreements 70215
between state agencies, departments, boards, and commissions and 70216
the exclusive representative on matters of wages, hours, terms and 70217
other conditions of employment and the continuation, modification, 70218
or deletion of an existing provision of a collective bargaining 70219
agreement. Nothing in any provision of law to the contrary shall 70220
be interpreted as excluding the bureau of workers' compensation 70221
and the industrial commission from the preceding sentence. This 70222
office shall not negotiate on behalf of other statewide elected 70223
officials or boards of trustees of state institutions of higher 70224
education who shall be considered as separate public employers for 70225
the purposes of this chapter; however, the office may negotiate on 70226
behalf of these officials or trustees where authorized by the 70227
officials or trustees. The staff of the office of collective 70228
bargaining are in the unclassified service. The director of 70229
administrative services shall fix the compensation of the staff. 70230

The office of collective bargaining shall: 70231

(1) Assist the director in formulating management's philosophy for public collective bargaining as well as planning bargaining strategies;

(2) Conduct negotiations with the exclusive representatives of each employee organization;

(3) Coordinate the state's resources in all mediation, fact-finding, and arbitration cases as well as in all labor disputes;

(4) Conduct systematic reviews of collective bargaining agreements for the purpose of contract negotiations;

(5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes;

(6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government.

Sec. 4121.03. (A) The governor shall appoint from among the members of the industrial commission the chairperson of the industrial commission. The chairperson shall serve as chairperson at the pleasure of the governor. The chairperson is the head of the commission and its chief executive officer.

(B) The chairperson shall appoint, after consultation with other commission members and obtaining the approval of at least one other commission member, an executive director of the commission. The executive director shall serve at the pleasure of the chairperson. The executive director, under the direction of the chairperson, shall perform all of the following duties:

(1) Act as chief administrative officer for the commission;

(2) Ensure that all commission personnel follow the rules of the commission;

(3) Ensure that all orders, awards, and determinations are properly heard and signed, prior to attesting to the documents;

(4) Coordinate, to the fullest extent possible, commission activities with the bureau of workers' compensation activities;

(5) Do all things necessary for the efficient and effective implementation of the duties of the commission.

The responsibilities assigned to the executive director of the commission do not relieve the chairperson from final responsibility for the proper performance of the acts specified in this division.

(C) The chairperson shall do all of the following:

(1) Except as otherwise provided in this division, employ, promote, supervise, remove, and establish the compensation of all employees as needed in connection with the performance of the commission's duties under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code and may assign to them their duties to the extent necessary to achieve the most efficient performance of its functions, and to that end may establish, change, or abolish positions, and assign and reassign duties and responsibilities of every employee of the commission. The civil service status of any person employed by the commission prior to November 3, 1989, is not affected by this section. Personnel employed by the bureau or the commission who are subject to Chapter 4117. of the Revised Code shall retain all of their rights and benefits conferred pursuant to that chapter as it presently exists or is hereafter amended and nothing in this chapter or Chapter 4123. of the Revised Code shall be construed as eliminating or interfering with Chapter 4117. of the Revised Code or the rights and benefits conferred under that chapter to public employees or to any bargaining unit.

(2) Hire district and staff hearing officers after

consultation with other commission members and obtaining the 70293
approval of at least one other commission member; 70294

(3) Fire staff and district hearing officers when the 70295
chairperson finds appropriate after obtaining the approval of at 70296
least one other commission member; 70297

(4) Maintain the office for the commission in Columbus; 70298

(5) To the maximum extent possible, use electronic data 70299
processing equipment for the issuance of orders immediately 70300
following a hearing, scheduling of hearings and medical 70301
examinations, tracking of claims, retrieval of information, and 70302
any other matter within the commission's jurisdiction, and shall 70303
provide and input information into the electronic data processing 70304
equipment as necessary to effect the success of the claims 70305
tracking system established pursuant to division (B)~~(15)~~(14) of 70306
section 4121.121 of the Revised Code; 70307

(6) Exercise all administrative and nonadjudicatory powers 70308
and duties conferred upon the commission by Chapters 4121., 4123., 70309
4127., and 4131. of the Revised Code; 70310

(7) Approve all contracts for special services. 70311

(D) The chairperson is responsible for all administrative 70312
matters and may secure for the commission facilities, equipment, 70313
and supplies necessary to house the commission, any employees, and 70314
files and records under the commission's control and to discharge 70315
any duty imposed upon the commission by law, the expense thereof 70316
to be audited and paid in the same manner as other state expenses. 70317
For that purpose, the chairperson, separately from the budget 70318
prepared by the administrator of workers' compensation, shall 70319
prepare and submit to the office of budget and management a budget 70320
for each biennium according to sections 101.532 and 107.03 of the 70321
Revised Code. The budget submitted shall cover the costs of the 70322
commission and staff and district hearing officers in the 70323

discharge of any duty imposed upon the chairperson, the 70324
commission, and hearing officers by law. 70325

(E) A majority of the commission constitutes a quorum to 70326
transact business. No vacancy impairs the rights of the remaining 70327
members to exercise all of the powers of the commission, so long 70328
as a majority remains. Any investigation, inquiry, or hearing that 70329
the commission may hold or undertake may be held or undertaken by 70330
or before any one member of the commission, or before one of the 70331
deputies of the commission, except as otherwise provided in this 70332
chapter and Chapters 4123., 4127., and 4131. of the Revised Code. 70333
Every order made by a member, or by a deputy, when approved and 70334
confirmed by a majority of the members, and so shown on its record 70335
of proceedings, is the order of the commission. The commission may 70336
hold sessions at any place within the state. The commission is 70337
responsible for all of the following: 70338

(1) Establishing the overall adjudicatory policy and 70339
management of the commission under this chapter and Chapters 70340
4123., 4127., and 4131. of the Revised Code, except for those 70341
administrative matters within the jurisdiction of the chairperson, 70342
bureau of workers' compensation, and the administrator of workers' 70343
compensation under those chapters; 70344

(2) Hearing appeals and reconsiderations under this chapter 70345
and Chapters 4123., 4127., and 4131. of the Revised Code; 70346

(3) Engaging in rulemaking where required by this chapter or 70347
Chapter 4123., 4127., or 4131. of the Revised Code. 70348

Sec. 4121.121. (A) There is hereby created the bureau of 70349
workers' compensation, which shall be administered by the 70350
administrator of workers' compensation. A person appointed to the 70351
position of administrator shall possess significant management 70352
experience in effectively managing an organization or 70353
organizations of substantial size and complexity. A person 70354

appointed to the position of administrator also shall possess a 70355
minimum of five years of experience in the field of workers' 70356
compensation insurance or in another insurance industry, except as 70357
otherwise provided when the conditions specified in division (C) 70358
of this section are satisfied. The governor shall appoint the 70359
administrator as provided in section 121.03 of the Revised Code, 70360
and the administrator shall serve at the pleasure of the governor. 70361
The governor shall fix the administrator's salary on the basis of 70362
the administrator's experience and the administrator's 70363
responsibilities and duties under this chapter and Chapters 4123., 70364
4125., 4127., 4131., and 4167. of the Revised Code. The governor 70365
shall not appoint to the position of administrator any person who 70366
has, or whose spouse has, given a contribution to the campaign 70367
committee of the governor in an amount greater than one thousand 70368
dollars during the two-year period immediately preceding the date 70369
of the appointment of the administrator. 70370

The administrator shall hold no other public office and shall 70371
devote full time to the duties of administrator. Before entering 70372
upon the duties of the office, the administrator shall take an 70373
oath of office as required by sections 3.22 and 3.23 of the 70374
Revised Code, and shall file in the office of the secretary of 70375
state, a bond signed by the administrator and by surety approved 70376
by the governor, for the sum of fifty thousand dollars payable to 70377
the state, conditioned upon the faithful performance of the 70378
administrator's duties. 70379

(B) The administrator is responsible for the management of 70380
the bureau and for the discharge of all administrative duties 70381
imposed upon the administrator in this chapter and Chapters 4123., 70382
4125., 4127., 4131., and 4167. of the Revised Code, and in the 70383
discharge thereof shall do all of the following: 70384

(1) Perform all acts and exercise all authorities and powers, 70385
discretionary and otherwise that are required of or vested in the 70386

bureau or any of its employees in this chapter and Chapters 4123., 70387
4125., 4127., 4131., and 4167. of the Revised Code, except the 70388
acts and the exercise of authority and power that is required of 70389
and vested in the bureau of workers' compensation board of 70390
directors or the industrial commission pursuant to those chapters. 70391
The treasurer of state shall honor all warrants signed by the 70392
administrator, or by one or more of the administrator's employees, 70393
authorized by the administrator in writing, or bearing the 70394
facsimile signature of the administrator or such employee under 70395
sections 4123.42 and 4123.44 of the Revised Code. 70396

(2) Employ, direct, and supervise all employees required in 70397
connection with the performance of the duties assigned to the 70398
bureau by this chapter and Chapters 4123., 4125., 4127., 4131., 70399
and 4167. of the Revised Code, including an actuary, and may 70400
establish job classification plans and compensation for all 70401
employees of the bureau provided that this grant of authority 70402
shall not be construed as affecting any employee for whom the 70403
state employment relations board has established an appropriate 70404
bargaining unit under section 4117.06 of the Revised Code. All 70405
positions of employment in the bureau are in the classified civil 70406
service except those employees the administrator may appoint to 70407
serve at the administrator's pleasure in the unclassified civil 70408
service pursuant to section 124.11 of the Revised Code. The 70409
administrator shall fix the salaries of employees the 70410
administrator appoints to serve at the administrator's pleasure, 70411
including the chief operating officer, staff physicians, and other 70412
senior management personnel of the bureau and shall establish the 70413
compensation of staff attorneys of the bureau's legal section and 70414
their immediate supervisors, and take whatever steps are necessary 70415
to provide adequate compensation for other staff attorneys. 70416

The administrator may appoint a person who holds a certified 70417
position in the classified service within the bureau to a position 70418

in the unclassified service within the bureau. A person appointed 70419
pursuant to this division to a position in the unclassified 70420
service shall retain the right to resume the position and status 70421
held by the person in the classified service immediately prior to 70422
the person's appointment in the unclassified service, regardless 70423
of the number of positions the person held in the unclassified 70424
service. An employee's right to resume a position in the 70425
classified service may only be exercised when the administrator 70426
demotes the employee to a pay range lower than the employee's 70427
current pay range or revokes the employee's appointment to the 70428
unclassified service. An employee who holds a position in the 70429
classified service and who is appointed to a position in the 70430
unclassified service on or after January 1, 2016, shall have the 70431
right to resume a position in the classified service under this 70432
division only within five years after the effective date of the 70433
employee's appointment in the unclassified service. An employee 70434
forfeits the right to resume a position in the classified service 70435
when the employee is removed from the position in the unclassified 70436
service due to incompetence, inefficiency, dishonesty, 70437
drunkenness, immoral conduct, insubordination, discourteous 70438
treatment of the public, neglect of duty, violation of this 70439
chapter or Chapter 124., 4123., 4125., 4127., 4131., or 4167. of 70440
the Revised Code, violation of the rules of the director of 70441
administrative services or the administrator, any other failure of 70442
good behavior, any other acts of misfeasance, malfeasance, or 70443
nonfeasance in office, or conviction of a felony. An employee also 70444
forfeits the right to resume a position in the classified service 70445
upon transfer to a different agency. 70446

Reinstatement to a position in the classified service shall 70447
be to a position substantially equal to that position in the 70448
classified service held previously, as certified by the department 70449
of administrative services. If the position the person previously 70450
held in the classified service has been placed in the unclassified 70451

service or is otherwise unavailable, the person shall be appointed 70452
to a position in the classified service within the bureau that the 70453
director of administrative services certifies is comparable in 70454
compensation to the position the person previously held in the 70455
classified service. Service in the position in the unclassified 70456
service shall be counted as service in the position in the 70457
classified service held by the person immediately prior to the 70458
person's appointment in the unclassified service. When a person is 70459
reinstated to a position in the classified service as provided in 70460
this division, the person is entitled to all rights, status, and 70461
benefits accruing to the position during the person's time of 70462
service in the position in the unclassified service. 70463

(3) Reorganize the work of the bureau, its sections, 70464
departments, and offices to the extent necessary to achieve the 70465
most efficient performance of its functions and to that end may 70466
establish, change, or abolish positions and assign and reassign 70467
duties and responsibilities of every employee of the bureau. All 70468
persons employed by the commission in positions that, after 70469
November 3, 1989, are supervised and directed by the administrator 70470
under this section are transferred to the bureau in their 70471
respective classifications but subject to reassignment and 70472
reclassification of position and compensation as the administrator 70473
determines to be in the interest of efficient administration. The 70474
civil service status of any person employed by the commission is 70475
not affected by this section. Personnel employed by the bureau or 70476
the commission who are subject to Chapter 4117. of the Revised 70477
Code shall retain all of their rights and benefits conferred 70478
pursuant to that chapter as it presently exists or is hereafter 70479
amended and nothing in this chapter or Chapter 4123. of the 70480
Revised Code shall be construed as eliminating or interfering with 70481
Chapter 4117. of the Revised Code or the rights and benefits 70482
conferred under that chapter to public employees or to any 70483
bargaining unit. 70484

(4) Provide offices, equipment, supplies, and other 70485
facilities for the bureau. 70486

(5) Prepare and submit to the board information the 70487
administrator considers pertinent or the board requires, together 70488
with the administrator's recommendations, in the form of 70489
administrative rules, for the advice and consent of the board, for 70490
classifications of occupations or industries, for premium rates 70491
and contributions, for the amount to be credited to the surplus 70492
fund, for rules and systems of rating, rate revisions, and merit 70493
rating. The administrator shall obtain, prepare, and submit any 70494
other information the board requires for the prompt and efficient 70495
discharge of its duties. 70496

(6) Keep the accounts required by division (A) of section 70497
4123.34 of the Revised Code and all other accounts and records 70498
necessary to the collection, administration, and distribution of 70499
the workers' compensation funds and shall obtain the statistical 70500
and other information required by section 4123.19 of the Revised 70501
Code. 70502

(7) Exercise the investment powers vested in the 70503
administrator by section 4123.44 of the Revised Code in accordance 70504
with the investment policy approved by the board pursuant to 70505
section 4121.12 of the Revised Code and in consultation with the 70506
chief investment officer of the bureau of workers' compensation. 70507
The administrator shall not engage in any prohibited investment 70508
activity specified by the board pursuant to division (F)(9) of 70509
section 4121.12 of the Revised Code and shall not invest in any 70510
type of investment specified in divisions (B)(1) to (10) of 70511
section 4123.442 of the Revised Code. All business shall be 70512
transacted, all funds invested, all warrants for money drawn and 70513
payments made, and all cash and securities and other property 70514
held, in the name of the bureau, or in the name of its nominee, 70515
provided that nominees are authorized by the administrator solely 70516

for the purpose of facilitating the transfer of securities, and 70517
restricted to the administrator and designated employees. 70518

~~(8) Make contracts for and supervise the construction of any 70519
project or improvement or the construction or repair of buildings 70520
under the control of the bureau. 70521~~

~~(9) Purchase In accordance with Chapter 125. of the Revised 70522
Code, purchase supplies, materials, equipment, and services; make 70523
contracts for, operate, and superintend the telephone, other 70524
telecommunication, and computer services for the use of the 70525
bureau; and make contracts in connection with office reproduction, 70526
forms management, printing, and other services. Notwithstanding 70527
sections 125.12 to 125.14 of the Revised Code, the administrator 70528
may transfer surplus computers and computer equipment directly to 70529
an accredited public school within the state. The computers and 70530
computer equipment may be repaired or refurbished prior to the 70531
transfer. 70532~~

~~(10)~~(9) Prepare and submit to the board an annual budget for 70533
internal operating purposes for the board's approval. The 70534
administrator also shall, separately from the budget the 70535
industrial commission submits, prepare and submit to the director 70536
of budget and management a budget for each biennium. The budgets 70537
submitted to the board and the director shall include estimates of 70538
the costs and necessary expenditures of the bureau in the 70539
discharge of any duty imposed by law. 70540

~~(11)~~(10) As promptly as possible in the course of efficient 70541
administration, decentralize and relocate such of the personnel 70542
and activities of the bureau as is appropriate to the end that the 70543
receipt, investigation, determination, and payment of claims may 70544
be undertaken at or near the place of injury or the residence of 70545
the claimant and for that purpose establish regional offices, in 70546
such places as the administrator considers proper, capable of 70547
discharging as many of the functions of the bureau as is 70548

practicable so as to promote prompt and efficient administration 70549
in the processing of claims. All active and inactive lost-time 70550
claims files shall be held at the service office responsible for 70551
the claim. A claimant, at the claimant's request, shall be 70552
provided with information by telephone as to the location of the 70553
file pertaining to the claimant's claim. The administrator shall 70554
ensure that all service office employees report directly to the 70555
director for their service office. 70556

~~(12)~~(11) Provide a written binder on new coverage where the 70557
administrator considers it to be in the best interest of the risk. 70558
The administrator, or any other person authorized by the 70559
administrator, shall grant the binder upon submission of a request 70560
for coverage by the employer. A binder is effective for a period 70561
of thirty days from date of issuance and is nonrenewable. Payroll 70562
reports and premium charges shall coincide with the effective date 70563
of the binder. 70564

~~(13)~~(12) Set standards for the reasonable and maximum 70565
handling time of claims payment functions, ensure, by rules, the 70566
impartial and prompt treatment of all claims and employer risk 70567
accounts, and establish a secure, accurate method of time stamping 70568
all incoming mail and documents hand delivered to bureau 70569
employees. 70570

~~(14)~~(13) Ensure that all employees of the bureau follow the 70571
orders and rules of the commission as such orders and rules relate 70572
to the commission's overall adjudicatory policy-making and 70573
management duties under this chapter and Chapters 4123., 4127., 70574
and 4131. of the Revised Code. 70575

~~(15)~~(14) Manage and operate a data processing system with a 70576
common data base for the use of both the bureau and the commission 70577
and, in consultation with the commission, using electronic data 70578
processing equipment, shall develop a claims tracking system that 70579
is sufficient to monitor the status of a claim at any time and 70580

that lists appeals that have been filed and orders or 70581
determinations that have been issued pursuant to section 4123.511 70582
or 4123.512 of the Revised Code, including the dates of such 70583
filings and issuances. 70584

~~(16)~~(15) Establish and maintain a medical section within the 70585
bureau. The medical section shall do all of the following: 70586

(a) Assist the administrator in establishing standard medical 70587
fees, approving medical procedures, and determining eligibility 70588
and reasonableness of the compensation payments for medical, 70589
hospital, and nursing services, and in establishing guidelines for 70590
payment policies which recognize usual, customary, and reasonable 70591
methods of payment for covered services; 70592

(b) Provide a resource to respond to questions from claims 70593
examiners for employees of the bureau; 70594

(c) Audit fee bill payments; 70595

(d) Implement a program to utilize, to the maximum extent 70596
possible, electronic data processing equipment for storage of 70597
information to facilitate authorizations of compensation payments 70598
for medical, hospital, drug, and nursing services; 70599

(e) Perform other duties assigned to it by the administrator. 70600

~~(17)~~(16) Appoint, as the administrator determines necessary, 70601
panels to review and advise the administrator on disputes arising 70602
over a determination that a health care service or supply provided 70603
to a claimant is not covered under this chapter or Chapter 4123., 70604
4127., or 4131. of the Revised Code or is medically unnecessary. 70605
If an individual health care provider is involved in the dispute, 70606
the panel shall consist of individuals licensed pursuant to the 70607
same section of the Revised Code as such health care provider. 70608

~~(18)~~(17) Pursuant to section 4123.65 of the Revised Code, 70609
approve applications for the final settlement of claims for 70610

compensation or benefits under this chapter and Chapters 4123., 70611
4127., and 4131. of the Revised Code as the administrator 70612
determines appropriate, except in regard to the applications of 70613
self-insuring employers and their employees. 70614

~~(19)~~(18) Comply with section 3517.13 of the Revised Code, and 70615
except in regard to contracts entered into pursuant to the 70616
authority contained in section 4121.44 of the Revised Code, comply 70617
with the competitive bidding procedures set forth in the Revised 70618
Code for all contracts into which the administrator enters 70619
provided that those contracts fall within the type of contracts 70620
and dollar amounts specified in the Revised Code for competitive 70621
bidding and further provided that those contracts are not 70622
otherwise specifically exempt from the competitive bidding 70623
procedures contained in the Revised Code. 70624

~~(20)~~(19) Adopt, with the advice and consent of the board, 70625
rules for the operation of the bureau. 70626

~~(21)~~(20) Prepare and submit to the board information the 70627
administrator considers pertinent or the board requires, together 70628
with the administrator's recommendations, in the form of 70629
administrative rules, for the advice and consent of the board, for 70630
the health partnership program and the qualified health plan 70631
system, as provided in sections 4121.44, 4121.441, and 4121.442 of 70632
the Revised Code. 70633

(C) The administrator, with the advice and consent of the 70634
senate, shall appoint a chief operating officer who has a minimum 70635
of five years of experience in the field of workers' compensation 70636
insurance or in another similar insurance industry if the 70637
administrator does not possess such experience. The chief 70638
operating officer shall not commence the chief operating officer's 70639
duties until after the senate consents to the chief operating 70640
officer's appointment. The chief operating officer shall serve in 70641
the unclassified civil service of the state. 70642

Sec. 4123.322. (A) The administrator of workers' 70643
compensation, with the advice and consent of the bureau of 70644
workers' compensation board of directors, shall adopt rules 70645
establishing a prospective payment system, which shall include all 70646
of the following: 70647

(1) A requirement that upon an initial application for 70648
coverage, a private employer shall file with the application an 70649
estimate of the employer's payroll for the period the 70650
administrator determines pursuant to rules the administrator 70651
adopts, and shall pay the amount the administrator determines by 70652
rule in order to establish coverage for the employer as described 70653
in division (B)(12) of section 4121.121 of the Revised Code; 70654

(2) A requirement that upon an initial application for 70655
coverage, a public employer, except for a state agency or state 70656
university or college, shall file with the application an estimate 70657
of the employer's payroll for the period the administrator 70658
determines pursuant to rules the administrator adopts, and shall 70659
pay the amount the administrator determines by rule in order to 70660
establish coverage for the employer as described in division 70661
(B)~~(12)~~(11) of section 4121.121 of the Revised Code; 70662

(3) A requirement that an employer complete periodic payroll 70663
reports of actual expenditures for previous coverage periods for 70664
reconciliation with estimated payroll reports; 70665

(4) The assessment of a penalty for late payroll 70666
reconciliation reports and for late payment of any reconciliation 70667
premium; 70668

(5) The establishment of a transition period during which 70669
time the bureau shall determine the adequacy of existing premium 70670
security deposits of employers, the establishment of provisions 70671
for additional premium payments during that transition, the 70672
provision of a credit of those deposits toward the first premium 70673

due from an employer under the rules adopted under divisions 70674
(A)(1) to (4) of this section, and the establishment of penalties 70675
for late payment or failure to comply with the rules. 70676

(B) For purposes of division (A)(3) of this section, an 70677
employer shall make timely payment of any premium owed when actual 70678
payroll expenditures exceeded estimated payroll, and the employer 70679
shall receive premium credit when the estimated payroll exceeded 70680
the actual payroll. 70681

(C) For purposes of division (A)(4) of this section, if the 70682
employer's actual payroll substantially exceeds the estimated 70683
payroll, the administrator may assess additional penalties 70684
specified in rules the administrator adopts on the reconciliation 70685
premium. 70686

(D) As used in this section, "state university or college" 70687
has the same meaning as in section 4123.32 of the Revised Code. 70688

Sec. 4141.432. There is hereby created in the state treasury 70689
the unemployment compensation administrative support other sources 70690
fund. The fund may consist of intrastate agency transfers, 70691
nonfederal grants, and other similar revenue sources. The director 70692
of job and family services shall use the fund to support program 70693
and administrative expenses related to the implementation of 70694
unemployment insurance initiatives within the department of job 70695
and family services and to release employment and wage information 70696
to state departments, other governmental agencies, service 70697
providers, accredited colleges and universities, nonprofit 70698
research organizations, and other organizations for use in 70699
providing or improving the provisions of employment and training 70700
services and for income verification, pursuant to section 4141.43 70701
of the Revised Code. 70702

Sec. 4301.12. The division of liquor control shall provide 70703

for the custody, safekeeping, and deposit of all moneys, checks, 70704
and drafts received by it or any of its employees or agents prior 70705
to paying them to the treasurer of state as provided by section 70706
113.08 of the Revised Code. 70707

A sum equal to three dollars and thirty-eight cents for each 70708
gallon of spirituous liquor sold by the division, JobsOhio, or a 70709
designee of JobsOhio during the period covered by the payment 70710
shall be paid into the state treasury to the credit of the general 70711
revenue fund. All moneys received from permit fees, except B-2a 70712
and S permit fees from B-2a and S permit holders who do not also 70713
hold A-2 permits, shall be paid to the credit of the undivided 70714
liquor permit fund established by section 4301.30 of the Revised 70715
Code. 70716

Except as otherwise provided by law, the division shall 70717
deposit all moneys collected under Chapters 4301. and 4303. of the 70718
Revised Code ~~shall be paid by the division~~ into the state treasury 70719
to the credit of the ~~liquor control fund, which is hereby created~~ 70720
state liquor regulatory fund created in section 4301.30 of the 70721
Revised Code. In addition, revenue resulting from any contracts 70722
with the department of commerce pertaining to the responsibilities 70723
and operations described in this chapter may be credited to the 70724
fund. ~~Amounts in the liquor control fund may be used to pay the~~ 70725
~~operating expenses of the liquor control commission.~~ 70726

Whenever, in the judgment of the director of budget and 70727
management, the amount in the liquor control fund is in excess of 70728
that needed to meet the maturing obligations of the division, as 70729
working capital for its further operations, to pay the operating 70730
expenses of the commission, and for the alcohol testing program 70731
under section 3701.143 of the Revised Code, the director shall 70732
transfer the excess to the credit of the general revenue fund. If 70733
the director determines that the amount in the liquor control fund 70734
is insufficient, the director may transfer money from the general 70735

revenue fund to the liquor control fund. 70736

Sec. 4301.243. (A) Notwithstanding any other provision of 70737
this chapter or Chapter 4303. of the Revised Code, a manufacturer, 70738
supplier, or solicitor registered pursuant to section 4303.25 of 70739
the Revised Code, or an agent or employee of a manufacturer or 70740
supplier, excluding a distributor or retail permit holder, may 70741
give merchandise or another thing of value to a personal consumer 70742
in connection with the purchase of an alcoholic beverage if both 70743
of the following apply: 70744

(1) The value of the merchandise or other thing of value does 70745
not meet or exceed the retail price of the alcoholic beverage 70746
purchased by the personal consumer; 70747

(2) The merchandise or other thing of value is not made by or 70748
awarded through a distributor or retail permit holder. 70749

(B) As used in this section, "personal consumer" means an 70750
individual who is at least twenty-one years of age, does not hold 70751
a permit issued under chapter 4303. of the Revised Code, and 70752
intends to use a purchased alcoholic beverage for personal 70753
consumption only and not for resale or other commercial purposes. 70754

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 70755
the Revised Code: 70756

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 70757
fluid ounces. 70758

(2) "Sale" or "sell" includes exchange, barter, gift, 70759
distribution, and, except with respect to A-4 permit holders, 70760
offer for sale. 70761

(B) For the purposes of providing revenues for the support of 70762
the state and encouraging the grape industries in the state, a tax 70763
is hereby levied on the sale or distribution of wine in Ohio, 70764

except for known sacramental purposes, at the rate of thirty cents 70765
per wine gallon for wine containing not less than four per cent of 70766
alcohol by volume and not more than fourteen per cent of alcohol 70767
by volume, ninety-eight cents per wine gallon for wine containing 70768
more than fourteen per cent but not more than twenty-one per cent 70769
of alcohol by volume, one dollar and eight cents per wine gallon 70770
for vermouth, and one dollar and forty-eight cents per wine gallon 70771
for sparkling and carbonated wine and champagne, the tax to be 70772
paid by the holders of A-2 and B-5 permits or by any other person 70773
selling or distributing wine upon which no tax has been paid. From 70774
the tax paid under this section on wine, vermouth, and sparkling 70775
and carbonated wine and champagne, the treasurer of state shall 70776
credit to the Ohio grape industries fund created under section 70777
924.54 of the Revised Code a sum equal to one cent per gallon for 70778
each gallon upon which the tax is paid. 70779

(C) For the purpose of providing revenues for the support of 70780
the state, there is hereby levied a tax on prepared and bottled 70781
highballs, cocktails, cordials, and other mixed beverages at the 70782
rate of one dollar and twenty cents per wine gallon to be paid by 70783
holders of A-4 permits or by any other person selling or 70784
distributing those products upon which no tax has been paid. Only 70785
one sale of the same article shall be used in computing the amount 70786
of tax due. The tax on mixed beverages to be paid by holders of 70787
A-4 permits under this section shall not attach until the 70788
ownership of the mixed beverage is transferred for valuable 70789
consideration to a wholesaler or retailer, and no payment of the 70790
tax shall be required prior to that time. 70791

(D) During the period of July 1, ~~2013~~ 2015, through June 30, 70792
~~2015~~ 2017, from the tax paid under this section on wine, vermouth, 70793
and sparkling and carbonated wine and champagne, the treasurer of 70794
state shall credit to the Ohio grape industries fund created under 70795
section 924.54 of the Revised Code a sum equal to two cents per 70796

gallon upon which the tax is paid. The amount credited under this 70797
division is in addition to the amount credited to the Ohio grape 70798
industries fund under division (B) of this section. 70799

(E) For the purpose of providing revenues for the support of 70800
the state, there is hereby levied a tax on cider at the rate of 70801
twenty-four cents per wine gallon to be paid by the holders of A-2 70802
and B-5 permits or by any other person selling or distributing 70803
cider upon which no tax has been paid. Only one sale of the same 70804
article shall be used in computing the amount of the tax due. 70805

Sec. 4301.61. (A) As used in this section and section 70806
4301.611 of the Revised Code: 70807

(1) "Card holder" means any person who presents a driver's or 70808
commercial driver's license or an identification card to a permit 70809
holder, or an agent or employee of a permit holder, for either of 70810
the purposes listed in division (A)(4)(a) or (b) of this section. 70811

(2) "Identification card" means an identification card issued 70812
under sections 4507.50 to 4507.52 of the Revised Code or an 70813
equivalent identification card issued by another state. 70814

(3) "Permit holder" means the holder of a permit issued under 70815
Chapter 4303. of the Revised Code. 70816

(4) "Transaction scan" means the process by which a permit 70817
holder or an agent or employee of a permit holder checks, by means 70818
of a transaction scan device, the validity of a driver's or 70819
commercial driver's license or an identification card that is 70820
presented as a condition for doing either of the following: 70821

(a) Purchasing any beer, intoxicating liquor, or low-alcohol 70822
beverage; 70823

(b) Gaining admission to a premises that has been issued a 70824
liquor permit authorizing the sale of beer or intoxicating liquor 70825
for consumption on the premises where sold, and where admission is 70826

restricted to persons twenty-one years of age or older. 70827

(5) "Transaction scan device" means any commercial device or 70828
combination of devices used at a point of sale that is capable of 70829
deciphering in an electronically readable format the information 70830
encoded on the magnetic strip or bar code of a driver's or 70831
commercial driver's license or an identification card. 70832

(B)(1) A permit holder or an agent or employee of a permit 70833
holder may perform a transaction scan by means of a transaction 70834
scan device to check the validity of a driver's or commercial 70835
driver's license or identification card presented by a card holder 70836
for either of the purposes listed in division (A)(4)(a) or (b) of 70837
this section. 70838

(2) If the information deciphered by the transaction scan 70839
performed under division (B)(1) of this section fails to match the 70840
information printed on the driver's or commercial driver's license 70841
or identification card presented by the card holder, or if the 70842
transaction scan indicates that the information so printed is 70843
false or fraudulent, neither the permit holder nor any agent or 70844
employee of the permit holder shall sell any beer, intoxicating 70845
liquor, or low-alcohol beverage to the card holder. 70846

(3) Division (B)(1) of this section does not preclude a 70847
permit holder or an agent or employee of a permit holder from 70848
using a transaction scan device to check the validity of a 70849
document other than a driver's or commercial driver's license or 70850
an identification card, if the document includes a bar code or 70851
magnetic strip that may be scanned by the device, as a condition 70852
of a sale of beer, intoxicating liquor, or a low-alcohol beverage 70853
or of granting admission to a premises described in division 70854
(A)(4) of this section. 70855

(C) The registrar of motor vehicles, with the approval of the 70856
liquor control commission, shall adopt, and may amend or rescind, 70857

rules in accordance with Chapter 119. of the Revised Code that do 70858
both of the following: 70859

(1) Govern the recording and maintenance of information 70860
described in divisions (D)(1)(a) and (b) of this section, 70861
divisions (D)(1)(a) and (b) of section 2927.021 of the Revised 70862
Code, and divisions (D)(1)(a) and (b) of section 2925.57 of the 70863
Revised Code; 70864

(2) Ensure quality control in the use of transaction scan 70865
devices under this section and sections 2927.021, 2927.022, 70866
2925.57, 2925.58, and 4301.611 of the Revised Code. 70867

(D)(1) No permit holder or agent or employee of a permit 70868
holder shall electronically or mechanically record or maintain any 70869
information derived from a transaction scan, except the following: 70870

(a) The name and date of birth of the person listed on the 70871
driver's or commercial driver's license or identification card 70872
presented by a card holder; 70873

(b) The expiration date and identification number of the 70874
driver's or commercial driver's license or identification card 70875
presented by a card holder. 70876

(2) No permit holder or agent or employee of a permit holder 70877
shall use the information that is derived from a transaction scan 70878
or that is permitted to be recorded and maintained by division 70879
(D)(1) of this section, except for purposes of section 4301.611 of 70880
the Revised Code. 70881

(3) No permit holder or agent or employee of a permit holder 70882
shall use a transaction scan device for a purpose other than a 70883
purpose listed in division (A)(4)(a) or (b) of this section. 70884

(4) No permit holder or agent or employee of a permit holder 70885
shall sell or otherwise disseminate the information derived from a 70886
transaction scan to any third party, including, but not limited 70887

to, selling or otherwise disseminating that information for any 70888
marketing, advertising, or promotional activities, but a permit 70889
holder or agent or employee of a permit holder may release that 70890
information pursuant to a court order or as specifically 70891
authorized by section 4301.611 or another section of the Revised 70892
Code. 70893

(E) Nothing in this section or section 4301.611 of the 70894
Revised Code relieves a permit holder or an agent or employee of a 70895
permit holder of any responsibility to comply with any other 70896
applicable state or federal laws or rules governing the sale of 70897
beer, intoxicating liquor, or low-alcohol beverages. 70898

(F) Whoever violates division (B)(2) or (D) of this section 70899
is guilty of an illegal liquor transaction scan, and the court may 70900
impose upon the offender a civil penalty of up to one thousand 70901
dollars for each violation. The clerk of the court shall pay each 70902
collected civil penalty to the county treasurer for deposit into 70903
the county treasury. 70904

Sec. 4301.639. (A) No permit holder, agent or employee of a 70905
permit holder, or any other person may be found guilty of a 70906
violation of any section of this chapter or any rule of the liquor 70907
control commission in which age is an element of the offense, if 70908
the liquor control commission or any court of record finds all of 70909
the following: 70910

(1) That the person buying, at the time of so doing, 70911
exhibited to the permit holder, the agent or employee of the 70912
permit holder, or the other person a driver's or commercial 70913
driver's license, an identification card ~~issued under sections~~ 70914
~~4507.50 to 4507.52 as defined in section 4301.61~~ of the Revised 70915
Code, ~~or~~ a military identification card issued by the United 70916
States department of defense, or a United States or foreign 70917
passport, that displays a picture of the individual for whom the 70918

license ~~or~~, card, or passport was issued and shows that the person 70919
buying was then at least twenty-one years of age, if the person 70920
was buying beer as defined in section 4301.01 of the Revised Code 70921
or intoxicating liquor, or that the person was then at least 70922
eighteen years of age, if the person was buying any low-alcohol 70923
beverage; 70924

(2) That the permit holder, the agent or employee of the 70925
permit holder, or the other person made a bona fide effort to 70926
ascertain the true age of the person buying by checking the 70927
identification presented, at the time of the purchase, to 70928
ascertain that the description on the identification compared with 70929
the appearance of the buyer and that the identification presented 70930
had not been altered in any way; 70931

(3) That the permit holder, the agent or employee of the 70932
permit holder, or the other person had reason to believe that the 70933
person buying was of legal age. 70934

(B) In any hearing before the liquor control commission and 70935
in any action or proceeding before a court of record in which a 70936
defense is raised under division (A) of this section, the 70937
registrar of motor vehicles or deputy registrar who issued an 70938
identification card under sections 4507.50 to 4507.52 of the 70939
Revised Code shall be permitted to submit certified copies of the 70940
records, in the registrar's or deputy's possession, of that 70941
issuance in lieu of the testimony of the personnel of or 70942
contractors with the bureau of motor vehicles at the hearing, 70943
action, or proceeding. 70944

(C) The defense provided by division (A) of this section is 70945
in addition to the affirmative defense provided by section 70946
4301.611 of the Revised Code. 70947

Sec. 4301.83. (A) As used in this section: 70948

(1) "Qualified permit holder" means a person to which both of 70949
the following apply: 70950

(a) The person is the holder of an A-1, A-1-A, A-1c, A-2, or 70951
D permit issued under Chapter 4303. of the Revised Code. 70952

(b) The location of the premises for which the person has 70953
been issued a permit specified in division (A)(1)(a) of this 70954
section is in a county in which a major event will occur or in a 70955
county contiguous to the county in which a major event will occur. 70956

(2) "Major event" means an event that meets all of the 70957
following conditions: 70958

(a) It is scheduled to occur in a municipal corporation with 70959
a population of three hundred fifty thousand or more on or after 70960
the effective date of this section. 70961

(b) It is expected to attract not less than three thousand 70962
visitors. 70963

(c) It is scheduled to have a duration of not less than one 70964
day and not more than ten days. 70965

(B) Notwithstanding any provision of law to the contrary and 70966
upon issuance of a waiver by the division of liquor control under 70967
this section, a qualified permit holder may serve beer, 70968
intoxicating liquor, or both between five thirty a.m. and four 70969
a.m. the following day during a major event. 70970

(C) Not later than one hundred twenty days prior to the 70971
commencement of a major event, a qualified permit holder may file 70972
an application for a waiver with the chief executive officer of 70973
the municipal corporation in which the permit holder's premises is 70974
located or the fiscal officer of the township in which the permit 70975
holder's premises is located. The qualified permit holder shall 70976
include in the application both of the following: 70977

(1) The name and address of the qualified permit holder; 70978

(2) The name and address of the premises that is the subject of the application. 70979
70980

(D)(1) Not later than ninety days prior to the commencement of the major event, the chief executive officer of the municipal corporation or the fiscal officer of the township that receives an application under division (C) of this section shall review all applications received under division (C) of this section and compile a list of the applicants. 70981
70982
70983
70984
70985
70986

(2) In compiling the list under division (D)(1) of this section, the chief executive officer or fiscal officer shall consult with the chief law enforcement officer of the municipal corporation or township, as applicable, to determine whether to retain each applicant on the list. 70987
70988
70989
70990
70991

(E)(1) Not later than sixty days prior to the commencement of the major event, the chief executive officer of the municipal corporation or the fiscal officer of the township that compiles a list of qualified permit holders under division (D) of this section shall submit the list to the division. 70992
70993
70994
70995
70996

(2) The division shall review the list and determine whether to retain each qualified permit holder on the list. The division may remove the name of a permit holder from the list for good cause. After review, the division shall certify the list. 70997
70998
70999
71000

(F) Not later than thirty days prior to the commencement of the major event, the division shall do both of the following: 71001
71002

(1) Return the list certified under division (E) of this section to the chief executive officer of the municipal corporation or the fiscal officer of the township that submitted the original list under division (E) of this section; 71003
71004
71005
71006

(2) Issue a waiver to each permit holder on the list that allows the permit holder to serve beer, intoxicating liquor, or both between five thirty a.m. and four a.m. the following day 71007
71008
71009

during the major event. 71010

(G) The division shall establish the form of the application 71011
to be used under this section and shall make it available for use 71012
by qualified permit holders. 71013

Sec. 4303.181. (A) Permit D-5a may be issued either to the 71014
owner or operator of a hotel or motel that is required to be 71015
licensed under section 3731.03 of the Revised Code, that contains 71016
at least fifty rooms for registered transient guests or is owned 71017
by a state institution of higher education as defined in section 71018
3345.011 of the Revised Code or a private college or university, 71019
and that qualifies under the other requirements of this section, 71020
or to the owner or operator of a restaurant specified under this 71021
section, to sell beer and any intoxicating liquor at retail, only 71022
by the individual drink in glass and from the container, for 71023
consumption on the premises where sold, and to registered guests 71024
in their rooms, which may be sold by means of a controlled access 71025
alcohol and beverage cabinet in accordance with division (B) of 71026
section 4301.21 of the Revised Code; and to sell the same products 71027
in the same manner and amounts not for consumption on the premises 71028
as may be sold by holders of D-1 and D-2 permits. The premises of 71029
the hotel or motel shall include a retail food establishment or a 71030
food service operation licensed pursuant to Chapter 3717. of the 71031
Revised Code that operates as a restaurant for purposes of this 71032
chapter and that is affiliated with the hotel or motel and within 71033
or contiguous to the hotel or motel, and that serves food within 71034
the hotel or motel, but the principal business of the owner or 71035
operator of the hotel or motel shall be the accommodation of 71036
transient guests. In addition to the privileges authorized in this 71037
division, the holder of a D-5a permit may exercise the same 71038
privileges as the holder of a D-5 permit. 71039

The owner or operator of a hotel, motel, or restaurant who 71040

qualified for and held a D-5a permit on August 4, 1976, may, if 71041
the owner or operator held another permit before holding a D-5a 71042
permit, either retain a D-5a permit or apply for the permit 71043
formerly held, and the division of liquor control shall issue the 71044
permit for which the owner or operator applies and formerly held, 71045
notwithstanding any quota. 71046

A D-5a permit shall not be transferred to another location. 71047
No quota restriction shall be placed on the number of D-5a permits 71048
that may be issued. 71049

The fee for this permit is two thousand three hundred 71050
forty-four dollars. 71051

(B) Permit D-5b may be issued to the owner, operator, tenant, 71052
lessee, or occupant of an enclosed shopping center to sell beer 71053
and intoxicating liquor at retail, only by the individual drink in 71054
glass and from the container, for consumption on the premises 71055
where sold; and to sell the same products in the same manner and 71056
amount not for consumption on the premises as may be sold by 71057
holders of D-1 and D-2 permits. In addition to the privileges 71058
authorized in this division, the holder of a D-5b permit may 71059
exercise the same privileges as a holder of a D-5 permit. 71060

A D-5b permit shall not be transferred to another location. 71061

One D-5b permit may be issued at an enclosed shopping center 71062
containing at least two hundred twenty-five thousand, but less 71063
than four hundred thousand, square feet of floor area. 71064

Two D-5b permits may be issued at an enclosed shopping center 71065
containing at least four hundred thousand square feet of floor 71066
area. No more than one D-5b permit may be issued at an enclosed 71067
shopping center for each additional two hundred thousand square 71068
feet of floor area or fraction of that floor area, up to a maximum 71069
of five D-5b permits for each enclosed shopping center. The number 71070
of D-5b permits that may be issued at an enclosed shopping center 71071

shall be determined by subtracting the number of D-3 and D-5 71072
permits issued in the enclosed shopping center from the number of 71073
D-5b permits that otherwise may be issued at the enclosed shopping 71074
center under the formulas provided in this division. Except as 71075
provided in this section, no quota shall be placed on the number 71076
of D-5b permits that may be issued. Notwithstanding any quota 71077
provided in this section, the holder of any D-5b permit first 71078
issued in accordance with this section is entitled to its renewal 71079
in accordance with section 4303.271 of the Revised Code. 71080

The holder of a D-5b permit issued before April 4, 1984, 71081
whose tenancy is terminated for a cause other than nonpayment of 71082
rent, may return the D-5b permit to the division of liquor 71083
control, and the division shall cancel that permit. Upon 71084
cancellation of that permit and upon the permit holder's payment 71085
of taxes, contributions, premiums, assessments, and other debts 71086
owing or accrued upon the date of cancellation to this state and 71087
its political subdivisions and a filing with the division of a 71088
certification of that payment, the division shall issue to that 71089
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 71090
that person requests. The division shall issue the D-5 permit, or 71091
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 71092
D-3, or D-5 permits currently issued in the municipal corporation 71093
or in the unincorporated area of the township where that person's 71094
proposed premises is located equals or exceeds the maximum number 71095
of such permits that can be issued in that municipal corporation 71096
or in the unincorporated area of that township under the 71097
population quota restrictions contained in section 4303.29 of the 71098
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 71099
be transferred to another location. If a D-5b permit is canceled 71100
under the provisions of this paragraph, the number of D-5b permits 71101
that may be issued at the enclosed shopping center for which the 71102
D-5b permit was issued, under the formula provided in this 71103
division, shall be reduced by one if the enclosed shopping center 71104

was entitled to more than one D-5b permit under the formula. 71105

The fee for this permit is two thousand three hundred 71106
forty-four dollars. 71107

(C) Permit D-5c may be issued to the owner or operator of a 71108
retail food establishment or a food service operation licensed 71109
pursuant to Chapter 3717. of the Revised Code that operates as a 71110
restaurant for purposes of this chapter and that qualifies under 71111
the other requirements of this section to sell beer and any 71112
intoxicating liquor at retail, only by the individual drink in 71113
glass and from the container, for consumption on the premises 71114
where sold, and to sell the same products in the same manner and 71115
amounts not for consumption on the premises as may be sold by 71116
holders of D-1 and D-2 permits. In addition to the privileges 71117
authorized in this division, the holder of a D-5c permit may 71118
exercise the same privileges as the holder of a D-5 permit. 71119

To qualify for a D-5c permit, the owner or operator of a 71120
retail food establishment or a food service operation licensed 71121
pursuant to Chapter 3717. of the Revised Code that operates as a 71122
restaurant for purposes of this chapter, shall have operated the 71123
restaurant at the proposed premises for not less than twenty-four 71124
consecutive months immediately preceding the filing of the 71125
application for the permit, have applied for a D-5 permit no later 71126
than December 31, 1988, and appear on the division's quota waiting 71127
list for not less than six months immediately preceding the filing 71128
of the application for the permit. In addition to these 71129
requirements, the proposed D-5c permit premises shall be located 71130
within a municipal corporation and further within an election 71131
precinct that, at the time of the application, has no more than 71132
twenty-five per cent of its total land area zoned for residential 71133
use. 71134

A D-5c permit shall not be transferred to another location. 71135
No quota restriction shall be placed on the number of such permits 71136

that may be issued. 71137

Any person who has held a D-5c permit for at least two years 71138
may apply for a D-5 permit, and the division of liquor control 71139
shall issue the D-5 permit notwithstanding the quota restrictions 71140
contained in section 4303.29 of the Revised Code or in any rule of 71141
the liquor control commission. 71142

The fee for this permit is one thousand five hundred 71143
sixty-three dollars. 71144

(D) Permit D-5d may be issued to the owner or operator of a 71145
retail food establishment or a food service operation licensed 71146
pursuant to Chapter 3717. of the Revised Code that operates as a 71147
restaurant for purposes of this chapter and that is located at an 71148
airport operated by a board of county commissioners pursuant to 71149
section 307.20 of the Revised Code, at an airport operated by a 71150
port authority pursuant to Chapter 4582. of the Revised Code, or 71151
at an airport operated by a regional airport authority pursuant to 71152
Chapter 308. of the Revised Code. The holder of a D-5d permit may 71153
sell beer and any intoxicating liquor at retail, only by the 71154
individual drink in glass and from the container, for consumption 71155
on the premises where sold, and may sell the same products in the 71156
same manner and amounts not for consumption on the premises where 71157
sold as may be sold by the holders of D-1 and D-2 permits. In 71158
addition to the privileges authorized in this division, the holder 71159
of a D-5d permit may exercise the same privileges as the holder of 71160
a D-5 permit. 71161

A D-5d permit shall not be transferred to another location. 71162
No quota restrictions shall be placed on the number of such 71163
permits that may be issued. 71164

The fee for this permit is two thousand three hundred 71165
forty-four dollars. 71166

(E) Permit D-5e may be issued to any nonprofit organization 71167

that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, or that is a charitable organization under any chapter of the Revised Code, and that owns or operates a riverboat that meets all of the following:

(1) Is permanently docked at one location;

(2) Is designated as an historical riverboat by the Ohio historical society;

(3) Contains not less than fifteen hundred square feet of floor area;

(4) Has a seating capacity of fifty or more persons.

The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

The fee for this permit is one thousand two hundred nineteen dollars.

(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the

following: 71198

(1) It contains not less than twenty-five hundred square feet 71199
of floor area. 71200

(2) It is located on or in, or immediately adjacent to, the 71201
shoreline of, a navigable river. 71202

(3) It provides docking space for twenty-five boats. 71203

(4) It provides entertainment and recreation, provided that 71204
not less than fifty per cent of the business on the permit 71205
premises shall be preparing and serving meals for a consideration. 71206

In addition, each application for a D-5f permit shall be 71207
accompanied by a certification from the local legislative 71208
authority that the issuance of the D-5f permit is not inconsistent 71209
with that political subdivision's comprehensive development plan 71210
or other economic development goal as officially established by 71211
the local legislative authority. 71212

The holder of a D-5f permit may sell beer and intoxicating 71213
liquor at retail, only by the individual drink in glass and from 71214
the container, for consumption on the premises where sold. 71215

A D-5f permit shall not be transferred to another location. 71216

The division of liquor control shall not issue a D-5f permit 71217
if the permit premises or proposed permit premises are located 71218
within an area in which the sale of spirituous liquor by the glass 71219
is prohibited. 71220

A fee for this permit is two thousand three hundred 71221
forty-four dollars. 71222

As used in this division, "navigable river" means a river 71223
that is also a "navigable water" as defined in the "Federal Power 71224
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 71225

(G) Permit D-5g may be issued to a nonprofit corporation that 71226
is either the owner or the operator of a national professional 71227

sports museum. The holder of a D-5g permit may sell beer and any 71228
intoxicating liquor at retail, only by the individual drink in 71229
glass and from the container, for consumption on the premises 71230
where sold. The holder of a D-5g permit shall sell no beer or 71231
intoxicating liquor for consumption on the premises where sold 71232
after two-thirty a.m. A D-5g permit shall not be transferred to 71233
another location. No quota restrictions shall be placed on the 71234
number of D-5g permits that may be issued. The fee for this permit 71235
is one thousand eight hundred seventy-five dollars. 71236

(H)(1) Permit D-5h may be issued to any nonprofit 71237
organization that is exempt from federal income taxation under the 71238
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 71239
501(c)(3), as amended, that owns or operates any of the following: 71240

(a) A fine arts museum, provided that the nonprofit 71241
organization has no less than one thousand five hundred bona fide 71242
members possessing full membership privileges; 71243

(b) A community arts center. As used in division (H)(1)(b) of 71244
this section, "community arts center" means a facility that 71245
provides arts programming to the community in more than one arts 71246
discipline, including, but not limited to, exhibits of works of 71247
art and performances by both professional and amateur artists. 71248

(c) A community theater, provided that the nonprofit 71249
organization is a member of the Ohio arts council and the American 71250
community theatre association and has been in existence for not 71251
less than ten years. As used in division (H)(1)(c) of this 71252
section, "community theater" means a facility that contains at 71253
least one hundred fifty seats and has a primary function of 71254
presenting live theatrical performances and providing recreational 71255
opportunities to the community. 71256

(2) The holder of a D-5h permit may sell beer and any 71257
intoxicating liquor at retail, only by the individual drink in 71258

glass and from the container, for consumption on the premises 71259
where sold. The holder of a D-5h permit shall sell no beer or 71260
intoxicating liquor for consumption on the premises where sold 71261
after one a.m. A D-5h permit shall not be transferred to another 71262
location. No quota restrictions shall be placed on the number of 71263
D-5h permits that may be issued. 71264

(3) The fee for a D-5h permit is one thousand eight hundred 71265
seventy-five dollars. 71266

(I) Permit D-5i may be issued to the owner or operator of a 71267
retail food establishment or a food service operation licensed 71268
under Chapter 3717. of the Revised Code that operates as a 71269
restaurant for purposes of this chapter and that meets all of the 71270
following requirements: 71271

(1) It is located in a municipal corporation or a township 71272
with a population of one hundred thousand or less. 71273

(2) It has inside seating capacity for at least one hundred 71274
forty persons. 71275

(3) It has at least four thousand square feet of floor area. 71276

(4) It offers full-course meals, appetizers, and sandwiches. 71277

(5) Its receipts from beer and liquor sales, excluding wine 71278
sales, do not exceed twenty-five per cent of its total gross 71279
receipts. 71280

(6) It has at least one of the following characteristics: 71281

(a) The value of its real and personal property exceeds seven 71282
hundred twenty-five thousand dollars. 71283

(b) It is located on property that is owned or leased by the 71284
state or a state agency, and its owner or operator has 71285
authorization from the state or the state agency that owns or 71286
leases the property to obtain a D-5i permit. 71287

The holder of a D-5i permit may sell beer and any 71288

intoxicating liquor at retail, only by the individual drink in 71289
glass and from the container, for consumption on the premises 71290
where sold, and may sell the same products in the same manner and 71291
amounts not for consumption on the premises where sold as may be 71292
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 71293
permit shall sell no beer or intoxicating liquor for consumption 71294
on the premises where sold after two-thirty a.m. In addition to 71295
the privileges authorized in this division, the holder of a D-5i 71296
permit may exercise the same privileges as the holder of a D-5 71297
permit. 71298

A D-5i permit shall not be transferred to another location. 71299
The division of liquor control shall not renew a D-5i permit 71300
unless the retail food establishment or food service operation for 71301
which it is issued continues to meet the requirements described in 71302
divisions (I)(1) to (6) of this section. No quota restrictions 71303
shall be placed on the number of D-5i permits that may be issued. 71304
The fee for the D-5i permit is two thousand three hundred 71305
forty-four dollars. 71306

(J) Permit D-5j may be issued to the owner or the operator of 71307
a retail food establishment or a food service operation licensed 71308
under Chapter 3717. of the Revised Code to sell beer and 71309
intoxicating liquor at retail, only by the individual drink in 71310
glass and from the container, for consumption on the premises 71311
where sold and to sell beer and intoxicating liquor in the same 71312
manner and amounts not for consumption on the premises where sold 71313
as may be sold by the holders of D-1 and D-2 permits. The holder 71314
of a D-5j permit may exercise the same privileges, and shall 71315
observe the same hours of operation, as the holder of a D-5 71316
permit. 71317

The D-5j permit shall be issued only within a community 71318
entertainment district that is designated under section 4301.80 of 71319
the Revised Code. The permit shall not be issued to a community 71320

entertainment district that is designated under divisions (B) and 71321
(C) of section 4301.80 of the Revised Code if the district does 71322
not meet one of the following qualifications: 71323

(1) It is located in a municipal corporation with a 71324
population of at least one hundred thousand. 71325

(2) It is located in a municipal corporation with a 71326
population of at least twenty thousand, and either of the 71327
following applies: 71328

(a) It contains an amusement park the rides of which have 71329
been issued a permit by the department of agriculture under 71330
Chapter 1711. of the Revised Code. 71331

(b) Not less than fifty million dollars will be invested in 71332
development and construction in the community entertainment 71333
district's area located in the municipal corporation. 71334

(3) It is located in a township with a population of at least 71335
forty thousand. 71336

(4) It is located in a township with a population of at least 71337
twenty thousand, and not less than seventy million dollars will be 71338
invested in development and construction in the community 71339
entertainment district's area located in the township. 71340

(5) It is located in a municipal corporation with a 71341
population between ~~ten~~ seven thousand and twenty thousand, and 71342
both of the following apply: 71343

(a) The municipal corporation was incorporated as a village 71344
prior to calendar year 1860 and currently has a historic downtown 71345
business district. 71346

(b) The municipal corporation is located in the same county 71347
as another municipal corporation with at least one community 71348
entertainment district. 71349

(6) It is located in a municipal corporation with a 71350

population of at least ten thousand, and not less than seventy 71351
million dollars will be invested in development and construction 71352
in the community entertainment district's area located in the 71353
municipal corporation. 71354

(7) It is located in a municipal corporation with a 71355
population of at least five thousand, and not less than one 71356
hundred million dollars will be invested in development and 71357
construction in the community entertainment district's area 71358
located in the municipal corporation. 71359

The location of a D-5j permit may be transferred only within 71360
the geographic boundaries of the community entertainment district 71361
in which it was issued and shall not be transferred outside the 71362
geographic boundaries of that district. 71363

Not more than one D-5j permit shall be issued within each 71364
community entertainment district for each five acres of land 71365
located within the district. Not more than fifteen D-5j permits 71366
may be issued within a single community entertainment district. 71367
Except as otherwise provided in division (J)(4) of this section, 71368
no quota restrictions shall be placed upon the number of D-5j 71369
permits that may be issued. 71370

The fee for a D-5j permit is two thousand three hundred 71371
forty-four dollars. 71372

(K)(1) Permit D-5k may be issued to any nonprofit 71373
organization that is exempt from federal income taxation under the 71374
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 71375
501(c)(3), as amended, that is the owner or operator of a 71376
botanical garden recognized by the American association of 71377
botanical gardens and arboreta, and that has not less than 71378
twenty-five hundred bona fide members. 71379

(2) The holder of a D-5k permit may sell beer and any 71380
intoxicating liquor at retail, only by the individual drink in 71381

glass and from the container, on the premises where sold. 71382

(3) The holder of a D-5k permit shall sell no beer or 71383
intoxicating liquor for consumption on the premises where sold 71384
after one a.m. 71385

(4) A D-5k permit shall not be transferred to another 71386
location. 71387

(5) No quota restrictions shall be placed on the number of 71388
D-5k permits that may be issued. 71389

(6) The fee for the D-5k permit is one thousand eight hundred 71390
seventy-five dollars. 71391

(L)(1) Permit D-5l may be issued to the owner or the operator 71392
of a retail food establishment or a food service operation 71393
licensed under Chapter 3717. of the Revised Code to sell beer and 71394
intoxicating liquor at retail, only by the individual drink in 71395
glass and from the container, for consumption on the premises 71396
where sold and to sell beer and intoxicating liquor in the same 71397
manner and amounts not for consumption on the premises where sold 71398
as may be sold by the holders of D-1 and D-2 permits. The holder 71399
of a D-5l permit may exercise the same privileges, and shall 71400
observe the same hours of operation, as the holder of a D-5 71401
permit. 71402

(2) The D-5l permit shall be issued only to a premises to 71403
which all of the following apply: 71404

(a) The premises has gross annual receipts from the sale of 71405
food and meals that constitute not less than seventy-five per cent 71406
of its total gross annual receipts. 71407

(b) The premises is located within a revitalization district 71408
that is designated under section 4301.81 of the Revised Code. 71409

(c) The premises is located in a municipal corporation or 71410
township in which the number of D-5 permits issued equals or 71411

exceeds the number of those permits that may be issued in that 71412
municipal corporation or township under section 4303.29 of the 71413
Revised Code. 71414

(d) The premises meets any of the following qualifications: 71415

(i) It is located in a county with a population of one 71416
hundred twenty-five thousand or less according to the population 71417
estimates certified by the development services agency for 71418
calendar year 2006. 71419

(ii) It is located in the municipal corporation that has the 71420
largest population in a county when the county has a population 71421
between two hundred fifteen thousand and two hundred twenty-five 71422
thousand according to the population estimates certified by the 71423
development services agency for calendar year 2006. Division 71424
(L)(2)(d)(ii) of this section applies only to a municipal 71425
corporation that is wholly located in a county. 71426

(iii) It is located in the municipal corporation that has the 71427
largest population in a county when the county has a population 71428
between one hundred forty thousand and one hundred forty-one 71429
thousand according to the population estimates certified by the 71430
development services agency for calendar year 2006. Division 71431
(L)(2)(d)(iii) of this section applies only to a municipal 71432
corporation that is wholly located in a county. 71433

(iv) It is located in a township with a population density of 71434
less than four hundred fifty people per square mile. For purposes 71435
of division (L)(2)(d)(iv) of this section, the population of a 71436
township is considered to be the population shown by the most 71437
recent regular federal decennial census. 71438

(3) The location of a D-51 permit may be transferred only 71439
within the geographic boundaries of the revitalization district in 71440
which it was issued and shall not be transferred outside the 71441
geographic boundaries of that district. 71442

(4) Not more than one D-5l permit shall be issued within each 71443
revitalization district for each five acres of land located within 71444
the district. Not more than fifteen D-5l permits may be issued 71445
within a single revitalization district. Except as otherwise 71446
provided in division (L)(4) of this section, no quota restrictions 71447
shall be placed upon the number of D-5l permits that may be 71448
issued. 71449

(5) No D-5l permit shall be issued to an adult entertainment 71450
establishment as defined in section 2907.39 of the Revised Code. 71451

(6) The fee for a D-5l permit is two thousand three hundred 71452
forty-four dollars. 71453

(M) Permit D-5m may be issued to either the owner or the 71454
operator of a retail food establishment or food service operation 71455
licensed under Chapter 3717. of the Revised Code that operates as 71456
a restaurant for purposes of this chapter and that is located in, 71457
or affiliated with, a center for the preservation of wild animals 71458
as defined in section 4301.404 of the Revised Code, to sell beer 71459
and any intoxicating liquor at retail, only by the glass and from 71460
the container, for consumption on the premises where sold, and to 71461
sell the same products in the same manner and amounts not for 71462
consumption on the premises as may be sold by the holders of D-1 71463
and D-2 permits. In addition to the privileges authorized by this 71464
division, the holder of a D-5m permit may exercise the same 71465
privileges as the holder of a D-5 permit. 71466

A D-5m permit shall not be transferred to another location. 71467
No quota restrictions shall be placed on the number of D-5m 71468
permits that may be issued. The fee for a permit D-5m is two 71469
thousand three hundred forty-four dollars. 71470

(N) Permit D-5n shall be issued to either a casino operator 71471
or a casino management company licensed under Chapter 3772. of the 71472
Revised Code that operates a casino facility under that chapter, 71473

to sell beer and any intoxicating liquor at retail, only by the 71474
individual drink in glass and from the container, for consumption 71475
on the premises where sold, and to sell the same products in the 71476
same manner and amounts not for consumption on the premises as may 71477
be sold by the holders of D-1 and D-2 permits. In addition to the 71478
privileges authorized by this division, the holder of a D-5n 71479
permit may exercise the same privileges as the holder of a D-5 71480
permit. A D-5n permit shall not be transferred to another 71481
location. Only one D-5n permit may be issued per casino facility 71482
and not more than four D-5n permits shall be issued in this state. 71483
The fee for a permit D-5n shall be twenty thousand dollars. The 71484
holder of a D-5n permit may conduct casino gaming on the permit 71485
premises notwithstanding any provision of the Revised Code or 71486
Administrative Code. 71487

(0) Permit D-5o may be issued to the owner or operator of a 71488
retail food establishment or a food service operation licensed 71489
under Chapter 3717. of the Revised Code that operates as a 71490
restaurant for purposes of this chapter and that is located within 71491
a casino facility for which a D-5n permit has been issued. The 71492
holder of a D-5o permit may sell beer and any intoxicating liquor 71493
at retail, only by the individual drink in glass and from the 71494
container, for consumption on the premises where sold, and may 71495
sell the same products in the same manner and amounts not for 71496
consumption on the premises where sold as may be sold by the 71497
holders of D-1 and D-2 permits. In addition to the privileges 71498
authorized by this division, the holder of a D-5o permit may 71499
exercise the same privileges as the holder of a D-5 permit. A D-5o 71500
permit shall not be transferred to another location. No quota 71501
restrictions shall be placed on the number of such permits that 71502
may be issued. The fee for this permit is two thousand three 71503
hundred forty-four dollars. 71504

Sec. 4303.182. (A) Except as otherwise provided in divisions 71505

(B) to ~~(J)~~(K) of this section, permit D-6 shall be issued to the holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under that permit as follows:

(1) Between the hours of ten a.m. and midnight on Sunday if sale during those hours has been approved under question (C)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the restrictions of that authorization;

(2) Between the hours of eleven a.m. and midnight on Sunday, if sale during those hours has been approved on or after ~~the effective date of this amendment~~ October 16, 2009, under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the restrictions of that authorization;

(3) Between the hours of eleven a.m. and midnight on Sunday if sale between the hours of one p.m. and midnight was approved before ~~the effective date of this amendment~~ October 16, 2009, under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code, under the other restrictions of that authorization.

(B) Permit D-6 shall be issued to the holder of any permit, including a D-4a and D-5d permit, authorizing the sale of intoxicating liquor issued for a premises located at any publicly

owned airport, as defined in section 4563.01 of the Revised Code, 71538
at which commercial airline companies operate regularly scheduled 71539
flights on which space is available to the public, to allow sale 71540
under such permit between the hours of ten a.m. and midnight on 71541
Sunday, whether or not that sale has been authorized under section 71542
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 71543

(C) Permit D-6 shall be issued to the holder of a D-5a 71544
permit, and to the holder of a D-3 or D-3a permit who is the owner 71545
or operator of a hotel or motel that is required to be licensed 71546
under section 3731.03 of the Revised Code, that contains at least 71547
fifty rooms for registered transient guests, and that has on its 71548
premises a retail food establishment or a food service operation 71549
licensed pursuant to Chapter 3717. of the Revised Code that 71550
operates as a restaurant for purposes of this chapter and is 71551
affiliated with the hotel or motel and within or contiguous to the 71552
hotel or motel and serving food within the hotel or motel, to 71553
allow sale under such permit between the hours of ten a.m. and 71554
midnight on Sunday, whether or not that sale has been authorized 71555
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 71556
Revised Code. 71557

(D) The holder of a D-6 permit that is issued to a sports 71558
facility may make sales under the permit between the hours of 71559
eleven a.m. and midnight on any Sunday on which a professional 71560
baseball, basketball, football, hockey, or soccer game is being 71561
played at the sports facility. As used in this division, "sports 71562
facility" means a stadium or arena that has a seating capacity of 71563
at least four thousand and that is owned or leased by a 71564
professional baseball, basketball, football, hockey, or soccer 71565
franchise or any combination of those franchises. 71566

(E) Permit D-6 shall be issued to the holder of any permit 71567
that authorizes the sale of beer or intoxicating liquor and that 71568
is issued to a premises located in or at the Ohio historical 71569

society area or the state fairgrounds, as defined in division (B) 71570
of section 4301.40 of the Revised Code, to allow sale under that 71571
permit between the hours of ten a.m. and midnight on Sunday, 71572
whether or not that sale has been authorized under section 71573
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 71574

(F) Permit D-6 shall be issued to the holder of any permit 71575
that authorizes the sale of intoxicating liquor and that is issued 71576
to an outdoor performing arts center to allow sale under that 71577
permit between the hours of one p.m. and midnight on Sunday, 71578
whether or not that sale has been authorized under section 71579
4301.361 of the Revised Code. A D-6 permit issued under this 71580
division is subject to the results of an election, held after the 71581
D-6 permit is issued, on question (B)(4) as set forth in section 71582
4301.351 of the Revised Code. Following the end of the period 71583
during which an election may be held on question (B)(4) as set 71584
forth in that section, sales of intoxicating liquor may continue 71585
at an outdoor performing arts center under a D-6 permit issued 71586
under this division, unless an election on that question is held 71587
during the permitted period and a majority of the voters voting in 71588
the precinct on that question vote "no." 71589

As used in this division, "outdoor performing arts center" 71590
means an outdoor performing arts center that is located on not 71591
less than eight hundred acres of land and that is open for 71592
performances from the first day of April to the last day of 71593
October of each year. 71594

(G) Permit D-6 shall be issued to the holder of any permit 71595
that authorizes the sale of beer or intoxicating liquor and that 71596
is issued to a golf course owned by the state, a conservancy 71597
district, a park district created under Chapter 1545. of the 71598
Revised Code, or another political subdivision to allow sale under 71599
that permit between the hours of ten a.m. and midnight on Sunday, 71600
whether or not that sale has been authorized under section 71601

4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 71602

(H) Permit D-6 shall be issued to the holder of a D-5g permit 71603
to allow sale under that permit between the hours of ten a.m. and 71604
midnight on Sunday, whether or not that sale has been authorized 71605
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 71606
Revised Code. 71607

(I) Permit D-6 shall be issued to the holder of any D permit 71608
for a premises that is licensed under Chapter 3717. of the Revised 71609
Code and that is located at a ski area to allow sale under the D-6 71610
permit between the hours of ten a.m. and midnight on Sunday, 71611
whether or not that sale has been authorized under section 71612
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 71613

As used in this division, "ski area" means a ski area as 71614
defined in section 4169.01 of the Revised Code, provided that the 71615
passenger tramway operator at that area is registered under 71616
section 4169.03 of the Revised Code. 71617

(J) Permit D-6 shall be issued to the holder of any permit 71618
that is described in division (A) of this section for a permit 71619
premises that is located in a community entertainment district, as 71620
defined in section 4301.80 of the Revised Code, that was approved 71621
by the legislative authority of a municipal corporation under that 71622
section between October 1 and October 15, 2005, to allow sale 71623
under the permit between the hours of ten a.m. and midnight on 71624
Sunday, whether or not that sale has been authorized under section 71625
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 71626

(K) A D-6 permit shall be issued to the holder of any D 71627
permit for a premises that is licensed under Chapter 3717. of the 71628
Revised Code and that is located in a state park to allow sales 71629
under the D-6 permit between the hours of ten a.m. and midnight on 71630
Sunday, whether or not those sales have been authorized under 71631
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 71632

Code. 71633

As used in this division, "state park" means a state park 71634
that is established or dedicated under Chapter 1541. of the 71635
Revised Code and that has a working farm on its property. 71636

(L) If the restriction to licensed premises where the sale of 71637
food and other goods and services exceeds fifty per cent of the 71638
total gross receipts of the permit holder at the premises is 71639
applicable, the division of liquor control may accept an affidavit 71640
from the permit holder to show the proportion of the permit 71641
holder's gross receipts derived from the sale of food and other 71642
goods and services. If the liquor control commission determines 71643
that affidavit to have been false, it shall revoke the permits of 71644
the permit holder at the premises concerned. 71645

~~(L)~~(M) The fee for the D-6 permit is five hundred dollars 71646
when it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, 71647
D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 71648
D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The 71649
fee for the D-6 permit is four hundred dollars when it is issued 71650
to the holder of a C-2 permit. 71651

Sec. 4303.184. (A) Subject to division (B) of this section, a 71652
D-8 permit may be issued to ~~either~~ any of the following: 71653

(1) An agency store; 71654

(2) The holder of a C-1, C-2, or C-2x permit issued to a 71655
retail store that has any of the following characteristics: 71656

(a) The store has at least five thousand five hundred square 71657
feet of floor area, and it generates more than sixty per cent of 71658
its sales in general merchandise items and food for consumption 71659
off the premises where sold. 71660

(b) The store is located in a municipal corporation or 71661
township with a population of five thousand or less, has at least 71662

four thousand five hundred square feet of floor area, and 71663
generates more than sixty per cent of its sales in general 71664
merchandise items and food for consumption off the premises where 71665
sold. 71666

(c) Wine constitutes at least sixty per cent of the value of 71667
the store's inventory. 71668

(3) The holder of both a C-1 and C-2 permit, or the holder of 71669
a C-2x permit, issued to a retail store that is located within a 71670
municipal corporation or township with a population of fifteen 71671
thousand or less. 71672

(B) A D-8 permit may be issued to the holder of a C-1, C-2, 71673
or C-2x permit only if the premises of the permit holder are 71674
located in a precinct, or at a particular location in a precinct, 71675
in which the sale of beer, wine, or mixed beverages is permitted 71676
for consumption off the premises where sold. Sales under a D-8 71677
permit are not affected by whether sales for consumption on the 71678
premises where sold are permitted in the precinct or at the 71679
particular location where the D-8 premises are located. 71680

(C)(1) The holder of a D-8 permit described in division 71681
(A)(2) or (3) of this section may sell tasting samples of beer, 71682
wine, and mixed beverages, but not spirituous liquor, at retail, 71683
for consumption on the premises where sold in an amount not to 71684
exceed two ounces or another amount designated by rule of the 71685
liquor control commission. A tasting sample shall not be sold for 71686
general consumption. 71687

(2) The holder of a D-8 permit described in division (A)(1) 71688
of this section may allow the sale of tasting samples of 71689
spirituous liquor in accordance with section 4301.171 of the 71690
Revised Code. 71691

(3) No D-8 permit holder described in division (A)(2) or (3) 71692
of this section shall allow any authorized purchaser to consume 71693

more than four tasting samples of beer, wine, or mixed beverages, 71694
or any combination of beer, wine, or mixed beverages, per day. 71695

(D)(1) Notwithstanding sections 4303.11 and 4303.121 of the 71696
Revised Code, the holder of a D-8 permit described in division 71697
(A)(2) or (3) of this section may sell beer that is dispensed from 71698
containers that have a capacity equal to or greater than five and 71699
one-sixth gallons if all of the following conditions are met: 71700

(a) A product registration fee for the beer has been paid as 71701
required in division (A)(8)(b) of section 4301.10 of the Revised 71702
Code. 71703

(b) The beer is dispensed only in glass containers whose 71704
capacity does not exceed one gallon and not for consumption on the 71705
premises where sold. 71706

(c) The containers are sealed, marked, and transported in 71707
accordance with division (E) of section 4301.62 of the Revised 71708
Code. 71709

(d) The containers have been cleaned immediately before being 71710
filled in accordance with rule 4301:1-1-28 of the Administrative 71711
Code. 71712

(2) Beer that is sold and dispensed under division (D)(1) of 71713
this section is subject to both of the following: 71714

(a) All applicable rules adopted by the liquor control 71715
commission, including, but not limited to, rule 4301:1-1-27 and 71716
rule 4301:1-1-72 of the Administrative Code; 71717

(b) All applicable federal laws and regulations. 71718

(E) The privileges authorized for the holder of a D-8 permit 71719
described in division (A)(2) or (3) of this section may only be 71720
exercised in conjunction with and during the hours of operation 71721
authorized by a C-1, C-2, C-2x, or D-6 permit. 71722

(F) A D-8 permit shall not be transferred to another 71723

location. 71724

(G) The fee for the D-8 permit is five hundred dollars. 71725

Sec. 4501.01. As used in this chapter and Chapters 4503., 71726
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 71727
Revised Code, and in the penal laws, except as otherwise provided: 71728

(A) "Vehicles" means everything on wheels or runners, 71729
including motorized bicycles, but does not mean electric personal 71730
assistive mobility devices, vehicles that are operated exclusively 71731
on rails or tracks or from overhead electric trolley wires, and 71732
vehicles that belong to any police department, municipal fire 71733
department, or volunteer fire department, or that are used by such 71734
a department in the discharge of its functions. 71735

(B) "Motor vehicle" means any vehicle, including mobile homes 71736
and recreational vehicles, that is propelled or drawn by power 71737
other than muscular power or power collected from overhead 71738
electric trolley wires. "Motor vehicle" does not include utility 71739
vehicles as defined in division (VV) of this section, motorized 71740
bicycles, road rollers, traction engines, power shovels, power 71741
cranes, and other equipment used in construction work and not 71742
designed for or employed in general highway transportation, 71743
well-drilling machinery, ditch-digging machinery, farm machinery, 71744
and trailers that are designed and used exclusively to transport a 71745
boat between a place of storage and a marina, or in and around a 71746
marina, when drawn or towed on a public road or highway for a 71747
distance of no more than ten miles and at a speed of twenty-five 71748
miles per hour or less. 71749

(C) "Agricultural tractor" and "traction engine" mean any 71750
self-propelling vehicle that is designed or used for drawing other 71751
vehicles or wheeled machinery, but has no provisions for carrying 71752
loads independently of such other vehicles, and that is used 71753
principally for agricultural purposes. 71754

(D) "Commercial tractor," except as defined in division (C) 71755
of this section, means any motor vehicle that has motive power and 71756
either is designed or used for drawing other motor vehicles, or is 71757
designed or used for drawing another motor vehicle while carrying 71758
a portion of the other motor vehicle or its load, or both. 71759

(E) "Passenger car" means any motor vehicle that is designed 71760
and used for carrying not more than nine persons and includes any 71761
motor vehicle that is designed and used for carrying not more than 71762
fifteen persons in a ridesharing arrangement. 71763

(F) "Collector's vehicle" means any motor vehicle or 71764
agricultural tractor or traction engine that is of special 71765
interest, that has a fair market value of one hundred dollars or 71766
more, whether operable or not, and that is owned, operated, 71767
collected, preserved, restored, maintained, or used essentially as 71768
a collector's item, leisure pursuit, or investment, but not as the 71769
owner's principal means of transportation. "Licensed collector's 71770
vehicle" means a collector's vehicle, other than an agricultural 71771
tractor or traction engine, that displays current, valid license 71772
tags issued under section 4503.45 of the Revised Code, or a 71773
similar type of motor vehicle that displays current, valid license 71774
tags issued under substantially equivalent provisions in the laws 71775
of other states. 71776

(G) "Historical motor vehicle" means any motor vehicle that 71777
is over twenty-five years old and is owned solely as a collector's 71778
item and for participation in club activities, exhibitions, tours, 71779
parades, and similar uses, but that in no event is used for 71780
general transportation. 71781

(H) "Noncommercial motor vehicle" means any motor vehicle, 71782
including a farm truck as defined in section 4503.04 of the 71783
Revised Code, that is designed by the manufacturer to carry a load 71784
of no more than one ton and is used exclusively for purposes other 71785
than engaging in business for profit. 71786

(I) "Bus" means any motor vehicle that has motor power and is 71787
designed and used for carrying more than nine passengers, except 71788
any motor vehicle that is designed and used for carrying not more 71789
than fifteen passengers in a ridesharing arrangement. 71790

(J) "Commercial car" or "truck" means any motor vehicle that 71791
has motor power and is designed and used for carrying merchandise 71792
or freight, or that is used as a commercial tractor. 71793

(K) "Bicycle" means every device, other than a device that is 71794
designed solely for use as a play vehicle by a child, that is 71795
propelled solely by human power upon which a person may ride, and 71796
that has two or more wheels, any of which is more than fourteen 71797
inches in diameter. 71798

(L) "Motorized bicycle" means any vehicle that either has two 71799
tandem wheels or one wheel in the front and two wheels in the 71800
rear, that is capable of being pedaled, and that is equipped with 71801
a helper motor of not more than fifty cubic centimeters piston 71802
displacement that produces no more than one brake horsepower and 71803
is capable of propelling the vehicle at a speed of no greater than 71804
twenty miles per hour on a level surface. 71805

(M) "Trailer" means any vehicle without motive power that is 71806
designed or used for carrying property or persons wholly on its 71807
own structure and for being drawn by a motor vehicle, and includes 71808
any such vehicle that is formed by or operated as a combination of 71809
a semitrailer and a vehicle of the dolly type such as that 71810
commonly known as a trailer dolly, a vehicle used to transport 71811
agricultural produce or agricultural production materials between 71812
a local place of storage or supply and the farm when drawn or 71813
towed on a public road or highway at a speed greater than 71814
twenty-five miles per hour, and a vehicle that is designed and 71815
used exclusively to transport a boat between a place of storage 71816
and a marina, or in and around a marina, when drawn or towed on a 71817
public road or highway for a distance of more than ten miles or at 71818

a speed of more than twenty-five miles per hour. "Trailer" does 71819
not include a manufactured home or travel trailer. 71820

(N) "Noncommercial trailer" means any trailer, except a 71821
travel trailer or trailer that is used to transport a boat as 71822
described in division (B) of this section, but, where applicable, 71823
includes a vehicle that is used to transport a boat as described 71824
in division (M) of this section, that has a gross weight of no 71825
more than ten thousand pounds, and that is used exclusively for 71826
purposes other than engaging in business for a profit, such as the 71827
transportation of personal items for personal or recreational 71828
purposes. 71829

(O) "Mobile home" means a building unit or assembly of closed 71830
construction that is fabricated in an off-site facility, is more 71831
than thirty-five body feet in length or, when erected on site, is 71832
three hundred twenty or more square feet, is built on a permanent 71833
chassis, is transportable in one or more sections, and does not 71834
qualify as a manufactured home as defined in division (C)(4) of 71835
section 3781.06 of the Revised Code or as an industrialized unit 71836
as defined in division (C)(3) of section 3781.06 of the Revised 71837
Code. 71838

(P) "Semitrailer" means any vehicle of the trailer type that 71839
does not have motive power and is so designed or used with another 71840
and separate motor vehicle that in operation a part of its own 71841
weight or that of its load, or both, rests upon and is carried by 71842
the other vehicle furnishing the motive power for propelling 71843
itself and the vehicle referred to in this division, and includes, 71844
for the purpose only of registration and taxation under those 71845
chapters, any vehicle of the dolly type, such as a trailer dolly, 71846
that is designed or used for the conversion of a semitrailer into 71847
a trailer. 71848

(Q) "Recreational vehicle" means a vehicular portable 71849
structure that meets all of the following conditions: 71850

- (1) It is designed for the sole purpose of recreational travel. 71851
71852
- (2) It is not used for the purpose of engaging in business for profit. 71853
71854
- (3) It is not used for the purpose of engaging in intrastate commerce. 71855
71856
- (4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended. 71857
71858
- (5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 71859
71860
- (6) It is classed as one of the following: 71861
- (a) "Travel trailer" means a nonself-propelled recreational vehicle that does not exceed an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty square feet of space when erected on site. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code. 71862
71863
71864
71865
71866
71867
- (b) "Motor home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping. 71868
71869
71870
71871
- (c) "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling. 71872
71873
71874
71875
71876
71877
- (d) "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred square feet or less, 71878
71879
71880

that is constructed with a raised forward section that allows a 71881
bi-level floor plan, and that is designed to be towed by a vehicle 71882
equipped with a fifth-wheel hitch ordinarily installed in the bed 71883
of a truck. 71884

(e) "Park trailer" means a vehicle that is commonly known as 71885
a park model recreational vehicle, meets the American national 71886
standard institute standard A119.5 (1988) for park trailers, is 71887
built on a single chassis, has a gross trailer area of four 71888
hundred square feet or less when set up, is designed for seasonal 71889
or temporary living quarters, and may be connected to utilities 71890
necessary for the operation of installed features and appliances. 71891

(R) "Pneumatic tires" means tires of rubber and fabric or 71892
tires of similar material, that are inflated with air. 71893

(S) "Solid tires" means tires of rubber or similar elastic 71894
material that are not dependent upon confined air for support of 71895
the load. 71896

(T) "Solid tire vehicle" means any vehicle that is equipped 71897
with two or more solid tires. 71898

(U) "Farm machinery" means all machines and tools that are 71899
used in the production, harvesting, and care of farm products, and 71900
includes trailers that are used to transport agricultural produce 71901
or agricultural production materials between a local place of 71902
storage or supply and the farm, agricultural tractors, threshing 71903
machinery, hay-baling machinery, corn shellers, hammermills, and 71904
machinery used in the production of horticultural, agricultural, 71905
and vegetable products. 71906

(V) "Owner" includes any person or firm, other than a 71907
manufacturer or dealer, that has title to a motor vehicle, except 71908
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 71909
includes in addition manufacturers and dealers. 71910

(W) "Manufacturer" and "dealer" include all persons and firms 71911

that are regularly engaged in the business of manufacturing, 71912
selling, displaying, offering for sale, or dealing in motor 71913
vehicles, at an established place of business that is used 71914
exclusively for the purpose of manufacturing, selling, displaying, 71915
offering for sale, or dealing in motor vehicles. A place of 71916
business that is used for manufacturing, selling, displaying, 71917
offering for sale, or dealing in motor vehicles shall be deemed to 71918
be used exclusively for those purposes even though snowmobiles or 71919
all-purpose vehicles are sold or displayed for sale thereat, even 71920
though farm machinery is sold or displayed for sale thereat, or 71921
even though repair, accessory, gasoline and oil, storage, parts, 71922
service, or paint departments are maintained thereat, or, in any 71923
county having a population of less than seventy-five thousand at 71924
the last federal census, even though a department in a place of 71925
business is used to dismantle, salvage, or rebuild motor vehicles 71926
by means of used parts, if such departments are operated for the 71927
purpose of furthering and assisting in the business of 71928
manufacturing, selling, displaying, offering for sale, or dealing 71929
in motor vehicles. Places of business or departments in a place of 71930
business used to dismantle, salvage, or rebuild motor vehicles by 71931
means of using used parts are not considered as being maintained 71932
for the purpose of assisting or furthering the manufacturing, 71933
selling, displaying, and offering for sale or dealing in motor 71934
vehicles. 71935

(X) "Operator" includes any person who drives or operates a 71936
motor vehicle upon the public highways. 71937

(Y) "Chauffeur" means any operator who operates a motor 71938
vehicle, other than a taxicab, as an employee for hire; or any 71939
operator whether or not the owner of a motor vehicle, other than a 71940
taxicab, who operates such vehicle for transporting, for gain, 71941
compensation, or profit, either persons or property owned by 71942
another. Any operator of a motor vehicle who is voluntarily 71943

involved in a ridesharing arrangement is not considered an 71944
employee for hire or operating such vehicle for gain, 71945
compensation, or profit. 71946

(Z) "State" includes the territories and federal districts of 71947
the United States, and the provinces of Canada. 71948

(AA) "Public roads and highways" for vehicles includes all 71949
public thoroughfares, bridges, and culverts. 71950

(BB) "Manufacturer's number" means the manufacturer's 71951
original serial number that is affixed to or imprinted upon the 71952
chassis or other part of the motor vehicle. 71953

(CC) "Motor number" means the manufacturer's original number 71954
that is affixed to or imprinted upon the engine or motor of the 71955
vehicle. 71956

(DD) "Distributor" means any person who is authorized by a 71957
motor vehicle manufacturer to distribute new motor vehicles to 71958
licensed motor vehicle dealers at an established place of business 71959
that is used exclusively for the purpose of distributing new motor 71960
vehicles to licensed motor vehicle dealers, except when the 71961
distributor also is a new motor vehicle dealer, in which case the 71962
distributor may distribute at the location of the distributor's 71963
licensed dealership. 71964

(EE) "Ridesharing arrangement" means the transportation of 71965
persons in a motor vehicle where the transportation is incidental 71966
to another purpose of a volunteer driver and includes ridesharing 71967
arrangements known as carpools, vanpools, and buspools. 71968

(FF) "Apportionable vehicle" means any vehicle that is used 71969
or intended for use in two or more international registration plan 71970
member jurisdictions that allocate or proportionally register 71971
vehicles, that is used for the transportation of persons for hire 71972
or designed, used, or maintained primarily for the transportation 71973
of property, and that meets any of the following qualifications: 71974

(1) Is a power unit having a gross vehicle weight in excess 71975
of twenty-six thousand pounds; 71976

(2) Is a power unit having three or more axles, regardless of 71977
the gross vehicle weight; 71978

(3) Is a combination vehicle with a gross vehicle weight in 71979
excess of twenty-six thousand pounds. 71980

"Apportionable vehicle" does not include recreational 71981
vehicles, vehicles displaying restricted plates, city pick-up and 71982
delivery vehicles, ~~buses used for the transportation of chartered~~ 71983
~~parties,~~ or vehicles owned and operated by the United States, this 71984
state, or any political subdivisions thereof. 71985

(GG) "Chartered party" means a group of persons who contract 71986
as a group to acquire the exclusive use of a passenger-carrying 71987
motor vehicle at a fixed charge for the vehicle in accordance with 71988
the carrier's tariff, lawfully on file with the United States 71989
department of transportation, for the purpose of group travel to a 71990
specified destination or for a particular itinerary, either agreed 71991
upon in advance or modified by the chartered group after having 71992
left the place of origin. 71993

(HH) "International registration plan" means a reciprocal 71994
agreement of member jurisdictions that is endorsed by the American 71995
association of motor vehicle administrators, and that promotes and 71996
encourages the fullest possible use of the highway system by 71997
authorizing apportioned registration of fleets of vehicles and 71998
recognizing registration of vehicles apportioned in member 71999
jurisdictions. 72000

(II) "Restricted plate" means a license plate that has a 72001
restriction of time, geographic area, mileage, or commodity, and 72002
includes license plates issued to farm trucks under division (J) 72003
of section 4503.04 of the Revised Code. 72004

(JJ) "Gross vehicle weight," with regard to any commercial 72005

car, trailer, semitrailer, or bus that is taxed at the rates 72006
established under section 4503.042 or 4503.65 of the Revised Code, 72007
means the unladen weight of the vehicle fully equipped plus the 72008
maximum weight of the load to be carried on the vehicle. 72009

(KK) "Combined gross vehicle weight" with regard to any 72010
combination of a commercial car, trailer, and semitrailer, that is 72011
taxed at the rates established under section 4503.042 or 4503.65 72012
of the Revised Code, means the total unladen weight of the 72013
combination of vehicles fully equipped plus the maximum weight of 72014
the load to be carried on that combination of vehicles. 72015

(LL) "Chauffeured limousine" means a motor vehicle that is 72016
designed to carry nine or fewer passengers and is operated for 72017
hire pursuant to a prearranged contract for the transportation of 72018
passengers on public roads and highways along a route under the 72019
control of the person hiring the vehicle and not over a defined 72020
and regular route. "Prearranged contract" means an agreement, made 72021
in advance of boarding, to provide transportation from a specific 72022
location in a chauffeured limousine. "Chauffeured limousine" does 72023
not include any vehicle that is used exclusively in the business 72024
of funeral directing. 72025

(MM) "Manufactured home" has the same meaning as in division 72026
(C)(4) of section 3781.06 of the Revised Code. 72027

(NN) "Acquired situs," with respect to a manufactured home or 72028
a mobile home, means to become located in this state by the 72029
placement of the home on real property, but does not include the 72030
placement of a manufactured home or a mobile home in the inventory 72031
of a new motor vehicle dealer or the inventory of a manufacturer, 72032
remanufacturer, or distributor of manufactured or mobile homes. 72033

(OO) "Electronic" includes electrical, digital, magnetic, 72034
optical, electromagnetic, or any other form of technology that 72035
entails capabilities similar to these technologies. 72036

(PP) "Electronic record" means a record generated, 72037
communicated, received, or stored by electronic means for use in 72038
an information system or for transmission from one information 72039
system to another. 72040

(QQ) "Electronic signature" means a signature in electronic 72041
form attached to or logically associated with an electronic 72042
record. 72043

(RR) "Financial transaction device" has the same meaning as 72044
in division (A) of section 113.40 of the Revised Code. 72045

(SS) "Electronic motor vehicle dealer" means a motor vehicle 72046
dealer licensed under Chapter 4517. of the Revised Code whom the 72047
registrar of motor vehicles determines meets the criteria 72048
designated in section 4503.035 of the Revised Code for electronic 72049
motor vehicle dealers and designates as an electronic motor 72050
vehicle dealer under that section. 72051

(TT) "Electric personal assistive mobility device" means a 72052
self-balancing two non-tandem wheeled device that is designed to 72053
transport only one person, has an electric propulsion system of an 72054
average of seven hundred fifty watts, and when ridden on a paved 72055
level surface by an operator who weighs one hundred seventy pounds 72056
has a maximum speed of less than twenty miles per hour. 72057

(UU) "Limited driving privileges" means the privilege to 72058
operate a motor vehicle that a court grants under section 4510.021 72059
of the Revised Code to a person whose driver's or commercial 72060
driver's license or permit or nonresident operating privilege has 72061
been suspended. 72062

(VV) "Utility vehicle" means a self-propelled vehicle 72063
designed with a bed, principally for the purpose of transporting 72064
material or cargo in connection with construction, agricultural, 72065
forestry, grounds maintenance, lawn and garden, materials 72066
handling, or similar activities. "Utility vehicle" includes a 72067

vehicle with a maximum attainable speed of twenty miles per hour 72068
or less that is used exclusively within the boundaries of state 72069
parks by state park employees or volunteers for the operation or 72070
maintenance of state park facilities. 72071

Sec. 4501.21. (A) There is hereby created in the state 72072
treasury the license plate contribution fund. The fund shall 72073
consist of all contributions paid by motor vehicle registrants and 72074
collected by the registrar of motor vehicles pursuant to sections 72075
4503.491, 4503.492, 4503.493, 4503.494, 4503.496, 4503.498, 72076
4503.499, 4503.50, 4503.501, 4503.502, 4503.505, 4503.51, 72077
4503.522, 4503.523, 4503.524, 4503.525, 4503.526, 4503.531, 72078
4503.534, 4503.545, 4503.55, 4503.551, 4503.552, 4503.553, 72079
4503.554, 4503.561, 4503.562, 4503.564, 4503.576, 4503.591, 72080
4503.67, 4503.68, 4503.69, 4503.701, 4503.71, 4503.711, 4503.712, 72081
4503.713, 4503.72, 4503.73, 4503.732, 4503.74, 4503.75, 4503.751, 72082
4503.85, 4503.86, 4503.89, 4503.90, 4503.92, and 4503.94 of the 72083
Revised Code. 72084

(B) The registrar shall pay the contributions the registrar 72085
collects in the fund as follows: 72086

The registrar shall pay the contributions received pursuant 72087
to section 4503.491 of the Revised Code to the breast cancer fund 72088
of Ohio, which shall use that money only to pay for programs that 72089
provide assistance and education to Ohio breast cancer patients 72090
and that improve access for such patients to quality health care 72091
and clinical trials and shall not use any of the money for 72092
abortion information, counseling, services, or other 72093
abortion-related activities. 72094

The registrar shall pay the contributions the registrar 72095
receives pursuant to section 4503.492 of the Revised Code to the 72096
organization cancer support community central Ohio, which shall 72097
deposit the money into the Sheryl L. Kraner Fund of that 72098

organization. Cancer support community central Ohio shall expend 72099
the money it receives pursuant to this division only in the same 72100
manner and for the same purposes as that organization expends 72101
other money in that fund. 72102

The registrar shall pay the contributions received pursuant 72103
to section 4503.493 of the Revised Code to the autism society of 72104
Ohio, which shall use the contributions for programs and autism 72105
awareness efforts throughout the state. 72106

The registrar shall pay the contributions the registrar 72107
receives pursuant to section 4503.494 of the Revised Code to the 72108
national multiple sclerosis society for distribution in equal 72109
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 72110
chapters of the national multiple sclerosis society. These 72111
chapters shall use the money they receive under this section to 72112
assist in paying the expenses they incur in providing services 72113
directly to their clients. 72114

The registrar shall pay the contributions the registrar 72115
receives pursuant to section 4503.496 of the Revised Code to the 72116
Ohio sickle cell and health association, which shall use the 72117
contributions to help support educational, clinical, and social 72118
support services for adults who have sickle cell disease. 72119

The registrar shall pay the contributions the registrar 72120
receives pursuant to section 4503.498 of the Revised Code to 72121
special olympics Ohio, inc., which shall use the contributions for 72122
its programs, charitable efforts, and other activities. 72123

The registrar shall pay the contributions the registrar 72124
receives pursuant to section 4503.499 of the Revised Code to the 72125
children's glioma cancer foundation, which shall use the 72126
contributions for its research and other programs. 72127

The registrar shall pay the contributions the registrar 72128
receives pursuant to section 4503.50 of the Revised Code to the 72129

future farmers of America foundation, which shall deposit the 72130
contributions into its general account to be used for educational 72131
and scholarship purposes of the future farmers of America 72132
foundation. 72133

The registrar shall pay the contributions the registrar 72134
receives pursuant to section 4503.501 of the Revised Code to the 72135
4-H youth development program of the Ohio state university 72136
extension program, which shall use those contributions to pay the 72137
expenses it incurs in conducting its educational activities. 72138

The registrar shall pay the contributions received pursuant 72139
to section 4503.502 of the Revised Code to the Ohio cattlemen's 72140
foundation, which shall use those contributions for scholarships 72141
and other educational activities. 72142

The registrar shall pay the contributions received pursuant 72143
to section 4503.505 of the Revised Code to the organization Ohio 72144
region phi theta kappa, which shall use those contributions for 72145
scholarships for students who are members of that organization. 72146

The registrar shall pay each contribution the registrar 72147
receives pursuant to section 4503.51 of the Revised Code to the 72148
university or college whose name or marking or design appears on 72149
collegiate license plates that are issued to a person under that 72150
section. A university or college that receives contributions from 72151
the fund shall deposit the contributions into its general 72152
scholarship fund. 72153

The registrar shall pay the contributions the registrar 72154
receives pursuant to section 4503.522 of the Revised Code to the 72155
"friends of Perry's victory and international peace memorial, 72156
incorporated," a nonprofit corporation organized under the laws of 72157
this state, to assist that organization in paying the expenses it 72158
incurs in sponsoring or holding charitable, educational, and 72159
cultural events at the monument. 72160

The registrar shall pay the contributions the registrar receives pursuant to section 4503.523 of the Revised Code to the fairport lights foundation, which shall use the money to pay for the restoration, maintenance, and preservation of the lighthouses of fairport harbor.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.524 of the Revised Code to the Massillon tiger football booster club, which shall use the contributions only to promote and support the football team of Washington high school of the Massillon city school district.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.525 of the Revised Code to the United States power squadron districts seven, eleven, twenty-four, and twenty-nine in equal amounts. Each power squadron district shall use the money it receives under this section to pay for the educational boating programs each district holds or sponsors within this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.526 of the Revised Code to the Ohio district Kiwanis foundation of the Ohio district of Kiwanis international, which shall use the money it receives under this section to pay the costs of its educational and humanitarian activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.531 of the Revised Code to the thank you foundation, incorporated, a nonprofit corporation organized under the laws of this state, to assist that organization in paying for the charitable activities and programs it sponsors in support of United States military personnel, veterans, and their families.

The registrar shall pay the contributions the registrar

receives pursuant to section 4503.534 of the Revised Code to the 72192
disabled American veterans department of Ohio, to be used for 72193
programs that serve disabled American veterans and their families. 72194

The registrar shall pay the contributions the registrar 72195
receives pursuant to section 4503.55 of the Revised Code to the 72196
pro football hall of fame, which shall deposit the contributions 72197
into a special bank account that it establishes and which shall be 72198
separate and distinct from any other account the pro football hall 72199
of fame maintains, to be used exclusively for the purpose of 72200
promoting the pro football hall of fame as a travel destination. 72201

The registrar shall pay the contributions that are paid to 72202
the registrar pursuant to section 4503.545 of the Revised Code to 72203
the national rifle association foundation, which shall use the 72204
money to pay the costs of the educational activities and programs 72205
the foundation holds or sponsors in this state. 72206

The registrar shall pay to the Ohio pet fund the 72207
contributions the registrar receives pursuant to section 4503.551 72208
of the Revised Code and any other money from any other source, 72209
including donations, gifts, and grants, that is designated by the 72210
source to be paid to the Ohio pet fund. The Ohio pet fund shall 72211
use the moneys it receives under this section to support programs 72212
for the sterilization of dogs and cats and for educational 72213
programs concerning the proper veterinary care of those animals, 72214
and for expenses of the Ohio pet fund that are reasonably 72215
necessary for it to obtain and maintain its tax-exempt status and 72216
to perform its duties. 72217

The registrar shall pay the contributions the registrar 72218
receives pursuant to section 4503.552 of the Revised Code to the 72219
rock and roll hall of fame and museum, incorporated. 72220

The registrar shall pay the contributions the registrar 72221
receives pursuant to section 4503.553 of the Revised Code to the 72222

Ohio coalition for animals, incorporated, a nonprofit corporation. 72223
Except as provided in division (B) of this section, the coalition 72224
shall distribute the money to its members, and the members shall 72225
use the money only to pay for educational, charitable, and other 72226
programs of each coalition member that provide care for unwanted, 72227
abused, and neglected horses. The Ohio coalition for animals may 72228
use a portion of the money to pay for reasonable marketing costs 72229
incurred in the design and promotion of the license plate and for 72230
administrative costs incurred in the disbursement and management 72231
of funds received under this section. 72232

The registrar shall pay the contributions the registrar 72233
receives pursuant to section 4503.554 of the Revised Code to the 72234
Ohio state council of the knights of Columbus, which shall use the 72235
contributions to pay for its charitable activities and programs. 72236

The registrar shall pay the contributions the registrar 72237
receives pursuant to section 4503.561 of the Revised Code to the 72238
state of Ohio chapter of ducks unlimited, inc., which shall 72239
deposit the contributions into a special bank account that it 72240
establishes. The special bank account shall be separate and 72241
distinct from any other account the state of Ohio chapter of ducks 72242
unlimited, inc., maintains and shall be used exclusively for the 72243
purpose of protecting, enhancing, restoring, and managing wetlands 72244
and conserving wildlife habitat. The state of Ohio chapter of 72245
ducks unlimited, inc., annually shall notify the registrar in 72246
writing of the name, address, and account to which such payments 72247
are to be made. 72248

The registrar shall pay the contributions the registrar 72249
receives pursuant to section 4503.562 of the Revised Code to the 72250
Mahoning river consortium, which shall use the money to pay the 72251
expenses it incurs in restoring and maintaining the Mahoning river 72252
watershed. 72253

The registrar shall pay the contributions the registrar 72254

receives pursuant to section 4503.564 of the Revised Code to 72255
Antioch college for the use of the Glen Helen ecology institute to 72256
pay expenses related to the Glen Helen nature preserve. 72257

The registrar shall pay the contributions the registrar 72258
receives pursuant to section 4503.576 of the Revised Code to the 72259
Ohio state beekeepers association, which shall use those 72260
contributions to promote beekeeping, provide educational 72261
information about beekeeping, and to support other state and local 72262
beekeeping programs. 72263

The registrar shall pay to a sports commission created 72264
pursuant to section 4503.591 of the Revised Code each contribution 72265
the registrar receives under that section that an applicant pays 72266
to obtain license plates that bear the logo of a professional 72267
sports team located in the county of that sports commission and 72268
that is participating in the license plate program pursuant to 72269
division (E) of that section, irrespective of the county of 72270
residence of an applicant. 72271

The registrar shall pay to a community charity each 72272
contribution the registrar receives under section 4503.591 of the 72273
Revised Code that an applicant pays to obtain license plates that 72274
bear the logo of a professional sports team that is participating 72275
in the license plate program pursuant to division (G) of that 72276
section. 72277

The registrar shall pay the contributions the registrar 72278
receives pursuant to section 4503.67 of the Revised Code to the 72279
Dan Beard council of the boy scouts of America. The council shall 72280
distribute all contributions in an equitable manner throughout the 72281
state to regional councils of the boy scouts. 72282

The registrar shall pay the contributions the registrar 72283
receives pursuant to section 4503.68 of the Revised Code to the 72284
great river council of the girl scouts of the United States of 72285

America. The council shall distribute all contributions in an 72286
equitable manner throughout the state to regional councils of the 72287
girl scouts. 72288

The registrar shall pay the contributions the registrar 72289
receives pursuant to section 4503.69 of the Revised Code to the 72290
Dan Beard council of the boy scouts of America. The council shall 72291
distribute all contributions in an equitable manner throughout the 72292
state to regional councils of the boy scouts. 72293

The registrar shall pay the contributions the registrar 72294
receives pursuant to section 4503.701 of the Revised Code to the 72295
Prince Hall grand lodge of free and accepted masons of Ohio, which 72296
shall use the contributions for scholarship purposes. 72297

The registrar shall pay the contributions the registrar 72298
receives pursuant to section 4503.71 of the Revised Code to the 72299
fraternal order of police of Ohio, incorporated, which shall 72300
deposit the fees into its general account to be used for purposes 72301
of the fraternal order of police of Ohio, incorporated. 72302

The registrar shall pay the contributions the registrar 72303
receives pursuant to section 4503.711 of the Revised Code to the 72304
fraternal order of police of Ohio, incorporated, which shall 72305
deposit the contributions into an account that it creates to be 72306
used for the purpose of advancing and protecting the law 72307
enforcement profession, promoting improved law enforcement 72308
methods, and teaching respect for law and order. 72309

The registrar shall pay the contributions received pursuant 72310
to section 4503.712 of the Revised Code to Ohio concerns of police 72311
survivors, which shall use those contributions to provide whatever 72312
assistance may be appropriate to the families of Ohio law 72313
enforcement officers who are killed in the line of duty. 72314

The registrar shall pay the contributions received pursuant 72315
to section 4503.713 of the Revised Code to the greater Cleveland 72316

peace officers memorial society, which shall use those 72317
contributions to honor law enforcement officers who have died in 72318
the line of duty and support its charitable purposes. 72319

The registrar shall pay the contributions the registrar 72320
receives pursuant to section 4503.72 of the Revised Code to the 72321
organization known on March 31, 2003, as the Ohio CASA/GAL 72322
association, a private, nonprofit corporation organized under 72323
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 72324
shall use these contributions to pay the expenses it incurs in 72325
administering a program to secure the proper representation in the 72326
courts of this state of abused, neglected, and dependent children, 72327
and for the training and supervision of persons participating in 72328
that program. 72329

The registrar shall pay the contributions the registrar 72330
receives pursuant to section 4503.73 of the Revised Code to Wright 72331
B. Flyer, incorporated, which shall deposit the contributions into 72332
its general account to be used for purposes of Wright B. Flyer, 72333
incorporated. 72334

The registrar shall pay the contributions the registrar 72335
receives pursuant to section 4503.732 of the Revised Code to the 72336
Siegel & Shuster society, a nonprofit organization dedicated to 72337
commemorating and celebrating the creation of Superman in 72338
Cleveland, Ohio. 72339

The registrar shall pay the contributions the registrar 72340
receives pursuant to section 4503.74 of the Revised Code to the 72341
Columbus zoological park association, which shall disburse the 72342
moneys to Ohio's major metropolitan zoos, as defined in section 72343
4503.74 of the Revised Code, in accordance with a written 72344
agreement entered into by the major metropolitan zoos. 72345

The registrar shall pay the contributions the registrar 72346
receives pursuant to section 4503.75 of the Revised Code to the 72347

rotary foundation, located on March 31, 2003, in Evanston, 72348
Illinois, to be placed in a fund known as the permanent fund and 72349
used to endow educational and humanitarian programs of the rotary 72350
foundation. 72351

The registrar shall pay the contributions the registrar 72352
receives pursuant to section 4503.751 of the Revised Code to the 72353
Ohio association of realtors, which shall deposit the 72354
contributions into a property disaster relief fund maintained 72355
under the Ohio realtors charitable and education foundation. 72356

The registrar shall pay the contributions the registrar 72357
receives pursuant to section 4503.85 of the Revised Code to the 72358
Ohio sea grant college program to be used for Lake Erie area 72359
research projects. 72360

The registrar shall pay the contributions the registrar 72361
receives pursuant to section 4503.86 of the Revised Code to the 72362
Ohio Lincoln highway historic byway, which shall use those 72363
contributions solely to promote and support the historical 72364
preservation and advertisement of the Lincoln highway in this 72365
state. 72366

The registrar shall pay the contributions the registrar 72367
receives pursuant to section 4503.89 of the Revised Code to the 72368
American red cross of greater Columbus on behalf of the Ohio 72369
chapters of the American red cross, which shall use the 72370
contributions for disaster readiness, preparedness, and response 72371
programs on a statewide basis. 72372

The registrar shall pay the contributions the registrar 72373
receives pursuant to section 4503.90 of the Revised Code to the 72374
nationwide children's hospital foundation. 72375

The registrar shall pay the contributions received pursuant 72376
to section 4503.92 of the Revised Code to support our troops, 72377
incorporated, a national nonprofit corporation, which shall use 72378

those contributions in accordance with its articles of 72379
incorporation and for the benefit of servicemembers of the armed 72380
forces of the United States and their families when they are in 72381
financial need. 72382

The registrar shall pay the contributions the registrar 72383
receives pursuant to section 4503.94 of the Revised Code to the 72384
Michelle's leading star foundation, which shall use the money 72385
solely to fund the rental, lease, or purchase of the simulated 72386
driving curriculum of the Michelle's leading star foundation by 72387
boards of education of city, exempted village, local, and joint 72388
vocational school districts. 72389

(C) All investment earnings of the license plate contribution 72390
fund shall be credited to the fund. Not later than the first day 72391
of May of every year, the registrar shall distribute to each 72392
entity described in division (B) of this section the investment 72393
income the fund earned the previous calendar year. The amount of 72394
such a distribution paid to an entity shall be proportionate to 72395
the amount of money the entity received from the fund during the 72396
previous calendar year. 72397

Sec. 4503.181. (A) As used in this section, "historical motor 72398
vehicle" means any motor vehicle that is more than twenty-five 72399
years old and that is owned solely as a collector's item and for 72400
participation in club activities, exhibitions, tours, parades, and 72401
similar uses. A historical motor vehicle shall not be used for 72402
general transportation, but may be operated on the public roads 72403
and highways to and from a location where maintenance is performed 72404
on the vehicle. 72405

(B) In lieu of the annual license tax levied in sections 72406
4503.02 and 4503.04 of the Revised Code, a license fee of ten 72407
dollars is levied on the operation of a historical motor vehicle. 72408

(C) A person who owns a historical motor vehicle and applies 72409

for ~~a historical~~ license ~~plates~~ plate under this section shall 72410
execute an affidavit that the vehicle for which ~~plates are~~ the 72411
plate is requested is owned and operated solely for the purposes 72412
enumerated in division (A) of this section, ~~and. The affidavit~~ 72413
~~also setting shall set forth in the affidavit~~ that the vehicle has 72414
been inspected and found safe to operate on the public roads and 72415
highways in the state. A person who owns a historical motor 72416
vehicle and desires to display a model year license ~~plates~~ plate 72417
on the vehicle as permitted by this section shall execute at the 72418
time of registration an affidavit setting forth that the model 72419
year license ~~plates~~ plate the person desires to display on the 72420
person's historical motor vehicle ~~are~~ is a legible and serviceable 72421
license ~~plates~~ plate that originally ~~were~~ was issued by this 72422
state. No registration issued pursuant to this section need 72423
specify the weight of the vehicle. 72424

(D) A vehicle registered under this section may display 72425
either a historical vehicle license ~~plates~~ plate issued by the 72426
registrar of motor vehicles or a model year license ~~plates~~ plate 72427
procured by the applicant. ~~Historical~~ A historical vehicle license 72428
~~plates~~ plate shall not bear a date, but shall bear the inscription 72429
"Historical Vehicle--Ohio" and the registration number, which 72430
shall be shown thereon. ~~Model~~ A model year license ~~plates~~ plate 72431
shall be a legible and serviceable license ~~plates~~ plate issued by 72432
this state and inscribed with the date of the year corresponding 72433
to the model year when the vehicle was manufactured. 72434
~~Notwithstanding section 4503.21 of the Revised Code, only one~~ Two 72435
~~model year license plate is required to~~ plates, duplicates of each 72436
other, may be displayed on the rear of the historical motor 72437
vehicle at ~~all times~~ any time, one plate on the front and one 72438
plate on the rear of the vehicle. The registration certificate and 72439
the historical vehicle license ~~plates~~ plate issued by the 72440
registrar shall be kept in the vehicle at all times the vehicle is 72441
operated on the public roads and highways in this state. 72442

Notwithstanding section 4503.21 of the Revised Code, the owner of a historical motor vehicle that was manufactured for military purposes and that is registered under this section may display the assigned registration number of the vehicle by painting the number on the front and rear of the vehicle. The number shall be painted, in accordance with the size and style specifications established for numerals and letters shown on license plates in section 4503.22 of the Revised Code, in a color that contrasts clearly with the color of the vehicle, and shall be legible and visible at all times. Upon application for registration under this section and payment of the license fee prescribed in division (B) of this section, the owner of such a historical motor vehicle shall be issued a historical vehicle license plate. The registration certificate and ~~at least one such~~ the license plate shall be kept in the vehicle at all times the vehicle is operated on the public roads and highways in this state. If ownership of such a vehicle is transferred, the transferor shall surrender the historical vehicle license ~~plates~~ plate or transfer ~~them~~ it to another historical motor vehicle the transferor owns, and remove or obliterate the registration numbers painted on the vehicle.

(E) Historical vehicle and model year license plates are valid without renewal as long as the vehicle for which they were issued or procured is in existence. ~~Historical~~ A historical vehicle ~~plates are~~ plate is issued for the owner's use only for such vehicle unless later transferred to another historical motor vehicle owned by that person. In order to effect such a transfer, the owner of the historical motor vehicle that originally displayed the historical vehicle ~~plates~~ plate shall comply with division (C) of this section. In the event of a transfer of title, the transferor shall surrender ~~the~~ historical vehicle license ~~plates~~ plate or transfer ~~them~~ it to another historical motor vehicle owned by the transferor, but a model year license plate or

plates may be retained by the transferor. The registrar may revoke 72476
license plates issued under this section, for cause shown and 72477
after hearing, for failure of the applicant to comply with this 72478
section. Upon revocation, a historical vehicle license plates 72479
plate shall be surrendered; a model year license plate or plates 72480
may be retained, but the plate or plates are no longer ~~are~~ valid 72481
for display on the vehicle. 72482

(F) The owner of a historical motor vehicle bearing a 72483
historical vehicle license ~~plates~~ plate may replace ~~them~~ it with a 72484
model year license ~~plates~~ plate by surrendering the historical 72485
vehicle license ~~plates~~ plate and motor vehicle certificate of 72486
registration to the registrar. The owner, at the time of 72487
registration, shall execute an affidavit setting forth that the 72488
model year ~~plates are~~ plate is a legible and serviceable license 72489
~~plates~~ plate that originally ~~were~~ was issued by this state. Such 72490
an owner is required to pay the license fee prescribed by division 72491
(B) of this section, but the owner is not required to have the 72492
historical motor vehicle reinspected under division (C) of this 72493
section. 72494

A person who owns a historical motor vehicle bearing a model 72495
year license ~~plates~~ plate may replace ~~them~~ it with a historical 72496
vehicle license ~~plates~~ plate by surrendering the motor vehicle 72497
certificate of registration and applying for issuance of a 72498
historical vehicle license ~~plates~~ plate. Such a person is required 72499
to pay the license fee prescribed by division (B) of this section, 72500
but the person is not required to have the historical motor 72501
vehicle reinspected under division (C) of this section. 72502

Sec. 4503.535. (A) The owner or lessee of any passenger car, 72503
noncommercial motor vehicle, recreational vehicle, motorcycle, 72504
motorized bicycle or moped, trailer, or other vehicle of a class 72505
approved by the registrar of motor vehicles, and, effective 72506

January 1, 2017, the owner or lessee of any motor-driven cycle or 72507
motor scooter or cab-enclosed motorcycle, may apply to the 72508
registrar for the registration of the vehicle and issuance of 72509
POW/MIA awareness license plates. The application for POW/MIA 72510
awareness license plates may be combined with a request for a 72511
special reserved license plate under section 4503.40 or 4503.42 of 72512
the Revised Code. Upon receipt of the completed application and 72513
compliance with division (B) of this section, the registrar shall 72514
issue to the applicant the appropriate vehicle registration and a 72515
set of POW/MIA awareness license plates with a validation sticker, 72516
or a validation sticker alone when required by section 4503.191 of 72517
the Revised Code. 72518

In addition to the letters and numbers ordinarily inscribed 72519
thereon, POW/MIA awareness license plates shall bear the markings 72520
designed by rolling thunder, inc., chapter 1 Ohio. POW/MIA 72521
awareness license plates, except for motorcycle, motorized 72522
bicycle, or moped license plates, also shall bear the words "not 72523
forgotten." The registrar shall approve the final design. POW/MIA 72524
awareness license plates shall bear county identification stickers 72525
that identify the county of registration by name or number. 72526

(B) POW/MIA awareness license plates and validation stickers 72527
shall be issued upon payment of the regular license tax as 72528
prescribed under section 4503.04 of the Revised Code, any 72529
applicable motor vehicle tax levied under Chapter 4504. of the 72530
Revised Code, a bureau of motor vehicles administrative fee of ten 72531
dollars, the contribution specified in division (C) of this 72532
section, and compliance with all other applicable laws relating to 72533
the registration of motor vehicles. If the application for POW/MIA 72534
awareness license plates is combined with a request for a special 72535
reserved license plate under section 4503.40 or 4503.42 of the 72536
Revised Code, the license plates and validation sticker shall be 72537
issued upon payment of the contribution, fees, and taxes contained 72538

in this division and the additional fee prescribed under section 72539
4503.40 or 4503.42 of the Revised Code. 72540

(C) For each application for registration and registration 72541
renewal submitted under this section, the registrar shall collect 72542
a contribution of twenty-five dollars. The registrar shall pay 72543
this contribution into the state treasury to the credit of the 72544
military injury relief fund created in section ~~5101.98~~ 5902.05 of 72545
the Revised Code. 72546

The registrar shall pay the ten-dollar bureau administrative 72547
fee, the purpose of which is to compensate the bureau for 72548
additional services required in issuing POW/MIA awareness license 72549
plates, into the state treasury to the credit of the state bureau 72550
of motor vehicles fund created in section 4501.25 of the Revised 72551
Code. 72552

Sec. 4503.581. (A) As used in this section, "vehicle" 72553
includes a passenger car, noncommercial motor vehicle, 72554
recreational vehicle, or other vehicle of a class approved by the 72555
registrar of motor vehicles. 72556

(B) Any woman who is a retired or honorably discharged 72557
veteran of any branch of the armed forces of the United States may 72558
apply to the registrar for the registration of any vehicle the 72559
woman owns or leases and the issuance of "Women Veterans" license 72560
plates. An applicant shall include with an application such 72561
written evidence that the registrar shall require by rule 72562
documenting that the applicant is a retired or honorably 72563
discharged veteran of any branch of the armed forces of the United 72564
States. The application may be combined with a request for a 72565
special reserved license plate under section 4503.40 or 4503.42 of 72566
the Revised Code. 72567

(C) The registrar shall issue to an applicant the appropriate 72568
motor vehicle registration and a set of "Women Veterans" license 72569

plates and a validation sticker, or a validation sticker alone 72570
when required by section 4503.191 of the Revised Code, upon the 72571
occurrence of all of the following: 72572

(1) Receipt by the registrar of an application for 72573
registration of a motor vehicle under this section; 72574

(2) Presentation to the registrar of satisfactory evidence 72575
documenting that the applicant is a retired or honorably 72576
discharged veteran of a branch of the armed forces of the United 72577
States; 72578

(3) Payment of the regular license fee as prescribed in 72579
section 4503.04 of the Revised Code, any local motor vehicle 72580
license tax levied under Chapter 4504. of the Revised Code, and 72581
any applicable additional fee prescribed by section 4503.40 or 72582
4503.42 of the Revised Code; and 72583

(4) Compliance with all other applicable laws relating to the 72584
registration of motor vehicles. 72585

(D) In addition to the letters and numbers ordinarily 72586
inscribed thereon, "Women Veterans" license plates shall contain 72587
the words "Women Veterans." The license plates also shall contain 72588
one of the following inscriptions, as appropriate: "U.S. ARMED 72589
FORCES RETIRED--(BRANCH OF SERVICE)" or "U.S. ARMED FORCES 72590
VETERAN--(BRANCH OF SERVICE)." Depending upon the format of the 72591
inscription, the registrar shall determine whether or not the 72592
inscription contains the dash. The license plates shall bear 72593
county identification stickers that identify the county of 72594
registration by name or number. 72595

(E) Sections 4503.77 and 4503.78 of the Revised Code do not 72596
apply to license plates issued under this section. 72597

(F)(1) No person who is not a woman and is not a retired or 72598
honorably discharged veteran of any branch of the armed forces of 72599
the United States shall willfully and falsely represent that the 72600

person is such a veteran for the purpose of obtaining license 72601
plates under this section. No person shall permit a motor vehicle 72602
owned or leased by the person to bear license plates issued under 72603
this section unless the person is eligible to be issued such 72604
license plates. 72605

(2) Whoever violates division (F)(1) of this section is 72606
guilty of falsification. 72607

Sec. 4503.77. (A) As used in this section: 72608

(1) "Nonstandard license plate" means all of the following: 72609

(a) A license plate issued under sections 4503.52, 4503.55, 72610
4503.56, 4503.57, 4503.70, 4503.71, 4503.72, and 4503.75 of the 72611
Revised Code; 72612

(b) A license plate issued under a program that is 72613
reestablished under division (D) of this section and that meets 72614
the requirements contained in division (B) of section 4503.78 of 72615
the Revised Code; 72616

(c) Except as may otherwise be specifically provided by law, 72617
any license plate created after August 21, 1997. 72618

(2) For purposes of license plates issued under sections 72619
4503.503 and 4503.504 of the Revised Code, "sponsor" includes the 72620
Ohio agriculture license plate scholarship fund board created in 72621
section 901.90 of the Revised Code and the director of 72622
agriculture. 72623

(B)(1) If, during any calendar year ~~commencing with 1998~~, the 72624
total number of motor vehicle registrations involving a particular 72625
type of nonstandard license plate is less than ~~five hundred~~ 72626
twenty-five, including both new registrations and registration 72627
renewals, the registrar of motor vehicles, on or after the first 72628
day of January, but not later than the fifteenth day of January of 72629
the following year, shall send a written notice to the sponsor of 72630

that type of nonstandard license plate, if a sponsor exists, 72631
informing the sponsor of this fact. The registrar also shall 72632
inform the sponsor that if, during the calendar year in which the 72633
written notice is sent, the total number of motor vehicle 72634
registrations involving the sponsor's nonstandard license plate 72635
again is less than ~~five-hundred~~ twenty-five, the program involving 72636
that type of nonstandard license plate will be terminated on the 72637
thirty-first day of December of the calendar year in which the 72638
written notice is sent and, except as provided in division (C) of 72639
this section, no motor vehicle registration application involving 72640
either the actual issuance of that type of nonstandard license 72641
plate or the registration renewal of a motor vehicle displaying 72642
that type of nonstandard license plate will be accepted by the 72643
registrar or a deputy registrar beginning the first day of January 72644
of the next calendar year. The registrar also shall inform the 72645
sponsor that if the program involving the sponsor's nonstandard 72646
license plate is terminated under this section, it may be 72647
reestablished pursuant to division (D) of this section. 72648

(2) If, during any calendar year ~~commencing with 1998~~, the 72649
total number of motor vehicle registrations involving a particular 72650
type of nonstandard license plate is less than ~~five-hundred~~ 72651
twenty-five, including both new registrations and registration 72652
renewals, and no sponsor exists for that license plate, the 72653
registrar shall issue a public notice on or after the first day of 72654
January, but not later than the fifteenth day of January of the 72655
following year, stating that fact. The notice also shall inform 72656
the public that if, during the calendar year in which the 72657
registrar issues the public notice, the total number of motor 72658
vehicle registrations for that type of nonstandard license plate, 72659
including both new registrations and registration renewals, again 72660
is less than ~~five-hundred~~ twenty-five, the program involving that 72661
type of nonstandard license plate will be terminated on the 72662
thirty-first day of December of the calendar year in which the 72663

registrar issues the public notice and, except as provided in 72664
division (C) of this section, no motor vehicle registration 72665
application involving either the actual issuance of that type of 72666
nonstandard license plate or the registration renewal of a motor 72667
vehicle displaying that type of nonstandard license plate will be 72668
accepted by the registrar or a deputy registrar beginning on the 72669
first day of January of the next calendar year. 72670

(C) If the program involving a type of nonstandard license 72671
plate is terminated under division (B) of this section, the 72672
registration of any motor vehicle displaying that type of 72673
nonstandard license plate at the time of termination may be 72674
renewed so long as the nonstandard license plates remain 72675
serviceable. If the nonstandard license plates of such a motor 72676
vehicle become unfit for service, the owner of the motor vehicle 72677
may apply for the issuance of nonstandard license plates of that 72678
same type, but the registrar or deputy registrar shall issue such 72679
nonstandard license plates only if at the time of application the 72680
stock of the bureau contains license plates of that type of 72681
nonstandard license plate. If, at the time of such application, 72682
the stock of the bureau does not contain license plates of that 72683
type of nonstandard license plate, the registrar or deputy 72684
registrar shall inform the owner of that fact, and the application 72685
shall be refused. 72686

If the program involving a type of nonstandard license plate 72687
is terminated under division (B) of this section and the 72688
registration of motor vehicles displaying such license plates 72689
continues as permitted by this division, the registrar, for as 72690
long as such registrations continue to be issued, shall continue 72691
to collect and distribute any contribution that was required to be 72692
collected and distributed prior to the termination of that 72693
program. 72694

(D) If the program involving a nonstandard license plate is 72695

terminated under division (B)(1) of this section, the sponsor of 72696
that license plate may apply to the registrar for the 72697
reestablishment of the program. If the program involving that 72698
nonstandard license plate is reestablished, the reestablishment is 72699
subject to division (B) of section 4503.78 of the Revised Code. 72700

Sec. 4503.771. (A) The sponsor of a nonstandard license 72701
plate, as defined in section 4503.77 of the Revised Code, shall 72702
verify the contact information for that sponsor by the first day 72703
of December of each year on a form established by the registrar of 72704
motor vehicles. If the sponsor fails to verify such contact 72705
information by the thirty-first day of December of any year, the 72706
registrar, beginning the first day of January of the following 72707
year, shall transmit the contribution for each registration 72708
involving that nonstandard license plate to the treasurer of state 72709
for deposit into the general revenue fund, instead of for deposit 72710
in the license plate contribution fund created in section 4501.21 72711
of the Revised Code. The registrar also immediately shall send a 72712
notice to the sponsor that no additional funds will be deposited 72713
into the license plate contribution fund until the contact 72714
information form is received by the registrar. Upon receiving the 72715
contact information form, the registrar shall resume transmitting 72716
the contributions received for that license plate to the treasurer 72717
of state for deposit into the license plate contribution fund and 72718
later distribution to the sponsor. 72719

(B) If the sponsor of a nonstandard license plate ceases to 72720
exist, the registrar shall deposit the contributions for the 72721
associated license plate into the general revenue fund. If that 72722
sponsor is later reestablished, the sponsor shall submit to the 72723
registrar written confirmation of the sponsor's reestablishment 72724
along with the contact information form. Upon receipt of the 72725
confirmation and form, the registrar shall resume transmitting all 72726
contributions received for the associated license plate into the 72727

license plate contribution fund for later distribution to the 72728
sponsor. 72729

Sec. 4503.78. (A) Except as may otherwise be specifically 72730
provided by law, ~~after the effective date of this section,~~ the 72731
registrar of motor vehicles ~~shall~~ is not ~~be~~ required to implement 72732
any legislation that creates a license plate and provides for its 72733
issuance until the registrar receives written statements from not 72734
less than ~~five~~ one hundred fifty persons, indicating that they 72735
intend to apply for and obtain such license plates for their motor 72736
vehicles. The registrar may require such statements to be made on 72737
a form the registrar provides. 72738

(B) If a program involving a nonstandard license plate is 72739
terminated under division (B)(1) of section 4503.77 of the Revised 72740
Code, the sponsor of that license plate may apply to the registrar 72741
for the reestablishment of that program, as permitted by division 72742
(D) of that section. The registrar shall not reestablish the 72743
program involving that nonstandard license plate until the 72744
registrar receives written statements from not less than ~~five~~ 72745
~~hundred~~ twenty-five persons, indicating that they intend to apply 72746
for and obtain such license plates for their motor vehicles. The 72747
registrar may require such statements to be made on a form 72748
approved by the registrar. 72749

In determining whether ~~five hundred~~ twenty-five persons have 72750
so indicated their intentions, the registrar shall include in the 72751
total the number of motor vehicles that continue to display the 72752
nonstandard license plate of the terminated program, as permitted 72753
by division (C) of section 4503.77 of the Revised Code. 72754

Sec. 4503.86. (A) The owner or lessee of any passenger car, 72755
noncommercial motor vehicle, recreational vehicle, or other 72756
vehicle of a class approved by the registrar of motor vehicles may 72757

apply to the registrar for the registration of the vehicle and the 72758
issuance of "Lincoln highway" license plates. An application made 72759
under this section may be combined with a request for a special 72760
reserved license plate under section 4503.40 or 4503.42 of the 72761
Revised Code. Upon receipt of the completed application and 72762
compliance by the applicant with divisions (B) and (C) of this 72763
section, the registrar shall issue to the applicant the 72764
appropriate vehicle registration and a set of "Lincoln highway" 72765
license plates and a validation sticker, or a validation sticker 72766
alone when required by section 4503.191 of the Revised Code. 72767

In addition to the letters and numbers ordinarily inscribed 72768
on the license plates, "Lincoln highway" license plates shall be 72769
inscribed with identifying words or markings that are designed by 72770
the Ohio Lincoln highway historic byway, and approved by the 72771
registrar. "Lincoln highway" license plates shall display county 72772
identification stickers that identify the county of registration 72773
by name or number. 72774

(B) "Lincoln highway" license plates and a validation 72775
sticker, or validation sticker alone, shall be issued upon receipt 72776
of a contribution as provided in division (C)(1) of this section 72777
and upon payment of the regular license tax as prescribed under 72778
section 4503.04 of the Revised Code, any applicable motor vehicle 72779
license tax levied under Chapter 4504. of the Revised Code, any 72780
applicable additional fee prescribed by section 4503.40 or 4503.42 72781
of the Revised Code, a bureau of motor vehicles administrative fee 72782
of ten dollars, and compliance with all other applicable laws 72783
relating to the registration of motor vehicles. 72784

(C)(1) For each application for registration and registration 72785
renewal notice the registrar receives under this section, the 72786
registrar shall collect a contribution of twenty dollars. The 72787
registrar shall deposit this contribution into the state treasury 72788

to the credit of the license plate contribution fund created in 72789
section 4501.21 of the Revised Code. 72790

(2) The registrar shall deposit the bureau administrative fee 72791
of ten dollars, the purpose of which is to compensate the bureau 72792
for additional services required in the issuing of "Lincoln 72793
highway" license plates, into the state treasury to the credit of 72794
the state bureau of motor vehicles fund created in section 4501.25 72795
of the Revised Code. 72796

Sec. 4505.06. (A)(1) Application for a certificate of title 72797
shall be made in a form prescribed by the registrar of motor 72798
vehicles and shall be sworn to before a notary public or other 72799
officer empowered to administer oaths. The application shall be 72800
filed with the clerk of any court of common pleas. An application 72801
for a certificate of title may be filed electronically by any 72802
electronic means approved by the registrar in any county with the 72803
clerk of the court of common pleas of that county. Any payments 72804
required by this chapter shall be considered as accompanying any 72805
electronically transmitted application when payment actually is 72806
received by the clerk. Payment of any fee or taxes may be made by 72807
electronic transfer of funds. 72808

(2) The application for a certificate of title shall be 72809
accompanied by the fee prescribed in section 4505.09 of the 72810
Revised Code. The fee shall be retained by the clerk who issues 72811
the certificate of title and shall be distributed in accordance 72812
with that section. If a clerk of a court of common pleas, other 72813
than the clerk of the court of common pleas of an applicant's 72814
county of residence, issues a certificate of title to the 72815
applicant, the clerk shall transmit data related to the 72816
transaction to the automated title processing system. 72817

(3) If a certificate of title previously has been issued for 72818
a motor vehicle in this state, the application for a certificate 72819

of title also shall be accompanied by that certificate of title 72820
duly assigned, unless otherwise provided in this chapter. If a 72821
certificate of title previously has not been issued for the motor 72822
vehicle in this state, the application, unless otherwise provided 72823
in this chapter, shall be accompanied by a manufacturer's or 72824
importer's certificate or by a certificate of title of another 72825
state from which the motor vehicle was brought into this state. If 72826
the application refers to a motor vehicle last previously 72827
registered in another state, the application also shall be 72828
accompanied by the physical inspection certificate required by 72829
section 4505.061 of the Revised Code. If the application is made 72830
by two persons regarding a motor vehicle in which they wish to 72831
establish joint ownership with right of survivorship, they may do 72832
so as provided in section 2131.12 of the Revised Code. If the 72833
applicant requests a designation of the motor vehicle in 72834
beneficiary form so that upon the death of the owner of the motor 72835
vehicle, ownership of the motor vehicle will pass to a designated 72836
transfer-on-death beneficiary or beneficiaries, the applicant may 72837
do so as provided in section 2131.13 of the Revised Code. A person 72838
who establishes ownership of a motor vehicle that is transferable 72839
on death in accordance with section 2131.13 of the Revised Code 72840
may terminate that type of ownership or change the designation of 72841
the transfer-on-death beneficiary or beneficiaries by applying for 72842
a certificate of title pursuant to this section. The clerk shall 72843
retain the evidence of title presented by the applicant and on 72844
which the certificate of title is issued, except that, if an 72845
application for a certificate of title is filed electronically by 72846
an electronic motor vehicle dealer on behalf of the purchaser of a 72847
motor vehicle, the clerk shall retain the completed electronic 72848
record to which the dealer converted the certificate of title 72849
application and other required documents. The registrar, after 72850
consultation with the attorney general, shall adopt rules that 72851
govern the location at which, and the manner in which, are stored 72852

the actual application and all other documents relating to the 72853
sale of a motor vehicle when an electronic motor vehicle dealer 72854
files the application for a certificate of title electronically on 72855
behalf of the purchaser. Not later than December 31, 2011, the 72856
registrar shall enable all electronic motor vehicle dealers to 72857
file applications for certificates of title on behalf of 72858
purchasers of motor vehicles electronically directly with the 72859
registrar and not through a third party. 72860

The clerk shall use reasonable diligence in ascertaining 72861
whether or not the facts in the application for a certificate of 72862
title are true by checking the application and documents 72863
accompanying it or the electronic record to which a dealer 72864
converted the application and accompanying documents with the 72865
records of motor vehicles in the clerk's office. If the clerk is 72866
satisfied that the applicant is the owner of the motor vehicle and 72867
that the application is in the proper form, the clerk, within five 72868
business days after the application is filed and except as 72869
provided in section 4505.021 of the Revised Code, shall issue a 72870
physical certificate of title over the clerk's signature and 72871
sealed with the clerk's seal, unless the applicant specifically 72872
requests the clerk not to issue a physical certificate of title 72873
and instead to issue an electronic certificate of title. For 72874
purposes of the transfer of a certificate of title, if the clerk 72875
is satisfied that the secured party has duly discharged a lien 72876
notation but has not canceled the lien notation with a clerk, the 72877
clerk may cancel the lien notation on the automated title 72878
processing system and notify the clerk of the county of origin. 72879

(4) In the case of the sale of a motor vehicle to a general 72880
buyer or user by a dealer, by a motor vehicle leasing dealer 72881
selling the motor vehicle to the lessee or, in a case in which the 72882
leasing dealer subleased the motor vehicle, the sublessee, at the 72883
end of the lease agreement or sublease agreement, or by a 72884

manufactured housing broker, the certificate of title shall be 72885
obtained in the name of the buyer by the dealer, leasing dealer, 72886
or manufactured housing broker, as the case may be, upon 72887
application signed by the buyer. The certificate of title shall be 72888
issued, or the process of entering the certificate of title 72889
application information into the automated title processing system 72890
if a physical certificate of title is not to be issued shall be 72891
completed, within five business days after the application for 72892
title is filed with the clerk. If the buyer of the motor vehicle 72893
previously leased the motor vehicle and is buying the motor 72894
vehicle at the end of the lease pursuant to that lease, the 72895
certificate of title shall be obtained in the name of the buyer by 72896
the motor vehicle leasing dealer who previously leased the motor 72897
vehicle to the buyer or by the motor vehicle leasing dealer who 72898
subleased the motor vehicle to the buyer under a sublease 72899
agreement. 72900

In all other cases, except as provided in section 4505.032 72901
and division (D)(2) of section 4505.11 of the Revised Code, such 72902
certificates shall be obtained by the buyer. 72903

(5)(a)(i) If the certificate of title is being obtained in 72904
the name of the buyer by a motor vehicle dealer or motor vehicle 72905
leasing dealer and there is a security interest to be noted on the 72906
certificate of title, the dealer or leasing dealer shall submit 72907
the application for the certificate of title and, if required by 72908
division (B)(5) of this section, payment of the applicable tax, to 72909
a clerk within seven business days after the later of the delivery 72910
of the motor vehicle to the buyer or the date the dealer or 72911
leasing dealer obtains the manufacturer's or importer's 72912
certificate, or certificate of title issued in the name of the 72913
dealer or leasing dealer, for the motor vehicle. Submission of the 72914
application for the certificate of title and payment, if required, 72915
of the applicable tax within the required seven business days may 72916

be indicated by postmark or receipt by a clerk within that period. 72917

(ii) Upon receipt of the certificate of title with the 72918
security interest noted on its face, the dealer or leasing dealer 72919
shall forward the certificate of title to the secured party at the 72920
location noted in the financing documents or otherwise specified 72921
by the secured party. 72922

(iii) A motor vehicle dealer or motor vehicle leasing dealer 72923
is liable to a secured party for a late fee of ten dollars per day 72924
for each certificate of title application and, if required by 72925
division (B)(5) of this section, payment of the applicable tax 72926
~~that is,~~ submitted to a clerk more than seven business days but 72927
less than twenty-one days after the later of the delivery of the 72928
motor vehicle to the buyer or the date the dealer or leasing 72929
dealer obtains the manufacturer's or importer's certificate, or 72930
certificate of title issued in the name of the dealer or leasing 72931
dealer, for the motor vehicle and, from then on, twenty-five 72932
dollars per day until the application and any applicable tax are 72933
submitted to a clerk. 72934

(b) In all cases of transfer of a motor vehicle except the 72935
transfer of a manufactured home or mobile home, the application 72936
for certificate of title shall be filed within thirty days after 72937
the assignment or delivery of the motor vehicle. 72938

(c) An application for a certificate of title for a new 72939
manufactured home shall be filed within thirty days after the 72940
delivery of the new manufactured home to the purchaser. The date 72941
of the delivery shall be the date on which an occupancy permit for 72942
the manufactured home is delivered to the purchaser of the home by 72943
the appropriate legal authority. 72944

(d) An application for a certificate of title for a used 72945
manufactured home or a used mobile home shall be filed as follows: 72946

(i) If a certificate of title for the used manufactured home 72947

or used mobile home was issued to the motor vehicle dealer prior 72948
to the sale of the manufactured or mobile home to the purchaser, 72949
the application for certificate of title shall be filed within 72950
thirty days after the date on which an occupancy permit for the 72951
manufactured or mobile home is delivered to the purchaser by the 72952
appropriate legal authority. 72953

(ii) If the motor vehicle dealer has been designated by a 72954
secured party to display the manufactured or mobile home for sale, 72955
or to sell the manufactured or mobile home under section 4505.20 72956
of the Revised Code, but the certificate of title has not been 72957
transferred by the secured party to the motor vehicle dealer, and 72958
the dealer has complied with the requirements of division (A) of 72959
section 4505.181 of the Revised Code, the application for 72960
certificate of title shall be filed within thirty days after the 72961
date on which the motor vehicle dealer obtains the certificate of 72962
title for the home from the secured party or the date on which an 72963
occupancy permit for the manufactured or mobile home is delivered 72964
to the purchaser by the appropriate legal authority, whichever 72965
occurs later. 72966

(6) If an application for a certificate of title is not filed 72967
within the period specified in division (A)(5)(b), (c), or (d) of 72968
this section, the clerk shall collect a fee of five dollars for 72969
the issuance of the certificate, except that no such fee shall be 72970
required from a motor vehicle salvage dealer, as defined in 72971
division (A) of section 4738.01 of the Revised Code, who 72972
immediately surrenders the certificate of title for cancellation. 72973
The fee shall be in addition to all other fees established by this 72974
chapter, and shall be retained by the clerk. The registrar shall 72975
provide, on the certificate of title form prescribed by section 72976
4505.07 of the Revised Code, language necessary to give evidence 72977
of the date on which the assignment or delivery of the motor 72978
vehicle was made. 72979

(7) As used in division (A) of this section, "lease agreement," "lessee," and "sublease agreement" have the same meanings as in section 4505.04 of the Revised Code and "new manufactured home," "used manufactured home," and "used mobile home" have the same meanings as in section 5739.0210 of the Revised Code.

(B)(1) The clerk, except as otherwise provided in this section, shall refuse to accept for filing any application for a certificate of title and shall refuse to issue a certificate of title unless the dealer or the applicant, in cases in which the certificate shall be obtained by the buyer, submits with the application payment of the tax levied by or pursuant to Chapters 5739. and 5741. of the Revised Code based on the purchaser's county of residence. Upon payment of the tax in accordance with division (E) of this section, the clerk shall issue a receipt prescribed by the registrar and agreed upon by the tax commissioner showing payment of the tax or a receipt issued by the commissioner showing the payment of the tax. When submitting payment of the tax to the clerk, a dealer shall retain any discount to which the dealer is entitled under section 5739.12 of the Revised Code.

(2) For receiving and disbursing such taxes paid to the clerk by a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent, and the clerk shall pay the poundage fee into the certificate of title administration fund created by section 325.33 of the Revised Code. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county.

A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The registrar,

in consultation with the tax commissioner and the clerks of the 73012
courts of common pleas, shall develop a report from the automated 73013
title processing system that informs each clerk of the amount of 73014
the poundage fees that the clerk is permitted to retain from those 73015
taxes because of certificates of title issued by the clerks of 73016
other counties to applicants who reside in the first clerk's 73017
county. 73018

(3) In the case of casual sales of motor vehicles, as defined 73019
in section 4517.01 of the Revised Code, the price for the purpose 73020
of determining the tax shall be the purchase price on the assigned 73021
certificate of title executed by the seller and filed with the 73022
clerk by the buyer on a form to be prescribed by the registrar, 73023
which shall be prima-facie evidence of the amount for the 73024
determination of the tax. 73025

(4) Each county clerk shall forward to the treasurer of state 73026
all sales and use tax collections resulting from sales of motor 73027
vehicles, off-highway motorcycles, and all-purpose vehicles during 73028
a calendar week on or before the Friday following the close of 73029
that week. If, on any Friday, the offices of the clerk of courts 73030
or the state are not open for business, the tax shall be forwarded 73031
to the treasurer of state on or before the next day on which the 73032
offices are open. Every remittance of tax under division (B)(4) of 73033
this section shall be accompanied by a remittance report in such 73034
form as the tax commissioner prescribes. Upon receipt of a tax 73035
remittance and remittance report, the treasurer of state shall 73036
date stamp the report and forward it to the tax commissioner. If 73037
the tax due for any week is not remitted by a clerk of courts as 73038
required under division (B)(4) of this section, the commissioner 73039
may require the clerk to forfeit the poundage fees for the sales 73040
made during that week. The treasurer of state may require the 73041
clerks of courts to transmit tax collections and remittance 73042
reports electronically. 73043

(5) A new or used motor vehicle dealer licensed in this 73044
state, in lieu of remitting the tax levied by or pursuant to 73045
Chapters 5739. and 5741. of the Revised Code to the clerk under 73046
this section, may elect to submit to the clerk a certificate 73047
acknowledging the sale or lease of the motor vehicle, stating the 73048
purchaser's county of residence, and pledging that the dealer will 73049
report and remit the tax due as required by section 5739.12 or 73050
5741.12 of the Revised Code, whichever is applicable. For each 73051
dealer that makes an election under this section, the tax 73052
commissioner shall deposit into the certificate of title 73053
administration fund created under section 325.33 of the Revised 73054
Code an amount equal to the poundage fees that the clerk would be 73055
entitled to retain if the dealer had remitted the tax due to the 73056
clerk under division (A)(5)(a) of this section. The registrar, in 73057
consultation with the commissioner and the clerks of courts of 73058
common pleas, shall develop a report from the automated title 73059
processing system that informs each clerk and the commissioner of 73060
the amount of the poundage fees that each clerk is permitted to 73061
receive from taxes collected by the commissioner because of the 73062
certificates of title issued by the clerks. A motor vehicle dealer 73063
that does not report and remit the tax due pursuant to an election 73064
under division (B)(5) of this section shall pay the tax to the 73065
clerk of courts as provided in division (A)(5)(a) of this section. 73066

(C)(1) If the transferor indicates on the certificate of 73067
title that the odometer reflects mileage in excess of the designed 73068
mechanical limit of the odometer, the clerk shall enter the phrase 73069
"exceeds mechanical limits" following the mileage designation. If 73070
the transferor indicates on the certificate of title that the 73071
odometer reading is not the actual mileage, the clerk shall enter 73072
the phrase "nonactual: warning - odometer discrepancy" following 73073
the mileage designation. The clerk shall use reasonable care in 73074
transferring the information supplied by the transferor, but is 73075
not liable for any errors or omissions of the clerk or those of 73076

the clerk's deputies in the performance of the clerk's duties 73077
created by this chapter. 73078

The registrar shall prescribe an affidavit in which the 73079
transferor shall swear to the true selling price and, except as 73080
provided in this division, the true odometer reading of the motor 73081
vehicle. The registrar may prescribe an affidavit in which the 73082
seller and buyer provide information pertaining to the odometer 73083
reading of the motor vehicle in addition to that required by this 73084
section, as such information may be required by the United States 73085
secretary of transportation by rule prescribed under authority of 73086
subchapter IV of the "Motor Vehicle Information and Cost Savings 73087
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 73088

(2) Division (C)(1) of this section does not require the 73089
giving of information concerning the odometer and odometer reading 73090
of a motor vehicle when ownership of a motor vehicle is being 73091
transferred as a result of a bequest, under the laws of intestate 73092
succession, to a survivor pursuant to section 2106.18, 2131.12, or 73093
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 73094
beneficiaries pursuant to section 2131.13 of the Revised Code, in 73095
connection with the creation of a security interest or for a 73096
vehicle with a gross vehicle weight rating of more than sixteen 73097
thousand pounds. 73098

(D) When the transfer to the applicant was made in some other 73099
state or in interstate commerce, the clerk, except as provided in 73100
this section, shall refuse to issue any certificate of title 73101
unless the tax imposed by or pursuant to Chapter 5741. of the 73102
Revised Code based on the purchaser's county of residence has been 73103
paid as evidenced by a receipt issued by the tax commissioner, or 73104
unless the applicant submits with the application payment of the 73105
tax. Upon payment of the tax in accordance with division (E) of 73106
this section, the clerk shall issue a receipt prescribed by the 73107
registrar and agreed upon by the tax commissioner, showing payment 73108

of the tax. 73109

For receiving and disbursing such taxes paid to the clerk by 73110
a resident of the clerk's county, the clerk may retain a poundage 73111
fee of one and one one-hundredth per cent. The clerk shall not 73112
retain a poundage fee from payments of taxes by persons who do not 73113
reside in the clerk's county. 73114

A clerk, however, may retain from the taxes paid to the clerk 73115
an amount equal to the poundage fees associated with certificates 73116
of title issued by other clerks of courts of common pleas to 73117
applicants who reside in the first clerk's county. The registrar, 73118
in consultation with the tax commissioner and the clerks of the 73119
courts of common pleas, shall develop a report from the automated 73120
title processing system that informs each clerk of the amount of 73121
the poundage fees that the clerk is permitted to retain from those 73122
taxes because of certificates of title issued by the clerks of 73123
other counties to applicants who reside in the first clerk's 73124
county. 73125

When the vendor is not regularly engaged in the business of 73126
selling motor vehicles, the vendor shall not be required to 73127
purchase a vendor's license or make reports concerning those 73128
sales. 73129

(E) The clerk shall accept any payment of a tax in cash, or 73130
by cashier's check, certified check, draft, money order, or teller 73131
check issued by any insured financial institution payable to the 73132
clerk and submitted with an application for a certificate of title 73133
under division (B) or (D) of this section. The clerk also may 73134
accept payment of the tax by corporate, business, or personal 73135
check, credit card, electronic transfer or wire transfer, debit 73136
card, or any other accepted form of payment made payable to the 73137
clerk. The clerk may require bonds, guarantees, or letters of 73138
credit to ensure the collection of corporate, business, or 73139
personal checks. Any service fee charged by a third party to a 73140

clerk for the use of any form of payment may be paid by the clerk 73141
from the certificate of title administration fund created in 73142
section 325.33 of the Revised Code, or may be assessed by the 73143
clerk upon the applicant as an additional fee. Upon collection, 73144
the additional fees shall be paid by the clerk into that 73145
certificate of title administration fund. 73146

The clerk shall make a good faith effort to collect any 73147
payment of taxes due but not made because the payment was returned 73148
or dishonored, but the clerk is not personally liable for the 73149
payment of uncollected taxes or uncollected fees. The clerk shall 73150
notify the tax commissioner of any such payment of taxes that is 73151
due but not made and shall furnish the information to the 73152
commissioner that the commissioner requires. The clerk shall 73153
deduct the amount of taxes due but not paid from the clerk's 73154
periodic remittance of tax payments, in accordance with procedures 73155
agreed upon by the tax commissioner. The commissioner may collect 73156
taxes due by assessment in the manner provided in section 5739.13 73157
of the Revised Code. 73158

Any person who presents payment that is returned or 73159
dishonored for any reason is liable to the clerk for payment of a 73160
penalty over and above the amount of the taxes due. The clerk 73161
shall determine the amount of the penalty, and the penalty shall 73162
be no greater than that amount necessary to compensate the clerk 73163
for banking charges, legal fees, or other expenses incurred by the 73164
clerk in collecting the returned or dishonored payment. The 73165
remedies and procedures provided in this section are in addition 73166
to any other available civil or criminal remedies. Subsequently 73167
collected penalties, poundage fees, and title fees, less any title 73168
fee due the state, from returned or dishonored payments collected 73169
by the clerk shall be paid into the certificate of title 73170
administration fund. Subsequently collected taxes, less poundage 73171
fees, shall be sent by the clerk to the treasurer of state at the 73172

next scheduled periodic remittance of tax payments, with 73173
information as the commissioner may require. The clerk may abate 73174
all or any part of any penalty assessed under this division. 73175

(F) In the following cases, the clerk shall accept for filing 73176
an application and shall issue a certificate of title without 73177
requiring payment or evidence of payment of the tax: 73178

(1) When the purchaser is this state or any of its political 73179
subdivisions, a church, or an organization whose purchases are 73180
exempted by section 5739.02 of the Revised Code; 73181

(2) When the transaction in this state is not a retail sale 73182
as defined by section 5739.01 of the Revised Code; 73183

(3) When the purchase is outside this state or in interstate 73184
commerce and the purpose of the purchaser is not to use, store, or 73185
consume within the meaning of section 5741.01 of the Revised Code; 73186

(4) When the purchaser is the federal government; 73187

(5) When the motor vehicle was purchased outside this state 73188
for use outside this state; 73189

(6) When the motor vehicle is purchased by a nonresident 73190
under the circumstances described in division (B)(1) of section 73191
5739.029 of the Revised Code, and upon presentation of a copy of 73192
the affidavit provided by that section, and a copy of the 73193
exemption certificate provided by section 5739.03 of the Revised 73194
Code; 73195

(7) When the applicant is a new or used motor vehicle dealer 73196
that makes an election and submits a certificate under division 73197
(B)(5) of this section. 73198

(G) An application, as prescribed by the registrar and agreed 73199
to by the tax commissioner, shall be filled out and sworn to by 73200
the buyer of a motor vehicle in a casual sale. The application 73201
shall contain the following notice in bold lettering: "WARNING TO 73202

TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 73203
law to state the true selling price. A false statement is in 73204
violation of section 2921.13 of the Revised Code and is punishable 73205
by six months' imprisonment or a fine of up to one thousand 73206
dollars, or both. All transfers are audited by the department of 73207
taxation. The seller and buyer must provide any information 73208
requested by the department of taxation. The buyer may be assessed 73209
any additional tax found to be due." 73210

(H) For sales of manufactured homes or mobile homes occurring 73211
on or after January 1, 2000, the clerk shall accept for filing, 73212
pursuant to Chapter 5739. of the Revised Code, an application for 73213
a certificate of title for a manufactured home or mobile home 73214
without requiring payment of any tax pursuant to section 5739.02, 73215
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 73216
issued by the tax commissioner showing payment of the tax. For 73217
sales of manufactured homes or mobile homes occurring on or after 73218
January 1, 2000, the applicant shall pay to the clerk an 73219
additional fee of five dollars for each certificate of title 73220
issued by the clerk for a manufactured or mobile home pursuant to 73221
division (H) of section 4505.11 of the Revised Code and for each 73222
certificate of title issued upon transfer of ownership of the 73223
home. The clerk shall credit the fee to the county certificate of 73224
title administration fund, and the fee shall be used to pay the 73225
expenses of archiving those certificates pursuant to division (A) 73226
of section 4505.08 and division (H)(3) of section 4505.11 of the 73227
Revised Code. The tax commissioner shall administer any tax on a 73228
manufactured or mobile home pursuant to Chapters 5739. and 5741. 73229
of the Revised Code. 73230

(I) Every clerk shall have the capability to transact by 73231
electronic means all procedures and transactions relating to the 73232
issuance of motor vehicle certificates of title that are described 73233
in the Revised Code as being accomplished by electronic means. 73234

Sec. 4507.21. (A) Each applicant for a driver's license shall 73235
file an application in the office of the registrar of motor 73236
vehicles or of a deputy registrar. 73237

(B)(1) Each person under eighteen years of age applying for a 73238
driver's license issued in this state shall present satisfactory 73239
evidence of having successfully completed any one of the 73240
following: 73241

(a) A driver education course approved by the state 73242
department of education prior to December 31, 2003. 73243

(b) A driver training course approved by the director of 73244
public safety. 73245

(c) A driver training course comparable to a driver education 73246
or driver training course described in division (B)(1)(a) or (b) 73247
of this section and administered by a branch of the armed forces 73248
of the United States and completed by the applicant while residing 73249
outside this state for the purpose of being with or near any 73250
person serving in the armed forces of the United States. 73251

(2) Each person under eighteen years of age applying for a 73252
driver's license also shall present, on a form prescribed by the 73253
registrar, an affidavit signed by an eligible adult attesting that 73254
the person has acquired at least fifty hours of actual driving 73255
experience, with at least ten of those hours being at night. 73256

(C) Each Commencing one year after the effective date of the 73257
rules adopted pursuant to division (F) of section 4508.02 of the 73258
Revised Code that govern the abbreviated driver training course, 73259
each applicant for an initial driver's license who is eighteen 73260
years of age or older and who failed the road or maneuverability 73261
test required under division (A)(2) of section 4507.11 of the 73262
Revised Code shall present satisfactory evidence of having 73263
successfully completed ~~an~~ the abbreviated driver training course 73264

for adults, approved by the director of public safety, prior to 73265
attempting the test a second or subsequent time. 73266

(D) If the registrar or deputy registrar determines that the 73267
applicant is entitled to the driver's license, it shall be issued. 73268
If the application shows that the applicant's license has been 73269
previously canceled or suspended, the deputy registrar shall 73270
forward the application to the registrar, who shall determine 73271
whether the license shall be granted. 73272

(E) An applicant shall file an application in duplicate, and 73273
the deputy registrar issuing the license shall immediately forward 73274
to the office of the registrar the original copy of the 73275
application, together with the duplicate copy of any certificate 73276
of completion if issued for purposes of division (B) of this 73277
section. The registrar shall prescribe rules as to the manner in 73278
which the deputy registrar files and maintains the applications 73279
and other records. The registrar shall file every application for 73280
a driver's or commercial driver's license and index them by name 73281
and number, and shall maintain a suitable record of all licenses 73282
issued, all convictions and bond forfeitures, all applications for 73283
licenses denied, and all licenses that have been suspended or 73284
canceled. 73285

(F) For purposes of section 2313.06 of the Revised Code, the 73286
registrar shall maintain accurate and current lists of the 73287
residents of each county who are eighteen years of age or older, 73288
have been issued, on and after January 1, 1984, driver's or 73289
commercial driver's licenses that are valid and current, and would 73290
be electors if they were registered to vote, regardless of whether 73291
they actually are registered to vote. The lists shall contain the 73292
names, addresses, dates of birth, duration of residence in this 73293
state, citizenship status, and social security numbers, if the 73294
numbers are available, of the licensees, and may contain any other 73295
information that the registrar considers suitable. 73296

(G) Each person under eighteen years of age applying for a motorcycle operator's endorsement or a restricted license enabling the applicant to operate a motorcycle shall present satisfactory evidence of having completed the courses of instruction in the motorcycle safety and education program described in section 4508.08 of the Revised Code or a comparable course of instruction administered by a branch of the armed forces of the United States and completed by the applicant while residing outside this state for the purpose of being with or near any person serving in the armed forces of the United States. If the registrar or deputy registrar then determines that the applicant is entitled to the endorsement or restricted license, it shall be issued.

(H) No person shall knowingly make a false statement in an affidavit presented in accordance with division (B)(2) of this section.

(I) As used in this section, "eligible adult" means any of the following persons:

(1) A parent, guardian, or custodian of the applicant;

(2) A person over the age of twenty-one who acts in loco parentis of the applicant and who maintains proof of financial responsibility with respect to the operation of a motor vehicle owned by the applicant or with respect to the applicant's operation of any motor vehicle.

(J) Whoever violates division (H) of this section is guilty of a minor misdemeanor and shall be fined one hundred dollars.

Sec. 4511.0915. (A) On or before July 31, 2015, any local authority that has operated a traffic law photo-monitoring device between March 23, 2015, and June 30, 2015, shall file either a report or statement of compliance with the auditor of state as follows:

(1) If the local authority operated any traffic law photo-monitoring device without fully complying with sections 4511.092 to 4511.0914 of the Revised Code, the local authority shall file a report that includes a detailed statement of the civil fines the local authority has billed to drivers for any violation of any municipal ordinance that is based upon evidence recorded by a traffic law photo-monitoring device, including the gross amount of fines that have been billed.

(2) If the local authority has fully complied with sections 4511.092 to 4511.0914 of the Revised Code, in lieu of a report, the local authority shall submit a signed statement affirming compliance with all requirements of those sections.

(B) Beginning with the three-month period that commences July 1, 2015, and ends September 30, 2015, and for each three-month period thereafter, during which a local authority has operated a traffic law photo-monitoring device, the local authority shall file either a report or a signed statement of compliance with the auditor of state in the same manner as described in division (A) of this section. The local authority shall file the report or statement not later than thirty days after the end of the applicable three-month period.

(C) The auditor of state shall do all of the following:

(1) Immediately forward a copy of each report or signed statement of compliance received under this section to the tax commissioner for purposes of calculating payments under section 5747.50 of the Revised Code;

(2) Notify the commissioner of each subdivision required to file a report or signed statement that did not do so;

(3) Notify the commissioner when a subdivision that is the subject of a notification under division (C)(2) of this section files all reports or signed statements the subdivision is required

to file. 73358

Sec. 4511.191. (A)(1) As used in this section: 73359

(a) "Physical control" has the same meaning as in section 73360
4511.194 of the Revised Code. 73361

(b) "Alcohol monitoring device" means any device that 73362
provides for continuous alcohol monitoring, any ignition interlock 73363
device, any immobilizing or disabling device other than an 73364
ignition interlock device that is constantly available to monitor 73365
the concentration of alcohol in a person's system, or any other 73366
device that provides for the automatic testing and periodic 73367
reporting of alcohol consumption by a person and that a court 73368
orders a person to use as a sanction imposed as a result of the 73369
person's conviction of or plea of guilty to an offense. 73370

(c) "Community addiction services provider" has the same 73371
meaning as in section 5119.01 of the Revised Code. 73372

(2) Any person who operates a vehicle, streetcar, or 73373
trackless trolley upon a highway or any public or private property 73374
used by the public for vehicular travel or parking within this 73375
state or who is in physical control of a vehicle, streetcar, or 73376
trackless trolley shall be deemed to have given consent to a 73377
chemical test or tests of the person's whole blood, blood serum or 73378
plasma, breath, or urine to determine the alcohol, drug of abuse, 73379
controlled substance, metabolite of a controlled substance, or 73380
combination content of the person's whole blood, blood serum or 73381
plasma, breath, or urine if arrested for a violation of division 73382
(A) or (B) of section 4511.19 of the Revised Code, section 73383
4511.194 of the Revised Code or a substantially equivalent 73384
municipal ordinance, or a municipal OVI ordinance. 73385

(3) The chemical test or tests under division (A)(2) of this 73386
section shall be administered at the request of a law enforcement 73387

officer having reasonable grounds to believe the person was 73388
operating or in physical control of a vehicle, streetcar, or 73389
trackless trolley in violation of a division, section, or 73390
ordinance identified in division (A)(2) of this section. The law 73391
enforcement agency by which the officer is employed shall 73392
designate which of the tests shall be administered. 73393

(4) Any person who is dead or unconscious, or who otherwise 73394
is in a condition rendering the person incapable of refusal, shall 73395
be deemed to have consented as provided in division (A)(2) of this 73396
section, and the test or tests may be administered, subject to 73397
sections 313.12 to 313.16 of the Revised Code. 73398

(5)(a) If a law enforcement officer arrests a person for a 73399
violation of division (A) or (B) of section 4511.19 of the Revised 73400
Code, section 4511.194 of the Revised Code or a substantially 73401
equivalent municipal ordinance, or a municipal OVI ordinance and 73402
if the person if convicted would be required to be sentenced under 73403
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 73404
Code, the law enforcement officer shall request the person to 73405
submit, and the person shall submit, to a chemical test or tests 73406
of the person's whole blood, blood serum or plasma, breath, or 73407
urine for the purpose of determining the alcohol, drug of abuse, 73408
controlled substance, metabolite of a controlled substance, or 73409
combination content of the person's whole blood, blood serum or 73410
plasma, breath, or urine. A law enforcement officer who makes a 73411
request pursuant to this division that a person submit to a 73412
chemical test or tests is not required to advise the person of the 73413
consequences of submitting to, or refusing to submit to, the test 73414
or tests and is not required to give the person the form described 73415
in division (B) of section 4511.192 of the Revised Code, but the 73416
officer shall advise the person at the time of the arrest that if 73417
the person refuses to take a chemical test the officer may employ 73418
whatever reasonable means are necessary to ensure that the person 73419

submits to a chemical test of the person's whole blood or blood 73420
serum or plasma. The officer shall also advise the person at the 73421
time of the arrest that the person may have an independent 73422
chemical test taken at the person's own expense. Divisions (A)(3) 73423
and (4) of this section apply to the administration of a chemical 73424
test or tests pursuant to this division. 73425

(b) If a person refuses to submit to a chemical test upon a 73426
request made pursuant to division (A)(5)(a) of this section, the 73427
law enforcement officer who made the request may employ whatever 73428
reasonable means are necessary to ensure that the person submits 73429
to a chemical test of the person's whole blood or blood serum or 73430
plasma. A law enforcement officer who acts pursuant to this 73431
division to ensure that a person submits to a chemical test of the 73432
person's whole blood or blood serum or plasma is immune from 73433
criminal and civil liability based upon a claim for assault and 73434
battery or any other claim for the acts, unless the officer so 73435
acted with malicious purpose, in bad faith, or in a wanton or 73436
reckless manner. 73437

(B)(1) Upon receipt of the sworn report of a law enforcement 73438
officer who arrested a person for a violation of division (A) or 73439
(B) of section 4511.19 of the Revised Code, section 4511.194 of 73440
the Revised Code or a substantially equivalent municipal 73441
ordinance, or a municipal OVI ordinance that was completed and 73442
sent to the registrar of motor vehicles and a court pursuant to 73443
section 4511.192 of the Revised Code in regard to a person who 73444
refused to take the designated chemical test, the registrar shall 73445
enter into the registrar's records the fact that the person's 73446
driver's or commercial driver's license or permit or nonresident 73447
operating privilege was suspended by the arresting officer under 73448
this division and that section and the period of the suspension, 73449
as determined under this section. The suspension shall be subject 73450
to appeal as provided in section 4511.197 of the Revised Code. The 73451

suspension shall be for whichever of the following periods 73452
applies: 73453

(a) Except when division (B)(1)(b), (c), or (d) of this 73454
section applies and specifies a different class or length of 73455
suspension, the suspension shall be a class C suspension for the 73456
period of time specified in division (B)(3) of section 4510.02 of 73457
the Revised Code. 73458

(b) If the arrested person, within six years of the date on 73459
which the person refused the request to consent to the chemical 73460
test, had refused one previous request to consent to a chemical 73461
test or had been convicted of or pleaded guilty to one violation 73462
of division (A) or (B) of section 4511.19 of the Revised Code or 73463
one other equivalent offense, the suspension shall be a class B 73464
suspension imposed for the period of time specified in division 73465
(B)(2) of section 4510.02 of the Revised Code. 73466

(c) If the arrested person, within six years of the date on 73467
which the person refused the request to consent to the chemical 73468
test, had refused two previous requests to consent to a chemical 73469
test, had been convicted of or pleaded guilty to two violations of 73470
division (A) or (B) of section 4511.19 of the Revised Code or 73471
other equivalent offenses, or had refused one previous request to 73472
consent to a chemical test and also had been convicted of or 73473
pleaded guilty to one violation of division (A) or (B) of section 73474
4511.19 of the Revised Code or other equivalent offenses, which 73475
violation or offense arose from an incident other than the 73476
incident that led to the refusal, the suspension shall be a class 73477
A suspension imposed for the period of time specified in division 73478
(B)(1) of section 4510.02 of the Revised Code. 73479

(d) If the arrested person, within six years of the date on 73480
which the person refused the request to consent to the chemical 73481
test, had refused three or more previous requests to consent to a 73482
chemical test, had been convicted of or pleaded guilty to three or 73483

more violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused a number of previous requests to consent to a chemical test and also had been convicted of or pleaded guilty to a number of violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses that cumulatively total three or more such refusals, convictions, and guilty pleas, the suspension shall be for five years.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (B)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section.

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the

person's whole blood, blood serum or plasma, breath, or urine 73516
contained at least the concentration of alcohol specified in 73517
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 73518
Revised Code or at least the concentration of a listed controlled 73519
substance or a listed metabolite of a controlled substance 73520
specified in division (A)(1)(j) of section 4511.19 of the Revised 73521
Code, the registrar shall enter into the registrar's records the 73522
fact that the person's driver's or commercial driver's license or 73523
permit or nonresident operating privilege was suspended by the 73524
arresting officer under this division and section 4511.192 of the 73525
Revised Code and the period of the suspension, as determined under 73526
divisions (C)(1)(a) to (d) of this section. The suspension shall 73527
be subject to appeal as provided in section 4511.197 of the 73528
Revised Code. The suspension described in this division does not 73529
apply to, and shall not be imposed upon, a person arrested for a 73530
violation of section 4511.194 of the Revised Code or a 73531
substantially equivalent municipal ordinance who submits to a 73532
designated chemical test. The suspension shall be for whichever of 73533
the following periods applies: 73534

(a) Except when division (C)(1)(b), (c), or (d) of this 73535
section applies and specifies a different period, the suspension 73536
shall be a class E suspension imposed for the period of time 73537
specified in division (B)(5) of section 4510.02 of the Revised 73538
Code. 73539

(b) The suspension shall be a class C suspension for the 73540
period of time specified in division (B)(3) of section 4510.02 of 73541
the Revised Code if the person has been convicted of or pleaded 73542
guilty to, within six years of the date the test was conducted, 73543
one violation of division (A) or (B) of section 4511.19 of the 73544
Revised Code or one other equivalent offense. 73545

(c) If, within six years of the date the test was conducted, 73546
the person has been convicted of or pleaded guilty to two 73547

violations of a statute or ordinance described in division 73548
(C)(1)(b) of this section, the suspension shall be a class B 73549
suspension imposed for the period of time specified in division 73550
(B)(2) of section 4510.02 of the Revised Code. 73551

(d) If, within six years of the date the test was conducted, 73552
the person has been convicted of or pleaded guilty to more than 73553
two violations of a statute or ordinance described in division 73554
(C)(1)(b) of this section, the suspension shall be a class A 73555
suspension imposed for the period of time specified in division 73556
(B)(1) of section 4510.02 of the Revised Code. 73557

(2) The registrar shall terminate a suspension of the 73558
driver's or commercial driver's license or permit of a resident or 73559
of the operating privilege of a nonresident, or a denial of a 73560
driver's or commercial driver's license or permit, imposed 73561
pursuant to division (C)(1) of this section upon receipt of notice 73562
that the person has entered a plea of guilty to, or that the 73563
person has been convicted after entering a plea of no contest to, 73564
operating a vehicle in violation of section 4511.19 of the Revised 73565
Code or in violation of a municipal OVI ordinance, if the offense 73566
for which the conviction is had or the plea is entered arose from 73567
the same incident that led to the suspension or denial. 73568

The registrar shall credit against any judicial suspension of 73569
a person's driver's or commercial driver's license or permit or 73570
nonresident operating privilege imposed pursuant to section 73571
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 73572
Revised Code for a violation of a municipal OVI ordinance, any 73573
time during which the person serves a related suspension imposed 73574
pursuant to division (C)(1) of this section. 73575

(D)(1) A suspension of a person's driver's or commercial 73576
driver's license or permit or nonresident operating privilege 73577
under this section for the time described in division (B) or (C) 73578
of this section is effective immediately from the time at which 73579

the arresting officer serves the notice of suspension upon the 73580
arrested person. Any subsequent finding that the person is not 73581
guilty of the charge that resulted in the person being requested 73582
to take the chemical test or tests under division (A) of this 73583
section does not affect the suspension. 73584

(2) If a person is arrested for operating a vehicle, 73585
streetcar, or trackless trolley in violation of division (A) or 73586
(B) of section 4511.19 of the Revised Code or a municipal OVI 73587
ordinance, or for being in physical control of a vehicle, 73588
streetcar, or trackless trolley in violation of section 4511.194 73589
of the Revised Code or a substantially equivalent municipal 73590
ordinance, regardless of whether the person's driver's or 73591
commercial driver's license or permit or nonresident operating 73592
privilege is or is not suspended under division (B) or (C) of this 73593
section or Chapter 4510. of the Revised Code, the person's initial 73594
appearance on the charge resulting from the arrest shall be held 73595
within five days of the person's arrest or the issuance of the 73596
citation to the person, subject to any continuance granted by the 73597
court pursuant to section 4511.197 of the Revised Code regarding 73598
the issues specified in that division. 73599

(E) When it finally has been determined under the procedures 73600
of this section and sections 4511.192 to 4511.197 of the Revised 73601
Code that a nonresident's privilege to operate a vehicle within 73602
this state has been suspended, the registrar shall give 73603
information in writing of the action taken to the motor vehicle 73604
administrator of the state of the person's residence and of any 73605
state in which the person has a license. 73606

(F) At the end of a suspension period under this section, 73607
under section 4511.194, section 4511.196, or division (G) of 73608
section 4511.19 of the Revised Code, or under section 4510.07 of 73609
the Revised Code for a violation of a municipal OVI ordinance and 73610
upon the request of the person whose driver's or commercial 73611

driver's license or permit was suspended and who is not otherwise 73612
subject to suspension, cancellation, or disqualification, the 73613
registrar shall return the driver's or commercial driver's license 73614
or permit to the person upon the occurrence of all of the 73615
conditions specified in divisions (F)(1) and (2) of this section: 73616

(1) A showing that the person has proof of financial 73617
responsibility, a policy of liability insurance in effect that 73618
meets the minimum standards set forth in section 4509.51 of the 73619
Revised Code, or proof, to the satisfaction of the registrar, that 73620
the person is able to respond in damages in an amount at least 73621
equal to the minimum amounts specified in section 4509.51 of the 73622
Revised Code. 73623

(2) Subject to the limitation contained in division (F)(3) of 73624
this section, payment by the person to the registrar or an 73625
eligible deputy registrar of a license reinstatement fee of four 73626
hundred seventy-five dollars, which fee shall be deposited in the 73627
state treasury and credited as follows: 73628

(a) One hundred twelve dollars and fifty cents shall be 73629
credited to the statewide treatment and prevention fund created by 73630
section 4301.30 of the Revised Code. Money credited to the fund 73631
under this section shall be used for purposes identified under 73632
section 5119.22 of the Revised Code. 73633

(b) Seventy-five dollars shall be credited to the reparations 73634
fund created by section 2743.191 of the Revised Code. 73635

(c) Thirty-seven dollars and fifty cents shall be credited to 73636
the indigent drivers alcohol treatment fund, which is hereby 73637
established in the state treasury. The department of mental health 73638
and addiction services shall distribute the moneys in that fund to 73639
the county indigent drivers alcohol treatment funds, the county 73640
juvenile indigent drivers alcohol treatment funds, and the 73641
municipal indigent drivers alcohol treatment funds that are 73642

required to be established by counties and municipal corporations 73643
pursuant to division (H) of this section to be used only as 73644
provided in division (H)(3) of this section. Moneys in the fund 73645
that are not distributed to a county indigent drivers alcohol 73646
treatment fund, a county juvenile indigent drivers alcohol 73647
treatment fund, or a municipal indigent drivers alcohol treatment 73648
fund under division (H) of this section because the director of 73649
mental health and addiction services does not have the information 73650
necessary to identify the county or municipal corporation where 73651
the offender or juvenile offender was arrested may be transferred 73652
by the director of budget and management to the statewide 73653
treatment and prevention fund created by section 4301.30 of the 73654
Revised Code, upon certification of the amount by the director of 73655
mental health and addiction services. 73656

(d) Seventy-five dollars shall be credited to the 73657
opportunities for Ohioans with disabilities agency established by 73658
section 3304.15 of the Revised Code, to the services for 73659
rehabilitation fund, which is hereby established. The fund shall 73660
be used to match available federal matching funds where 73661
appropriate, and for any other purpose or program of the agency to 73662
rehabilitate persons with disabilities to help them become 73663
employed and independent. 73664

(e) Seventy-five dollars shall be deposited into the state 73665
treasury and credited to the drug abuse resistance education 73666
programs fund, which is hereby established, to be used by the 73667
attorney general for the purposes specified in division (F)(4) of 73668
this section. 73669

(f) Thirty dollars shall be credited to the state bureau of 73670
motor vehicles fund created by section 4501.25 of the Revised 73671
Code. 73672

(g) Twenty dollars shall be credited to the trauma and 73673
emergency medical services fund created by section 4513.263 of the 73674

Revised Code. 73675

(h) Fifty dollars shall be credited to the indigent drivers 73676
interlock and alcohol monitoring fund, which is hereby established 73677
in the state treasury. Moneys in the fund shall be distributed by 73678
the department of public safety to the county indigent drivers 73679
interlock and alcohol monitoring funds, the county juvenile 73680
indigent drivers interlock and alcohol monitoring funds, and the 73681
municipal indigent drivers interlock and alcohol monitoring funds 73682
that are required to be established by counties and municipal 73683
corporations pursuant to this section, and shall be used only to 73684
pay the cost of an immobilizing or disabling device, including a 73685
certified ignition interlock device, or an alcohol monitoring 73686
device used by an offender or juvenile offender who is ordered to 73687
use the device by a county, juvenile, or municipal court judge and 73688
who is determined by the county, juvenile, or municipal court 73689
judge not to have the means to pay for the person's use of the 73690
device. 73691

(3) If a person's driver's or commercial driver's license or 73692
permit is suspended under this section, under section 4511.196 or 73693
division (G) of section 4511.19 of the Revised Code, under section 73694
4510.07 of the Revised Code for a violation of a municipal OVI 73695
ordinance or under any combination of the suspensions described in 73696
division (F)(3) of this section, and if the suspensions arise from 73697
a single incident or a single set of facts and circumstances, the 73698
person is liable for payment of, and shall be required to pay to 73699
the registrar or an eligible deputy registrar, only one 73700
reinstatement fee of four hundred seventy-five dollars. The 73701
reinstatement fee shall be distributed by the bureau in accordance 73702
with division (F)(2) of this section. 73703

(4) The attorney general shall use amounts in the drug abuse 73704
resistance education programs fund to award grants to law 73705
enforcement agencies to establish and implement drug abuse 73706

resistance education programs in public schools. Grants awarded to 73707
a law enforcement agency under this section shall be used by the 73708
agency to pay for not more than fifty per cent of the amount of 73709
the salaries of law enforcement officers who conduct drug abuse 73710
resistance education programs in public schools. The attorney 73711
general shall not use more than six per cent of the amounts the 73712
attorney general's office receives under division (F)(2)(e) of 73713
this section to pay the costs it incurs in administering the grant 73714
program established by division (F)(2)(e) of this section and in 73715
providing training and materials relating to drug abuse resistance 73716
education programs. 73717

The attorney general shall report to the governor and the 73718
general assembly each fiscal year on the progress made in 73719
establishing and implementing drug abuse resistance education 73720
programs. These reports shall include an evaluation of the 73721
effectiveness of these programs. 73722

(5) In addition to the reinstatement fee under this section, 73723
if the person pays the reinstatement fee to a deputy registrar, 73724
the deputy registrar shall collect a service fee of ten dollars to 73725
compensate the deputy registrar for services performed under this 73726
section. The deputy registrar shall retain eight dollars of the 73727
service fee and shall transmit the reinstatement fee, plus two 73728
dollars of the service fee, to the registrar in the manner the 73729
registrar shall determine. 73730

(G) Suspension of a commercial driver's license under 73731
division (B) or (C) of this section shall be concurrent with any 73732
period of disqualification under section 3123.611 or 4506.16 of 73733
the Revised Code or any period of suspension under section 3123.58 73734
of the Revised Code. No person who is disqualified for life from 73735
holding a commercial driver's license under section 4506.16 of the 73736
Revised Code shall be issued a driver's license under Chapter 73737
4507. of the Revised Code during the period for which the 73738

commercial driver's license was suspended under division (B) or 73739
(C) of this section. No person whose commercial driver's license 73740
is suspended under division (B) or (C) of this section shall be 73741
issued a driver's license under Chapter 4507. of the Revised Code 73742
during the period of the suspension. 73743

(H)(1) Each county shall establish an indigent drivers 73744
alcohol treatment fund and a juvenile indigent drivers alcohol 73745
treatment fund. Each municipal corporation in which there is a 73746
municipal court shall establish an indigent drivers alcohol 73747
treatment fund. All revenue that the general assembly appropriates 73748
to the indigent drivers alcohol treatment fund for transfer to a 73749
county indigent drivers alcohol treatment fund, a county juvenile 73750
indigent drivers alcohol treatment fund, or a municipal indigent 73751
drivers alcohol treatment fund, all portions of fees that are paid 73752
under division (F) of this section and that are credited under 73753
that division to the indigent drivers alcohol treatment fund in 73754
the state treasury for a county indigent drivers alcohol treatment 73755
fund, a county juvenile indigent drivers alcohol treatment fund, 73756
or a municipal indigent drivers alcohol treatment fund, all 73757
portions of additional costs imposed under section 2949.094 of the 73758
Revised Code that are specified for deposit into a county, county 73759
juvenile, or municipal indigent drivers alcohol treatment fund by 73760
that section, and all portions of fines that are specified for 73761
deposit into a county or municipal indigent drivers alcohol 73762
treatment fund by section 4511.193 of the Revised Code shall be 73763
deposited into that county indigent drivers alcohol treatment 73764
fund, county juvenile indigent drivers alcohol treatment fund, or 73765
municipal indigent drivers alcohol treatment fund. The portions of 73766
the fees paid under division (F) of this section that are to be so 73767
deposited shall be determined in accordance with division (H)(2) 73768
of this section. Additionally, all portions of fines that are paid 73769
for a violation of section 4511.19 of the Revised Code or of any 73770
prohibition contained in Chapter 4510. of the Revised Code, and 73771

that are required under section 4511.19 or any provision of 73772
Chapter 4510. of the Revised Code to be deposited into a county 73773
indigent drivers alcohol treatment fund or municipal indigent 73774
drivers alcohol treatment fund shall be deposited into the 73775
appropriate fund in accordance with the applicable division of the 73776
section or provision. 73777

(2) That portion of the license reinstatement fee that is 73778
paid under division (F) of this section and that is credited under 73779
that division to the indigent drivers alcohol treatment fund shall 73780
be deposited into a county indigent drivers alcohol treatment 73781
fund, a county juvenile indigent drivers alcohol treatment fund, 73782
or a municipal indigent drivers alcohol treatment fund as follows: 73783

(a) Regarding a suspension imposed under this section, that 73784
portion of the fee shall be deposited as follows: 73785

(i) If the fee is paid by a person who was charged in a 73786
county court with the violation that resulted in the suspension or 73787
in the imposition of the court costs, the portion shall be 73788
deposited into the county indigent drivers alcohol treatment fund 73789
under the control of that court; 73790

(ii) If the fee is paid by a person who was charged in a 73791
juvenile court with the violation that resulted in the suspension 73792
or in the imposition of the court costs, the portion shall be 73793
deposited into the county juvenile indigent drivers alcohol 73794
treatment fund established in the county served by the court; 73795

(iii) If the fee is paid by a person who was charged in a 73796
municipal court with the violation that resulted in the suspension 73797
or in the imposition of the court costs, the portion shall be 73798
deposited into the municipal indigent drivers alcohol treatment 73799
fund under the control of that court. 73800

(b) Regarding a suspension imposed under section 4511.19 of 73801
the Revised Code or under section 4510.07 of the Revised Code for 73802

a violation of a municipal OVI ordinance, that portion of the fee 73803
shall be deposited as follows: 73804

(i) If the fee is paid by a person whose license or permit 73805
was suspended by a county court, the portion shall be deposited 73806
into the county indigent drivers alcohol treatment fund under the 73807
control of that court; 73808

(ii) If the fee is paid by a person whose license or permit 73809
was suspended by a municipal court, the portion shall be deposited 73810
into the municipal indigent drivers alcohol treatment fund under 73811
the control of that court. 73812

(3)(a) As used in division (H)(3) of this section, "indigent 73813
person" means a person who is convicted of a violation of division 73814
(A) or (B) of section 4511.19 of the Revised Code or a 73815
substantially similar municipal ordinance or found to be a 73816
juvenile traffic offender by reason of a violation of division (A) 73817
or (B) of section 4511.19 of the Revised Code or a substantially 73818
similar municipal ordinance, who is ordered by the court to attend 73819
an alcohol and drug addiction treatment program, and who is 73820
determined by the court under division (H)(5) of this section to 73821
be unable to pay the cost of the assessment or the cost of 73822
attendance at the treatment program. 73823

(b) A county, juvenile, or municipal court judge, by order, 73824
may make expenditures from a county indigent drivers alcohol 73825
treatment fund, a county juvenile indigent drivers alcohol 73826
treatment fund, or a municipal indigent drivers alcohol treatment 73827
fund with respect to an indigent person for any of the following: 73828

(i) To pay the cost of an assessment that is conducted by an 73829
appropriately licensed clinician at either a driver intervention 73830
program that is certified under section 5119.38 of the Revised 73831
Code or at a community addiction services provider that is 73832
certified under section 5119.36 of the Revised Code; 73833

(ii) To pay the cost of alcohol addiction services, drug 73834
addiction services, or integrated alcohol and drug addiction 73835
services at a community addiction services provider that is 73836
certified under section 5119.36 of the Revised Code; 73837

(iii) To pay the cost of transportation to attend an 73838
assessment as provided under division (H)(3)(b)(i) of this section 73839
or addiction services as provided under division (H)(3)(b)(ii) of 73840
this section. 73841

The alcohol and drug addiction services board or the board of 73842
alcohol, drug addiction, and mental health services established 73843
pursuant to section 340.02 or 340.021 of the Revised Code and 73844
serving the alcohol, drug addiction, and mental health service 73845
district in which the court is located shall administer the 73846
indigent drivers alcohol treatment program of the court. When a 73847
court orders an offender or juvenile traffic offender to obtain an 73848
assessment or attend an alcohol and drug addiction treatment 73849
program, the board shall determine which program is suitable to 73850
meet the needs of the offender or juvenile traffic offender, and 73851
when a suitable program is located and space is available at the 73852
program, the offender or juvenile traffic offender shall attend 73853
the program designated by the board. A reasonable amount not to 73854
exceed five per cent of the amounts credited to and deposited into 73855
the county indigent drivers alcohol treatment fund, the county 73856
juvenile indigent drivers alcohol treatment fund, or the municipal 73857
indigent drivers alcohol treatment fund serving every court whose 73858
program is administered by that board shall be paid to the board 73859
to cover the costs it incurs in administering those indigent 73860
drivers alcohol treatment programs. 73861

(c) Upon exhaustion of moneys in the indigent drivers 73862
interlock and alcohol monitoring fund for the use of an alcohol 73863
monitoring device, a county, juvenile, or municipal court judge 73864
may use moneys in the county indigent drivers alcohol treatment 73865

fund, county juvenile indigent drivers alcohol treatment fund, or 73866
municipal indigent drivers alcohol treatment fund in either of the 73867
following manners: 73868

(i) If the source of the moneys was an appropriation of the 73869
general assembly, a portion of a fee that was paid under division 73870
(F) of this section, a portion of a fine that was specified for 73871
deposit into the fund by section 4511.193 of the Revised Code, or 73872
a portion of a fine that was paid for a violation of section 73873
4511.19 of the Revised Code or of a provision contained in Chapter 73874
4510. of the Revised Code that was required to be deposited into 73875
the fund, to pay for the continued use of an alcohol monitoring 73876
device by an offender or juvenile traffic offender, in conjunction 73877
with a treatment program approved by the department of mental 73878
health and addiction services, when such use is determined 73879
clinically necessary by the treatment program and when the court 73880
determines that the offender or juvenile traffic offender is 73881
unable to pay all or part of the daily monitoring or cost of the 73882
device; 73883

(ii) If the source of the moneys was a portion of an 73884
additional court cost imposed under section 2949.094 of the 73885
Revised Code, to pay for the continued use of an alcohol 73886
monitoring device by an offender or juvenile traffic offender when 73887
the court determines that the offender or juvenile traffic 73888
offender is unable to pay all or part of the daily monitoring or 73889
cost of the device. The moneys may be used for a device as 73890
described in this division if the use of the device is in 73891
conjunction with a treatment program approved by the department of 73892
mental health and addiction services, when the use of the device 73893
is determined clinically necessary by the treatment program, but 73894
the use of a device is not required to be in conjunction with a 73895
treatment program approved by the department in order for the 73896
moneys to be used for the device as described in this division. 73897

(4) If a county, juvenile, or municipal court determines, in consultation with the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health district in which the court is located, that the funds in the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund under the control of the court are more than sufficient to satisfy the purpose for which the fund was established, as specified in divisions (H)(1) to (3) of this section, the court may declare a surplus in the fund. If the court declares a surplus in the fund, the court may take any of the following actions with regard to the amount of the surplus in the fund:

(a) Expend any of the surplus amount for alcohol and drug abuse assessment and treatment, and for the cost of transportation related to assessment and treatment, of persons who are charged in the court with committing a criminal offense or with being a delinquent child or juvenile traffic offender and in relation to whom both of the following apply:

(i) The court determines that substance abuse was a contributing factor leading to the criminal or delinquent activity or the juvenile traffic offense with which the person is charged.

(ii) The court determines that the person is unable to pay the cost of the alcohol and drug abuse assessment and treatment for which the surplus money will be used.

(b) Expend any of the surplus amount to pay all or part of the cost of purchasing alcohol monitoring devices to be used in conjunction with division (H)(3)(c) of this section, upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device.

(c) Transfer to another court in the same county any of the 73930
surplus amount to be utilized in a manner consistent with division 73931
(H)(3) of this section. If surplus funds are transferred to 73932
another court, the court that transfers the funds shall notify the 73933
alcohol and drug addiction services board or the board of alcohol, 73934
drug addiction, and mental health services that serves the 73935
alcohol, drug addiction, and mental health service district in 73936
which that court is located. 73937

(d) Transfer to the alcohol and drug addiction services board 73938
or the board of alcohol, drug addiction, and mental health 73939
services that serves the alcohol, drug addiction, and mental 73940
health service district in which the court is located any of the 73941
surplus amount to be utilized in a manner consistent with division 73942
(H)(3) of this section or for board contracted recovery support 73943
services. 73944

(5) In order to determine if an offender does not have the 73945
means to pay for the offender's attendance at an alcohol and drug 73946
addiction treatment program for purposes of division (H)(3) of 73947
this section or if an alleged offender or delinquent child is 73948
unable to pay the costs specified in division (H)(4) of this 73949
section, the court shall use the indigent client eligibility 73950
guidelines and the standards of indigency established by the state 73951
public defender to make the determination. 73952

(6) The court shall identify and refer any community 73953
addiction services provider that ~~is~~ intends to provide addiction 73954
services and has not had its addiction services certified under 73955
section 5119.36 of the Revised Code and that is interested in 73956
receiving amounts from the surplus in the fund declared under 73957
division (H)(4) of this section to the department of mental health 73958
and addiction services in order for the community addiction 73959
services provider to ~~become a certified community addiction~~ 73960
~~services provider~~ have its addiction services certified by the 73961

department. The department shall keep a record of applicant 73962
referrals received pursuant to this division and shall submit a 73963
report on the referrals each year to the general assembly. If a 73964
community addiction services provider interested in ~~becoming~~ 73965
having its addiction services certified makes an application ~~to~~ 73966
~~become certified~~ pursuant to section 5119.36 of the Revised Code, 73967
the community addiction services provider is eligible to receive 73968
surplus funds as long as the application is pending with the 73969
department. The department of mental health and addiction services 73970
must offer technical assistance to the applicant. If the 73971
interested community addiction services provider withdraws the 73972
certification application, the department must notify the court, 73973
and the court shall not provide the interested community addiction 73974
services provider with any further surplus funds. 73975

(7)(a) Each alcohol and drug addiction services board and 73976
board of alcohol, drug addiction, and mental health services 73977
established pursuant to section 340.02 or 340.021 of the Revised 73978
Code shall submit to the department of mental health and addiction 73979
services an annual report for each indigent drivers alcohol 73980
treatment fund in that board's area. 73981

(b) The report, which shall be submitted not later than sixty 73982
days after the end of the state fiscal year, shall provide the 73983
total payment that was made from the fund, including the number of 73984
indigent consumers that received treatment services and the number 73985
of indigent consumers that received an alcohol monitoring device. 73986
The report shall identify the treatment program and expenditure 73987
for an alcohol monitoring device for which that payment was made. 73988
The report shall include the fiscal year balance of each indigent 73989
drivers alcohol treatment fund located in that board's area. In 73990
the event that a surplus is declared in the fund pursuant to 73991
division (H)(4) of this section, the report also shall provide the 73992
total payment that was made from the surplus moneys and identify 73993

the authorized purpose for which that payment was made. 73994

(c) If a board is unable to obtain adequate information to 73995
develop the report to submit to the department for a particular 73996
indigent drivers alcohol treatment fund, the board shall submit a 73997
report detailing the effort made in obtaining the information. 73998

(I)(1) Each county shall establish an indigent drivers 73999
interlock and alcohol monitoring fund and a juvenile indigent 74000
drivers interlock and alcohol treatment fund. Each municipal 74001
corporation in which there is a municipal court shall establish an 74002
indigent drivers interlock and alcohol monitoring fund. All 74003
revenue that the general assembly appropriates to the indigent 74004
drivers interlock and alcohol monitoring fund for transfer to a 74005
county indigent drivers interlock and alcohol monitoring fund, a 74006
county juvenile indigent drivers interlock and alcohol monitoring 74007
fund, or a municipal indigent drivers interlock and alcohol 74008
monitoring fund, all portions of license reinstatement fees that 74009
are paid under division (F)(2) of this section and that are 74010
credited under that division to the indigent drivers interlock and 74011
alcohol monitoring fund in the state treasury, and all portions of 74012
fines that are paid under division (G) of section 4511.19 of the 74013
Revised Code and that are credited by division (G)(5)(e) of that 74014
section to the indigent drivers interlock and alcohol monitoring 74015
fund in the state treasury shall be deposited in the appropriate 74016
fund in accordance with division (I)(2) of this section. 74017

(2) That portion of the license reinstatement fee that is 74018
paid under division (F) of this section and that portion of the 74019
fine paid under division (G) of section 4511.19 of the Revised 74020
Code and that is credited under either division to the indigent 74021
drivers interlock and alcohol monitoring fund shall be deposited 74022
into a county indigent drivers interlock and alcohol monitoring 74023
fund, a county juvenile indigent drivers interlock and alcohol 74024
monitoring fund, or a municipal indigent drivers interlock and 74025

alcohol monitoring fund as follows: 74026

(a) If the fee or fine is paid by a person who was charged in 74027
a county court with the violation that resulted in the suspension 74028
or fine, the portion shall be deposited into the county indigent 74029
drivers interlock and alcohol monitoring fund under the control of 74030
that court. 74031

(b) If the fee or fine is paid by a person who was charged in 74032
a juvenile court with the violation that resulted in the 74033
suspension or fine, the portion shall be deposited into the county 74034
juvenile indigent drivers interlock and alcohol monitoring fund 74035
established in the county served by the court. 74036

(c) If the fee or fine is paid by a person who was charged in 74037
a municipal court with the violation that resulted in the 74038
suspension, the portion shall be deposited into the municipal 74039
indigent drivers interlock and alcohol monitoring fund under the 74040
control of that court. 74041

(3) If a county, juvenile, or municipal court determines that 74042
the funds in the county indigent drivers interlock and alcohol 74043
monitoring fund, the county juvenile indigent drivers interlock 74044
and alcohol monitoring fund, or the municipal indigent drivers 74045
interlock and alcohol monitoring fund under the control of that 74046
court are more than sufficient to satisfy the purpose for which 74047
the fund was established as specified in division (F)(2)(h) of 74048
this section, the court may declare a surplus in the fund. The 74049
court then may order the transfer of a specified amount into the 74050
county indigent drivers alcohol treatment fund, the county 74051
juvenile indigent drivers alcohol treatment fund, or the municipal 74052
indigent drivers alcohol treatment fund under the control of that 74053
court to be utilized in accordance with division (H) of this 74054
section. 74055

Sec. 4513.611. (A) A vehicle owner may bring a civil action 74056

against a towing service or storage facility that violates section 74057
4513.60, 4513.601, or 4513.68 of the Revised Code. If a court 74058
determines that the towing service or storage facility committed 74059
the violation, the court shall award the vehicle owner the 74060
following: 74061

(1) ~~If it is a first violation~~ If the towing service or 74062
storage facility has not committed any prior violations within one 74063
year of the violation, one thousand dollars; 74064

(2) ~~If it is a second violation~~ If the towing service or 74065
storage facility has committed one prior violation within one year 74066
of the violation, two thousand five hundred dollars; 74067

(3) ~~If it is a third or subsequent violation~~ If the towing 74068
service or storage facility has committed two prior violations 74069
within one year of the violation, two thousand five hundred 74070
dollars. In addition, the court shall order the public utilities 74071
commission to revoke the towing service's or storage facility's 74072
certificate of public convenience and necessity for six months. 74073
The commission shall comply with the order. 74074

(B) Upon expiration of the six-month revocation under 74075
division (A)(3) of this section, a court shall not consider any 74076
violation committed by the towing service or storage facility 74077
prior to the revocation for purposes of a civil action initiated 74078
after the expiration of the six-month revocation. 74079

(C) In addition to an award made under division (A) of this 74080
section, if a court determines that a towing service or storage 74081
facility committed a violation that caused actual damages, the 74082
court shall award the vehicle owner three times the actual damages 74083
and reasonable attorney's fees. 74084

Sec. 4513.67. (A) As used in this section, "towing service" 74085
means any for-hire motor carrier that is engaged on an intrastate 74086

basis anywhere in this state in the business of towing a motor vehicle over any public highway in this state.

(B) No person shall operate a towing vehicle for a towing service and no person who owns a towing vehicle used by a towing service or has supervisory responsibility over a towing vehicle used by a towing service, shall permit the operation of a towing vehicle used by a towing service, unless both of the following apply:

(1) The towing service holds a valid certificate of public convenience and necessity as required by Chapter 4921. of the Revised Code; and

(2) The certificate number and business telephone number is visibly displayed on both the left and right ~~front doors~~ sides of the towing vehicle.

(C)(1) No towing service shall do either of the following:

~~(1)(a)~~ Fail to make its current certificate of public convenience and necessity available for public inspection during normal business hours;

~~(2)(b)~~ Fail to include its certificate number on all advertising, written estimates, contracts, ~~and invoices, and,~~ subject to division (C)(2) of this section, advertising.

(2) The public utilities commission, by rule, may exempt from the requirements of division (C)(1) of this section any type of advertising where the size or nature of the advertisement makes it unreasonable to add a certificate number.

Sec. 4519.10. (A) The purchaser of an off-highway motorcycle or all-purpose vehicle, upon application and proof of purchase, may obtain a temporary license placard for it. The application for such a placard shall be signed by the purchaser of the off-highway motorcycle or all-purpose vehicle. The temporary license placard

shall be issued only for the applicant's use of the off-highway motorcycle or all-purpose vehicle to enable the applicant to operate it legally while proper title and a registration sticker or license plate and validation sticker are being obtained and shall be displayed on no other off-highway motorcycle or all-purpose vehicle. A temporary license placard issued under this section shall be in a form prescribed by the registrar of motor vehicles, shall differ in some distinctive manner from a placard issued under section 4503.182 of the Revised Code, shall be valid for a period of ~~thirty~~ forty-five days from the date of issuance, and shall not be transferable or renewable. The placard either shall consist of or be coated with such material as will enable it to remain legible and relatively intact despite the environmental conditions to which the placard is likely to be exposed during the ~~thirty-day~~ forty-five-day period for which it is valid. The purchaser of an off-highway motorcycle or all-purpose vehicle shall attach the temporary license placard to it, in a manner prescribed by rules the registrar shall adopt, so that the placard numerals or letters are clearly visible.

The fee for a temporary license placard issued under this section shall be two dollars. If the placard is issued by a deputy registrar, the deputy registrar shall charge an additional fee of three dollars and fifty cents, which the deputy registrar shall retain. The deputy registrar shall transmit each two-dollar fee received by the deputy registrar under this section to the registrar, who shall pay the two dollars to the treasurer of state for deposit into the state bureau of motor vehicles fund established by section 4501.25 of the Revised Code.

(B) The registrar may issue temporary license placards to a dealer to be issued to purchasers for use on vehicles sold by the dealer, in accordance with rules prescribed by the registrar. The dealer shall notify the registrar within forty-eight hours of

proof of issuance on a form prescribed by the registrar. 74149

The fee for each such placard issued by the registrar to a 74150
dealer shall be two dollars plus a fee of three dollars and fifty 74151
cents. 74152

Sec. 4582.56. (A) As used in this section: 74153

(1) "Eligible county" means a county whose territory includes 74154
a part of Lake Erie the shoreline of which represents at least 74155
fifty per cent of the linear length of the county's border with 74156
other counties of this state. 74157

(2) "Lakeshore improvement project" means construction of a 74158
port authority facility within one mile of the Lake Erie shoreline 74159
in an eligible county. 74160

(B) The board of directors of a port authority may enter into 74161
an agreement with the board of county commissioners of an eligible 74162
county that created the port authority providing for all of the 74163
following, and any other terms mutually agreeable to the boards: 74164

(1) The board of county commissioners levies an excise tax 74165
under division (M) of section 5739.09 of the Revised Code and 74166
pledges all the revenue from the tax to the port authority for the 74167
purpose of financing lakeshore improvement projects including the 74168
payment of debt charges on any securities issued under division 74169
(C) of this section. 74170

(2) The port authority constructs or finances the 74171
construction of lakeshore improvements and pays the costs of such 74172
projects with revenue from the tax pledged under the agreement. 74173
Such construction or financing is an authorized purpose for the 74174
purposes of division (B) of section 4582.21 of this section. 74175

(3) The port authority may not enter into any contract or 74176
other obligation regarding a lakeshore improvement project before 74177
obtaining the approval for the project by the board of county 74178

commissioners by a resolution of the board. 74179

(C) The board of directors of a port authority that enters 74180
into an agreement under this section may issue port authority 74181
special obligation bonds, and notes anticipating the proceeds of 74182
the bonds, in the principal amount that, in the opinion of the 74183
board, are necessary for the purpose of paying the costs of one or 74184
more lakeshore improvement projects or parts of one or more 74185
projects and interest on the bonds payable over the term of the 74186
issue. The board may refund any special obligation bonds by the 74187
issuance of special obligation refunding bonds regardless of 74188
whether the bonds to be refunded have or have not matured. The 74189
refunding bonds shall be sold, and the proceeds needed for such 74190
purpose applied, in the manner provided in the bond proceedings. 74191

Every issue of special obligation bonds issued under this 74192
section shall be payable from the revenue from the tax levied 74193
under division (M) of section 5739.09 of the Revised Code and 74194
pledged for such payment under the agreement. The pledge shall be 74195
valid and binding from the time the pledge is made, and the 74196
revenue so pledged and received by the port authority shall be 74197
subject to the lien of the pledge without any physical delivery of 74198
the revenue or any further act. The lien of any pledge is valid 74199
and binding as against all parties having claims of any kind in 74200
tort, contract, or otherwise against the port authority, whether 74201
or not such parties have notice of the lien. Neither the 74202
resolution nor any trust agreement by which a pledge is created 74203
need be filed or recorded except in the port authority's records. 74204

Whether or not the bonds are of such form and character as to 74205
be negotiable instruments under Title XIII of the Revised Code, 74206
the bonds shall have all the qualities and incidents of negotiable 74207
instruments, subject only to their provisions for registration, if 74208
any. 74209

Bonds issued under this section shall bear such date or 74210

dates, and shall mature at such time or times not exceeding thirty 74211
years from the date of issue of the original bonds and shall be 74212
executed in the manner that the resolution authorizing the bonds 74213
may provide. The bonds shall bear interest at such rates, or at 74214
variable rate or rates changing from time to time, in accordance 74215
with provisions provided in the authorizing resolution, shall be 74216
in such denominations and form, either coupon or registered, shall 74217
carry such registration privileges, shall be payable in such 74218
medium of payment and at such place or places, and be subject to 74219
such terms of redemption, as the board of directors of the port 74220
authority may authorize or provide. The bonds may be sold at 74221
public or private sale, and at, or at not less than, the price or 74222
prices as the board determines. If any officer whose signature or 74223
a facsimile of whose signature appears on any bonds or coupons 74224
ceases to be such officer before delivery of the bonds, the 74225
signature or facsimile shall nevertheless be sufficient for all 74226
purposes as if the officer had remained in office until delivery 74227
of the bonds, and in case the seal of the authority has been 74228
changed after a facsimile has been imprinted on the bonds, the 74229
facsimile seal will continue to be sufficient for all purposes. 74230

Any resolution authorizing bonds under this section may 74231
contain provisions governing the use and disposition of revenue 74232
pledged under the agreement under division (B) of this section; 74233
the crediting of the proceeds of the sale of the bonds to and 74234
among the funds referred to or provided for in the resolution; 74235
limitations on the purpose to which the proceeds of sale of the 74236
bonds may be applied and the pledging of portions of such proceeds 74237
to secure payment of the bonds; the issuance of notes in 74238
anticipation of the issuance of bonds; the terms upon which 74239
additional bonds may be issued and secured; the refunding of 74240
outstanding bonds; the procedure, if any, by which the terms of 74241
any contract with bondholders may be amended, the amount of bonds 74242
the holders of which must consent thereto, and the manner in which 74243

such consent may be given; securing any bonds by a trust agreement 74244
in accordance with division (D) of this section; and any other 74245
matters that may affect the security or protection of the bonds. 74246
The taxes anticipated by the bonds are not subject to diminution 74247
by initiative or referendum or by law while the bonds or notes 74248
remain outstanding in accordance with their terms, unless 74249
provision is made by law or by the board of county commissioners 74250
and board of directors of the port authority for an adequate 74251
substitute therefor reasonably satisfactory to the trustee, if a 74252
trust agreement secures the bonds. 74253

Neither the members of the board of directors of the port 74254
authority nor any person executing the bonds shall be liable 74255
personally on the bonds or be subject to any personal liability or 74256
accountability by reason of the issuance. 74257

(D) In the discretion of the board of directors, the bonds 74258
issued under this section may be secured by a trust agreement 74259
between the board of directors on behalf of the port authority and 74260
a corporate trustee, which may be any trust company or bank having 74261
powers of a trust company, within or outside the state. 74262

The trust agreement may provide for the pledge or assignment 74263
of the tax revenue to be received under the agreement entered into 74264
under division (B) of this section, but shall not pledge the 74265
general credit or other taxing power of the county or the general 74266
credit or taxing power of the port authority. The trust agreement 74267
or the resolution providing for the issuance of the bonds may set 74268
forth the rights and remedies of the bondholders and trustee, and 74269
may contain other provisions for protecting and enforcing their 74270
rights and remedies that are determined in the discretion of the 74271
board of directors to be reasonable and proper. 74272

Sec. 4707.02. (A) No person shall act as an auction firm, 74273
auctioneer, apprentice auctioneer, or special auctioneer within 74274

this state without a license issued by the department of 74275
agriculture. No auction shall be conducted in this state except by 74276
an auctioneer licensed by the department. 74277

The department shall not issue or renew a license if the 74278
applicant or licensee has been convicted of a felony or crime 74279
involving fraud or theft in this or another state at any time 74280
during the ten years immediately preceding application or renewal. 74281

(B) Division (A) of this section does not apply to any of the 74282
following: 74283

(1) Sales at auction that either are required by law to be at 74284
auction, other than sales pursuant to a judicial order or decree, 74285
or are conducted by or under the direction of a public authority; 74286

(2) The owner of any real or personal property desiring to 74287
sell the property at auction, provided that the property was not 74288
acquired for the purpose of resale; 74289

(3) An auction mediation company; 74290

(4) An auction that is conducted in a course of study for 74291
auctioneers that is approved by the state auctioneers commission 74292
created under section 4707.03 of the Revised Code for purposes of 74293
student training and is supervised by a licensed auctioneer; 74294

(5)(a) An auction that is sponsored by a nonprofit or 74295
charitable organization that is registered in this state under 74296
Chapter 1702. or Chapter 1716. of the Revised Code, respectively, 74297
if the auction only involves the property of the members of the 74298
organization and the auction is part of a fair that is organized 74299
by an agricultural society under Chapter 1711. of the Revised Code 74300
or by the Ohio expositions commission under Chapter 991. of the 74301
Revised Code at which an auctioneer who is licensed under this 74302
chapter physically conducts the auction; ~~or~~ 74303

(b) Sales at an auction sponsored by a charitable, religious, 74304

or civic organization that is tax exempt under subsection 74305
501(c)(3) of the Internal Revenue Code, or by a public school, 74306
chartered nonpublic school, or community school, if no person in 74307
the business of organizing, arranging, or conducting an auction 74308
for compensation and no consignor of consigned items sold at the 74309
auction, except such organization or school, receives compensation 74310
from the proceeds of the auction. As used in division (B)(5)(b) of 74311
this section, "compensation" means money, a thing of value other 74312
than participation in a charitable event, or a financial benefit. 74313

(c) Sales at an auction sponsored by an organization that is 74314
tax exempt under subsection 501(c)(6) of the Internal Revenue Code 74315
and that is a part of a national, regional, or state convention or 74316
conference that advances or promotes the auction profession in 74317
this state when the property to be sold is donated to or is the 74318
property of the organization and the proceeds remain within the 74319
organization or are donated to a charitable organization that is 74320
tax exempt under subsection 501(c)(3) of the Internal Revenue 74321
Code. 74322

(6) A person licensed as a livestock dealer under Chapter 74323
943. of the Revised Code who exclusively sells livestock and uses 74324
an auctioneer who is licensed under this chapter to conduct the 74325
auction; 74326

(7) A person licensed as a motor vehicle auction owner under 74327
Chapter 4517. of the Revised Code who exclusively sells motor 74328
vehicles to a person licensed under Chapter 4517. of the Revised 74329
Code and who uses an auctioneer who is licensed under this chapter 74330
to conduct the auction; 74331

(8) A person who sells real or personal property by means of 74332
the internet; 74333

(9) A bid calling contest that is approved by the commission 74334
and that is conducted for the purposes of the advancement or 74335

promotion of the auction profession in this state, ~~provided that~~ 74336
~~no compensation is paid to the sponsor of or participants in the~~ 74337
~~contest other than a prize or award for winning the contest;~~ 74338

(10) An auction at which the champion of a national or 74339
international bid calling contest appears, provided that both of 74340
the following apply: 74341

(a) The champion is not paid a commission. 74342

(b) The auction is conducted under the direct supervision of 74343
an auctioneer licensed under this chapter in order to ensure that 74344
the champion complies with this chapter and rules adopted under 74345
it. 74346

(C)(1) No person shall advertise or hold oneself out as an 74347
auction firm, auctioneer, apprentice auctioneer, or special 74348
auctioneer without a license issued by the department of 74349
agriculture. 74350

(2) Division (C)(1) of this section does not apply to an 74351
individual who is the subject of an advertisement regarding an 74352
auction conducted under division (B)(5)(b) of this section. 74353

Sec. 4715.18. (A) No person shall practice or offer to 74354
practice dentistry or dental surgery under the name of any 74355
company, association, or corporation except a, or other entity 74356
other than one of the following: 74357

(1) A corporation-for-profit formed under Chapter 1701. of 74358
the Revised Code or a; 74359

(2) A professional association established under Chapter 74360
1785. of the Revised Code, or under the name of any other entity 74361
except a; 74362

(3) A limited liability company formed under Chapter 1705. of 74363
the Revised Code, and any; 74364

(4) A federally qualified health center, federally qualified health center look-alike, free clinic, nonprofit shelter or health care facility, or nonprofit clinic that provides health care services or dental services to indigent and uninsured persons. 74365
74366
74367
74368

(B) Any person practicing or offering to practice dentistry or dental surgery shall do so under his the person's name or, the name of a professional association, professional partnership, corporation-for-profit, or limited liability company that includes his the person's name, or the name of an organization specified in division (A)(4) of this section. 74369
74370
74371
74372
74373
74374

(C) As used in this section: 74375

(1) "Federally qualified health center" and "federally qualified health center look-alike" have the same meanings as in section 3701.047 of the Revised Code. 74376
74377
74378

(2) "Free clinic" and "nonprofit shelter or health care facility" have the same meanings as in section 3701.071 of the Revised Code. 74379
74380
74381

(3) "Nonprofit clinic" has the same meaning as in section 3715.87 of the Revised Code. 74382
74383

(4) "Indigent and uninsured person" has the same meaning as in section 2305.234 of the Revised Code. 74384
74385

Sec. 4723.06. (A) The board of nursing shall: 74386

(1) Administer and enforce the provisions of this chapter, including the taking of disciplinary action for violations of section 4723.28 of the Revised Code, any other provisions of this chapter, or rules adopted under this chapter; 74387
74388
74389
74390

(2) Develop criteria that an applicant must meet to be eligible to sit for the examination for licensure to practice as a registered nurse or as a licensed practical nurse; 74391
74392
74393

(3) Issue and renew nursing licenses, dialysis technician 74394
certificates, and community health worker certificates, as 74395
provided in this chapter; 74396

(4) Define the minimum standards for educational programs of 74397
the schools of registered nursing and schools of practical nursing 74398
in this state; 74399

(5) Survey, inspect, and grant full approval to prelicensure 74400
nursing education programs in this state that meet the standards 74401
established by rules adopted under section 4723.07 of the Revised 74402
Code. Prelicensure nursing education programs include, but are not 74403
limited to, diploma, associate degree, baccalaureate degree, 74404
master's degree, and doctor of nursing programs leading to initial 74405
licensure to practice nursing as a registered nurse and practical 74406
nurse programs leading to initial licensure to practice nursing as 74407
a licensed practical nurse. 74408

(6) Grant conditional approval, by a vote of a quorum of the 74409
board, to a new prelicensure nursing education program or a 74410
program that is being reestablished after having ceased to 74411
operate, if the program meets and maintains the minimum standards 74412
of the board established by rules adopted under section 4723.07 of 74413
the Revised Code. If the board does not grant conditional 74414
approval, it shall hold an adjudication under Chapter 119. of the 74415
Revised Code to consider conditional approval of the program. If 74416
the board grants conditional approval, at the first meeting 74417
following completion of the survey process required by division 74418
(A)(5) of this section, the board shall determine whether to grant 74419
full approval to the program. If the board does not grant full 74420
approval or if it appears that the program has failed to meet and 74421
maintain standards established by rules adopted under section 74422
4723.07 of the Revised Code, the board shall hold an adjudication 74423
under Chapter 119. of the Revised Code to consider the program. 74424
Based on results of the adjudication, the board may continue or 74425

withdraw conditional approval, or grant full approval. 74426

(7) Place on provisional approval, for a period of time 74427
specified by the board, a program that has ceased to meet and 74428
maintain the minimum standards of the board established by rules 74429
adopted under section 4723.07 of the Revised Code. Prior to or at 74430
the end of the period, the board shall reconsider whether the 74431
program meets the standards and shall grant full approval if it 74432
does. If it does not, the board may withdraw approval, pursuant to 74433
an adjudication under Chapter 119. of the Revised Code. 74434

(8) Approve continuing education programs and courses under 74435
standards established in rules adopted under sections 4723.07, 74436
4723.69, 4723.79, and 4723.88 of the Revised Code; 74437

(9) Establish a program for monitoring chemical dependency in 74438
accordance with section 4723.35 of the Revised Code; 74439

(10) Establish the practice intervention and improvement 74440
program in accordance with section 4723.282 of the Revised Code; 74441

(11) Issue and renew certificates of authority to practice 74442
nursing as a certified registered nurse anesthetist, clinical 74443
nurse specialist, certified nurse-midwife, or certified nurse 74444
practitioner; 74445

(12) Approve under section 4723.46 of the Revised Code 74446
national certifying organizations for examination and 74447
certification of certified registered nurse anesthetists, clinical 74448
nurse specialists, certified nurse-midwives, or certified nurse 74449
practitioners; 74450

(13) Issue and renew certificates to prescribe in accordance 74451
with sections 4723.48 and 4723.486 of the Revised Code; 74452

(14) Grant approval to the ~~planned classroom and clinical~~ 74453
course of study in advanced pharmacology and related topics 74454
required by section 4723.482 of the Revised Code to be eligible 74455

for a certificate to prescribe; 74456

(15) Make an annual edition of the formulary established in 74457
rules adopted under section 4723.50 of the Revised Code available 74458
to the public either in printed form or by electronic means and, 74459
as soon as possible after any revision of the formulary becomes 74460
effective, make the revision available to the public in printed 74461
form or by electronic means; 74462

(16) Provide guidance and make recommendations to the general 74463
assembly, the governor, state agencies, and the federal government 74464
with respect to the regulation of the practice of nursing and the 74465
enforcement of this chapter; 74466

(17) Make an annual report to the governor, which shall be 74467
open for public inspection; 74468

(18) Maintain and have open for public inspection the 74469
following records: 74470

(a) A record of all its meetings and proceedings; 74471

(b) A record of all applicants for, and holders of, licenses 74472
and certificates issued by the board under this chapter or in 74473
accordance with rules adopted under this chapter. The record shall 74474
be maintained in a format determined by the board. 74475

(c) A list of education and training programs approved by the 74476
board. 74477

(19) Deny approval to a person who submits or causes to be 74478
submitted false, misleading, or deceptive statements, information, 74479
or documentation to the board in the process of applying for 74480
approval of a new education or training program. If the board 74481
proposes to deny approval of a new education or training program, 74482
it shall do so pursuant to an adjudication conducted under Chapter 74483
119. of the Revised Code. 74484

(B) The board may fulfill the requirement of division (A)(8) 74485

of this section by authorizing persons who meet the standards 74486
established in rules adopted under section 4723.07 of the Revised 74487
Code to approve continuing education programs and courses. Persons 74488
so authorized shall approve continuing education programs and 74489
courses in accordance with standards established in rules adopted 74490
under section 4723.07 of the Revised Code. 74491

Persons seeking authorization to approve continuing education 74492
programs and courses shall apply to the board and pay the 74493
appropriate fee established under section 4723.08 of the Revised 74494
Code. Authorizations to approve continuing education programs and 74495
courses shall expire, and may be renewed according to the schedule 74496
established in rules adopted under section 4723.07 of the Revised 74497
Code. 74498

In addition to approving continuing education programs under 74499
division (A)(8) of this section, the board may sponsor continuing 74500
education activities that are directly related to the statutes and 74501
rules the board enforces. 74502

Sec. 4723.08. (A) The board of nursing may impose fees not to 74503
exceed the following limits: 74504

(1) For application for licensure by examination to practice 74505
nursing as a registered nurse or as a licensed practical nurse, 74506
seventy-five dollars; 74507

(2) For application for licensure by endorsement to practice 74508
nursing as a registered nurse or as a licensed practical nurse, 74509
seventy-five dollars; 74510

(3) For application for a certificate of authority to 74511
practice nursing as a certified registered nurse anesthetist, 74512
clinical nurse specialist, certified nurse-midwife, or certified 74513
nurse practitioner, one hundred dollars; 74514

(4) For application for a temporary dialysis technician 74515

certificate, the amount specified in rules adopted under section	74516
4723.79 of the Revised Code;	74517
(5) For application for a dialysis technician certificate,	74518
the amount specified in rules adopted under section 4723.79 of the	74519
Revised Code;	74520
(6) For application for a certificate to prescribe, fifty	74521
dollars;	74522
(7) For providing, pursuant to division (B) of section	74523
4723.271 of the Revised Code, written verification of a nursing	74524
license, certificate of authority, certificate to prescribe,	74525
dialysis technician certificate, medication aide certificate, or	74526
community health worker certificate to another jurisdiction,	74527
fifteen dollars;	74528
(8) For providing, pursuant to division (A) of section	74529
4723.271 of the Revised Code, a replacement copy of a wall	74530
certificate suitable for framing as described in that division,	74531
twenty-five dollars;	74532
(9) For biennial renewal of a nursing license, sixty-five	74533
dollars;	74534
(10) For biennial renewal of a certificate of authority to	74535
practice nursing as a certified registered nurse anesthetist,	74536
clinical nurse specialist, certified nurse-midwife, or certified	74537
nurse practitioner, eighty-five dollars;	74538
(11) For renewal of a certificate to prescribe, fifty	74539
dollars;	74540
(12) For biennial renewal of a dialysis technician	74541
certificate, the amount specified in rules adopted under section	74542
4723.79 of the Revised Code;	74543
(13) For processing a late application for renewal of a	74544
nursing license, certificate of authority, or dialysis technician	74545

certificate, fifty dollars; 74546

(14) For application for authorization to approve continuing 74547
education programs and courses from an applicant accredited by a 74548
national accreditation system for nursing, five hundred dollars; 74549

(15) For application for authorization to approve continuing 74550
education programs and courses from an applicant not accredited by 74551
a national accreditation system for nursing, one thousand dollars; 74552

(16) For each year for which authorization to approve 74553
continuing education programs and courses is renewed, one hundred 74554
fifty dollars; 74555

(17) For application for approval to operate a dialysis 74556
training program, the amount specified in rules adopted under 74557
section 4723.79 of the Revised Code; 74558

(18) For reinstatement of a lapsed license or certificate 74559
issued under this chapter, one hundred dollars except as provided 74560
in section 5903.10 of the Revised Code; 74561

~~(19) For written verification of a license or certificate 74562
when the verification is performed for purposes other than 74563
providing verification to another jurisdiction, five dollars; 74564~~

~~(20)~~ For processing a check returned to the board by a 74565
financial institution, twenty-five dollars; 74566

~~(21)~~(20) The amounts specified in rules adopted under section 74567
4723.88 of the Revised Code pertaining to the issuance of 74568
certificates to community health workers, including fees for 74569
application for a certificate, biennial renewal of a certificate, 74570
processing a late application for renewal of a certificate, 74571
reinstatement of a lapsed certificate, application for approval of 74572
a community health worker training program for community health 74573
workers, and biennial renewal of the approval of a training 74574
program for community health workers. 74575

(B) Each quarter, for purposes of transferring funds under 74576
section 4743.05 of the Revised Code to the nurse education 74577
assistance fund created in section 3333.28 of the Revised Code, 74578
the board of nursing shall certify to the director of budget and 74579
management the number of biennial licenses renewed under this 74580
chapter during the preceding quarter and the amount equal to that 74581
number times five dollars. 74582

(C) The board may charge a participant in a board-sponsored 74583
continuing education activity an amount not exceeding fifteen 74584
dollars for each activity. 74585

(D) The board may contract for services pertaining to the 74586
process of providing written verification of a license or 74587
certificate when the verification is performed for purposes other 74588
than providing verification to another jurisdiction. The contract 74589
may include provisions pertaining to the collection of the fee 74590
charged for providing the written verification. As part of these 74591
provisions, the board may permit the contractor to retain a 74592
portion of the fees as compensation, before any amounts are 74593
deposited into the state treasury. 74594

Sec. 4723.482. (A) Except as provided in divisions (C) and 74595
(D) of this section, an applicant shall include with the 74596
application submitted under section 4723.48 of the Revised Code 74597
all of the following: 74598

(1) Evidence of holding a current, valid certificate of 74599
authority to practice as a clinical nurse specialist, certified 74600
nurse-midwife, or certified nurse practitioner that was issued by 74601
meeting the requirements of division (A) of section 4723.41 of the 74602
Revised Code; 74603

(2) Evidence of successfully completing the course of study 74604
in advanced pharmacology and related topics in accordance with the 74605
requirements specified in division (B) of this section; 74606

(3) The fee required by section 4723.08 of the Revised Code 74607
for a certificate to prescribe; 74608

(4) Any additional information the board of nursing requires 74609
pursuant to rules adopted under section 4723.50 of the Revised 74610
Code. 74611

(B) With respect to the course of study in advanced 74612
pharmacology and related topics that must be successfully 74613
completed to obtain a certificate to prescribe, all of the 74614
following requirements apply: 74615

(1) The course of study shall be completed not longer than 74616
three years before the application for the certificate to 74617
prescribe is filed. 74618

(2) ~~Except as provided in division (E) of this section, the~~ 74619
~~course of study shall consist of planned classroom and clinical~~ 74620
~~instruction. The total length of the course of study shall be not~~ 74621
less than forty-five contact hours. 74622

(3) The course of study shall meet the requirements to be 74623
approved by the board in accordance with standards established in 74624
rules adopted under section 4723.50 of the Revised Code. 74625

(4) The content of the course of study shall be specific to 74626
the applicant's nursing specialty. 74627

(5) The instruction provided in the course of study shall 74628
include all of the following: 74629

(a) A minimum of thirty-six contact hours of instruction in 74630
advanced pharmacology that includes pharmacokinetic principles and 74631
clinical application and the use of drugs and therapeutic devices 74632
in the prevention of illness and maintenance of health; 74633

(b) Instruction in the fiscal and ethical implications of 74634
prescribing drugs and therapeutic devices; 74635

(c) Instruction in the state and federal laws that apply to 74636

the authority to prescribe; 74637

(d) Instruction that is specific to schedule II controlled 74638
substances, including instruction in all of the following: 74639

(i) Indications for the use of schedule II controlled 74640
substances in drug therapies; 74641

(ii) The most recent guidelines for pain management 74642
therapies, as established by state and national organizations such 74643
as the Ohio pain initiative and the American pain society; 74644

(iii) Fiscal and ethical implications of prescribing schedule 74645
II controlled substances; 74646

(iv) State and federal laws that apply to the authority to 74647
prescribe schedule II controlled substances; 74648

(v) Prevention of abuse and diversion of schedule II 74649
controlled substances, including identification of the risk of 74650
abuse and diversion, recognition of abuse and diversion, types of 74651
assistance available for prevention of abuse and diversion, and 74652
methods of establishing safeguards against abuse and diversion. 74653

(e) Any additional instruction required pursuant to rules 74654
adopted under section 4723.50 of the Revised Code. 74655

(C) An applicant who practiced or is practicing as a clinical 74656
nurse specialist, certified nurse-midwife, or certified nurse 74657
practitioner in another jurisdiction or as an employee of the 74658
United States government, and is not seeking authority to 74659
prescribe drugs and therapeutic devices by meeting the 74660
requirements of division (A) or (D) of this section, shall include 74661
with the application submitted under section 4723.48 of the 74662
Revised Code all of the following: 74663

(1) Evidence of holding a current, valid certificate of 74664
authority issued under this chapter to practice as a clinical 74665
nurse specialist, certified nurse-midwife, or certified nurse 74666

practitioner; 74667

(2) The fee required by section 4723.08 of the Revised Code 74668
for a certificate to prescribe; 74669

(3) Either of the following: 74670

(a) Evidence of having held, for a continuous period of at 74671
least one year during the three years immediately preceding the 74672
date of application, valid authority issued by another 74673
jurisdiction to prescribe therapeutic devices and drugs, including 74674
at least some controlled substances; 74675

(b) Evidence of having been employed by the United States 74676
government and authorized, for a continuous period of at least one 74677
year during the three years immediately preceding the date of 74678
application, to prescribe therapeutic devices and drugs, including 74679
at least some controlled substances, in conjunction with that 74680
employment. 74681

(4) Evidence of having completed a two-hour course of 74682
instruction approved by the board in the laws of this state that 74683
govern drugs and prescriptive authority; 74684

(5) Any additional information the board requires pursuant to 74685
rules adopted under section 4723.50 of the Revised Code. 74686

(D) An applicant who practiced or is practicing as a clinical 74687
nurse specialist, certified nurse-midwife, or certified nurse 74688
practitioner in another jurisdiction or as an employee of the 74689
United States government, and is not seeking authority to 74690
prescribe drugs and therapeutic devices by meeting the 74691
requirements of division (A) or (C) of this section, shall include 74692
with the application submitted under section 4723.48 of the 74693
Revised Code all of the following: 74694

(1) Evidence of holding a current, valid certificate of 74695
authority issued under this chapter to practice as a clinical 74696

nurse specialist, certified nurse-midwife, or certified nurse practitioner; 74697
74698

(2) The fee required by section 4723.08 of the Revised Code for a certificate to prescribe; 74699
74700

(3) Either of the following: 74701

(a) Evidence of having held, for a continuous period of at least one year during the three years immediately preceding the date of application, valid authority issued by another jurisdiction to prescribe therapeutic devices and drugs, excluding controlled substances; 74702
74703
74704
74705
74706

(b) Evidence of having been employed by the United States government and authorized, for a continuous period of at least one year during the three years immediately preceding the date of application, to prescribe therapeutic devices and drugs, excluding controlled substances, in conjunction with that employment. 74707
74708
74709
74710
74711

(4) Any additional information the board requires pursuant to rules adopted under section 4723.50 of the Revised Code. 74712
74713

~~(E) In the case of an applicant who meets the requirements of division (C) or (D) of this section other than the requirements of division (C)(3) or (D)(3) of this section and is seeking authority to prescribe drugs and therapeutic devices by meeting the requirements of division (A) of this section, the applicant may complete the instruction that is specific to schedule II controlled substances, as required by division (B)(5)(d) of this section, through an internet-based course of study in lieu of completing the instruction through a course of study consisting of planned classroom and clinical instruction.~~ 74714
74715
74716
74717
74718
74719
74720
74721
74722
74723

Sec. 4723.50. (A) In accordance with Chapter 119. of the Revised Code, the board of nursing shall adopt rules as necessary to implement the provisions of this chapter pertaining to the 74724
74725
74726

authority of clinical nurse specialists, certified nurse-midwives, 74727
and certified nurse practitioners to prescribe drugs and 74728
therapeutic devices and the issuance and renewal of certificates 74729
to prescribe. 74730

The board shall adopt rules that are consistent with the 74731
recommendations the board receives from the committee on 74732
prescriptive governance pursuant to section 4723.492 of the 74733
Revised Code. After reviewing a recommendation submitted by the 74734
committee, the board may either adopt the recommendation as a rule 74735
or ask the committee to reconsider and resubmit the 74736
recommendation. The board shall not adopt any rule that does not 74737
conform to a recommendation made by the committee. 74738

(B) The board shall adopt rules under this section that do 74739
all of the following: 74740

(1) Establish a formulary listing the types of drugs and 74741
therapeutic devices that may be prescribed by a clinical nurse 74742
specialist, certified nurse-midwife, or certified nurse 74743
practitioner. The formulary may include controlled substances, as 74744
defined in section 3719.01 of the Revised Code. The formulary 74745
shall not permit the prescribing of any drug or device to perform 74746
or induce an abortion. 74747

(2) Establish safety standards to be followed by a clinical 74748
nurse specialist, certified nurse-midwife, or certified nurse 74749
practitioner when personally furnishing to patients complete or 74750
partial supplies of antibiotics, antifungals, scabicides, 74751
contraceptives, prenatal vitamins, antihypertensives, drugs and 74752
devices used in the treatment of diabetes, drugs and devices used 74753
in the treatment of asthma, and drugs used in the treatment of 74754
dyslipidemia; 74755

(3) Establish criteria for the components of the standard 74756
care arrangements described in section 4723.431 of the Revised 74757

Code that apply to the authority to prescribe, including the 74758
components that apply to the authority to prescribe schedule II 74759
controlled substances. The rules shall be consistent with that 74760
section and include all of the following: 74761

(a) Quality assurance standards; 74762

(b) Standards for periodic review by a collaborating 74763
physician or podiatrist of the records of patients treated by the 74764
clinical nurse specialist, certified nurse-midwife, or certified 74765
nurse practitioner; 74766

(c) Acceptable travel time between the location at which the 74767
clinical nurse specialist, certified nurse-midwife, or certified 74768
nurse practitioner is engaging in the prescribing components of 74769
the nurse's practice and the location of the nurse's collaborating 74770
physician or podiatrist; 74771

(d) Any other criteria recommended by the committee on 74772
prescriptive governance. 74773

(4) Establish standards and procedures for issuance and 74774
renewal of a certificate to prescribe, including specification of 74775
any additional information the board may require under division 74776
(A)(4), (C)(5), or (D)~~(5)~~(4) of section 4723.482 ~~or~~, division 74777
(B)(3) of section 4723.485, or division (B)(3) of section 4723.486 74778
of the Revised Code; 74779

(5) Establish standards for board approval of the course of 74780
study in advanced pharmacology and related topics required by 74781
section 4723.482 of the Revised Code; 74782

(6) Establish requirements for board approval of the two-hour 74783
course of instruction in the laws of this state as required under 74784
division (C)(4) of section 4723.482 of the Revised Code and 74785
division (B)(2) of section 4723.484 of the Revised Code; 74786

(7) Establish standards and procedures for the appropriate 74787

conduct of an externship as described in section 4723.484 of the Revised Code, including the following:

(a) Standards and procedures to be used in evaluating an individual's participation in an externship;

(b) Standards and procedures for the supervision that a physician must provide during an externship, including supervision provided by working with the participant and supervision provided by making timely reviews of the records of patients treated by the participant. The manner in which supervision must be provided may vary according to the location where the participant is practicing and with the participant's level of experience.

Sec. 4723.88. The board of nursing, in accordance with Chapter 119. of the Revised Code, shall adopt rules to administer and enforce sections 4723.81 to 4723.87 of the Revised Code. The rules shall establish all of the following:

(A) Standards and procedures for issuance of community health worker certificates;

(B) Standards for evaluating the competency of an individual who applies to receive a certificate on the basis of having been employed in a capacity substantially the same as a community health worker before the board implemented the certification program;

(C) Standards and procedures for renewal of community health worker certificates, including the continuing education requirements that must be met for renewal;

(D) Standards governing the performance of activities related to nursing care that are delegated by a registered nurse to certified community health workers. In establishing the standards, the board shall specify limits on the number of certified community health workers a registered nurse may supervise at any

one time. 74818

(E) Standards and procedures for assessing the quality of the 74819
services that are provided by certified community health workers; 74820

(F) Standards and procedures for denying, suspending, and 74821
revoking a community health worker certificate, including reasons 74822
for imposing the sanctions that are substantially similar to the 74823
reasons that sanctions are imposed under section 4723.28 of the 74824
Revised Code; 74825

(G) Standards and procedures for approving and renewing the 74826
board's approval of training programs that prepare individuals to 74827
become certified community health workers. In establishing the 74828
standards, the board shall specify the minimum components that 74829
must be included in a training program, shall require that all 74830
approved training programs offer the standardized curriculum, and 74831
shall ensure that the curriculum enables individuals to use the 74832
training as a basis for entering programs leading to other 74833
careers, including nursing education programs. 74834

(H) Standards for approval of continuing education programs 74835
and courses for certified community health workers; 74836

(I) Standards and procedures for withdrawing the board's 74837
approval of a training program, refusing to renew the approval of 74838
a training program, and placing a training program on provisional 74839
approval; 74840

(J) Amounts for each fee that may be imposed under division 74841
(A)~~(21)~~(20) of section 4723.08 of the Revised Code; 74842

(K) Any other standards or procedures the board considers 74843
necessary and appropriate for the administration and enforcement 74844
of sections 4723.81 to 4723.87 of the Revised Code. 74845

Sec. 4725.40. As used in sections 4725.40 to 4725.59 of the 74846
Revised Code: 74847

(A) "Optical aid" means both of the following: 74848

(1) Spectacles or other instruments or devices that are not 74849
contact lenses, if the spectacles or other instruments or devices 74850
may aid or correct human vision and have been prescribed by a 74851
physician or optometrist licensed by any state; 74852

(2) Contact lenses, regardless of whether they address visual 74853
function, if they are designed to fit over the cornea of the eye 74854
or are otherwise designed for use in or on the eye or orbit. 74855

All contact lenses shall be dispensed only in accordance with 74856
a valid written prescription designated for contact lenses, 74857
including the following: 74858

(a) Zero-powered plano contact lenses; 74859

(b) Cosmetic contact lenses; 74860

(c) Performance-enhancing contact lenses; 74861

(d) Any other contact devices determined by the Ohio optical 74862
dispensers board to be contact lenses. 74863

(B) "Optical dispensing" means interpreting but not altering 74864
a prescription of a licensed physician or optometrist and 74865
designing, adapting, fitting, or replacing the prescribed optical 74866
aids, pursuant to such prescription, to or for the intended 74867
wearer; duplicating lenses, other than contact lenses, accurately 74868
as to power without a prescription; and duplicating 74869
nonprescription eyewear and parts of eyewear. "Optical dispensing" 74870
does not include selecting frames, placing an order for the 74871
delivery of an optical aid, transacting a sale, transferring an 74872
optical aid to the wearer after an optician has completed fitting 74873
it, or providing instruction in the general care and use of an 74874
optical aid, including placement, removal, hygiene, or cleaning. 74875

(C) "Licensed dispensing optician" means a person holding a 74876
current, valid license issued under sections 4725.47 to 4725.51 of 74877

the Revised Code that authorizes the person to engage in optical 74878
dispensing. Nothing in this chapter shall be construed to permit a 74879
licensed dispensing optician to alter the specifications of a 74880
prescription. 74881

(D) "Licensed spectacle dispensing optician" means a licensed 74882
dispensing optician authorized to engage in both of the following: 74883

(1) The dispensing of optical aids other than contact lenses; 74884

(2) The dispensing of prepackaged soft contact lenses in 74885
accordance with section 4725.411 of the Revised Code. 74886

(E) "Licensed contact lens dispensing optician" means a 74887
licensed dispensing optician authorized to engage only in the 74888
dispensing of contact lenses. 74889

(F) "Licensed spectacle-contact lens dispensing optician" 74890
means a licensed dispensing optician authorized to engage in the 74891
dispensing of any optical aid. 74892

(G) "Apprentice" means any person dispensing optical aids 74893
under the direct supervision of a licensed dispensing optician. 74894

(H) "Prescription" means the written or verbal directions or 74895
instructions as specified by a physician or optometrist licensed 74896
by any state for preparing an optical aid for a patient. 74897

(I) "Supervision" means the provision of direction and 74898
control through personal inspection and evaluation of work. 74899

(J) "Licensed ocularist" means a person holding a current, 74900
valid license issued under sections 4725.48 to 4725.51 of the 74901
Revised Code to engage in the practice of designing, fabricating, 74902
and fitting artificial eyes or prostheses associated with the 74903
appearance or function of the human eye. 74904

Sec. 4725.411. (A) Each licensed spectacle dispensing 74905
optician shall complete two hours of study in prepackaged soft 74906

contact lens dispensing approved by the Ohio optical dispensers 74907
board under section 4725.51 of the Revised Code. The two hours of 74908
study shall be completed as follows: 74909

(1) Each licensed spectacle dispensing optician who holds the 74910
license on the effective date of this amendment shall complete the 74911
two hours of study not later than December 31, 2015. 74912

(2) Each licensed spectacle dispensing optician who receives 74913
the license after the effective date of this amendment shall 74914
complete the two hours of study not later than the thirty-first 74915
day of December of the year the license is issued. 74916

(B) Beginning January 1, 2016, a licensed spectacle 74917
dispensing optician may dispense prepackaged soft contact lenses 74918
if the both of the following are the case: 74919

(1) The licensed spectacle dispensing optician has completed 74920
two hours of study in prepackaged soft contact lens dispensing in 74921
accordance with division (A) of this section. 74922

(2) The only action necessary is to match the description of 74923
the contact lenses that is on the packaging to a written 74924
prescription. 74925

Sec. 4725.51. (A)(1) Each license issued under sections 74926
4725.40 to 4725.59 of the Revised Code shall expire on the first 74927
day of January in the year after it was issued. Each person 74928
holding a valid, current license may apply to the Ohio optical 74929
dispensers board for the extension of the license under the 74930
standard renewal procedures of Chapter 4745. of the Revised Code. 74931
Each application for renewal shall be accompanied by a renewal fee 74932
the board shall establish by rule. In addition, except as provided 74933
in division (A)(2) of this section, the application shall contain 74934
evidence that the applicant has completed continuing education 74935
within the immediately preceding one-year period as follows: 74936

~~(1)(a)~~ Licensed spectacle dispensing opticians shall have 74937
pursued both of the following, approved by the board: 74938

~~(a)(i)~~ Four hours of study in spectacle dispensing; 74939

~~(b)(ii)~~ Two hours of study in ~~the form of~~ contact lens 74940
dispensing ~~described in section 4725.411 of the Revised Code.~~ 74941

~~(2)(b)~~ Licensed contact lens dispensing opticians shall have 74942
pursued eight hours of study in contact lens dispensing, approved 74943
by the board. 74944

~~(3)(c)~~ Licensed spectacle-contact lens dispensing opticians 74945
shall have pursued both of the following, approved by the board: 74946

~~(a)(i)~~ Four hours of study in spectacle dispensing; 74947

~~(b)(ii)~~ Eight hours of study in contact lens dispensing. 74948

~~(4)(d)~~ Licensed ocularists shall have pursued courses of 74949
study as prescribed by rule of the board. 74950

(2) An application for the initial renewal of a license 74951
issued under sections 4725.40 to 4725.55 of the Revised Code is 74952
not required to contain evidence that the applicant has completed 74953
the continuing education requirements of division (A)(1) of this 74954
section. 74955

(B) No person who fails to renew the person's license under 74956
division (A) of this section shall be required to take a 74957
qualifying examination under section 4725.48 of the Revised Code 74958
as a condition of renewal, provided that the application for 74959
renewal and proof of the requisite continuing education hours are 74960
submitted within ninety days from the date the license expired and 74961
the applicant pays the annual renewal fee and a penalty of 74962
seventy-five dollars. The board may provide, by rule, for an 74963
extension of the grace period for licensed dispensing opticians 74964
who are serving in the armed forces of the United States or a 74965
reserve component of the armed forces of the United States, 74966

including the Ohio national guard or the national guard of any 74967
other state and for waiver of the continuing education 74968
requirements or the penalty in cases of hardship or illness. 74969

(C) The board shall approve continuing education programs and 74970
shall adopt rules as necessary for approving the programs. The 74971
rules shall permit programs to be conducted either in person or 74972
through electronic or other self-study means. Approved programs 74973
shall be scheduled, sponsored, and conducted in accordance with 74974
the board's rules. 74975

Sec. 4729.51. (A)(1) Except as provided in division (A)(2) of 74976
this section, no person other than a registered wholesale 74977
distributor of dangerous drugs shall possess for sale, sell, 74978
distribute, or deliver, at wholesale, dangerous drugs, except as 74979
follows: 74980

(a) A pharmacist who is a licensed terminal distributor of 74981
dangerous drugs or who is employed by a licensed terminal 74982
distributor of dangerous drugs may make occasional sales of 74983
dangerous drugs at wholesale; 74984

(b) A licensed terminal distributor of dangerous drugs having 74985
more than one establishment or place may transfer or deliver 74986
dangerous drugs from one establishment or place for which a 74987
license has been issued to the terminal distributor to another 74988
establishment or place for which a license has been issued to the 74989
terminal distributor if the license issued for each establishment 74990
or place is in effect at the time of the transfer or delivery. 74991

(2) A manufacturer of dangerous drugs may donate epinephrine 74992
autoinjectors to any of the following: 74993

(a) The board of education of a city, local, exempted 74994
village, or joint vocational school district; 74995

(b) A community school established under Chapter 3314. of the 74996

Revised Code;	74997
(c) A STEM school established under Chapter 3326. of the	74998
Revised Code;	74999
(d) A college-preparatory boarding school established under	75000
Chapter 3328. of the Revised Code;	75001
(e) A chartered or nonchartered nonpublic school.	75002
(B)(1) No registered wholesale distributor of dangerous drugs	75003
shall possess for sale, or sell, at wholesale, dangerous drugs to	75004
any person other than the following:	75005
(a) Except as provided in division (B)(2)(a) of this section	75006
<u>and division (B) of section 4729.541 of the Revised Code</u> , a	75007
licensed health professional authorized to prescribe drugs;	75008
(b) An optometrist licensed under Chapter 4725. of the	75009
Revised Code who holds a topical ocular pharmaceutical agents	75010
certificate;	75011
(c) A registered wholesale distributor of dangerous drugs;	75012
(d) A manufacturer of dangerous drugs;	75013
(e) Subject to division (B)(3) of this section, a licensed	75014
terminal distributor of dangerous drugs;	75015
(f) Carriers or warehouses for the purpose of carriage or	75016
storage;	75017
(g) Terminal or wholesale distributors of dangerous drugs who	75018
are not engaged in the sale of dangerous drugs within this state;	75019
(h) An individual who holds a current license, certificate,	75020
or registration issued under Title XLVII of the Revised Code and	75021
has been certified to conduct diabetes education by a national	75022
certifying body specified in rules adopted by the state board of	75023
pharmacy under section 4729.68 of the Revised Code, but only with	75024
respect to insulin that will be used for the purpose of diabetes	75025

education and only if diabetes education is within the 75026
individual's scope of practice under statutes and rules regulating 75027
the individual's profession; 75028

(i) An individual who holds a valid certificate issued by a 75029
nationally recognized S.C.U.B.A. diving certifying organization 75030
approved by the state board of pharmacy in rule, but only with 75031
respect to medical oxygen that will be used for the purpose of 75032
emergency care or treatment at the scene of a diving emergency; 75033

(j) Except as provided in division (B)(2)(b) of this section 75034
and division (A) of section 4729.541 of the Revised Code, a 75035
business entity that is a corporation formed under division (B) of 75036
section 1701.03 of the Revised Code, a limited liability company 75037
formed under Chapter 1705. of the Revised Code, or a professional 75038
association formed under Chapter 1785. of the Revised Code if the 75039
entity has a sole shareholder who is a licensed health 75040
professional authorized to prescribe drugs and is authorized to 75041
provide the professional services being offered by the entity; 75042

(k) Except as provided in division (B)(2)(c) of this section 75043
and division (A) of section 4729.541 of the Revised Code, a 75044
business entity that is a corporation formed under division (B) of 75045
section 1701.03 of the Revised Code, a limited liability company 75046
formed under Chapter 1705. of the Revised Code, a partnership or a 75047
limited liability partnership formed under Chapter 1775. of the 75048
Revised Code, or a professional association formed under Chapter 75049
1785. of the Revised Code, if, to be a shareholder, member, or 75050
partner, an individual is required to be licensed, certified, or 75051
otherwise legally authorized under Title XLVII of the Revised Code 75052
to perform the professional service provided by the entity and 75053
each such individual is a licensed health professional authorized 75054
to prescribe drugs; 75055

(l) With respect to epinephrine autoinjectors that may be 75056
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 75057

or 3328.29 of the Revised Code, any of the following: the board of
education of a city, local, exempted village, or joint vocational
school district; a chartered or nonchartered nonpublic school; a
community school established under Chapter 3314. of the Revised
Code; a STEM school established under Chapter 3326. of the Revised
Code; or a college-preparatory boarding school established under
Chapter 3328. of the Revised Code;

(m) With respect to epinephrine autoinjectors that may be
possessed under section 5101.76 of the Revised Code, any of the
following: a residential camp, as defined in section 2151.011 of
the Revised Code; a child day camp, as defined in section 5104.01
of the Revised Code; or a child day camp operated by any county,
township, municipal corporation, township park district created
under section 511.18 of the Revised Code, park district created
under section 1545.04 of the Revised Code, or joint recreation
district established under section 755.14 of the Revised Code;

(n) With respect to naloxone that may be possessed under
section 2925.61 of the Revised Code, a law enforcement agency and
its peace officers.

(2) No registered wholesale distributor of dangerous drugs
shall possess for sale, or sell, at wholesale, dangerous drugs to
any of the following:

(a) A prescriber who is employed by a pain management clinic
that is not licensed as a terminal distributor of dangerous drugs
with a pain management clinic classification issued under section
4729.552 of the Revised Code;

(b) A business entity described in division (B)(1)(j) of this
section that is, or is operating, a pain management clinic without
a license as a terminal distributor of dangerous drugs with a pain
management clinic classification issued under section 4729.552 of
the Revised Code;

(c) A business entity described in division (B)(1)(k) of this section that is, or is operating, a pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(3) No registered wholesale distributor of dangerous drugs shall possess dangerous drugs for sale at wholesale, or sell such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows:

(a) In the case of a terminal distributor with a category I license, only dangerous drugs described in category I, as defined in division (A)(1) of section 4729.54 of the Revised Code;

(b) In the case of a terminal distributor with a category II license, only dangerous drugs described in category I and category II, as defined in divisions (A)(1) and (2) of section 4729.54 of the Revised Code;

(c) In the case of a terminal distributor with a category III license, dangerous drugs described in category I, category II, and category III, as defined in divisions (A)(1), (2), and (3) of section 4729.54 of the Revised Code;

(d) In the case of a terminal distributor with a limited category I, II, or III license, only the dangerous drugs specified in the certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code.

(C)(1) Except as provided in division (C)(4) of this section, no person shall sell, at retail, dangerous drugs.

(2) Except as provided in division (C)(4) of this section, no person shall possess for sale, at retail, dangerous drugs.

(3) Except as provided in division (C)(4) of this section, no person shall possess dangerous drugs.

(4) Divisions (C)(1), (2), and (3) of this section do not 75119
apply to a registered wholesale distributor of dangerous drugs, or 75120
a licensed terminal distributor of dangerous drugs, ~~or~~. 75121

Divisions (C)(1), (2), and (3) of this section do not apply 75122
to a person who possesses, or possesses for sale or sells, at 75123
retail, a dangerous drug in accordance with Chapters 3719., 4715., 75124
4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code. 75125

Divisions (C)(1), (2), and (3) of this section do not apply 75126
to an individual who holds a current license, certificate, or 75127
registration issued under Title XLVII of the Revised Code and has 75128
been certified to conduct diabetes education by a national 75129
certifying body specified in rules adopted by the state board of 75130
pharmacy under section 4729.68 of the Revised Code, but only to 75131
the extent that the individual possesses insulin or personally 75132
supplies insulin solely for the purpose of diabetes education and 75133
only if diabetes education is within the individual's scope of 75134
practice under statutes and rules regulating the individual's 75135
profession. 75136

Divisions (C)(1), (2), and (3) of this section do not apply 75137
to an individual who holds a valid certificate issued by a 75138
nationally recognized S.C.U.B.A. diving certifying organization 75139
approved by the state board of pharmacy in rule, but only to the 75140
extent that the individual possesses medical oxygen or personally 75141
supplies medical oxygen for the purpose of emergency care or 75142
treatment at the scene of a diving emergency. 75143

Division (C)(3) of this section does not apply to the board 75144
of education of a city, local, exempted village, or joint 75145
vocational school district, a school building operated by a school 75146
district board of education, a chartered or nonchartered nonpublic 75147
school, a community school, a STEM school, or a 75148
college-preparatory boarding school for the purpose of possessing 75149
epinephrine autoinjectors under section 3313.7110, 3313.7111, 75150

3314.143, 3326.28, or 3328.29 of the Revised Code. 75151

Division (C)(3) of this section does not apply to a 75152
residential camp, as defined in section 2151.011 of the Revised 75153
Code, a child day camp, as defined in section 5104.01 of the 75154
Revised Code, or a child day camp operated by any county, 75155
township, municipal corporation, township park district created 75156
under section 511.18 of the Revised Code, park district created 75157
under section 1545.04 of the Revised Code, or joint recreation 75158
district established under section 755.14 of the Revised Code for 75159
the purpose of possessing epinephrine autoinjectors under section 75160
5101.76 of the Revised Code. 75161

Division (C)(3) of this section does not apply to a law 75162
enforcement agency or the agency's peace officers if the agency or 75163
officers possess naloxone for administration to individuals who 75164
are apparently experiencing opioid-related overdoses. 75165

(D) No licensed terminal distributor of dangerous drugs shall 75166
purchase for the purpose of resale dangerous drugs from any person 75167
other than a registered wholesale distributor of dangerous drugs, 75168
except as follows: 75169

(1) A licensed terminal distributor of dangerous drugs may 75170
make occasional purchases of dangerous drugs for resale from a 75171
pharmacist who is a licensed terminal distributor of dangerous 75172
drugs or who is employed by a licensed terminal distributor of 75173
dangerous drugs; 75174

(2) A licensed terminal distributor of dangerous drugs having 75175
more than one establishment or place may transfer or receive 75176
dangerous drugs from one establishment or place for which a 75177
license has been issued to the terminal distributor to another 75178
establishment or place for which a license has been issued to the 75179
terminal distributor if the license issued for each establishment 75180
or place is in effect at the time of the transfer or receipt. 75181

(E) No licensed terminal distributor of dangerous drugs shall
engage in the sale or other distribution of dangerous drugs at
retail or maintain possession, custody, or control of dangerous
drugs for any purpose other than the distributor's personal use or
consumption, at any establishment or place other than that or
those described in the license issued by the state board of
pharmacy to such terminal distributor.

(F) Nothing in this section shall be construed to interfere
with the performance of official duties by any law enforcement
official authorized by municipal, county, state, or federal law to
collect samples of any drug, regardless of its nature or in whose
possession it may be.

(G) Notwithstanding anything to the contrary in this section,
the board of education of a city, local, exempted village, or
joint vocational school district may deliver epinephrine
autoinjectors to a school under its control for the purpose of
possessing epinephrine autoinjectors under section 3313.7110 of
the Revised Code.

Sec. 4729.53. (A) The state board of pharmacy shall not
register any person as a wholesale distributor of dangerous drugs
unless the applicant for registration furnishes satisfactory proof
to the board of ~~pharmacy~~ that ~~he~~ the applicant meets all of the
following:

(1) ~~That if~~ If the applicant has been convicted of a
violation of any federal, state, or local law relating to drug
samples, wholesale or retail drug distribution, or distribution of
controlled substances or of a felony, or if a federal, state, or
local governmental entity has suspended or revoked any current or
prior license or registration of the applicant for the manufacture
or sale of any dangerous drugs, including controlled substances,
the applicant, to the satisfaction of the board, assures that ~~he~~

the applicant has in place adequate safeguards to prevent the 75213
recurrence of any such violations~~7.1~~ 75214

(2) The applicant's past experience in the manufacture or 75215
distribution of dangerous drugs, including controlled substances, 75216
is acceptable to the board. 75217

(3) The applicant is equipped as to land, buildings, 75218
equipment, and personnel to properly carry on the business of a 75219
wholesale distributor of dangerous drugs, including providing 75220
adequate security for and proper storage conditions and handling 75221
for dangerous drugs, and is complying with the requirements under 75222
this chapter and the rules adopted pursuant thereto for 75223
maintaining and making available records to properly identified 75224
board officials and federal, state, and local law enforcement 75225
agencies. 75226

(4) Personnel employed by the applicant have the appropriate 75227
education or experience, as determined by the board, to assume 75228
responsibility for positions related to compliance with this 75229
chapter and the rules adopted pursuant thereto. 75230

(5) The applicant has designated the name and address of a 75231
person to whom communications from the board may be directed and 75232
upon whom the notices and citations provided for in section 75233
4729.56 of the Revised Code may be served. 75234

(6) Adequate safeguards are assured to prevent the sale of 75235
dangerous drugs to any person other than those named in division 75236
(B) of section 4729.51 of the Revised Code. 75237

(7) Any other requirement or qualification the board, by rule 75238
adopted in accordance with Chapter 119. of the Revised Code, 75239
considers relevant to and consistent with the public safety and 75240
health. 75241

(B) ~~The~~ In addition to the causes described in section 75242
4729.56 of the Revised Code for refusing to grant or renew a 75243

registration certificate, the board may refuse to register or 75244
renew the registration certificate of any person if the board 75245
determines that the granting of the registration certificate or 75246
its renewal is not in the public interest. 75247

Sec. 4729.541. (A)~~(1)~~ Except as provided in divisions 75248
~~(B)(A)(2)~~ and ~~(C)(3)~~ of this section, a business entity described 75249
in division (B)(1)(j) or (k) of section 4729.51 of the Revised 75250
Code may possess, have custody or control of, and distribute the 75251
dangerous drugs in category I, category II, and category III, as 75252
defined in section 4729.54 of the Revised Code, without holding a 75253
terminal distributor of dangerous drugs license issued under that 75254
section. 75255

~~(B)(2)~~ If a business entity described in division (B)(1)(j) 75256
or (k) of section 4729.51 of the Revised Code is a pain management 75257
clinic or is operating a pain management clinic, the entity shall 75258
hold a license as a terminal distributor of dangerous drugs with a 75259
pain management clinic classification issued under section 75260
4729.552 of the Revised Code. 75261

~~(C) Beginning April 1, 2015, a~~ (3) A business entity 75262
described in division (B)(1)(j) or (k) of section 4729.51 of the 75263
Revised Code shall hold a license as a terminal distributor of 75264
dangerous drugs in order to possess, have custody or control of, 75265
and distribute either of the following: 75266

~~(1)(a)~~ Dangerous drugs that are compounded or used for the 75267
purpose of compounding; 75268

~~(2)(b)~~ Controlled substances containing buprenorphine that 75269
are used for the purpose of treating drug dependence or addiction. 75270

(B) A licensed health professional authorized to prescribe 75271
drugs who does not practice in the form of a business entity 75272
described in division (B)(1)(j) or (k) of section 4729.51 of the 75273

Revised Code shall hold a license as a terminal distributor of 75274
dangerous drugs in order to possess, have custody or control of, 75275
and distribute, including personally furnish, either of the 75276
following: 75277

(1) Dangerous drugs that are compounded or used for the 75278
purpose of compounding; 75279

(2) Controlled substances containing buprenorphine that are 75280
used for the purpose of treating drug dependence or addiction. 75281

Sec. 4729.56. (A) In accordance with Chapter 119. of the 75282
Revised Code, the board of pharmacy may suspend, revoke, or refuse 75283
to grant or renew any registration certificate issued to a 75284
wholesale distributor of dangerous drugs pursuant to section 75285
4729.52 of the Revised Code or may impose a monetary penalty or 75286
forfeiture not to exceed in severity any fine designated under the 75287
Revised Code for a similar offense or one thousand dollars if the 75288
acts committed are not classified as an offense by the Revised 75289
Code for any of the following causes: 75290

(1) Making any false material statements in an application 75291
for registration as a wholesale distributor of dangerous drugs; 75292

(2) Violating any federal, state, or local drug law; any 75293
provision of this chapter or Chapter 2925., 3715., or 3719. of the 75294
Revised Code; or any rule of the board; 75295

(3) A conviction of a felony; 75296

(4) ~~Ceasing~~ Failing to satisfy the qualifications for 75297
registration under section 4729.53 of the Revised Code or the 75298
rules of the board or ceasing to satisfy the qualifications after 75299
the registration is granted or renewed. 75300

(B) Upon the suspension or revocation of the registration 75301
certificate of any wholesale distributor of dangerous drugs, the 75302
distributor shall immediately surrender ~~his~~ the distributor's 75303

registration certificate to the board. 75304

(C) If the board suspends, revokes, or refuses to renew any 75305
registration certificate issued to a wholesale distributor of 75306
dangerous drugs and determines that there is clear and convincing 75307
evidence of a danger of immediate and serious harm to any person, 75308
the board may place under seal all dangerous drugs owned by or in 75309
the possession, custody, or control of the affected wholesale 75310
distributor of dangerous drugs. Except as provided in this 75311
division, the board shall not dispose of the dangerous drugs 75312
sealed under this division until the wholesale distributor of 75313
dangerous drugs exhausts all of ~~his~~ the distributor's appeal 75314
rights under Chapter 119. of the Revised Code. The court involved 75315
in such an appeal may order the board, during the pendency of the 75316
appeal, to sell sealed dangerous drugs that are perishable. The 75317
board shall deposit the proceeds of the sale with the court. 75318

Sec. 4729.80. (A) If the state board of pharmacy establishes 75319
and maintains a drug database pursuant to section 4729.75 of the 75320
Revised Code, the board is authorized or required to provide 75321
information from the database in accordance with the following: 75322

(1) On receipt of a request from a designated representative 75323
of a government entity responsible for the licensure, regulation, 75324
or discipline of health care professionals with authority to 75325
prescribe, administer, or dispense drugs, the board may provide to 75326
the representative information from the database relating to the 75327
professional who is the subject of an active investigation being 75328
conducted by the government entity. 75329

(2) On receipt of a request from a federal officer, or a 75330
state or local officer of this or any other state, whose duties 75331
include enforcing laws relating to drugs, the board shall provide 75332
to the officer information from the database relating to the 75333
person who is the subject of an active investigation of a drug 75334

abuse offense, as defined in section 2925.01 of the Revised Code, 75335
being conducted by the officer's employing government entity. 75336

(3) Pursuant to a subpoena issued by a grand jury, the board 75337
shall provide to the grand jury information from the database 75338
relating to the person who is the subject of an investigation 75339
being conducted by the grand jury. 75340

(4) Pursuant to a subpoena, search warrant, or court order in 75341
connection with the investigation or prosecution of a possible or 75342
alleged criminal offense, the board shall provide information from 75343
the database as necessary to comply with the subpoena, search 75344
warrant, or court order. 75345

(5) On receipt of a request from a prescriber or the 75346
prescriber's delegate approved by the board, the board shall 75347
provide to the prescriber a report of information from the 75348
database relating to a patient who is either a current patient of 75349
the prescriber or a potential patient of the prescriber based on a 75350
referral of the patient to the prescriber, if all of the following 75351
conditions are met: 75352

(a) The prescriber certifies in a form specified by the board 75353
that it is for the purpose of providing medical treatment to the 75354
patient who is the subject of the request; 75355

(b) The prescriber has not been denied access to the database 75356
by the board. 75357

(6) On receipt of a request from a pharmacist or the 75358
pharmacist's delegate approved by the board, the board shall 75359
provide to the pharmacist information from the database relating 75360
to a current patient of the pharmacist, if the pharmacist 75361
certifies in a form specified by the board that it is for the 75362
purpose of the pharmacist's practice of pharmacy involving the 75363
patient who is the subject of the request and the pharmacist has 75364
not been denied access to the database by the board. 75365

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own database information.

(8) On receipt of a request from ~~the~~ a medical director or a pharmacy director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from ~~the~~ a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B)(4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or

reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 75398
Revised Code, if the administrator of workers' compensation 75399
confirms, upon request from the board, that the claimant is 75400
assigned to the managed care organization. 75401

(11) On receipt of a request from the administrator of 75402
workers' compensation, the board shall provide to the 75403
administrator information from the database relating to a claimant 75404
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 75405
including information in the database related to prescriptions for 75406
the claimant that were not covered or reimbursed under Chapter 75407
4121., 4123., 4127., or 4131. of the Revised Code. 75408

(12) On receipt of a request from a prescriber or the 75409
prescriber's delegate approved by the board, the board shall 75410
provide to the prescriber information from the database relating 75411
to a patient's mother, if the prescriber certifies in a form 75412
specified by the board that it is for the purpose of providing 75413
medical treatment to a newborn or infant patient diagnosed as 75414
opioid dependent and the prescriber has not been denied access to 75415
the database by the board. 75416

(13) On receipt of a request from the director of health, the 75417
board shall provide to the director information from the database 75418
relating to the duties of the director or the department of health 75419
in implementing the Ohio violent death reporting system 75420
established under section 3701.93 of the Revised Code. 75421

(14) On receipt of a request from a requestor described in 75422
division (A)(1), (2), (5), or (6) of this section who is from or 75423
participating with another state's prescription monitoring 75424
program, the board may provide to the requestor information from 75425
the database, but only if there is a written agreement under which 75426
the information is to be used and disseminated according to the 75427
laws of this state. 75428

(B) The state board of pharmacy shall maintain a record of 75429
each individual or entity that requests information from the 75430
database pursuant to this section. In accordance with rules 75431
adopted under section 4729.84 of the Revised Code, the board may 75432
use the records to document and report statistics and law 75433
enforcement outcomes. 75434

The board may provide records of an individual's requests for 75435
database information to the following: 75436

(1) A designated representative of a government entity that 75437
is responsible for the licensure, regulation, or discipline of 75438
health care professionals with authority to prescribe, administer, 75439
or dispense drugs who is involved in an active investigation being 75440
conducted by the government entity of the individual who submitted 75441
the requests for database information; 75442

(2) A federal officer, or a state or local officer of this or 75443
any other state, whose duties include enforcing laws relating to 75444
drugs and who is involved in an active investigation being 75445
conducted by the officer's employing government entity of the 75446
individual who submitted the requests for database information. 75447

(C) Information contained in the database and any information 75448
obtained from it is not a public record. Information contained in 75449
the records of requests for information from the database is not a 75450
public record. Information that does not identify a person may be 75451
released in summary, statistical, or aggregate form. 75452

(D) A pharmacist or prescriber shall not be held liable in 75453
damages to any person in any civil action for injury, death, or 75454
loss to person or property on the basis that the pharmacist or 75455
prescriber did or did not seek or obtain information from the 75456
database. 75457

Sec. 4729.82. If the state board of pharmacy establishes a 75458

drug database pursuant to section 4729.75 of the Revised Code, the 75459
information collected for the database shall be retained in the 75460
database for at least ~~two~~ three years. Any information that 75461
identifies a patient shall be destroyed after it has been retained 75462
for ~~two~~ three years unless a law enforcement agency or a 75463
government entity responsible for the licensure, regulation, or 75464
discipline of licensed health professionals authorized to 75465
prescribe drugs has submitted a written request to the board for 75466
retention of the information in accordance with rules adopted by 75467
the board under section 4729.84 of the Revised Code. 75468

Sec. 4729.84. For purposes of establishing and maintaining a 75469
drug database pursuant to section 4729.75 of the Revised Code, the 75470
state board of pharmacy shall adopt rules in accordance with 75471
Chapter 119. of the Revised Code to carry out and enforce sections 75472
4729.75 to 4729.83 of the Revised Code. The rules shall specify 75473
all of the following: 75474

(A) A means of identifying each patient, each terminal 75475
distributor of dangerous drugs, and each purchase at wholesale of 75476
dangerous drugs about which information is entered into the drug 75477
database; 75478

(B) Requirements for the transmission of information from 75479
terminal distributors of dangerous drugs, wholesale distributors 75480
of dangerous drugs, and prescribers; 75481

(C) An electronic format for the submission of information 75482
from terminal distributors, wholesale distributors, and 75483
prescribers; 75484

(D) A procedure whereby a terminal distributor-, wholesale 75485
distributor, or prescriber unable to submit information 75486
electronically may obtain a waiver to submit information in 75487
another format; 75488

(E) A procedure whereby the board may grant a request from a law enforcement agency or a government entity responsible for the licensure, regulation, or discipline of licensed health professionals authorized to prescribe drugs that information that has been stored for ~~two~~ three years be retained when the information pertains to an open investigation being conducted by the agency or entity;

(F) A procedure whereby a terminal distributor, wholesale distributor, or prescriber may apply for an extension to the time by which information must be transmitted to the board;

(G) A procedure whereby a person or government entity to which the board is authorized to provide information may submit a request to the board for the information and the board may verify the identity of the requestor;

(H) A procedure whereby the board can use the database request records required by division (B) of section 4729.80 of the Revised Code to document and report statistics and law enforcement outcomes;

(I) A procedure whereby an individual may request the individual's own database information and the board may verify the identity of the requestor;

(J) A reasonable fee that the board may charge under section 4729.83 of the Revised Code for providing an individual with the individual's own database information pursuant to section 4729.80 of the Revised Code;

(K) The other specific dangerous drugs that, in addition to controlled substances, must be included in the database;

(L) The types of pharmacies licensed as terminal distributors of dangerous drugs that are required to submit prescription information to the board pursuant to section 4729.77 of the Revised Code.

Sec. 4729.86. If the state board of pharmacy establishes and 75520
maintains a drug database pursuant to section 4729.75 of the 75521
Revised Code, all of the following apply: 75522

(A)(1) No person identified in divisions (A)(1) to ~~(12)~~(13) 75523
or (B) of section 4729.80 of the Revised Code shall disseminate 75524
any written or electronic information the person receives from the 75525
drug database or otherwise provide another person access to the 75526
information that the person receives from the database, except as 75527
follows: 75528

(a) When necessary in the investigation or prosecution of a 75529
possible or alleged criminal offense; 75530

(b) When a person provides the information to the prescriber 75531
or pharmacist for whom the person is approved by the board to 75532
serve as a delegate of the prescriber or pharmacist for purposes 75533
of requesting and receiving information from the drug database 75534
under division (A)(5) or (6) of section 4729.80 of the Revised 75535
Code; 75536

(c) When a prescriber or pharmacist provides the information 75537
to a person who is approved by the board to serve as such a 75538
delegate of the prescriber or pharmacist; 75539

~~(d) When a prescriber or pharmacist provides the information 75540
to a patient or patient's personal representative; 75541~~

~~(e) When a prescriber or pharmacist includes the information 75542
in a medical record, as defined in section 3701.74 of the Revised 75543
Code. 75544~~

(2) No person shall provide false information to the state 75545
board of pharmacy with the intent to obtain or alter information 75546
contained in the drug database. 75547

(3) No person shall obtain drug database information by any 75548
means except as provided under section 4729.80 or 4729.81 of the 75549

Revised Code. 75550

(B) A person shall not use information obtained pursuant to 75551
division (A) of section 4729.80 of the Revised Code as evidence in 75552
any civil or administrative proceeding. 75553

(C)(1) Except as provided in division (C)(2) of this section, 75554
after providing notice and affording an opportunity for a hearing 75555
in accordance with Chapter 119. of the Revised Code, the board may 75556
restrict a person from obtaining further information from the drug 75557
database if any of the following is the case: 75558

(a) The person violates division (A)(1), (2), or (3) of this 75559
section; 75560

(b) The person is a requestor identified in division 75561
(A)~~(13)~~(14) of section 4729.80 of the Revised Code and the board 75562
determines that the person's actions in another state would have 75563
constituted a violation of division (A)(1), (2), or (3) of this 75564
section; 75565

(c) The person fails to comply with division (B) of this 75566
section, regardless of the jurisdiction in which the failure to 75567
comply occurred; 75568

(d) The person creates, by clear and convincing evidence, a 75569
threat to the security of information contained in the database. 75570

(2) If the board determines that allegations regarding a 75571
person's actions warrant restricting the person from obtaining 75572
further information from the drug database without a prior 75573
hearing, the board may summarily impose the restriction. A 75574
telephone conference call may be used for reviewing the 75575
allegations and taking a vote on the summary restriction. The 75576
summary restriction shall remain in effect, unless removed by the 75577
board, until the board's final adjudication order becomes 75578
effective. 75579

(3) The board shall determine the extent to which the person 75580
is restricted from obtaining further information from the 75581
database. 75582

Sec. 4730.14. (A) A certificate to practice as a physician 75583
assistant shall expire biennially and may be renewed in accordance 75584
with this section. A person seeking to renew a certificate to 75585
practice as a physician assistant shall, on or before the 75586
thirty-first day of January of each even-numbered year, apply for 75587
renewal of the certificate. The state medical board shall ~~send~~ 75588
provide renewal notices at least one month prior to the expiration 75589
date. 75590

Applications shall be submitted to the board ~~on forms in a~~ 75591
~~manner prescribed by the board shall prescribe and furnish.~~ Each 75592
application shall be accompanied by a biennial renewal fee of one 75593
hundred dollars. The board shall deposit the fees in accordance 75594
with section 4731.24 of the Revised Code. 75595

The applicant shall report any criminal offense that 75596
constitutes grounds for refusing to issue a certificate to 75597
practice under section 4730.25 of the Revised Code to which the 75598
applicant has pleaded guilty, of which the applicant has been 75599
found guilty, or for which the applicant has been found eligible 75600
for intervention in lieu of conviction, since last signing an 75601
application for a certificate to practice as a physician 75602
assistant. 75603

(B) To be eligible for renewal, a physician assistant shall 75604
certify to the board both of the following: 75605

(1) That the physician assistant has maintained certification 75606
by the national commission on certification of physician 75607
assistants or a successor organization that is recognized by the 75608
board by meeting the standards to hold current certification from 75609
the commission or its successor, including completion of 75610

continuing medical education requirements and passing periodic 75611
recertification examinations; 75612

(2) Except as provided in division (F) of this section and 75613
section 5903.12 of the Revised Code, that the physician assistant 75614
has completed during the current certification period not less 75615
than one hundred hours of continuing medical education acceptable 75616
to the board. 75617

(C) The board shall adopt rules in accordance with Chapter 75618
119. of the Revised Code specifying the types of continuing 75619
medical education that must be completed to fulfill the board's 75620
requirements under division (B)(2) of this section. Except when 75621
additional continuing medical education is required to renew a 75622
certificate to prescribe, as specified in section 4730.49 of the 75623
Revised Code, the board shall not adopt rules that require a 75624
physician assistant to complete in any certification period more 75625
than one hundred hours of continuing medical education acceptable 75626
to the board. In fulfilling the board's requirements, a physician 75627
assistant may use continuing medical education courses or programs 75628
completed to maintain certification by the national commission on 75629
certification of physician assistants or a successor organization 75630
that is recognized by the board if the standards for acceptable 75631
courses and programs of the commission or its successor are at 75632
least equivalent to the standards established by the board. 75633

(D) If an applicant submits a complete renewal application 75634
and qualifies for renewal pursuant to division (B) of this 75635
section, the board shall issue to the applicant a renewed 75636
certificate to practice as a physician assistant. 75637

(E) The board may require a random sample of physician 75638
assistants to submit materials documenting certification by the 75639
national commission on certification of physician assistants or a 75640
successor organization that is recognized by the board and 75641
completion of the required number of hours of continuing medical 75642

education. 75643

(F) The board shall provide for pro rata reductions by month 75644
of the number of hours of continuing education that must be 75645
completed for individuals who are in their first certification 75646
period, who have been disabled due to illness or accident, or who 75647
have been absent from the country. The board shall adopt rules, in 75648
accordance with Chapter 119. of the Revised Code, as necessary to 75649
implement this division. 75650

(G)(1) A certificate to practice that is not renewed on or 75651
before its expiration date is automatically suspended on its 75652
expiration date. Continued practice after suspension of the 75653
certificate shall be considered as practicing in violation of 75654
division (A) of section 4730.02 of the Revised Code. 75655

(2) If a certificate has been suspended pursuant to division 75656
(G)(1) of this section for two years or less, it may be 75657
reinstated. The board shall reinstate a certificate suspended for 75658
failure to renew upon an applicant's submission of a renewal 75659
application, the biennial renewal fee, and any applicable monetary 75660
penalty. 75661

If a certificate has been suspended pursuant to division 75662
(G)(1) of this division for more than two years, it may be 75663
restored. In accordance with section 4730.28 of the Revised Code, 75664
the board may restore a certificate suspended for failure to renew 75665
upon an applicant's submission of a restoration application, the 75666
biennial renewal fee, and any applicable monetary penalty and 75667
compliance with sections 4776.01 to 4776.04 of the Revised Code. 75668
The board shall not restore to an applicant a certificate to 75669
practice as a physician assistant unless the board, in its 75670
discretion, decides that the results of the criminal records check 75671
do not make the applicant ineligible for a certificate issued 75672
pursuant to section 4730.12 of the Revised Code. 75673

The penalty for reinstatement shall be fifty dollars and the 75674
penalty for restoration shall be one hundred dollars. The board 75675
shall deposit penalties in accordance with section 4731.24 of the 75676
Revised Code. 75677

(H) If an individual certifies that the individual has 75678
completed the number of hours and type of continuing medical 75679
education required for renewal or reinstatement of a certificate 75680
to practice as a physician assistant, and the board finds through 75681
a random sample conducted under division (E) of this section or 75682
through any other means that the individual did not complete the 75683
requisite continuing medical education, the board may impose a 75684
civil penalty of not more than five thousand dollars. ~~The board's~~ 75685
~~finding shall be made pursuant to an adjudication under Chapter~~ 75686
~~119. of the Revised Code and by an affirmative vote of not fewer~~ 75687
~~than six members.~~ 75688

A civil penalty imposed under this division may be in 75689
addition to or in lieu of any other action the board may take 75690
under section 4730.25 of the Revised Code. The board shall deposit 75691
civil penalties in accordance with section 4731.24 of the Revised 75692
Code. The board shall not conduct an adjudication under Chapter 75693
119. of the Revised Code if the board imposes only a civil 75694
penalty. 75695

Sec. 4730.25. (A) The state medical board, by an affirmative 75696
vote of not fewer than six members, may revoke or may refuse to 75697
grant a certificate to practice as a physician assistant or a 75698
certificate to prescribe to a person found by the board to have 75699
committed fraud, misrepresentation, or deception in applying for 75700
or securing the certificate. 75701

(B) The board, by an affirmative vote of not fewer than six 75702
members, shall, to the extent permitted by law, limit, revoke, or 75703
suspend an individual's certificate to practice as a physician 75704

assistant or certificate to prescribe, refuse to issue a 75705
certificate to an applicant, refuse to renew a certificate, refuse 75706
to reinstate a certificate, or reprimand or place on probation the 75707
holder of a certificate for any of the following reasons: 75708

(1) Failure to practice in accordance with the conditions 75709
under which the supervising physician's supervision agreement with 75710
the physician assistant was approved, including the requirement 75711
that when practicing under a particular supervising physician, the 75712
physician assistant must practice only according to the physician 75713
supervisory plan the board approved for that physician or the 75714
policies of the health care facility in which the supervising 75715
physician and physician assistant are practicing; 75716

(2) Failure to comply with the requirements of this chapter, 75717
Chapter 4731. of the Revised Code, or any rules adopted by the 75718
board; 75719

(3) Violating or attempting to violate, directly or 75720
indirectly, or assisting in or abetting the violation of, or 75721
conspiring to violate, any provision of this chapter, Chapter 75722
4731. of the Revised Code, or the rules adopted by the board; 75723

(4) Inability to practice according to acceptable and 75724
prevailing standards of care by reason of mental illness or 75725
physical illness, including physical deterioration that adversely 75726
affects cognitive, motor, or perceptive skills; 75727

(5) Impairment of ability to practice according to acceptable 75728
and prevailing standards of care because of habitual or excessive 75729
use or abuse of drugs, alcohol, or other substances that impair 75730
ability to practice; 75731

(6) Administering drugs for purposes other than those 75732
authorized under this chapter; 75733

(7) Willfully betraying a professional confidence; 75734

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a certificate to practice as a physician assistant, a certificate to prescribe, or approval of a supervision agreement.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of

conviction for, a misdemeanor committed in the course of practice; 75766

(14) A plea of guilty to, a judicial finding of guilt of, or 75767
a judicial finding of eligibility for intervention in lieu of 75768
conviction for, a misdemeanor involving moral turpitude; 75769

(15) Commission of an act in the course of practice that 75770
constitutes a misdemeanor in this state, regardless of the 75771
jurisdiction in which the act was committed; 75772

(16) Commission of an act involving moral turpitude that 75773
constitutes a misdemeanor in this state, regardless of the 75774
jurisdiction in which the act was committed; 75775

(17) A plea of guilty to, a judicial finding of guilt of, or 75776
a judicial finding of eligibility for intervention in lieu of 75777
conviction for violating any state or federal law regulating the 75778
possession, distribution, or use of any drug, including 75779
trafficking in drugs; 75780

(18) Any of the following actions taken by the state agency 75781
responsible for regulating the practice of physician assistants in 75782
another state, for any reason other than the nonpayment of fees: 75783
the limitation, revocation, or suspension of an individual's 75784
license to practice; acceptance of an individual's license 75785
surrender; denial of a license; refusal to renew or reinstate a 75786
license; imposition of probation; or issuance of an order of 75787
censure or other reprimand; 75788

(19) A departure from, or failure to conform to, minimal 75789
standards of care of similar physician assistants under the same 75790
or similar circumstances, regardless of whether actual injury to a 75791
patient is established; 75792

(20) Violation of the conditions placed by the board on a 75793
certificate to practice as a physician assistant, a certificate to 75794
prescribe, a physician supervisory plan, or supervision agreement; 75795

(21) Failure to use universal blood and body fluid 75796
precautions established by rules adopted under section 4731.051 of 75797
the Revised Code; 75798

(22) Failure to cooperate in an investigation conducted by 75799
the board under section 4730.26 of the Revised Code, including 75800
failure to comply with a subpoena or order issued by the board or 75801
failure to answer truthfully a question presented by the board at 75802
a deposition or in written interrogatories, except that failure to 75803
cooperate with an investigation shall not constitute grounds for 75804
discipline under this section if a court of competent jurisdiction 75805
has issued an order that either quashes a subpoena or permits the 75806
individual to withhold the testimony or evidence in issue; 75807

(23) Assisting suicide, as defined in section 3795.01 of the 75808
Revised Code; 75809

(24) Prescribing any drug or device to perform or induce an 75810
abortion, or otherwise performing or inducing an abortion; 75811

(25) Failure to comply with section 4730.53 of the Revised 75812
Code, unless the board no longer maintains a drug database 75813
pursuant to section 4729.75 of the Revised Code; 75814

(26) Failure to comply with the requirements in section 75815
3719.061 of the Revised Code before issuing for a minor a 75816
prescription for an opioid analgesic, as defined in section 75817
3719.01 of the Revised Code. 75818

(C) Disciplinary actions taken by the board under divisions 75819
(A) and (B) of this section shall be taken pursuant to an 75820
adjudication under Chapter 119. of the Revised Code, except that 75821
in lieu of an adjudication, the board may enter into a consent 75822
agreement with a physician assistant or applicant to resolve an 75823
allegation of a violation of this chapter or any rule adopted 75824
under it. A consent agreement, when ratified by an affirmative 75825
vote of not fewer than six members of the board, shall constitute 75826

the findings and order of the board with respect to the matter 75827
addressed in the agreement. If the board refuses to ratify a 75828
consent agreement, the admissions and findings contained in the 75829
consent agreement shall be of no force or effect. 75830

(D) For purposes of divisions (B)(12), (15), and (16) of this 75831
section, the commission of the act may be established by a finding 75832
by the board, pursuant to an adjudication under Chapter 119. of 75833
the Revised Code, that the applicant or certificate holder 75834
committed the act in question. The board shall have no 75835
jurisdiction under these divisions in cases where the trial court 75836
renders a final judgment in the certificate holder's favor and 75837
that judgment is based upon an adjudication on the merits. The 75838
board shall have jurisdiction under these divisions in cases where 75839
the trial court issues an order of dismissal upon technical or 75840
procedural grounds. 75841

(E) The sealing of conviction records by any court shall have 75842
no effect upon a prior board order entered under the provisions of 75843
this section or upon the board's jurisdiction to take action under 75844
the provisions of this section if, based upon a plea of guilty, a 75845
judicial finding of guilt, or a judicial finding of eligibility 75846
for intervention in lieu of conviction, the board issued a notice 75847
of opportunity for a hearing prior to the court's order to seal 75848
the records. The board shall not be required to seal, destroy, 75849
redact, or otherwise modify its records to reflect the court's 75850
sealing of conviction records. 75851

(F) For purposes of this division, any individual who holds a 75852
certificate issued under this chapter, or applies for a 75853
certificate issued under this chapter, shall be deemed to have 75854
given consent to submit to a mental or physical examination when 75855
directed to do so in writing by the board and to have waived all 75856
objections to the admissibility of testimony or examination 75857
reports that constitute a privileged communication. 75858

(1) In enforcing division (B)(4) of this section, the board, 75859
upon a showing of a possible violation, may compel any individual 75860
who holds a certificate issued under this chapter or who has 75861
applied for a certificate pursuant to this chapter to submit to a 75862
mental examination, physical examination, including an HIV test, 75863
or both a mental and physical examination. The expense of the 75864
examination is the responsibility of the individual compelled to 75865
be examined. Failure to submit to a mental or physical examination 75866
or consent to an HIV test ordered by the board constitutes an 75867
admission of the allegations against the individual unless the 75868
failure is due to circumstances beyond the individual's control, 75869
and a default and final order may be entered without the taking of 75870
testimony or presentation of evidence. If the board finds a 75871
physician assistant unable to practice because of the reasons set 75872
forth in division (B)(4) of this section, the board shall require 75873
the physician assistant to submit to care, counseling, or 75874
treatment by physicians approved or designated by the board, as a 75875
condition for an initial, continued, reinstated, or renewed 75876
certificate. An individual affected under this division shall be 75877
afforded an opportunity to demonstrate to the board the ability to 75878
resume practicing in compliance with acceptable and prevailing 75879
standards of care. 75880

(2) For purposes of division (B)(5) of this section, if the 75881
board has reason to believe that any individual who holds a 75882
certificate issued under this chapter or any applicant for a 75883
certificate suffers such impairment, the board may compel the 75884
individual to submit to a mental or physical examination, or both. 75885
The expense of the examination is the responsibility of the 75886
individual compelled to be examined. Any mental or physical 75887
examination required under this division shall be undertaken by a 75888
treatment provider or physician qualified to conduct such 75889
examination and chosen by the board. 75890

Failure to submit to a mental or physical examination ordered 75891
by the board constitutes an admission of the allegations against 75892
the individual unless the failure is due to circumstances beyond 75893
the individual's control, and a default and final order may be 75894
entered without the taking of testimony or presentation of 75895
evidence. If the board determines that the individual's ability to 75896
practice is impaired, the board shall suspend the individual's 75897
certificate or deny the individual's application and shall require 75898
the individual, as a condition for initial, continued, reinstated, 75899
or renewed certification to practice or prescribe, to submit to 75900
treatment. 75901

Before being eligible to apply for reinstatement of a 75902
certificate suspended under this division, the physician assistant 75903
shall demonstrate to the board the ability to resume practice or 75904
prescribing in compliance with acceptable and prevailing standards 75905
of care. The demonstration shall include the following: 75906

(a) Certification from a treatment provider approved under 75907
section 4731.25 of the Revised Code that the individual has 75908
successfully completed any required inpatient treatment; 75909

(b) Evidence of continuing full compliance with an aftercare 75910
contract or consent agreement; 75911

(c) Two written reports indicating that the individual's 75912
ability to practice has been assessed and that the individual has 75913
been found capable of practicing according to acceptable and 75914
prevailing standards of care. The reports shall be made by 75915
individuals or providers approved by the board for making such 75916
assessments and shall describe the basis for their determination. 75917

The board may reinstate a certificate suspended under this 75918
division after such demonstration and after the individual has 75919
entered into a written consent agreement. 75920

When the impaired physician assistant resumes practice or 75921

prescribing, the board shall require continued monitoring of the 75922
physician assistant. The monitoring shall include compliance with 75923
the written consent agreement entered into before reinstatement or 75924
with conditions imposed by board order after a hearing, and, upon 75925
termination of the consent agreement, submission to the board for 75926
at least two years of annual written progress reports made under 75927
penalty of falsification stating whether the physician assistant 75928
has maintained sobriety. 75929

(G) If the secretary and supervising member determine that 75930
there is clear and convincing evidence that a physician assistant 75931
has violated division (B) of this section and that the 75932
individual's continued practice or prescribing presents a danger 75933
of immediate and serious harm to the public, they may recommend 75934
that the board suspend the individual's certificate to practice or 75935
prescribe without a prior hearing. Written allegations shall be 75936
prepared for consideration by the board. 75937

The board, upon review of those allegations and by an 75938
affirmative vote of not fewer than six of its members, excluding 75939
the secretary and supervising member, may suspend a certificate 75940
without a prior hearing. A telephone conference call may be 75941
utilized for reviewing the allegations and taking the vote on the 75942
summary suspension. 75943

The board shall issue a written order of suspension by 75944
certified mail or in person in accordance with section 119.07 of 75945
the Revised Code. The order shall not be subject to suspension by 75946
the court during pendency of any appeal filed under section 119.12 75947
of the Revised Code. If the physician assistant requests an 75948
adjudicatory hearing by the board, the date set for the hearing 75949
shall be within fifteen days, but not earlier than seven days, 75950
after the physician assistant requests the hearing, unless 75951
otherwise agreed to by both the board and the certificate holder. 75952

A summary suspension imposed under this division shall remain 75953

in effect, unless reversed on appeal, until a final adjudicative 75954
order issued by the board pursuant to this section and Chapter 75955
119. of the Revised Code becomes effective. The board shall issue 75956
its final adjudicative order within sixty days after completion of 75957
its hearing. Failure to issue the order within sixty days shall 75958
result in dissolution of the summary suspension order, but shall 75959
not invalidate any subsequent, final adjudicative order. 75960

(H) If the board takes action under division (B)(11), (13), 75961
or (14) of this section, and the judicial finding of guilt, guilty 75962
plea, or judicial finding of eligibility for intervention in lieu 75963
of conviction is overturned on appeal, upon exhaustion of the 75964
criminal appeal, a petition for reconsideration of the order may 75965
be filed with the board along with appropriate court documents. 75966
Upon receipt of a petition and supporting court documents, the 75967
board shall reinstate the certificate to practice or prescribe. 75968
The board may then hold an adjudication under Chapter 119. of the 75969
Revised Code to determine whether the individual committed the act 75970
in question. Notice of opportunity for hearing shall be given in 75971
accordance with Chapter 119. of the Revised Code. If the board 75972
finds, pursuant to an adjudication held under this division, that 75973
the individual committed the act, or if no hearing is requested, 75974
it may order any of the sanctions identified under division (B) of 75975
this section. 75976

(I) The certificate to practice issued to a physician 75977
assistant and the physician assistant's practice in this state are 75978
automatically suspended as of the date the physician assistant 75979
pleads guilty to, is found by a judge or jury to be guilty of, or 75980
is subject to a judicial finding of eligibility for intervention 75981
in lieu of conviction in this state or treatment or intervention 75982
in lieu of conviction in another state for any of the following 75983
criminal offenses in this state or a substantially equivalent 75984
criminal offense in another jurisdiction: aggravated murder, 75985

murder, voluntary manslaughter, felonious assault, kidnapping, 75986
rape, sexual battery, gross sexual imposition, aggravated arson, 75987
aggravated robbery, or aggravated burglary. Continued practice 75988
after the suspension shall be considered practicing without a 75989
certificate. 75990

The board shall notify the individual subject to the 75991
suspension by certified mail or in person in accordance with 75992
section 119.07 of the Revised Code. If an individual whose 75993
certificate is suspended under this division fails to make a 75994
timely request for an adjudication under Chapter 119. of the 75995
Revised Code, the board shall enter a final order permanently 75996
revoking the individual's certificate to practice. 75997

(J) In any instance in which the board is required by Chapter 75998
119. of the Revised Code to give notice of opportunity for hearing 75999
and the individual subject to the notice does not timely request a 76000
hearing in accordance with section 119.07 of the Revised Code, the 76001
board is not required to hold a hearing, but may adopt, by an 76002
affirmative vote of not fewer than six of its members, a final 76003
order that contains the board's findings. In that final order, the 76004
board may order any of the sanctions identified under division (A) 76005
or (B) of this section. 76006

(K) Any action taken by the board under division (B) of this 76007
section resulting in a suspension shall be accompanied by a 76008
written statement of the conditions under which the physician 76009
assistant's certificate may be reinstated. The board shall adopt 76010
rules in accordance with Chapter 119. of the Revised Code 76011
governing conditions to be imposed for reinstatement. 76012
Reinstatement of a certificate suspended pursuant to division (B) 76013
of this section requires an affirmative vote of not fewer than six 76014
members of the board. 76015

(L) When the board refuses to grant or issue to an applicant 76016
a certificate to practice as a physician assistant or a 76017

certificate to prescribe, revokes an individual's certificate, 76018
refuses to ~~issue a~~ renew an individual's certificate, or refuses 76019
to reinstate an individual's certificate, the board may specify 76020
that its action is permanent. An individual subject to a permanent 76021
action taken by the board is forever thereafter ineligible to hold 76022
the certificate and the board shall not accept an application for 76023
reinstatement of the certificate or for issuance of a new 76024
certificate. 76025

(M) Notwithstanding any other provision of the Revised Code, 76026
all of the following apply: 76027

(1) The surrender of a certificate issued under this chapter 76028
is not effective unless or until accepted by the board. 76029
Reinstatement of a certificate surrendered to the board requires 76030
an affirmative vote of not fewer than six members of the board. 76031

(2) An application made under this chapter for a certificate, 76032
approval of a physician supervisory plan, or approval of a 76033
supervision agreement may not be withdrawn without approval of the 76034
board. 76035

(3) Failure by an individual to renew a certificate in 76036
accordance with section 4730.14 or section 4730.48 of the Revised 76037
Code shall not remove or limit the board's jurisdiction to take 76038
disciplinary action under this section against the individual. 76039

Sec. 4730.252. (A)(1) If a physician assistant violates any 76040
section of this chapter other than section 4730.14 of the Revised 76041
Code or violates any rule adopted under this chapter, the state 76042
medical board may, pursuant to an adjudication under Chapter 119. 76043
of the Revised Code and an affirmative vote of not fewer than six 76044
of its members, impose a civil penalty. The amount of the civil 76045
penalty shall be determined by the board in accordance with the 76046
guidelines adopted under division (A)(2) of this section. The 76047
civil penalty may be in addition to any other action the board may 76048

take under section 4730.25 of the Revised Code. 76049

(2) The board shall adopt and may amend guidelines regarding 76050
the amounts of civil penalties to be imposed under this section. 76051
Adoption or amendment of the guidelines requires the approval of 76052
not fewer than six board members. 76053

Under the guidelines, no civil penalty amount shall exceed 76054
twenty thousand dollars. 76055

(B) Amounts received from payment of civil penalties imposed 76056
under this section shall be deposited by the board in accordance 76057
with section 4731.24 of the Revised Code. Amounts received from 76058
payment of civil penalties imposed for violations of division 76059
(B)(5) of section 4730.25 of the Revised Code shall be used by the 76060
board solely for investigations, enforcement, and compliance 76061
monitoring. 76062

Sec. 4731.07. (A) The state medical board shall keep a record 76063
of its proceedings. The minutes of a meeting of the board shall, 76064
on approval by the board, constitute an official record of its 76065
proceedings. 76066

(B) The board shall keep a register of applicants for 76067
~~certificates of registration and~~ certificates to practice issued 76068
under this chapter and Chapters 4730., 4760., 4762., and 4774. of 76069
the Revised Code and licenses issued under Chapter 4778. of the 76070
Revised Code. The register shall show the name of the applicant 76071
and whether the applicant was granted or refused a certificate or 76072
license. With respect to applicants to practice medicine and 76073
surgery or osteopathic medicine and surgery, the register shall 76074
show the name of the institution that granted the applicant the 76075
degree of doctor of medicine or osteopathic medicine. The books 76076
and records of the board shall be prima-facie evidence of matters 76077
therein contained. 76078

Sec. 4731.071. The state medical board shall develop and 76079
publish on its internet web site a directory containing the names 76080
of, and contact information for, all persons who hold current, 76081
valid certificates or licenses issued by the board under this 76082
chapter or Chapter 4730., 4760., 4762., 4774., or 4778. of the 76083
Revised Code. Except as provided in section 4731.10 of the Revised 76084
Code, the directory shall be the sole source for verifying that a 76085
person holds a current, valid certificate or license issued by the 76086
board. 76087

Sec. 4731.141. Any person who was authorized in practice 76088
limited osteopathic medicine and surgery on January 1, 1980, may 76089
continue to practice in accordance with the statutory limitations 76090
in effect on that date. The state medical board shall regulate 76091
such practitioners and shall require them to ~~register on or before~~ 76092
~~the first day of June, 1983, and on or before the first day of~~ 76093
~~June every second year thereafter, on a form prescribed by the~~ 76094
~~board and pay at such time a biennial registration fee of~~ 76095
~~twenty five dollars. At least one month in advance of the date of~~ 76096
~~registration, a written notice shall be sent to such~~ 76097
~~practitioners, whether a resident of the state or not, at the last~~ 76098
~~known address, that the biennial registration fee is due on or~~ 76099
~~before the first day of June. All such practitioners shall provide~~ 76100
~~the board written notice of any change of address. A holder of a~~ 76101
~~certificate to practice under this section shall have the~~ 76102
~~certificate automatically suspended if the registration fee is not~~ 76103
~~paid by the first day of September of the same year, and continued~~ 76104
~~practice after the suspension shall be considered as practicing~~ 76105
~~without a license in violation of section 4731.43 of the Revised~~ 76106
~~Code. An applicant for reinstatement of a certificate to practice~~ 76107
~~suspended for failure to register shall submit the applicant's~~ 76108
~~current and delinquent registration fees and a penalty in the sum~~ 76109

~~of twenty-five dollars~~ renew their certificates to practice in a 76110
manner that is substantially similar to the system the board uses 76111
under section 4731.281 of the Revised Code. 76112

Any certificate to practice issued pursuant to this section 76113
may be ~~refused~~, limited, revoked, or suspended, an applicant may 76114
be denied certification or refused renewal or reinstatement, or 76115
the holder of a certificate may be reprimanded, or placed on 76116
probation as provided in section 4731.22 of the Revised Code. 76117

Sec. 4731.15. (A)(1) The state medical board also shall 76118
regulate the following limited branches of medicine: massage 76119
therapy and cosmetic therapy, and to the extent specified in 76120
section 4731.151 of the Revised Code, naprapathy and 76121
mechanotherapy. The board shall adopt rules governing the limited 76122
branches of medicine under its jurisdiction. The rules shall be 76123
adopted in accordance with Chapter 119. of the Revised Code. 76124

(2) As used in this chapter: 76125

(a) "Cosmetic therapy" means the permanent removal of hair 76126
from the human body through the use of electric modalities 76127
approved by the board for use in cosmetic therapy, and 76128
additionally may include the systematic friction, stroking, 76129
slapping, and kneading or tapping of the face, neck, scalp, or 76130
shoulders. 76131

(b) "Massage therapy" means the treatment of disorders of the 76132
human body by the manipulation of soft tissue through the 76133
systematic external application of massage techniques including 76134
touch, stroking, friction, vibration, percussion, kneading, 76135
stretching, compression, and joint movements within the normal 76136
physiologic range of motion; and adjunctive thereto, the external 76137
application of water, heat, cold, topical preparations, and 76138
mechanical devices. 76139

(B) A certificate to practice a limited branch of medicine 76140
issued by the state medical board is valid for a two-year period, 76141
except when an initial certificate is issued for a shorter period 76142
or when division (C)(2) of this section is applicable. The 76143
certificate may be renewed in accordance with division (C) of this 76144
section. 76145

(C)(1) Except as provided in division (C)(2) of this section, 76146
all of the following apply with respect to the renewal of 76147
certificates to practice a limited branch of medicine: 76148

(a) Each person seeking to renew a certificate to practice a 76149
limited branch of medicine shall apply for biennial ~~registration~~ 76150
renewal with the state medical board ~~on a renewal application form~~ 76151
in a manner prescribed by the board. An applicant for renewal 76152
shall pay a biennial ~~registration~~ renewal fee of one hundred 76153
dollars. 76154

(b) At least six months before a certificate expires, the 76155
board shall ~~mail or cause to be mailed~~ provide a renewal notice to 76156
the certificate ~~holder's last known address~~ holder. 76157

(c) At least three months before a certificate expires, the 76158
certificate holder shall submit the renewal application and 76159
biennial ~~registration~~ renewal fee to the board. 76160

(2) ~~Beginning with the 2009 registration period, the~~ The 76161
board shall implement a staggered renewal system that is 76162
substantially similar to the staggered renewal system the board 76163
uses under division ~~(B)~~(A) of section 4731.281 of the Revised 76164
Code. 76165

(D) All persons who hold a certificate to practice a limited 76166
branch of medicine issued by the state medical board shall provide 76167
the board ~~written~~ notice of any change of address. The notice 76168
shall be submitted to the board not later than thirty days after 76169
the change of address. 76170

(E) A certificate to practice a limited branch of medicine 76171
shall be automatically suspended if the certificate holder fails 76172
to renew the certificate in accordance with division (C) of this 76173
section. Continued practice after the suspension of the 76174
certificate to practice shall be considered as practicing in 76175
violation of sections 4731.34 and 4731.41 of the Revised Code. 76176

If a certificate to practice has been suspended pursuant to 76177
this division for two years or less, it may be reinstated. The 76178
board shall reinstate the certificate upon an applicant's 76179
submission of a renewal application and payment of the biennial 76180
~~registration~~ renewal fee and the applicable monetary penalty. With 76181
regard to reinstatement of a certificate to practice cosmetic 76182
therapy, the applicant also shall submit with the application a 76183
certification that the number of hours of continuing education 76184
necessary to have a suspended certificate reinstated have been 76185
completed, as specified in rules the board shall adopt in 76186
accordance with Chapter 119. of the Revised Code. The penalty for 76187
reinstatement shall be twenty-five dollars. 76188

If a certificate has been suspended pursuant to this division 76189
for more than two years, it may be restored. Subject to section 76190
4731.222 of the Revised Code, the board may restore the 76191
certificate upon an applicant's submission of a restoration 76192
application, the biennial ~~registration~~ renewal fee, and the 76193
applicable monetary penalty and compliance with sections 4776.01 76194
to 4776.04 of the Revised Code. The board shall not restore to an 76195
applicant a certificate to practice unless the board, in its 76196
discretion, decides that the results of the criminal records check 76197
do not make the applicant ineligible for a certificate issued 76198
pursuant to section 4731.17 of the Revised Code. The penalty for 76199
restoration is fifty dollars. 76200

Sec. 4731.22. (A) The state medical board, by an affirmative 76201

vote of not fewer than six of its members, may limit, revoke, or 76202
suspend an individual's certificate to practice, refuse to grant a 76203
certificate to an individual, refuse to ~~register an individual~~ 76204
renew a certificate, refuse to reinstate a certificate, or 76205
reprimand or place on probation the holder of a certificate if the 76206
individual or certificate holder is found by the board to have 76207
committed fraud during the administration of the examination for a 76208
certificate to practice or to have committed fraud, 76209
misrepresentation, or deception in applying for, renewing, or 76210
securing any certificate to practice ~~or certificate of~~ 76211
~~registration~~ issued by the board. 76212

(B) The board, by an affirmative vote of not fewer than six 76213
members, shall, to the extent permitted by law, limit, revoke, or 76214
suspend an individual's certificate to practice, refuse to 76215
~~register an individual~~ issue a certificate to an individual, 76216
refuse to renew a certificate, refuse to reinstate a certificate, 76217
or reprimand or place on probation the holder of a certificate for 76218
one or more of the following reasons: 76219

(1) Permitting one's name or one's certificate to practice ~~or~~ 76220
~~certificate of registration~~ to be used by a person, group, or 76221
corporation when the individual concerned is not actually 76222
directing the treatment given; 76223

(2) Failure to maintain minimal standards applicable to the 76224
selection or administration of drugs, or failure to employ 76225
acceptable scientific methods in the selection of drugs or other 76226
modalities for treatment of disease; 76227

(3) Selling, giving away, personally furnishing, prescribing, 76228
or administering drugs for other than legal and legitimate 76229
therapeutic purposes or a plea of guilty to, a judicial finding of 76230
guilt of, or a judicial finding of eligibility for intervention in 76231
lieu of conviction of, a violation of any federal or state law 76232
regulating the possession, distribution, or use of any drug; 76233

(4) Willfully betraying a professional confidence. 76234

For purposes of this division, "willfully betraying a 76235
professional confidence" does not include providing any 76236
information, documents, or reports ~~to a child fatality review~~ 76237
~~board~~ under sections 307.621 to 307.629 of the Revised Code to a 76238
child fatality review board; does not include providing any 76239
information, documents, or reports to the director of health 76240
pursuant to guidelines established under section 3701.70 of the 76241
Revised Code; does not include written notice to a mental health 76242
professional under section 4731.62 of the Revised Code; and does 76243
not include the making of a report of an employee's use of a drug 76244
of abuse, or a report of a condition of an employee other than one 76245
involving the use of a drug of abuse, to the employer of the 76246
employee as described in division (B) of section 2305.33 of the 76247
Revised Code. Nothing in this division affects the immunity from 76248
civil liability conferred by ~~that~~ section 2305.33 or 4731.62 of 76249
the Revised Code upon a physician who makes ~~either type of a~~ 76250
report in accordance with ~~division (B) of that~~ section 2305.33 or 76251
notifies a mental health professional in accordance with section 76252
4731.62 of the Revised Code. As used in this division, "employee," 76253
"employer," and "physician" have the same meanings as in section 76254
2305.33 of the Revised Code. 76255

(5) Making a false, fraudulent, deceptive, or misleading 76256
statement in the solicitation of or advertising for patients; in 76257
relation to the practice of medicine and surgery, osteopathic 76258
medicine and surgery, podiatric medicine and surgery, or a limited 76259
branch of medicine; or in securing or attempting to secure any 76260
certificate to practice ~~or certificate of registration~~ issued by 76261
the board. 76262

As used in this division, "false, fraudulent, deceptive, or 76263
misleading statement" means a statement that includes a 76264
misrepresentation of fact, is likely to mislead or deceive because 76265

of a failure to disclose material facts, is intended or is likely 76266
to create false or unjustified expectations of favorable results, 76267
or includes representations or implications that in reasonable 76268
probability will cause an ordinarily prudent person to 76269
misunderstand or be deceived. 76270

(6) A departure from, or the failure to conform to, minimal 76271
standards of care of similar practitioners under the same or 76272
similar circumstances, whether or not actual injury to a patient 76273
is established; 76274

(7) Representing, with the purpose of obtaining compensation 76275
or other advantage as personal gain or for any other person, that 76276
an incurable disease or injury, or other incurable condition, can 76277
be permanently cured; 76278

(8) The obtaining of, or attempting to obtain, money or 76279
anything of value by fraudulent misrepresentations in the course 76280
of practice; 76281

(9) A plea of guilty to, a judicial finding of guilt of, or a 76282
judicial finding of eligibility for intervention in lieu of 76283
conviction for, a felony; 76284

(10) Commission of an act that constitutes a felony in this 76285
state, regardless of the jurisdiction in which the act was 76286
committed; 76287

(11) A plea of guilty to, a judicial finding of guilt of, or 76288
a judicial finding of eligibility for intervention in lieu of 76289
conviction for, a misdemeanor committed in the course of practice; 76290

(12) Commission of an act in the course of practice that 76291
constitutes a misdemeanor in this state, regardless of the 76292
jurisdiction in which the act was committed; 76293

(13) A plea of guilty to, a judicial finding of guilt of, or 76294
a judicial finding of eligibility for intervention in lieu of 76295

conviction for, a misdemeanor involving moral turpitude; 76296

(14) Commission of an act involving moral turpitude that 76297
constitutes a misdemeanor in this state, regardless of the 76298
jurisdiction in which the act was committed; 76299

(15) Violation of the conditions of limitation placed by the 76300
board upon a certificate to practice; 76301

(16) Failure to pay license renewal fees specified in this 76302
chapter; 76303

(17) Except as authorized in section 4731.31 of the Revised 76304
Code, engaging in the division of fees for referral of patients, 76305
or the receiving of a thing of value in return for a specific 76306
referral of a patient to utilize a particular service or business; 76307

(18) Subject to section 4731.226 of the Revised Code, 76308
violation of any provision of a code of ethics of the American 76309
medical association, the American osteopathic association, the 76310
American podiatric medical association, or any other national 76311
professional organizations that the board specifies by rule. The 76312
state medical board shall obtain and keep on file current copies 76313
of the codes of ethics of the various national professional 76314
organizations. The individual whose certificate is being suspended 76315
or revoked shall not be found to have violated any provision of a 76316
code of ethics of an organization not appropriate to the 76317
individual's profession. 76318

For purposes of this division, a "provision of a code of 76319
ethics of a national professional organization" does not include 76320
any provision that would preclude the making of a report by a 76321
physician of an employee's use of a drug of abuse, or of a 76322
condition of an employee other than one involving the use of a 76323
drug of abuse, to the employer of the employee as described in 76324
division (B) of section 2305.33 of the Revised Code. Nothing in 76325
this division affects the immunity from civil liability conferred 76326

by that section upon a physician who makes either type of report 76327
in accordance with division (B) of that section. As used in this 76328
division, "employee," "employer," and "physician" have the same 76329
meanings as in section 2305.33 of the Revised Code. 76330

(19) Inability to practice according to acceptable and 76331
prevailing standards of care by reason of mental illness or 76332
physical illness, including, but not limited to, physical 76333
deterioration that adversely affects cognitive, motor, or 76334
perceptive skills. 76335

In enforcing this division, the board, upon a showing of a 76336
possible violation, may compel any individual authorized to 76337
practice by this chapter or who has submitted an application 76338
pursuant to this chapter to submit to a mental examination, 76339
physical examination, including an HIV test, or both a mental and 76340
a physical examination. The expense of the examination is the 76341
responsibility of the individual compelled to be examined. Failure 76342
to submit to a mental or physical examination or consent to an HIV 76343
test ordered by the board constitutes an admission of the 76344
allegations against the individual unless the failure is due to 76345
circumstances beyond the individual's control, and a default and 76346
final order may be entered without the taking of testimony or 76347
presentation of evidence. If the board finds an individual unable 76348
to practice because of the reasons set forth in this division, the 76349
board shall require the individual to submit to care, counseling, 76350
or treatment by physicians approved or designated by the board, as 76351
a condition for initial, continued, reinstated, or renewed 76352
authority to practice. An individual affected under this division 76353
shall be afforded an opportunity to demonstrate to the board the 76354
ability to resume practice in compliance with acceptable and 76355
prevailing standards under the provisions of the individual's 76356
certificate. For the purpose of this division, any individual who 76357
applies for or receives a certificate to practice under this 76358

chapter accepts the privilege of practicing in this state and, by 76359
so doing, shall be deemed to have given consent to submit to a 76360
mental or physical examination when directed to do so in writing 76361
by the board, and to have waived all objections to the 76362
admissibility of testimony or examination reports that constitute 76363
a privileged communication. 76364

(20) Except when civil penalties are imposed under section 76365
4731.225 or ~~4731.281~~ 4731.282 of the Revised Code, and subject to 76366
section 4731.226 of the Revised Code, violating or attempting to 76367
violate, directly or indirectly, or assisting in or abetting the 76368
violation of, or conspiring to violate, any provisions of this 76369
chapter or any rule promulgated by the board. 76370

This division does not apply to a violation or attempted 76371
violation of, assisting in or abetting the violation of, or a 76372
conspiracy to violate, any provision of this chapter or any rule 76373
adopted by the board that would preclude the making of a report by 76374
a physician of an employee's use of a drug of abuse, or of a 76375
condition of an employee other than one involving the use of a 76376
drug of abuse, to the employer of the employee as described in 76377
division (B) of section 2305.33 of the Revised Code. Nothing in 76378
this division affects the immunity from civil liability conferred 76379
by that section upon a physician who makes either type of report 76380
in accordance with division (B) of that section. As used in this 76381
division, "employee," "employer," and "physician" have the same 76382
meanings as in section 2305.33 of the Revised Code. 76383

(21) The violation of section 3701.79 of the Revised Code or 76384
of any abortion rule adopted by the ~~public health council~~ director
of health pursuant to section 3701.341 of the Revised Code; 76385
76386

(22) Any of the following actions taken by an agency 76387
responsible for authorizing, certifying, or regulating an 76388
individual to practice a health care occupation or provide health 76389
care services in this state or another jurisdiction, for any 76390

reason other than the nonpayment of fees: the limitation, 76391
revocation, or suspension of an individual's license to practice; 76392
acceptance of an individual's license surrender; denial of a 76393
license; refusal to renew or reinstate a license; imposition of 76394
probation; or issuance of an order of censure or other reprimand; 76395

(23) The violation of section 2919.12 of the Revised Code or 76396
the performance or inducement of an abortion upon a pregnant woman 76397
with actual knowledge that the conditions specified in division 76398
(B) of section 2317.56 of the Revised Code have not been satisfied 76399
or with a heedless indifference as to whether those conditions 76400
have been satisfied, unless an affirmative defense as specified in 76401
division (H)(2) of that section would apply in a civil action 76402
authorized by division (H)(1) of that section; 76403

(24) The revocation, suspension, restriction, reduction, or 76404
termination of clinical privileges by the United States department 76405
of defense or department of veterans affairs or the termination or 76406
suspension of a certificate of registration to prescribe drugs by 76407
the drug enforcement administration of the United States 76408
department of justice; 76409

(25) Termination or suspension from participation in the 76410
medicare or medicaid programs by the department of health and 76411
human services or other responsible agency for any act or acts 76412
that also would constitute a violation of division (B)(2), (3), 76413
(6), (8), or (19) of this section; 76414

(26) Impairment of ability to practice according to 76415
acceptable and prevailing standards of care because of habitual or 76416
excessive use or abuse of drugs, alcohol, or other substances that 76417
impair ability to practice. 76418

For the purposes of this division, any individual authorized 76419
to practice by this chapter accepts the privilege of practicing in 76420
this state subject to supervision by the board. By filing an 76421

application for or holding a certificate to practice under this 76422
chapter, an individual shall be deemed to have given consent to 76423
submit to a mental or physical examination when ordered to do so 76424
by the board in writing, and to have waived all objections to the 76425
admissibility of testimony or examination reports that constitute 76426
privileged communications. 76427

If it has reason to believe that any individual authorized to 76428
practice by this chapter or any applicant for certification to 76429
practice suffers such impairment, the board may compel the 76430
individual to submit to a mental or physical examination, or both. 76431
The expense of the examination is the responsibility of the 76432
individual compelled to be examined. Any mental or physical 76433
examination required under this division shall be undertaken by a 76434
treatment provider or physician who is qualified to conduct the 76435
examination and who is chosen by the board. 76436

Failure to submit to a mental or physical examination ordered 76437
by the board constitutes an admission of the allegations against 76438
the individual unless the failure is due to circumstances beyond 76439
the individual's control, and a default and final order may be 76440
entered without the taking of testimony or presentation of 76441
evidence. If the board determines that the individual's ability to 76442
practice is impaired, the board shall suspend the individual's 76443
certificate or deny the individual's application and shall require 76444
the individual, as a condition for initial, continued, reinstated, 76445
or renewed certification to practice, to submit to treatment. 76446

Before being eligible to apply for reinstatement of a 76447
certificate suspended under this division, the impaired 76448
practitioner shall demonstrate to the board the ability to resume 76449
practice in compliance with acceptable and prevailing standards of 76450
care under the provisions of the practitioner's certificate. The 76451
demonstration shall include, but shall not be limited to, the 76452
following: 76453

(a) Certification from a treatment provider approved under 76454
section 4731.25 of the Revised Code that the individual has 76455
successfully completed any required inpatient treatment; 76456

(b) Evidence of continuing full compliance with an aftercare 76457
contract or consent agreement; 76458

(c) Two written reports indicating that the individual's 76459
ability to practice has been assessed and that the individual has 76460
been found capable of practicing according to acceptable and 76461
prevailing standards of care. The reports shall be made by 76462
individuals or providers approved by the board for making the 76463
assessments and shall describe the basis for their determination. 76464

The board may reinstate a certificate suspended under this 76465
division after that demonstration and after the individual has 76466
entered into a written consent agreement. 76467

When the impaired practitioner resumes practice, the board 76468
shall require continued monitoring of the individual. The 76469
monitoring shall include, but not be limited to, compliance with 76470
the written consent agreement entered into before reinstatement or 76471
with conditions imposed by board order after a hearing, and, upon 76472
termination of the consent agreement, submission to the board for 76473
at least two years of annual written progress reports made under 76474
penalty of perjury stating whether the individual has maintained 76475
sobriety. 76476

(27) A second or subsequent violation of section 4731.66 or 76477
4731.69 of the Revised Code; 76478

(28) Except as provided in division (N) of this section: 76479

(a) Waiving the payment of all or any part of a deductible or 76480
copayment that a patient, pursuant to a health insurance or health 76481
care policy, contract, or plan that covers the individual's 76482
services, otherwise would be required to pay if the waiver is used 76483
as an enticement to a patient or group of patients to receive 76484

health care services from that individual; 76485

(b) Advertising that the individual will waive the payment of 76486
all or any part of a deductible or copayment that a patient, 76487
pursuant to a health insurance or health care policy, contract, or 76488
plan that covers the individual's services, otherwise would be 76489
required to pay. 76490

(29) Failure to use universal blood and body fluid 76491
precautions established by rules adopted under section 4731.051 of 76492
the Revised Code; 76493

(30) Failure to provide notice to, and receive acknowledgment 76494
of the notice from, a patient when required by section 4731.143 of 76495
the Revised Code prior to providing nonemergency professional 76496
services, or failure to maintain that notice in the patient's 76497
file; 76498

(31) Failure of a physician supervising a physician assistant 76499
to maintain supervision in accordance with the requirements of 76500
Chapter 4730. of the Revised Code and the rules adopted under that 76501
chapter; 76502

(32) Failure of a physician or podiatrist to enter into a 76503
standard care arrangement with a clinical nurse specialist, 76504
certified nurse-midwife, or certified nurse practitioner with whom 76505
the physician or podiatrist is in collaboration pursuant to 76506
section 4731.27 of the Revised Code or failure to fulfill the 76507
responsibilities of collaboration after entering into a standard 76508
care arrangement; 76509

(33) Failure to comply with the terms of a consult agreement 76510
entered into with a pharmacist pursuant to section 4729.39 of the 76511
Revised Code; 76512

(34) Failure to cooperate in an investigation conducted by 76513
the board under division (F) of this section, including failure to 76514
comply with a subpoena or order issued by the board or failure to 76515

answer truthfully a question presented by the board in an 76516
investigative interview, an investigative office conference, at a 76517
deposition, or in written interrogatories, except that failure to 76518
cooperate with an investigation shall not constitute grounds for 76519
discipline under this section if a court of competent jurisdiction 76520
has issued an order that either quashes a subpoena or permits the 76521
individual to withhold the testimony or evidence in issue; 76522

(35) Failure to supervise an oriental medicine practitioner 76523
or acupuncturist in accordance with Chapter 4762. of the Revised 76524
Code and the board's rules for providing that supervision; 76525

(36) Failure to supervise an anesthesiologist assistant in 76526
accordance with Chapter 4760. of the Revised Code and the board's 76527
rules for supervision of an anesthesiologist assistant; 76528

(37) Assisting suicide, as defined in section 3795.01 of the 76529
Revised Code; 76530

(38) Failure to comply with the requirements of section 76531
2317.561 of the Revised Code; 76532

(39) Failure to supervise a radiologist assistant in 76533
accordance with Chapter 4774. of the Revised Code and the board's 76534
rules for supervision of radiologist assistants; 76535

(40) Performing or inducing an abortion at an office or 76536
facility with knowledge that the office or facility fails to post 76537
the notice required under section 3701.791 of the Revised Code; 76538

(41) Failure to comply with the standards and procedures 76539
established in rules under section 4731.054 of the Revised Code 76540
for the operation of or the provision of care at a pain management 76541
clinic; 76542

(42) Failure to comply with the standards and procedures 76543
established in rules under section 4731.054 of the Revised Code 76544
for providing supervision, direction, and control of individuals 76545

at a pain management clinic; 76546

(43) Failure to comply with the requirements of section 76547
4729.79 or 4731.055 of the Revised Code, unless the state board of 76548
pharmacy no longer maintains a drug database pursuant to section 76549
4729.75 of the Revised Code; 76550

(44) Failure to comply with the requirements of section 76551
2919.171 of the Revised Code or failure to submit to the 76552
department of health in accordance with a court order a complete 76553
report as described in section 2919.171 of the Revised Code; 76554

(45) Practicing at a facility that is subject to licensure as 76555
a category III terminal distributor of dangerous drugs with a pain 76556
management clinic classification unless the person operating the 76557
facility has obtained and maintains the license with the 76558
classification; 76559

(46) Owning a facility that is subject to licensure as a 76560
category III terminal distributor of dangerous drugs with a pain 76561
management clinic classification unless the facility is licensed 76562
with the classification; 76563

(47) Failure to comply with the requirement regarding 76564
maintaining notes described in division (B) of section 2919.191 of 76565
the Revised Code or failure to satisfy the requirements of section 76566
2919.191 of the Revised Code prior to performing or inducing an 76567
abortion upon a pregnant woman; 76568

(48) Failure to comply with the requirements in section 76569
3719.061 of the Revised Code before issuing for a minor a 76570
prescription for an opioid analgesic, as defined in section 76571
3719.01 of the Revised Code. 76572

(C) Disciplinary actions taken by the board under divisions 76573
(A) and (B) of this section shall be taken pursuant to an 76574
adjudication under Chapter 119. of the Revised Code, except that 76575
in lieu of an adjudication, the board may enter into a consent 76576

agreement with an individual to resolve an allegation of a 76577
violation of this chapter or any rule adopted under it. A consent 76578
agreement, when ratified by an affirmative vote of not fewer than 76579
six members of the board, shall constitute the findings and order 76580
of the board with respect to the matter addressed in the 76581
agreement. If the board refuses to ratify a consent agreement, the 76582
admissions and findings contained in the consent agreement shall 76583
be of no force or effect. 76584

A telephone conference call may be utilized for ratification 76585
of a consent agreement that revokes or suspends an individual's 76586
certificate to practice. The telephone conference call shall be 76587
considered a special meeting under division (F) of section 121.22 76588
of the Revised Code. 76589

If the board takes disciplinary action against an individual 76590
under division (B) of this section for a second or subsequent plea 76591
of guilty to, or judicial finding of guilt of, a violation of 76592
section 2919.123 of the Revised Code, the disciplinary action 76593
shall consist of a suspension of the individual's certificate to 76594
practice for a period of at least one year or, if determined 76595
appropriate by the board, a more serious sanction involving the 76596
individual's certificate to practice. Any consent agreement 76597
entered into under this division with an individual that pertains 76598
to a second or subsequent plea of guilty to, or judicial finding 76599
of guilt of, a violation of that section shall provide for a 76600
suspension of the individual's certificate to practice for a 76601
period of at least one year or, if determined appropriate by the 76602
board, a more serious sanction involving the individual's 76603
certificate to practice. 76604

(D) For purposes of divisions (B)(10), (12), and (14) of this 76605
section, the commission of the act may be established by a finding 76606
by the board, pursuant to an adjudication under Chapter 119. of 76607
the Revised Code, that the individual committed the act. The board 76608

does not have jurisdiction under those divisions if the trial 76609
court renders a final judgment in the individual's favor and that 76610
judgment is based upon an adjudication on the merits. The board 76611
has jurisdiction under those divisions if the trial court issues 76612
an order of dismissal upon technical or procedural grounds. 76613

(E) The sealing of conviction records by any court shall have 76614
no effect upon a prior board order entered under this section or 76615
upon the board's jurisdiction to take action under this section 76616
if, based upon a plea of guilty, a judicial finding of guilt, or a 76617
judicial finding of eligibility for intervention in lieu of 76618
conviction, the board issued a notice of opportunity for a hearing 76619
prior to the court's order to seal the records. The board shall 76620
not be required to seal, destroy, redact, or otherwise modify its 76621
records to reflect the court's sealing of conviction records. 76622

(F)(1) The board shall investigate evidence that appears to 76623
show that a person has violated any provision of this chapter or 76624
any rule adopted under it. Any person may report to the board in a 76625
signed writing any information that the person may have that 76626
appears to show a violation of any provision of this chapter or 76627
any rule adopted under it. In the absence of bad faith, any person 76628
who reports information of that nature or who testifies before the 76629
board in any adjudication conducted under Chapter 119. of the 76630
Revised Code shall not be liable in damages in a civil action as a 76631
result of the report or testimony. Each complaint or allegation of 76632
a violation received by the board shall be assigned a case number 76633
and shall be recorded by the board. 76634

(2) Investigations of alleged violations of this chapter or 76635
any rule adopted under it shall be supervised by the supervising 76636
member elected by the board in accordance with section 4731.02 of 76637
the Revised Code and by the secretary as provided in section 76638
4731.39 of the Revised Code. The president may designate another 76639
member of the board to supervise the investigation in place of the 76640

supervising member. No member of the board who supervises the 76641
investigation of a case shall participate in further adjudication 76642
of the case. 76643

(3) In investigating a possible violation of this chapter or 76644
any rule adopted under this chapter, or in conducting an 76645
inspection under division (E) of section 4731.054 of the Revised 76646
Code, the board may question witnesses, conduct interviews, 76647
administer oaths, order the taking of depositions, inspect and 76648
copy any books, accounts, papers, records, or documents, issue 76649
subpoenas, and compel the attendance of witnesses and production 76650
of books, accounts, papers, records, documents, and testimony, 76651
except that a subpoena for patient record information shall not be 76652
issued without consultation with the attorney general's office and 76653
approval of the secretary and supervising member of the board. 76654

(a) Before issuance of a subpoena for patient record 76655
information, the secretary and supervising member shall determine 76656
whether there is probable cause to believe that the complaint 76657
filed alleges a violation of this chapter or any rule adopted 76658
under it and that the records sought are relevant to the alleged 76659
violation and material to the investigation. The subpoena may 76660
apply only to records that cover a reasonable period of time 76661
surrounding the alleged violation. 76662

(b) On failure to comply with any subpoena issued by the 76663
board and after reasonable notice to the person being subpoenaed, 76664
the board may move for an order compelling the production of 76665
persons or records pursuant to the Rules of Civil Procedure. 76666

(c) A subpoena issued by the board may be served by a 76667
sheriff, the sheriff's deputy, or a board employee designated by 76668
the board. Service of a subpoena issued by the board may be made 76669
by delivering a copy of the subpoena to the person named therein, 76670
reading it to the person, or leaving it at the person's usual 76671
place of residence, usual place of business, or address on file 76672

with the board. When serving a subpoena to an applicant for or the holder of a certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that consent or a waiver of that nature is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

The board may share any information it receives pursuant to

an investigation or inspection, including patient records and 76704
patient record information, with law enforcement agencies, other 76705
licensing boards, and other governmental agencies that are 76706
prosecuting, adjudicating, or investigating alleged violations of 76707
statutes or administrative rules. An agency or board that receives 76708
the information shall comply with the same requirements regarding 76709
confidentiality as those with which the state medical board must 76710
comply, notwithstanding any conflicting provision of the Revised 76711
Code or procedure of the agency or board that applies when it is 76712
dealing with other information in its possession. In a judicial 76713
proceeding, the information may be admitted into evidence only in 76714
accordance with the Rules of Evidence, but the court shall require 76715
that appropriate measures are taken to ensure that confidentiality 76716
is maintained with respect to any part of the information that 76717
contains names or other identifying information about patients or 76718
complainants whose confidentiality was protected by the state 76719
medical board when the information was in the board's possession. 76720
Measures to ensure confidentiality that may be taken by the court 76721
include sealing its records or deleting specific information from 76722
its records. 76723

(6) On a quarterly basis, the board shall prepare a report 76724
that documents the disposition of all cases during the preceding 76725
three months. The report shall contain the following information 76726
for each case with which the board has completed its activities: 76727

(a) The case number assigned to the complaint or alleged 76728
violation; 76729

(b) The type of certificate to practice, if any, held by the 76730
individual against whom the complaint is directed; 76731

(c) A description of the allegations contained in the 76732
complaint; 76733

(d) The disposition of the case. 76734

The report shall state how many cases are still pending and 76735
shall be prepared in a manner that protects the identity of each 76736
person involved in each case. The report shall be a public record 76737
under section 149.43 of the Revised Code. 76738

(G) If the secretary and supervising member determine both of 76739
the following, they may recommend that the board suspend an 76740
individual's certificate to practice without a prior hearing: 76741

(1) That there is clear and convincing evidence that an 76742
individual has violated division (B) of this section; 76743

(2) That the individual's continued practice presents a 76744
danger of immediate and serious harm to the public. 76745

Written allegations shall be prepared for consideration by 76746
the board. The board, upon review of those allegations and by an 76747
affirmative vote of not fewer than six of its members, excluding 76748
the secretary and supervising member, may suspend a certificate 76749
without a prior hearing. A telephone conference call may be 76750
utilized for reviewing the allegations and taking the vote on the 76751
summary suspension. 76752

The board shall issue a written order of suspension by 76753
certified mail or in person in accordance with section 119.07 of 76754
the Revised Code. The order shall not be subject to suspension by 76755
the court during pendency of any appeal filed under section 119.12 76756
of the Revised Code. If the individual subject to the summary 76757
suspension requests an adjudicatory hearing by the board, the date 76758
set for the hearing shall be within fifteen days, but not earlier 76759
than seven days, after the individual requests the hearing, unless 76760
otherwise agreed to by both the board and the individual. 76761

Any summary suspension imposed under this division shall 76762
remain in effect, unless reversed on appeal, until a final 76763
adjudicative order issued by the board pursuant to this section 76764
and Chapter 119. of the Revised Code becomes effective. The board 76765

shall issue its final adjudicative order within seventy-five days 76766
after completion of its hearing. A failure to issue the order 76767
within seventy-five days shall result in dissolution of the 76768
summary suspension order but shall not invalidate any subsequent, 76769
final adjudicative order. 76770

(H) If the board takes action under division (B)(9), (11), or 76771
(13) of this section and the judicial finding of guilt, guilty 76772
plea, or judicial finding of eligibility for intervention in lieu 76773
of conviction is overturned on appeal, upon exhaustion of the 76774
criminal appeal, a petition for reconsideration of the order may 76775
be filed with the board along with appropriate court documents. 76776
Upon receipt of a petition of that nature and supporting court 76777
documents, the board shall reinstate the individual's certificate 76778
to practice. The board may then hold an adjudication under Chapter 76779
119. of the Revised Code to determine whether the individual 76780
committed the act in question. Notice of an opportunity for a 76781
hearing shall be given in accordance with Chapter 119. of the 76782
Revised Code. If the board finds, pursuant to an adjudication held 76783
under this division, that the individual committed the act or if 76784
no hearing is requested, the board may order any of the sanctions 76785
identified under division (B) of this section. 76786

(I) The certificate to practice issued to an individual under 76787
this chapter and the individual's practice in this state are 76788
automatically suspended as of the date of the individual's second 76789
or subsequent plea of guilty to, or judicial finding of guilt of, 76790
a violation of section 2919.123 of the Revised Code, or the date 76791
the individual pleads guilty to, is found by a judge or jury to be 76792
guilty of, or is subject to a judicial finding of eligibility for 76793
intervention in lieu of conviction in this state or treatment or 76794
intervention in lieu of conviction in another jurisdiction for any 76795
of the following criminal offenses in this state or a 76796
substantially equivalent criminal offense in another jurisdiction: 76797

aggravated murder, murder, voluntary manslaughter, felonious 76798
assault, kidnapping, rape, sexual battery, gross sexual 76799
imposition, aggravated arson, aggravated robbery, or aggravated 76800
burglary. Continued practice after suspension shall be considered 76801
practicing without a certificate. 76802

The board shall notify the individual subject to the 76803
suspension by certified mail or in person in accordance with 76804
section 119.07 of the Revised Code. If an individual whose 76805
certificate is automatically suspended under this division fails 76806
to make a timely request for an adjudication under Chapter 119. of 76807
the Revised Code, the board shall do whichever of the following is 76808
applicable: 76809

(1) If the automatic suspension under this division is for a 76810
second or subsequent plea of guilty to, or judicial finding of 76811
guilt of, a violation of section 2919.123 of the Revised Code, the 76812
board shall enter an order suspending the individual's certificate 76813
to practice for a period of at least one year or, if determined 76814
appropriate by the board, imposing a more serious sanction 76815
involving the individual's certificate to practice. 76816

(2) In all circumstances in which division (I)(1) of this 76817
section does not apply, enter a final order permanently revoking 76818
the individual's certificate to practice. 76819

(J) If the board is required by Chapter 119. of the Revised 76820
Code to give notice of an opportunity for a hearing and if the 76821
individual subject to the notice does not timely request a hearing 76822
in accordance with section 119.07 of the Revised Code, the board 76823
is not required to hold a hearing, but may adopt, by an 76824
affirmative vote of not fewer than six of its members, a final 76825
order that contains the board's findings. In that final order, the 76826
board may order any of the sanctions identified under division (A) 76827
or (B) of this section. 76828

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a certificate to practice to an applicant, revokes an individual's certificate to practice, refuses to ~~register an applicant~~ renew an individual's certificate to practice, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a certificate made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate of 76860
~~registration~~ to practice in accordance with this chapter shall not 76861
remove or limit the board's jurisdiction to take any disciplinary 76862
action under this section against the individual. 76863

(4) At the request of the board, a certificate holder shall 76864
immediately surrender to the board a certificate that the board 76865
has suspended, revoked, or permanently revoked. 76866

(N) Sanctions shall not be imposed under division (B)(28) of 76867
this section against any person who waives deductibles and 76868
copayments as follows: 76869

(1) In compliance with the health benefit plan that expressly 76870
allows such a practice. Waiver of the deductibles or copayments 76871
shall be made only with the full knowledge and consent of the plan 76872
purchaser, payer, and third-party administrator. Documentation of 76873
the consent shall be made available to the board upon request. 76874

(2) For professional services rendered to any other person 76875
authorized to practice pursuant to this chapter, to the extent 76876
allowed by this chapter and rules adopted by the board. 76877

(O) Under the board's investigative duties described in this 76878
section and subject to division (F) of this section, the board 76879
shall develop and implement a quality intervention program 76880
designed to improve through remedial education the clinical and 76881
communication skills of individuals authorized under this chapter 76882
to practice medicine and surgery, osteopathic medicine and 76883
surgery, and podiatric medicine and surgery. In developing and 76884
implementing the quality intervention program, the board may do 76885
all of the following: 76886

(1) Offer in appropriate cases as determined by the board an 76887
educational and assessment program pursuant to an investigation 76888
the board conducts under this section; 76889

(2) Select providers of educational and assessment services, 76890

including a quality intervention program panel of case reviewers; 76891

(3) Make referrals to educational and assessment service 76892
providers and approve individual educational programs recommended 76893
by those providers. The board shall monitor the progress of each 76894
individual undertaking a recommended individual educational 76895
program. 76896

(4) Determine what constitutes successful completion of an 76897
individual educational program and require further monitoring of 76898
the individual who completed the program or other action that the 76899
board determines to be appropriate; 76900

(5) Adopt rules in accordance with Chapter 119. of the 76901
Revised Code to further implement the quality intervention 76902
program. 76903

An individual who participates in an individual educational 76904
program pursuant to this division shall pay the financial 76905
obligations arising from that educational program. 76906

Sec. 4731.222. (A) This section applies to both of the 76907
following: 76908

(1) An applicant seeking restoration of a certificate issued 76909
under this chapter that has been in a suspended or inactive state 76910
for any cause for more than two years; 76911

(2) An applicant seeking issuance of a certificate pursuant 76912
to section 4731.17, 4731.29, 4731.295, 4731.57, or 4731.571 of the 76913
Revised Code who for more than two years has not been engaged in 76914
the practice of medicine and surgery, osteopathic medicine and 76915
surgery, podiatric medicine and surgery, or a limited branch of 76916
medicine as any of the following: 76917

(a) An active practitioner; 76918

(b) A participant in a program of graduate medical education, 76919
as defined in section 4731.091 of the Revised Code; 76920

(c) A student in a college of podiatry determined by the state medical board to be in good standing; 76921 76922

(d) A student in a school, college, or institution giving instruction in a limited branch of medicine determined by the board to be in good standing under section 4731.16 of the Revised Code. 76923 76924 76925 76926

(B) Before restoring a certificate to good standing for or issuing a certificate to an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following: 76927 76928 76929 76930

(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice; 76931 76932 76933

(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training; 76934 76935

(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing medical evaluations and procedures in a manner that meets the minimal standards of care; 76936 76937 76938 76939 76940

(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 76941 76942

(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 76943 76944 76945 76946

(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 76947 76948

The board shall consider the moral background and the activities of the applicant during the period of suspension or 76949 76950

inactivity, in accordance with section 4731.08, 4731.19, or 76951
4731.52 of the Revised Code. The board shall not restore a 76952
certificate under this section unless the applicant complies with 76953
sections 4776.01 to 4776.04 of the Revised Code. 76954

Sec. 4731.225. ~~(A)~~ If the holder of a certificate issued 76955
under this chapter violates division (A), (B), or (C) of section 76956
4731.66 or section 4731.69 of the Revised Code, or if any other 76957
person violates division (B) or (C) of section 4731.66 or section 76958
4731.69 of the Revised Code, the state medical board, pursuant to 76959
an adjudication under Chapter 119. of the Revised Code and an 76960
affirmative vote of not fewer than six of its members, shall: 76961

~~(A)~~(1) For a first violation, impose a civil penalty of not 76962
more than five thousand dollars; 76963

~~(B)~~(2) For each subsequent violation, impose a civil penalty 76964
of not more than twenty thousand dollars and, if the violator is a 76965
certificate holder, proceed under division (B)(27) of section 76966
4731.22 of the Revised Code. 76967

(B)(1) If the holder of a certificate issued under this 76968
chapter violates any section of this chapter other than section 76969
4731.281 or 4731.282 of the Revised Code or the sections specified 76970
in division (A) of this section, or violates any rule adopted 76971
under this chapter, the board may, pursuant to an adjudication 76972
under Chapter 119. of the Revised Code and an affirmative vote of 76973
not fewer than six of its members, impose a civil penalty. The 76974
amount of the civil penalty shall be determined by the board in 76975
accordance with the guidelines adopted under division (B)(2) of 76976
this section. The civil penalty may be in addition to any other 76977
action the board may take under section 4731.22 of the Revised 76978
Code. 76979

(2) The board shall adopt and may amend guidelines regarding 76980
the amounts of civil penalties to be imposed under this section. 76981

Adoption or amendment of the guidelines requires the approval of 76982
not fewer than six board members. 76983

Under the guidelines, no civil penalty amount shall exceed 76984
twenty thousand dollars. 76985

(C) Amounts received from payment of civil penalties imposed 76986
under this section shall be deposited by the board in accordance 76987
with section 4731.24 of the Revised Code. Amounts received from 76988
payment of civil penalties imposed for violations of division 76989
(B)(26) of section 4731.22 of the Revised Code shall be used by 76990
the board solely for investigations, enforcement, and compliance 76991
monitoring. 76992

Sec. 4731.24. Except as provided in sections 4731.281 and 76993
4731.40 of the Revised Code, all receipts of the state medical 76994
board, from any source, shall be deposited in the state treasury. 76995
~~Until July 1, 1998, the funds shall be deposited to the credit of~~ 76996
~~the occupational licensing and regulatory fund. On and after July~~ 76997
~~1, 1998, the~~ The funds shall be deposited to the credit of the 76998
state medical board operating fund, which is hereby created ~~on~~ 76999
~~July 1, 1998.~~ Except as provided in ~~section~~ sections 4730.252, 77000
4731.225, 4731.24, 4760.133, 4762.133, 4774.133, and 4778.141 of 77001
the Revised Code, all funds deposited into the state treasury 77002
under this section shall be used solely for the administration and 77003
enforcement of this chapter and Chapters 4730., 4760., 4762., 77004
4774., and 4778. of the Revised Code by the board. 77005

Sec. 4731.26. Upon application by the holder of a certificate 77006
to practice ~~or certificate of registration~~ issued under this 77007
chapter, the state medical board shall issue a duplicate 77008
certificate to replace one missing or damaged, to reflect a name 77009
change, or for any other reasonable cause. The fee for a duplicate 77010
certificate to practice ~~or duplicate certificate of registration~~ 77011

shall be thirty-five dollars. 77012

Sec. 4731.281. (A) ~~On or before the deadline established~~ 77013
~~under division (B) of this section for applying for renewal of a~~ 77014
~~certificate of registration, each person holding a certificate~~ 77015
~~under this chapter to practice medicine and surgery, osteopathic~~ 77016
~~medicine and surgery, or podiatric medicine and surgery shall~~ 77017
~~certify to the state medical board that in the preceding two years~~ 77018
~~the person has completed one hundred hours of continuing medical~~ 77019
~~education. The certification shall be made upon the application~~ 77020
~~for biennial registration submitted pursuant to division (B) of~~ 77021
~~this section. The board shall adopt rules providing for pro rata~~ 77022
~~reductions by month of the number of hours of continuing education~~ 77023
~~required for persons who are in their first registration period,~~ 77024
~~who have been disabled due to illness or accident, or who have~~ 77025
~~been absent from the country.~~ 77026

~~In determining whether a course, program, or activity~~ 77027
~~qualifies for credit as continuing medical education, the board~~ 77028
~~shall approve all continuing medical education taken by persons~~ 77029
~~holding a certificate to practice medicine and surgery that is~~ 77030
~~certified by the Ohio state medical association, all continuing~~ 77031
~~medical education taken by persons holding a certificate to~~ 77032
~~practice osteopathic medicine and surgery that is certified by the~~ 77033
~~Ohio osteopathic association, and all continuing medical education~~ 77034
~~taken by persons holding a certificate to practice podiatric~~ 77035
~~medicine and surgery that is certified by the Ohio podiatric~~ 77036
~~medical association. Each person holding a certificate to practice~~ 77037
~~under this chapter shall be given sufficient choice of continuing~~ 77038
~~education programs to ensure that the person has had a reasonable~~ 77039
~~opportunity to participate in continuing education programs that~~ 77040
~~are relevant to the person's medical practice in terms of subject~~ 77041
~~matter and level.~~ 77042

~~The board may require a random sample of persons holding a certificate to practice under this chapter to submit materials documenting completion of the continuing medical education requirement during the preceding registration period, but this provision shall not limit the board's authority to investigate pursuant to section 4731.22 of the Revised Code.~~

~~(B)(1) Every~~ Each person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery wishing to renew that certificate shall apply to the board for ~~a certificate of registration upon an application furnished by the board, and pay to the board at the time of application a~~ renewal. Applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee of three hundred five dollars, Applications shall be submitted according to the following schedule:

(a) Persons whose last name begins with the letters "A" through "B," on or before April 1, 2001, and the first day of April of every odd-numbered year thereafter;

(b) Persons whose last name begins with the letters "C" through "D," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;

(c) Persons whose last name begins with the letters "E" through "G," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;

(d) Persons whose last name begins with the letters "H" through "K," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;

(e) Persons whose last name begins with the letters "L" through "M," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;

(f) Persons whose last name begins with the letters "N" 77074
through "R," on or before January 1, 2000, and the first day of 77075
January of every even-numbered year thereafter; 77076

(g) Persons whose last name begins with the letter "S," on or 77077
before October 1, 1999, and the first day of October of every 77078
odd-numbered year thereafter; 77079

(h) Persons whose last name begins with the letters "T" 77080
through "Z," on or before July 1, 1999, and the first day of July 77081
of every odd-numbered year thereafter. 77082

The board shall deposit the fee in accordance with section 77083
4731.24 of the Revised Code, except that the board shall deposit 77084
twenty dollars of the fee into the state treasury to the credit of 77085
the physician loan repayment fund created by section 3702.78 of 77086
the Revised Code. 77087

(2) The board shall ~~mail or cause to be mailed~~ provide to 77088
every person ~~registered~~ holding a certificate to practice medicine 77089
and surgery, osteopathic medicine and surgery, or podiatric 77090
medicine and surgery, a renewal notice of ~~registration renewal~~ 77091
~~addressed to the person's last known address~~ or may ~~cause~~ provide 77092
the notice ~~to be sent~~ to the person through the secretary of any 77093
recognized medical, osteopathic, or podiatric society, according 77094
to the following schedule: 77095

(a) To persons whose last name begins with the letters "A" 77096
through "B," on or before January 1, 2001, and the first day of 77097
January of every odd-numbered year thereafter; 77098

(b) To persons whose last name begins with the letters "C" 77099
through "D," on or before October 1, 2000, and the first day of 77100
October of every even-numbered year thereafter; 77101

(c) To persons whose last name begins with the letters "E" 77102
through "G," on or before July 1, 2000, and the first day of July 77103
of every even-numbered year thereafter; 77104

(d) To persons whose last name begins with the letters "H" 77105
through "K," on or before April 1, 2000, and the first day of 77106
April of every even-numbered year thereafter; 77107

(e) To persons whose last name begins with the letters "L" 77108
through "M," on or before January 1, 2000, and the first day of 77109
January of every even-numbered year thereafter; 77110

(f) To persons whose last name begins with the letters "N" 77111
through "R," on or before October 1, 1999, and the first day of 77112
October of every odd-numbered year thereafter; 77113

(g) To persons whose last name begins with the letter "S," on 77114
or before July 1, 1999, and the first day of July of every 77115
odd-numbered year thereafter; 77116

(h) To persons whose last name begins with the letters "T" 77117
through "Z," on or before April 1, 1999, and the first day of 77118
April of every odd-numbered year thereafter. 77119

(3) Failure of any person to receive a notice of renewal from 77120
the board shall not excuse the person from the requirements 77121
contained in this section. 77122

(4) The board's notice shall inform the applicant of the 77123
renewal procedure. The board shall provide the application for 77124
~~registration~~ renewal in a form determined by the board. 77125

(5) The applicant shall provide in the application the 77126
applicant's full name, ~~principal practice address and;~~ the 77127
applicant's residence address, business address, and electronic 77128
mail address; the number of the applicant's certificate to 77129
practice~~;~~ and any other information required by the board. 77130

(6)(a) Except as provided in division ~~(B)~~(A)(6)(b) of this 77131
section, in the case of an applicant who prescribes or personally 77132
furnishes opioid analgesics or benzodiazepines, as defined in 77133
section 3719.01 of the Revised Code, the applicant shall certify 77134

to the board whether the applicant has been granted access to the 77135
drug database established and maintained by the state board of 77136
pharmacy pursuant to section 4729.75 of the Revised Code. 77137

(b) The requirement in division ~~(B)~~(A)(6)(a) of this section 77138
does not apply if any of the following is the case: 77139

(i) The state board of pharmacy notifies the state medical 77140
board pursuant to section 4729.861 of the Revised Code that the 77141
applicant has been restricted from obtaining further information 77142
from the drug database. 77143

(ii) The state board of pharmacy no longer maintains the drug 77144
database. 77145

(iii) The applicant does not practice medicine and surgery, 77146
osteopathic medicine and surgery, or podiatric medicine and 77147
surgery in this state. 77148

(c) If an applicant certifies to the state medical board that 77149
the applicant has been granted access to the drug database and the 77150
board finds through an audit or other means that the applicant has 77151
not been granted access, the board may take action under section 77152
4731.22 of the Revised Code. 77153

(7) The applicant shall include with the application a list 77154
of the names and addresses of any clinical nurse specialists, 77155
certified nurse-midwives, or certified nurse practitioners with 77156
whom the applicant is currently collaborating, as defined in 77157
section 4723.01 of the Revised Code. ~~Every person registered under~~ 77158
~~this section shall give written notice to the state medical board~~ 77159
~~of any change of principal practice address or residence address~~ 77160
~~or in the list within thirty days of the change.~~ 77161

(8) The applicant shall report any criminal offense to which 77162
the applicant has pleaded guilty, of which the applicant has been 77163
found guilty, or for which the applicant has been found eligible 77164
for intervention in lieu of conviction, since last filing an 77165

application for a certificate ~~of registration to practice or~~ 77166
renewal of a certificate. 77167

(9) The applicant shall execute and deliver the application 77168
to the board in a manner prescribed by the board. 77169

~~(C)(B)~~ The board shall ~~issue to any person holding~~ renew a 77170
certificate under this chapter to practice medicine and surgery, 77171
osteopathic medicine and surgery, or podiatric medicine and 77172
surgery, upon application and qualification therefor in accordance 77173
with this section, ~~a certificate of registration under the seal of~~ 77174
~~the board.~~ A ~~certificate of registration~~ renewal shall be valid 77175
for a two-year period. 77176

~~(D)(C)~~ Failure of any certificate holder to ~~register~~ renew 77177
and comply with this section shall operate automatically to 77178
suspend the holder's certificate to practice. Continued practice 77179
after the suspension of the certificate to practice shall be 77180
considered as practicing in violation of section 4731.41, 4731.43, 77181
or 4731.60 of the Revised Code. If the certificate has been 77182
suspended pursuant to this division for two years or less, it may 77183
be reinstated. The board shall reinstate a certificate to practice 77184
suspended for failure to ~~register~~ renew upon an applicant's 77185
submission of a renewal application, the biennial ~~registration~~ 77186
renewal fee, and the applicable monetary penalty. The penalty for 77187
reinstatement shall be ~~fifty~~ one hundred dollars. If the 77188
certificate has been suspended pursuant to this division for more 77189
than two years, it may be restored. Subject to section 4731.222 of 77190
the Revised Code, the board may restore a certificate to practice 77191
suspended for failure to ~~register~~ renew upon an applicant's 77192
submission of a restoration application, the biennial ~~registration~~ 77193
renewal fee, and the applicable monetary penalty and compliance 77194
with sections 4776.01 to 4776.04 of the Revised Code. The board 77195
shall not restore to an applicant a certificate to practice unless 77196
the board, in its discretion, decides that the results of the 77197

criminal records check do not make the applicant ineligible for a 77198
certificate issued pursuant to section 4731.14, 4731.56, or 77199
4731.57 of the Revised Code. The penalty for restoration shall be 77200
~~one~~ two hundred dollars. The board shall deposit the penalties in 77201
accordance with section 4731.24 of the Revised Code. 77202

~~(E)~~(D) If an individual certifies completion of the number of 77203
hours and type of continuing medical education required to ~~receive~~ 77204
~~a certificate of registration or reinstatement of~~ renew or 77205
reinstate a certificate to practice, and the board finds through 77206
the random samples it conducts under this section or through any 77207
other means that the individual did not complete the requisite 77208
continuing medical education, the board may impose a civil penalty 77209
of not more than five thousand dollars. The board's finding shall 77210
be made pursuant to an adjudication under Chapter 119. of the 77211
Revised Code and by an affirmative vote of not fewer than six 77212
members. 77213

A civil penalty imposed under this division may be in 77214
addition to or in lieu of any other action the board may take 77215
under section 4731.22 of the Revised Code. The board shall deposit 77216
civil penalties in accordance with section 4731.24 of the Revised 77217
Code. 77218

~~(F)~~(E) The state medical board may obtain information not 77219
protected by statutory or common law privilege from courts and 77220
other sources concerning malpractice claims against any person 77221
holding a certificate to practice under this chapter or practicing 77222
as provided in section 4731.36 of the Revised Code. 77223

~~(G)~~(F) Each mailing sent by the board under division 77224
~~(B)~~(A)(2) of this section to a person ~~registered~~ holding a 77225
certificate to practice medicine and surgery or osteopathic 77226
medicine and surgery shall inform the applicant of the reporting 77227
requirement established by division (H) of section 3701.79 of the 77228
Revised Code. At the discretion of the board, the information may 77229

be included on the application for ~~registration~~ renewal or on an 77230
accompanying page. 77231

(G) Each person holding a certificate to practice medicine 77232
and surgery, osteopathic medicine and surgery, or podiatric 77233
medicine and surgery shall give notice to the board of any of the 77234
following changes not later than thirty days after the change 77235
occurs: 77236

(1) A change in the certificate holder's residence address, 77237
business address, or electronic mail address; 77238

(2) A change in the list provided under division (B)(7) of 77239
this section of names and addresses of the nurses with whom the 77240
certificate holder is collaborating. 77241

~~Sec. 4731.282. Not later than ninety days after the effective 77242~~
~~date of this section, the state medical board shall approve one or 77243~~
~~more continuing medical education courses of study included within 77244~~
~~the programs certified by the Ohio state medical association and 77245~~
~~the Ohio osteopathic association pursuant to section 4731.281 of 77246~~
~~the Revised Code that assist doctors of medicine and doctors of 77247~~
~~osteopathic medicine in recognizing (A)(1) Except as provided in 77248~~
~~division (D) of this section, each person holding a certificate to 77249~~
~~practice medicine and surgery, osteopathic medicine and surgery, 77250~~
~~or podiatric medicine and surgery issued by the state medical 77251~~
~~board shall complete biennially not less than one hundred hours of 77252~~
~~continuing medical education that has been approved by the board. 77253~~
77254

(2) Each person holding a certificate to practice shall be 77255
given sufficient choice of continuing education programs to ensure 77256
that the person has had a reasonable opportunity to participate in 77257
continuing education programs that are relevant to the person's 77258
medical practice in terms of subject matter and level. 77259

(B) In determining whether a course, program, or activity 77260
qualifies for credit as continuing medical education, the board 77261
shall approve all of the following: 77262

(1) Continuing medical education completed by holders of 77263
certificates to practice medicine and surgery that is certified by 77264
the Ohio state medical association; 77265

(2) Continuing medical education completed by holders of 77266
certificates to practice osteopathic medicine and surgery that is 77267
certified by the Ohio osteopathic association; 77268

(3) Continuing medical education completed by holders of 77269
certificates to practice podiatric medicine and surgery that is 77270
certified by the Ohio podiatric medical association. 77271

(C) The board shall approve one or more continuing medical 77272
education courses of study included within the programs certified 77273
by the Ohio state medical association and the Ohio osteopathic 77274
association under divisions (B)(1) and (2) of this section that 77275
assist doctors of medicine and doctors of osteopathic medicine in 77276
both of the following: 77277

(1) Recognizing the signs of domestic violence and its 77278
relationship to child abuse. ~~Doctors are not required to take the~~ 77279
~~courses;~~ 77280

(2) Diagnosing and treating chronic pain, as defined in 77281
section 4731.052 of the Revised Code. 77282

(D) The board shall adopt rules providing for pro rata 77283
reductions by month of the number of hours of continuing education 77284
that must be completed for certificate holders who are in their 77285
first renewal period, have been disabled by illness or accident, 77286
or have been absent from the country. The board shall adopt the 77287
rules in accordance with Chapter 119. of the Revised Code. 77288

(E) The board may require a random sample of holders of 77289

certificates to practice medicine and surgery, osteopathic 77290
medicine and surgery, or podiatric medicine and surgery to submit 77291
materials documenting completion of the required number of hours 77292
of continuing medical education. This division does not limit the 77293
board's authority to conduct investigations pursuant to section 77294
4731.22 of the Revised Code. 77295

(F) The board may impose a civil penalty of not more than 77296
five thousand dollars if, through a random sample conducted under 77297
division (E) of this section or any other means, it finds that an 77298
individual falsely certified that the individual completed the 77299
number of hours and type of continuing medical education required 77300
for renewal of a certificate to practice. If the civil penalty is 77301
imposed in addition to any other action the board takes under 77302
section 4731.22 of the Revised Code, the board's finding shall be 77303
made pursuant to an adjudication under Chapter 119. of the Revised 77304
Code and by an affirmative vote of not fewer than six of its 77305
members. 77306

A civil penalty imposed under this division may be in 77307
addition to or in lieu of any other action the board takes under 77308
section 4731.22 of the Revised Code. The board shall deposit civil 77309
penalties in accordance with section 4731.24 of the Revised Code. 77310

Sec. 4731.293. (A) The state medical board may issue, without 77311
examination, a clinical research faculty certificate to any person 77312
who applies for the certificate and provides to the board all of 77313
the following: 77314

(1) Evidence satisfactory to the board of all of the 77315
following: 77316

(a) That the applicant holds a current, unrestricted license 77317
to practice medicine and surgery or osteopathic medicine and 77318
surgery issued by another state or country; 77319

(b) That the applicant has been appointed to serve in this 77320
state on the academic staff of a medical school accredited by the 77321
liaison committee on medical education or an osteopathic medical 77322
school accredited by the American osteopathic association; 77323

(c) That the applicant is an international medical graduate 77324
who holds a medical degree from an educational institution listed 77325
in the international medical education directory. 77326

(2) An affidavit and supporting documentation from the dean 77327
of the medical school or the department director or chairperson of 77328
a teaching hospital affiliated with the school that the applicant 77329
is qualified to perform teaching and research activities and will 77330
be permitted to work only under the authority of the department 77331
director or chairperson of a teaching hospital affiliated with the 77332
medical school where the applicant's teaching and research 77333
activities will occur; 77334

(3) A description from the medical school or teaching 77335
hospital of the scope of practice in which the applicant will be 77336
involved, including the types of teaching, research, and 77337
procedures in which the applicant will be engaged; 77338

(4) A description from the medical school or teaching 77339
hospital of the type and amount of patient contact that will occur 77340
in connection with the applicant's teaching and research 77341
activities. 77342

(B) An applicant for an initial clinical research faculty 77343
certificate shall pay a fee of three hundred seventy-five dollars. 77344

(C) The holder of a clinical research faculty certificate may 77345
practice medicine and surgery or osteopathic medicine and surgery 77346
only as is incidental to the certificate holder's teaching or 77347
research duties at the medical school or a teaching hospital 77348
affiliated with the school. The board may revoke a certificate on 77349
receiving proof satisfactory to the board that the certificate 77350

holder has engaged in practice in this state outside the scope of 77351
the certificate or that there are grounds for action against the 77352
certificate holder under section 4731.22 of the Revised Code. 77353

(D) A clinical research faculty certificate is valid for 77354
three years, except that the certificate ceases to be valid if the 77355
holder's appointment to the academic staff of the school is no 77356
longer valid or the certificate is revoked pursuant to division 77357
(C) of this section. 77358

(E)(1) Three months before a clinical research faculty 77359
certificate expires, the board shall mail or cause to be mailed to 77360
the certificate holder a notice of renewal addressed to the 77361
certificate holder's last known address. Failure of a certificate 77362
holder to receive a notice of renewal from the board shall not 77363
excuse the certificate holder from the requirements contained in 77364
this section. The notice shall inform the certificate holder of 77365
the renewal procedure. The notice also shall inform the 77366
certificate holder of the reporting requirement established by 77367
division (H) of section 3701.79 of the Revised Code. At the 77368
discretion of the board, the information may be included on the 77369
application for renewal or on an accompanying page. 77370

(2) A clinical research faculty certificate may be renewed 77371
for an additional three-year period. There is no limit on the 77372
number of times a certificate may be renewed. A person seeking 77373
renewal of a certificate shall apply to the board. The board shall 77374
provide the application for renewal in a form determined by the 77375
board. 77376

(3) An applicant is eligible for renewal if the applicant 77377
does all of the following: 77378

(a) Pays a renewal fee of three hundred seventy-five dollars; 77379

(b) Reports any criminal offense to which the applicant has 77380
pleaded guilty, of which the applicant has been found guilty, or 77381

for which the applicant has been found eligible for intervention 77382
in lieu of conviction, since last filing an application for a 77383
clinical research faculty certificate; 77384

(c) Provides to the board an affidavit and supporting 77385
documentation from the dean of the medical school or the 77386
department director or chairperson of a teaching hospital 77387
affiliated with the school that the applicant is in compliance 77388
with the applicant's current clinical research faculty 77389
certificate; 77390

(d) Provides evidence satisfactory to the board of all of the 77391
following: 77392

(i) That the applicant continues to maintain a current, 77393
unrestricted license to practice medicine and surgery or 77394
osteopathic medicine and surgery issued by another state or 77395
country; 77396

(ii) That the applicant's initial appointment to serve in 77397
this state on the academic staff of a medical school is still 77398
valid or has been renewed; 77399

(iii) That the applicant has completed one hundred fifty 77400
hours of continuing medical education that meet the requirements 77401
set forth in section ~~4731.281~~ 4731.282 of the Revised Code. 77402

(4) Regardless of whether the certificate has expired, a 77403
person who was granted a visiting medical faculty certificate 77404
under this section as it existed immediately prior to ~~the~~ 77405
~~effective date of this amendment~~ June 6, 2012, may apply for a 77406
clinical research faculty certificate as a renewal. The board may 77407
issue the clinical research faculty certificate if the applicant 77408
meets the requirements of division (E)(3) of this section. The 77409
board may not issue a clinical research faculty certificate if the 77410
visiting medical faculty certificate was revoked. 77411

(F) The board shall maintain a register of all persons who 77412

hold clinical research faculty certificates. 77413

(G) The board may adopt any rules it considers necessary to 77414
implement this section. The rules shall be adopted in accordance 77415
with Chapter 119. of the Revised Code. 77416

Sec. 4731.295. (A)(1) As used in this section, "indigent and 77417
uninsured person" and "operation" have the same meanings as in 77418
section 2305.234 of the Revised Code. 77419

(2) For the purposes of this section, a person shall be 77420
considered retired from practice if the person's license or 77421
certificate has expired with the person's intention of ceasing to 77422
practice medicine and surgery or osteopathic medicine and surgery 77423
for remuneration. 77424

(B) The state medical board may issue, without examination, a 77425
volunteer's certificate to a person who is retired from practice 77426
so that the person may provide medical services to indigent and 77427
uninsured persons. The board shall deny issuance of a volunteer's 77428
certificate to a person who is not qualified under this section to 77429
hold a volunteer's certificate. 77430

(C) An application for a volunteer's certificate shall 77431
include all of the following: 77432

(1) A copy of the applicant's degree of medicine or 77433
osteopathic medicine. 77434

(2) One of the following, as applicable: 77435

(a) A copy of the applicant's most recent license or 77436
certificate authorizing the practice of medicine and surgery or 77437
osteopathic medicine and surgery issued by a jurisdiction in the 77438
United States that licenses persons to practice medicine and 77439
surgery or osteopathic medicine and surgery. 77440

(b) A copy of the applicant's most recent license equivalent 77441
to a license to practice medicine and surgery or osteopathic 77442

medicine and surgery in one or more branches of the United States 77443
armed services that the United States government issued. 77444

(3) Evidence of one of the following, as applicable: 77445

(a) That the applicant has maintained for at least ten years 77446
prior to retirement full licensure in good standing in any 77447
jurisdiction in the United States that licenses persons to 77448
practice medicine and surgery or osteopathic medicine and surgery. 77449

(b) That the applicant has practiced for at least ten years 77450
prior to retirement in good standing as a doctor of medicine and 77451
surgery or osteopathic medicine and surgery in one or more of the 77452
branches of the United States armed services. 77453

(4) A notarized statement from the applicant, on a form 77454
prescribed by the board, that the applicant will not accept any 77455
form of remuneration for any medical services rendered while in 77456
possession of a volunteer's certificate. 77457

(D) The holder of a volunteer's certificate may provide 77458
medical services only to indigent and uninsured persons. The 77459
holder shall not accept any form of remuneration for providing 77460
medical services while in possession of the certificate. Except in 77461
a medical emergency, the holder shall not perform any operation or 77462
deliver babies. The board may revoke a volunteer's certificate on 77463
receiving proof satisfactory to the board that the holder has 77464
engaged in practice in this state outside the scope of the 77465
certificate. 77466

(E)(1) A volunteer's certificate shall be valid for a period 77467
of three years, unless earlier revoked under division (D) of this 77468
section or pursuant to section 4731.22 of the Revised Code. A 77469
volunteer's certificate may be renewed upon the application of the 77470
holder. The board shall maintain a register of all persons who 77471
hold volunteer's certificates. The board shall not charge a fee 77472
for issuing or renewing a certificate pursuant to this section. 77473

(2) To be eligible for renewal of a volunteer's certificate 77474
the holder of the certificate shall certify to the board 77475
completion of one hundred fifty hours of continuing medical 77476
education that meets the requirements of section ~~4731.281~~ 4731.282 77477
of the Revised Code regarding certification by private 77478
associations and approval by the board. The board may not renew a 77479
certificate if the holder has not complied with the continuing 77480
medical education requirements. Any entity for which the holder 77481
provides medical services may pay for or reimburse the holder for 77482
any costs incurred in obtaining the required continuing medical 77483
education credits. 77484

(3) The board shall issue a volunteer's certificate to each 77485
person who qualifies under this section for ~~a volunteer's the~~ 77486
~~certificate a wallet certificate and a wall.~~ The certificate that 77487
shall state that the certificate holder is authorized to provide 77488
medical services pursuant to the laws of this state. The holder 77489
shall ~~keep the wallet certificate on the holder's person while~~ 77490
~~providing medical services and shall~~ display the ~~wall~~ certificate 77491
prominently at the location where the holder primarily practices. 77492

(4) The holder of a volunteer's certificate issued pursuant 77493
to this section is subject to the immunity provisions in section 77494
2305.234 of the Revised Code. 77495

(F) The board shall adopt rules in accordance with Chapter 77496
119. of the Revised Code to administer and enforce this section. 77497

Sec. 4731.296. (A) For the purposes of this section, "the 77498
practice of telemedicine" means the practice of medicine in this 77499
state through the use of any communication, including oral, 77500
written, or electronic communication, by a physician located 77501
outside this state. 77502

(B) A person who wishes to practice telemedicine in this 77503
state shall file an application with the state medical board, 77504

together with a fee in the amount of the fee described in division 77505
(D) of section 4731.29 of the Revised Code and shall comply with 77506
sections 4776.01 to 4776.04 of the Revised Code. If the board, in 77507
its discretion, decides that the results of the criminal records 77508
check do not make the person ineligible for a telemedicine 77509
certificate, the board may issue, without examination, a 77510
telemedicine certificate to a person who meets all of the 77511
following requirements: 77512

(1) The person holds a current, unrestricted license to 77513
practice medicine and surgery or osteopathic medicine and surgery 77514
issued by another state that requires license holders to complete 77515
at least fifty hours of continuing medical education every two 77516
years. 77517

(2) The person's principal place of practice is in that 77518
state. 77519

(3) The person does not hold a certificate issued under this 77520
chapter authorizing the practice of medicine and surgery or 77521
osteopathic medicine and surgery in this state. 77522

(4) The person meets the same age, moral character, and 77523
educational requirements individuals must meet under sections 77524
4731.08, 4731.09, 4731.091, and 4731.14 of the Revised Code and, 77525
if applicable, demonstrates proficiency in spoken English in 77526
accordance with division (E) of section 4731.29 of the Revised 77527
Code. 77528

(C) The holder of a telemedicine certificate may engage in 77529
the practice of telemedicine in this state. A person holding a 77530
telemedicine certificate shall not practice medicine in person in 77531
this state without obtaining a special activity certificate under 77532
section 4731.294 of the Revised Code. 77533

(D) The board may revoke a certificate issued under this 77534
section or take other disciplinary action against a certificate 77535

holder pursuant to section 4731.22 of the Revised Code on 77536
receiving proof satisfactory to the board that the certificate 77537
holder has engaged in practice in this state outside the scope of 77538
the certificate or that there are grounds for action against the 77539
holder under section 4731.22 of the Revised Code. 77540

(E) A telemedicine certificate shall be valid for a period 77541
specified by the board, and the initial renewal shall be in 77542
accordance with a schedule established by the board. Thereafter, 77543
the certificate shall be valid for two years. A certificate may be 77544
renewed on application of the holder. 77545

To be eligible for renewal, the holder of the certificate 77546
shall do both of the following: 77547

(1) Pay a fee in the amount of the fee described in division 77548
~~(B)~~(A)(1) of section 4731.281 of the Revised Code; 77549

(2) Certify to the board compliance with the continuing 77550
medical education requirements of the state in which the holder's 77551
principal place of practice is located. 77552

The board may require a random sample of persons holding a 77553
telemedicine certificate to submit materials documenting 77554
completion of the continuing medical education requirements 77555
described in this division. 77556

(F) The board shall convert a telemedicine certificate to a 77557
certificate issued under section 4731.29 of the Revised Code on 77558
receipt of a written request from the certificate holder. Once the 77559
telemedicine certificate is converted, the holder is subject to 77560
all requirements and privileges attendant to a certificate issued 77561
under section 4731.29 of the Revised Code, including continuing 77562
medical education requirements. 77563

Sec. 4731.297. (A) As used in this section: 77564

(1) "Academic medical center" means a medical school and its 77565

affiliated teaching hospitals and clinics partnering to do all of 77566
the following: 77567

(a) Provide the highest quality of patient care from expert 77568
physicians; 77569

(b) Conduct groundbreaking research leading to medical 77570
advancements for current and future patients; 77571

(c) Provide medical education and graduate medical education 77572
to educate and train physicians. 77573

(2) "Affiliated physician group practice" means a medical 77574
practice that consists of one or more physicians authorized under 77575
this chapter to practice medicine and surgery or osteopathic 77576
medicine and surgery and that is affiliated with an academic 77577
medical center to further the objectives described in divisions 77578
(A)(1)(a) to (c) of this section. 77579

(B) The state medical board shall issue, without examination, 77580
to an applicant who meets the requirements of this section a 77581
certificate of conceded eminence authorizing the practice of 77582
medicine and surgery or osteopathic medicine and surgery as part 77583
of the applicant's employment with an academic medical center in 77584
this state or affiliated physician group practice in this state. 77585

(C) To be eligible for a certificate of conceded eminence, an 77586
applicant shall provide to the board all of the following: 77587

(1) Evidence satisfactory to the board of all of the 77588
following: 77589

(a) That the applicant is an international medical graduate 77590
who holds a medical degree from an educational institution listed 77591
in the international medical education directory; 77592

(b) That the applicant has been appointed to serve in this 77593
state as a full-time faculty member of a medical school accredited 77594
by the liaison committee on medical education or an osteopathic 77595

medical school accredited by the American osteopathic association; 77596

(c) That the applicant has accepted an offer of employment 77597
with an academic medical center in this state or affiliated 77598
physician group practice in this state; 77599

(d) That the applicant holds a license in good standing in 77600
another state or country authorizing the practice of medicine and 77601
surgery or osteopathic medicine and surgery; 77602

(e) That the applicant has unique talents and extraordinary 77603
abilities not generally found within the applicant's specialty, as 77604
demonstrated by satisfying at least four of the following: 77605

(i) The applicant has achieved educational qualifications 77606
beyond those that are required for entry into the applicant's 77607
specialty, including advanced degrees, special certifications, or 77608
other academic credentials. 77609

(ii) The applicant has written multiple articles in journals 77610
listed in the index medicus or an equivalent scholarly publication 77611
acceptable to the board. 77612

(iii) The applicant has a sustained record of excellence in 77613
original research, at least some of which involves serving as the 77614
principal investigator or co-principal investigator for a research 77615
project. 77616

(iv) The applicant has received nationally or internationally 77617
recognized prizes or awards for excellence. 77618

(v) The applicant has participated in peer review in a field 77619
of specialization that is the same as or similar to the 77620
applicant's specialty. 77621

(vi) The applicant has developed new procedures or treatments 77622
for complex medical problems that are recognized by peers as a 77623
significant advancement in the applicable field of medicine. 77624

(vii) The applicant has held previous academic appointments 77625

with or been employed by a health care organization that has a 77626
distinguished national or international reputation. 77627

(viii) The applicant has been the recipient of a national 77628
institutes of health or other competitive grant award. 77629

(f) That the applicant has received staff membership or 77630
professional privileges from the academic medical center pursuant 77631
to standards adopted under section 3701.351 of the Revised Code on 77632
a basis that requires the applicant's medical education and 77633
graduate medical education to be at least equivalent to that of a 77634
physician educated and trained in the United States; 77635

(g) That the applicant has sufficient written and oral 77636
English skills to communicate effectively and reliably with 77637
patients, their families, and other medical professionals; 77638

(h) That the applicant will have professional liability 77639
insurance through the applicant's employment with the academic 77640
medical center or affiliated physician group practice. 77641

(2) An affidavit from the applicant agreeing to practice only 77642
within the clinical setting of the academic medical center or for 77643
the affiliated physician group practice; 77644

(3) Three letters of reference from distinguished experts in 77645
the applicant's specialty attesting to the unique capabilities of 77646
the applicant, at least one of which must be from outside the 77647
academic medical center or affiliated physician group practice; 77648

(4) An affidavit from the dean of the medical school where 77649
the applicant has been appointed to serve as a faculty member 77650
stating that the applicant meets all of the requirements of 77651
division (C)(1) of this section and that the letters of reference 77652
submitted under division (C)(3) of this section are from 77653
distinguished experts in the applicant's specialty, and 77654
documentation to support the affidavit; 77655

(5) A fee of one thousand dollars for the certificate. 77656

(D)(1) The holder of a certificate of conceded eminence may 77657
practice medicine and surgery or osteopathic medicine and surgery 77658
only within the clinical setting of the academic medical center 77659
with which the certificate holder is employed or for the 77660
affiliated physician group practice with which the certificate 77661
holder is employed. 77662

(2) A certificate holder may supervise medical students, 77663
physicians participating in graduate medical education, advanced 77664
practice nurses, and physician assistants when performing clinical 77665
services in the certificate holder's area of specialty. 77666

(E) The board may revoke a certificate issued under this 77667
section on receiving proof satisfactory to the board that the 77668
certificate holder has engaged in practice in this state outside 77669
the scope of the certificate or that there are grounds for action 77670
against the certificate holder under section 4731.22 of the 77671
Revised Code. 77672

(F) A certificate of conceded eminence is valid for the 77673
shorter of two years or the duration of the certificate holder's 77674
employment with the academic medical center or affiliated 77675
physician group practice. The certificate ceases to be valid if 77676
the holder resigns or is otherwise terminated from the academic 77677
medical center or affiliated physician group practice. 77678

(G) A certificate of conceded eminence may be renewed for an 77679
additional two-year period. There is no limit on the number of 77680
times a certificate may be renewed. A person seeking renewal of a 77681
certificate shall apply to the board and is eligible for renewal 77682
if the applicant does all of the following: 77683

(1) Pays the renewal fee of one thousand dollars; 77684

(2) Provides to the board an affidavit and supporting 77685
documentation from the academic medical center or affiliated 77686

physician group practice of all of the following: 77687

(a) That the applicant's initial appointment to the medical 77688
faculty is still valid or has been renewed; 77689

(b) That the applicant's clinical practice is consistent with 77690
the established standards in the field; 77691

(c) That the applicant has demonstrated continued scholarly 77692
achievement; 77693

(d) That the applicant has demonstrated continued 77694
professional achievement consistent with the academic medical 77695
center's requirements, established pursuant to standards adopted 77696
under section 3701.351 of the Revised Code, for physicians with 77697
staff membership or professional privileges with the academic 77698
medical center. 77699

(3) Satisfies the same continuing medical education 77700
requirements set forth in section ~~4731.281~~ 4731.282 of the Revised 77701
Code that apply to a person who holds a certificate to practice 77702
medicine and surgery or osteopathic medicine and surgery issued 77703
under this chapter. 77704

(4) Complies with any other requirements established by the 77705
board. 77706

(H) The board may adopt any rules it considers necessary to 77707
implement this section. The rules shall be adopted in accordance 77708
with Chapter 119. of the Revised Code. 77709

Sec. 4731.299. (A) The state medical board may issue, without 77710
examination, to an applicant who meets all of the requirements of 77711
this section an expedited certificate to practice medicine and 77712
surgery or osteopathic medicine and surgery by endorsement. 77713
77714

(B) An individual who seeks an expedited certificate to 77715
practice medicine and surgery or osteopathic medicine and surgery 77716

by endorsement shall file with the board a written application on 77717
a form prescribed and supplied by the board. The application shall 77718
include all of the information the board considers necessary to 77719
process it. 77720

(C) To be eligible to receive an expedited certificate by 77721
endorsement, an applicant shall do both of the following: 77722

(1) Provide evidence satisfactory to the board that the 77723
applicant meets all of the following requirements: 77724

(a) Has passed one of the following: 77725

(i) Steps one, two, and three of the United States medical 77726
licensing examination; 77727

(ii) Levels one, two, and three of the comprehensive 77728
osteopathic medical licensing examination of the United States; 77729

(iii) Any other medical licensing examination recognized by 77730
the board. 77731

(b) For at least five years immediately preceding the date of 77732
application, has held a current, unrestricted license to practice 77733
medicine and surgery or osteopathic medicine and surgery issued by 77734
the licensing authority of another state or a Canadian province; 77735

(c) For at least two years immediately preceding the date of 77736
application, has actively practiced medicine and surgery or 77737
osteopathic medicine and surgery in a clinical setting; 77738

(d) Is in compliance with the medical education and training 77739
requirements in sections 4731.091 and 4731.14 of the Revised Code. 77740

(2) Certify to the board that all of the following are the 77741
case: 77742

(a) Not more than two malpractice claims have been filed 77743
against the applicant within a period of ten years and no 77744
malpractice claim against the applicant has resulted in total 77745
payment of more than five hundred thousand dollars. 77746

(b) The applicant does not have a criminal record according 77747
to the criminal records check required by section 4731.081 of the 77748
Revised Code. 77749

(c) The applicant does not have a medical condition that 77750
could affect the applicant's ability to practice according to 77751
acceptable and prevailing standards of care. 77752

(d) No adverse action has been taken against the applicant by 77753
a health care institution. 77754

(e) To the applicant's knowledge, no federal agency, medical 77755
society, medical association, or branch of the United States 77756
military has investigated or taken action against the applicant. 77757

(f) No professional licensing or regulatory authority has 77758
filed a complaint against, investigated, or taken action against 77759
the applicant and the applicant has not withdrawn a professional 77760
license application. 77761

(g) The applicant has not been suspended or expelled from any 77762
institution of higher education or school, including a medical 77763
school. 77764

(D) An applicant for an expedited certificate by endorsement 77765
shall comply with section 4731.081 of the Revised Code. 77766

(E) At the time of application, the applicant shall pay to 77767
the board a fee of one thousand dollars, no part of which shall be 77768
returned. No application shall be considered filed until the board 77769
receives the fee. 77770

(F) The secretary and supervising member of the board shall 77771
review all applications received under this section. ~~If~~ 77772

If the board determines secretary and supervising member 77773
determine that an applicant meets the requirements for an 77774
expedited certificate to practice medicine and surgery or 77775
osteopathic medicine and surgery by endorsement, the board shall 77776

issue the certificate to the applicant. Each 77777

If the secretary and supervising member determine that an 77778
applicant does not meet the requirements for an expedited 77779
certificate to practice medicine and surgery or osteopathic 77780
medicine and surgery by endorsement, the application shall be 77781
treated as an application under section 4731.08 of the Revised 77782
Code. 77783

(G) Each certificate issued by the board under this section 77784
shall be signed by the president and secretary of the board and 77785
attested by ~~its~~ the board's seal. 77786

~~(G)~~(H) Within sixty days after ~~the effective date of this~~ 77787
~~section~~ September 29, 2013, the board shall approve acceptable 77788
means of demonstrating compliance with sections 4731.091 and 77789
4731.14 of the Revised Code as required by division (C)(1)(d) of 77790
this section. 77791

Sec. 4731.41. (A) No person shall practice medicine and 77792
surgery, or any of its branches, without the appropriate 77793
certificate from the state medical board to engage in the 77794
practice. No person shall advertise or claim to the public to be a 77795
practitioner of medicine and surgery, or any of its branches, 77796
without a certificate from the board. No person shall open or 77797
conduct an office or other place for such practice without a 77798
certificate from the board. No person shall conduct an office in 77799
the name of some person who has a certificate to practice medicine 77800
and surgery, or any of its branches. No person shall practice 77801
medicine and surgery, or any of its branches, after the person's 77802
certificate has been revoked, or, if suspended, during the time of 77803
such suspension. 77804

A certificate signed by the secretary of the board to which 77805
is affixed the official seal of the board to the effect that it 77806
appears from the records of the board that no such certificate to 77807

practice medicine and surgery, or any of its branches, in this 77808
state has been issued to the person specified therein, or that a 77809
certificate to practice, if issued, has been revoked or suspended, 77810
shall be received as prima-facie evidence of the record of the 77811
board in any court or before any officer of the state. 77812

(B) No certificate from the state medical board is required 77813
by a physician who comes into this state to practice medicine at a 77814
free-of-charge camp accredited by the SeriousFun children's 77815
network that specializes in providing therapeutic recreation, as 77816
defined in section 2305.231 of the Revised Code, for individuals 77817
with chronic illnesses as long as all of the following apply: 77818

(1) The physician provides documentation to the medical 77819
director of the camp that the physician is licensed and in good 77820
standing to practice medicine in another state; 77821

(2) The physician provides services only at the camp or in 77822
connection with camp events or camp activities that occur off the 77823
grounds of the camp; 77824

(3) The physician receives no compensation for the services; 77825

(4) The physician provides those services within this state 77826
for not more than thirty days per calendar year; 77827

(5) The camp has a medical director who holds an unrestricted 77828
license to practice medicine issued in accordance with division 77829
(A) of this section. 77830

Sec. 4731.62. (A) As used in this section: 77831

(1) "Controlled substance" and "controlled substance analog" 77832
have the same meanings as in section 3719.01 of the Revised Code. 77833

(2) "Dangerous drug" has the same meaning as in section 77834
4729.01 of the Revised Code. 77835

(3) "Mental health professional" has the same meaning as in 77836

section 340.032 of the Revised Code. 77837

(B) A physician who is acting in a professional capacity and 77838
who knows, or has reasonable cause to suspect based on facts that 77839
would cause a reasonable person in a similar position to suspect, 77840
that a patient is experiencing an overdose of a dangerous drug, 77841
controlled substance, controlled substance analog, or metabolite 77842
of a controlled substance may refer the patient to a mental health 77843
professional. If the physician refers the patient to a mental 77844
health professional, the physician shall promptly notify the 77845
mental health professional in writing of the referral. Within 77846
thirty days after receiving the written notification, the mental 77847
health professional shall inform the physician in writing of the 77848
status of treatment of the patient provided by the mental health 77849
professional. 77850

(C) A communication between a physician and a mental health 77851
professional made under this section shall not be considered a 77852
breach of confidentiality between a physician or psychologist or 77853
other mental health professional and a patient or a waiver of a 77854
testimonial privilege by the patient. 77855

(D) A physician or mental health professional is not liable 77856
in damages in a civil action for harm allegedly incurred as a 77857
result of a communication made under this section. 77858

Sec. 4731.74. (A) As used in this section: 77859

(1) "Controlled substance" has the same meaning as in section 77860
3719.01 of the Revised Code. 77861

(2) "Drug" and "prescription" have the same meanings as in 77862
section 4729.01 of the Revised Code. 77863

(3) "Institutional facility" means a hospital as defined in 77864
section 3727.01 of the Revised Code or a facility licensed by the 77865
state board of pharmacy and the department of health, the 77866

department of rehabilitation and correction, or the department of 77867
developmental disabilities, at which medical care is provided on 77868
site and a medical record documenting episodes of care, including 77869
drugs ordered and administered, is maintained. 77870

(4) "Telehealth service" has the same meaning as in section 77871
5164.95 of the Revised Code. 77872

(B) Except as provided in divisions (C) and (D) of this 77873
section, a physician shall not prescribe, dispense, otherwise 77874
provide, or cause to be provided a prescription drug to a person 77875
on whom the physician has never conducted a medical evaluation. 77876

(C) A physician may prescribe, dispense, otherwise provide, 77877
or cause to be provided a prescription drug that is not a 77878
controlled substance to a person on whom the physician has never 77879
conducted a medical evaluation, and who is at a location remote 77880
from the physician, if the physician meets all of the following 77881
requirements: 77882

(1) In a manner that is consistent with the standard for 77883
in-person care by a physician, the remote physician shall complete 77884
and document a medical evaluation of the patient and collect 77885
clinical data as needed to establish a diagnosis, identify any 77886
underlying conditions, and identify any contraindications to the 77887
treatment that is recommended or provided. 77888

(2)(a) Except as provided in division (C)(2)(b) of this 77889
section, the remote physician shall complete an examination of the 77890
patient using appropriate technology that is capable of all of the 77891
following: 77892

(i) Transmitting images of the patient's condition in 77893
real-time; 77894

(ii) Transmitting information regarding the patient's 77895
physical condition and other relevant clinical data needed for 77896
compliance with division (C)(1) of this section; 77897

(iii) Being adjusted for better image quality and definition. 77898

(b) If the patient has a designated primary care physician or 77899
designates a primary care physician with assistance from the 77900
remote physician, the remote physician may examine the patient 77901
over the telephone without the use of the technology required by 77902
division (C)(2)(a) of this section, if the remote physician meets 77903
all of the following requirements: 77904

(i) The remote physician is physically located in this state. 77905

(ii) The remote physician has received credentials to provide 77906
telehealth services pursuant to a process certified by the 77907
national committee for quality assurance. 77908

(iii) The remote physician forwards the patient's electronic 77909
health record to the patient's designated primary care physician 77910
after the consultation. 77911

(iv) The remote physician is available to follow up with the 77912
patient after the consult as necessary. 77913

(3) The remote physician shall document having had dialogue 77914
with the patient regarding treatment options and the risks and 77915
benefits of treatment sufficient to permit the patient to provide 77916
informed consent to treatment. 77917

(4) The remote physician shall maintain a contemporaneous 77918
medical record that is readily available to the patient and to the 77919
patient's other health care providers. 77920

(5) The remote physician shall include the electronic 77921
prescription information as part of the patient's medical record. 77922

(6) As necessary, the remote physician shall follow-up with 77923
the patient to assess the therapeutic outcome. 77924

(D) In addition to the circumstances described in division 77925
(C) of this section, a physician may prescribe, dispense, 77926
otherwise provide, or cause to be provided a prescription drug, 77927

including a controlled substance, to a person on whom the 77928
physician has never conducted a medical evaluation in the 77929
following situations: 77930

(1) The person is a patient of a colleague of the physician 77931
and the drugs are provided pursuant to an on call or cross 77932
coverage arrangement between the physicians. 77933

(2) The physician is consulting with another physician or 77934
health care provider who is authorized to practice in this state 77935
and is acting within the scope of that physician or provider's 77936
professional license, including having prescriptive authority if 77937
all of the following requirements are met: 77938

(a) The physician shall establish that the other physician or 77939
health care provider has an ongoing professional relationship with 77940
the patient and has agreed to supervise the patient's use of the 77941
drug or drugs to be provided. 77942

(b) If the health care provider is a physician assistant, the 77943
physician has a supervision agreement with the physician 77944
assistant. 77945

(c) If the health care provider is an advanced practice 77946
registered nurse, the physician has a standard care arrangement 77947
with the advanced practice registered nurse. 77948

(3) The physician is the medical director of a hospice care 77949
program licensed pursuant to Chapter 3712. of the Revised Code or 77950
is the attending physician of a hospice patient, enrolled in such 77951
a hospice care program, and the drugs are prescribed, dispensed, 77952
or otherwise provided to a hospice patient. 77953

(4) The person has been admitted as an inpatient to or is a 77954
resident of an institutional facility. 77955

(E) This section does not imply that a single in-person 77956
medical evaluation demonstrates that a prescription has been 77957

issued for a legitimate medical purpose within the course of 77958
professional practice. 77959

Sec. 4732.10. (A) The state board of psychology shall appoint 77960
an entrance examiner who shall determine the sufficiency of an 77961
applicant's qualifications for admission to the appropriate 77962
examination. A member of the board or the executive director may 77963
be appointed as the entrance examiner. 77964

(B) Requirements for admission to examination for a 77965
psychologist license shall be that the applicant: 77966

(1) Is at least twenty-one years of age; 77967

(2) Is of good moral character; 77968

(3) Meets one of the following requirements: 77969

(a) Received an earned doctoral degree from an institution 77970
accredited or recognized by a national or regional accrediting 77971
agency and a program accredited by any of the following: 77972

(i) The American psychological association, office of program 77973
consultation and accreditation; 77974

(ii) The accreditation office of the Canadian psychological 77975
association; 77976

(iii) A program listed by the association of state and 77977
provincial psychology boards/national register designation 77978
committee; 77979

(iv) The national association of school psychologists. 77980

(b) Received an earned doctoral degree in psychology or 77981
school psychology from an institution accredited or recognized by 77982
a national or regional accrediting agency but the program does not 77983
meet the program accreditation requirements of division (B)(3)(a) 77984
of this section; 77985

(c) Received from an academic institution outside of the 77986

United States or Canada a degree determined, under rules adopted 77987
by the board under division (E) of this section, to be equivalent 77988
to a doctoral degree in psychology from a program described in 77989
division (B)(3)(a) of this section; 77990

~~(e)(d)~~ Held a psychologist license, certificate, or 77991
registration required for practice in another United States or 77992
Canadian jurisdiction for a minimum of ten years and meets 77993
educational, experience, and professional requirements established 77994
under rules adopted by the board. 77995

~~(d) Enrolled, not later than sixty days after April 7, 2009,~~ 77996
~~in an educational institution accredited or recognized by national~~ 77997
~~or regional accrediting agencies as maintaining satisfactory~~ 77998
~~standards and not later than eight years after April 7, 2009,~~ 77999
~~received an earned doctoral degree in psychology or school~~ 78000
~~psychology.~~ 78001

(4) Has had at least two years of supervised professional 78002
experience in psychological work of a type satisfactory to the 78003
board, at least one year of which must be a predoctoral 78004
internship. The board shall adopt guidelines for the kind of 78005
supervised professional experience ~~which~~ that fulfill this 78006
requirement. 78007

(5) If applying under division (B)(3)(b) or (c) of this 78008
section, has had at least two years of supervised professional 78009
experience in psychological work of a type satisfactory to the 78010
board, at least one year of which must be postdoctoral. The board 78011
shall adopt guidelines for the kind of supervised professional 78012
experience that fulfill this requirement. 78013

(C) Requirements for admission to examination for a school 78014
psychologist license shall be that the applicant: 78015

(1) Has received from an educational institution accredited 78016
or recognized by national or regional accrediting agencies as 78017

maintaining satisfactory standards, including those approved by 78018
the state board of education for the training of school 78019
psychologists, at least a master's degree in school psychology, or 78020
a degree considered equivalent by the board; 78021

(2) Is at least twenty-one years of age; 78022

(3) Is of good moral character; 78023

(4) Has completed at least sixty quarter hours, or the 78024
semester hours equivalent, at the graduate level, of accredited 78025
study in course work relevant to the study of school psychology; 78026

(5) Has completed an internship in an educational institution 78027
approved by the Ohio department of education for school psychology 78028
supervised experience or one year of other training experience 78029
acceptable to the board, such as supervised professional 78030
experience under the direction of a licensed psychologist or 78031
licensed school psychologist; 78032

(6) Furnishes proof of at least twenty-seven months, 78033
exclusive of internship, of full-time experience as a certificated 78034
school psychologist employed by a board of education or a private 78035
school meeting the standards prescribed by the state board of 78036
education, or of experience ~~which~~ that the board deems equivalent. 78037

(D) If the entrance examiner finds that the applicant meets 78038
the requirements set forth in this section, the applicant shall be 78039
admitted to the appropriate examination. 78040

(E) The board shall adopt under Chapter 119. of the Revised 78041
Code rules for determining for the purposes of division (B)(3)(b) 78042
of this section whether a degree is equivalent to a degree in 78043
psychology from an institution in the United States. 78044

Sec. 4735.06. (A) Application for a license as a real estate 78045
broker shall be made to the superintendent of real estate on forms 78046
furnished by the superintendent and filed with the superintendent 78047

and shall be signed by the applicant or its members or officers. 78048
Each application shall state the name of the person applying and 78049
the location of the place of business for which the license is 78050
desired, and give such other information as the superintendent 78051
requires in the form of application prescribed by the 78052
superintendent. 78053

If the applicant is a partnership, limited liability company, 78054
limited liability partnership, or association, the names of all 78055
the members also shall be stated, and, if the applicant is a 78056
corporation, the names of its president and of each of its 78057
officers also shall be stated. The superintendent has the right to 78058
reject the application of any partnership, association, limited 78059
liability company, limited liability partnership, or corporation 78060
if the name proposed to be used by such partnership, association, 78061
limited liability company, limited liability partnership, or 78062
corporation is likely to mislead the public or if the name is not 78063
such as to distinguish it from the name of any existing 78064
partnership, association, limited liability company, limited 78065
liability partnership, or corporation licensed under this chapter, 78066
unless there is filed with the application the written consent of 78067
such existing partnership, association, limited liability company, 78068
limited liability partnership, or corporation, executed by a duly 78069
authorized representative of it, permitting the use of the name of 78070
such existing partnership, association, limited liability company, 78071
limited liability partnership, or corporation. 78072

(B) A fee of one hundred dollars shall accompany the 78073
application for a real estate broker's license. The initial 78074
licensing period commences at the time the license is issued and 78075
ends on the applicant's first birthday thereafter. However, if the 78076
applicant was an inactive or active salesperson immediately 78077
preceding application for a broker's license, then the initial 78078
licensing period shall commence at the time the broker's license 78079

is issued and ends on the date the licensee's continuing education 78080
is due as set when the applicant was a salesperson. The 78081
application fee shall be nonrefundable. A fee of one hundred 78082
dollars shall be charged by the superintendent for each successive 78083
application made by an applicant. In the case of issuance of a 78084
three-year license, upon passing the examination, or upon waiver 78085
of the examination requirement, if the superintendent determines 78086
it is necessary, the applicant shall submit an additional fee 78087
determined by the superintendent based upon the number of years 78088
remaining in a real estate salesperson's licensing period. 78089

(C) One dollar of each application fee for a real estate 78090
broker's license shall be credited to the real estate education 78091
and research fund, which is hereby created in the state treasury. 78092
The Ohio real estate commission may use the fund in discharging 78093
the duties prescribed in divisions (E), (F), (G), and (H) of 78094
section 4735.03 of the Revised Code and shall use it in the 78095
advancement of education and research in real estate at any 78096
institution of higher education in the state, or in contracting 78097
with any such institution or a trade organization for a particular 78098
research or educational project in the field of real estate, or in 78099
advancing loans, not exceeding two thousand dollars, to applicants 78100
for salesperson licenses, to defray the costs of satisfying the 78101
educational requirements of division (F) of section 4735.09 of the 78102
Revised Code. Such loans shall be made according to rules 78103
established by the commission under the procedures of Chapter 119. 78104
of the Revised Code, and they shall be repaid to the fund within 78105
three years of the time they are made. No more than ~~ten~~ 78106
twenty-five thousand dollars shall be lent from the fund in any 78107
one fiscal year. 78108

The governor may appoint a representative from the executive 78109
branch to be a member ex officio of the commission for the purpose 78110
of advising on research requests or educational projects. The 78111

commission shall report to the general assembly on the third 78112
Tuesday after the third Monday in January of each year setting 78113
forth the total amount contained in the fund and the amount of 78114
each research grant that it has authorized and the amount of each 78115
research grant requested. A copy of all research reports shall be 78116
submitted to the state library of Ohio and the library of the 78117
legislative service commission. 78118

(D) If the superintendent, with the consent of the 78119
commission, enters into an agreement with a national testing 78120
service to administer the real estate broker's examination, 78121
pursuant to division (A) of section 4735.07 of the Revised Code, 78122
the superintendent may require an applicant to pay the testing 78123
service's examination fee directly to the testing service. If the 78124
superintendent requires the payment of the examination fee 78125
directly to the testing service, each applicant shall submit to 78126
the superintendent a processing fee in an amount determined by the 78127
Ohio real estate commission pursuant to division (A)(2) of section 78128
4735.10 of the Revised Code. 78129

Sec. 4735.13. (A) Every real estate broker licensed under 78130
this chapter shall have and maintain a definite place of business 78131
in this state. A post office box address is not a definite place 78132
of business for purposes of this section. The license of a real 78133
estate broker shall be prominently displayed in the office or 78134
place of business of the broker, and no license shall authorize 78135
the licensee to do business except from the location specified in 78136
it. If the broker maintains more than one place of business within 78137
the state, the broker shall apply for and procure a duplicate 78138
license for each branch office maintained by the broker. Each 78139
branch office shall be in the charge of a licensed broker or 78140
salesperson. The branch office license shall be prominently 78141
displayed at the branch office location. 78142

(B) The license of each real estate salesperson shall be 78143
mailed to and remain in the possession of the licensed broker with 78144
whom the salesperson is or is to be associated until the licensee 78145
places the license on inactive or resigned status or until the 78146
salesperson leaves the brokerage or is terminated. The broker 78147
shall keep each salesperson's license in a way that it can, and 78148
shall on request, be made immediately available for public 78149
inspection at the office or place of business of the broker. 78150
Except as provided in divisions (G) and (H) of this section, 78151
immediately upon the salesperson's leaving the association or 78152
termination of the association of a real estate salesperson with 78153
the broker, the broker shall return the salesperson's license to 78154
the superintendent of real estate. 78155

The failure of a broker to return the license of a real 78156
estate salesperson or broker who leaves or who is terminated, via 78157
certified mail return receipt requested, within three business 78158
days of the receipt of a written request from the superintendent 78159
for the return of the license, is prima-facie evidence of 78160
misconduct under division (A)(6) of section 4735.18 of the Revised 78161
Code. 78162

(C) A licensee shall notify the superintendent in writing 78163
within fifteen days of any of the following occurrences: 78164

(1) The licensee is convicted of a felony. 78165

(2) The licensee is convicted of a crime involving moral 78166
turpitude. 78167

(3) The licensee is found to have violated any federal, 78168
state, or municipal civil rights law pertaining to discrimination 78169
in housing. 78170

(4) The licensee is found to have engaged in a discriminatory 78171
practice pertaining to housing accommodations described in 78172
division (H) of section 4112.02 of the Revised Code. 78173

(5) The licensee is the subject of an order by the department 78174
of commerce, the department of insurance, or the department of 78175
agriculture revoking or permanently surrendering any professional 78176
license, certificate, or registration. 78177

(6) The licensee is the subject of an order by any government 78178
agency concerning real estate, financial matters, or the 78179
performance of fiduciary duties with respect to any license, 78180
certificate, or registration. 78181

If a licensee fails to notify the superintendent within the 78182
required time, the superintendent immediately may suspend the 78183
license of the licensee. 78184

Any court that convicts a licensee of a violation of any 78185
municipal civil rights law pertaining to housing discrimination 78186
also shall notify the Ohio civil rights commission within fifteen 78187
days of the conviction. 78188

(D) In case of any change of business location, a broker 78189
shall give notice to the superintendent, on a form prescribed by 78190
the superintendent, within thirty days after the change of 78191
location, whereupon the superintendent shall issue new licenses 78192
for the unexpired period without charge. If a broker changes a 78193
business location without giving the required notice and without 78194
receiving new licenses that action is prima-facie evidence of 78195
misconduct under division (A)(6) of section 4735.18 of the Revised 78196
Code. 78197

(E) If a real estate broker desires to associate with another 78198
real estate broker in the capacity of a real estate salesperson, 78199
the broker shall apply to the superintendent to deposit the 78200
broker's real estate broker's license with the superintendent and 78201
for the issuance of a real estate salesperson's license. The 78202
application shall be made on a form prescribed by the 78203
superintendent and shall be accompanied by the recommendation of 78204

the real estate broker with whom the applicant intends to become 78205
associated and a fee of twenty-five dollars for the real estate 78206
salesperson's license. One dollar of the fee shall be credited to 78207
the real estate education and research fund. If the superintendent 78208
is satisfied that the applicant is honest, truthful, and of good 78209
reputation, has not been convicted of a felony or a crime 78210
involving moral turpitude, and has not been finally adjudged by a 78211
court to have violated any municipal, state, or federal civil 78212
rights laws relevant to the protection of purchasers or sellers of 78213
real estate, and that the association of the real estate broker 78214
and the applicant will be in the public interest, the 78215
superintendent shall grant the application and issue a real estate 78216
salesperson's license to the applicant. Any license so deposited 78217
with the superintendent shall be subject to this chapter. A broker 78218
who intends to deposit the broker's license with the 78219
superintendent, as provided in this section, shall give written 78220
notice of this fact in a format prescribed by the superintendent 78221
to all salespersons associated with the broker when applying to 78222
place the broker's license on deposit. 78223

(F) If a real estate broker desires to become a member or 78224
officer of a partnership, association, limited liability company, 78225
limited liability partnership, or corporation that is or intends 78226
to become a licensed real estate broker, the broker shall notify 78227
the superintendent of the broker's intentions. The notice of 78228
intention shall be on a form prescribed by the superintendent and 78229
shall be accompanied by a fee of twenty-five dollars. One dollar 78230
of the fee shall be credited to the real estate education and 78231
research fund. 78232

A licensed real estate broker who is a member or officer of a 78233
partnership, association, limited liability company, limited 78234
liability partnership, or corporation shall only act as a real 78235
estate broker for such partnership, association, limited liability 78236

company, limited liability partnership, or corporation. 78237

(G)(1) If a real estate broker or salesperson enters the 78238
armed forces, the broker or salesperson may place the broker's or 78239
salesperson's license on deposit with the Ohio real estate 78240
commission. The licensee shall not be required to renew the 78241
license until the renewal date that follows the date of discharge 78242
from the armed forces. Any license deposited with the commission 78243
shall be subject to this chapter. Any 78244

Any licensee whose license is on deposit under this division 78245
and who fails to meet the continuing education requirements of 78246
section 4735.141 of the Revised Code because the licensee is in 78247
the armed forces shall satisfy the commission that the licensee 78248
has complied with the continuing education requirements within 78249
twelve months of the licensee's first birthday after discharge or 78250
within the amount of time equal to the total number of months the 78251
licensee spent on active duty, whichever is greater. The licensee 78252
shall submit proper documentation of active duty service and the 78253
length of that active duty service to the superintendent. The 78254
extension shall not exceed the total number of months that the 78255
licensee served in active duty. The superintendent shall notify 78256
the licensee of the licensee's obligations under section 4735.141 78257
of the Revised Code at the time the licensee applies for 78258
reactivation of the licensee's license. 78259

(2) If a licensee is a spouse of a member of the armed forces 78260
and the spouse's service resulted in the licensee's absence from 78261
this state, both of the following apply: 78262

(a) The licensee shall not be required to renew the license 78263
until the renewal date that follows the date of the spouse's 78264
discharge from the armed forces. 78265

(b) If the licensee fails to meet the continuing education 78266
requirements of section 4735.141 of the Revised Code, the licensee 78267

shall satisfy the commission that the licensee has complied with 78268
the continuing education requirements within twelve months after 78269
the licensee's first birthday after the spouse's discharge or 78270
within the amount of time equal to the total number of months the 78271
licensee's spouse spent on active duty, whichever is greater. The 78272
licensee shall submit proper documentation of the spouse's active 78273
duty service and the length of that active duty service. This 78274
extension shall not exceed the total number of months that the 78275
licensee's spouse served in active duty. 78276

(3) In the case of a licensee as described in division (G)(2) 78277
of this section, who holds the license through a reciprocity 78278
agreement with another state, the spouse's service shall have 78279
resulted in the licensee's absence from the licensee's state of 78280
residence for the provisions of that division to apply. 78281

(4) As used in this division, "armed forces" means the armed 78282
forces of the United States or reserve component of the armed 78283
forces of the United States including the Ohio national guard or 78284
the national guard of any other state. 78285

(H) If a licensed real estate salesperson submits an 78286
application to the superintendent to leave the association of one 78287
broker to associate with a different broker, the broker possessing 78288
the licensee's license need not return the salesperson's license 78289
to the superintendent. The superintendent may process the 78290
application regardless of whether the licensee's license is 78291
returned to the superintendent. 78292

Sec. 4735.141. (A) Except as otherwise provided in this 78293
division and in section 4735.13 of the Revised Code and except for 78294
a licensee who has placed the licensee's license in resigned 78295
status pursuant to section 4735.142 of the Revised Code, each 78296
person licensed under section 4735.07 or 4735.09 of the Revised 78297
Code shall submit proof satisfactory to the superintendent of real 78298

estate that the licensee has satisfactorily completed thirty hours 78299
of continuing education, as prescribed by the Ohio real estate 78300
commission pursuant to section 4735.10 of the Revised Code, on or 78301
before the licensee's birthday occurring three years after the 78302
licensee's date of initial licensure, and on or before the 78303
licensee's birthday every three years thereafter. 78304

Persons licensed as real estate salespersons who subsequently 78305
become licensed real estate brokers shall continue to submit proof 78306
of continuing education in accordance with the time period 78307
established in this section. 78308

The requirements of this section shall not apply to any 78309
disabled licensee as provided in division (E) of this section. 78310

Each licensee who is seventy years of age or older, within a 78311
continuing education reporting period, shall submit proof 78312
satisfactory to the superintendent of real estate that the 78313
licensee has satisfactorily completed a total of nine classroom 78314
hours of continuing education, including instruction in Ohio real 78315
estate law; recently enacted state and federal laws affecting the 78316
real estate industry; municipal, state, and federal civil rights 78317
law; and canons of ethics for the real estate industry as adopted 78318
by the commission. The required proof of completion shall be 78319
submitted on or before the licensee's birthday that falls in the 78320
third year of that continuing education reporting period. A 78321
licensee who is seventy years of age or older whose license is in 78322
an inactive status is exempt from the continuing education 78323
requirements specified in this section. The commission shall adopt 78324
reasonable rules in accordance with Chapter 119. of the Revised 78325
Code to carry out the purposes of this paragraph. 78326

(B) The continuing education requirements of this section 78327
shall be completed in schools, seminars, and educational 78328
institutions approved by the commission. Such approval shall be 78329
given according to rules established by the commission under the 78330

procedures of Chapter 119. of the Revised Code, and shall not be 78331
limited to institutions providing two-year or four-year degrees. 78332
Each school, seminar, or educational institution approved under 78333
this division shall be open to all licensees on an equal basis. 78334

(C) If the requirements of this section are not met by a 78335
licensee within the period specified, the licensee's license shall 78336
be suspended automatically without the taking of any action by the 78337
superintendent. The superintendent shall notify the licensee of 78338
the license suspension, and such notification shall be sent by 78339
regular mail to the personal residence address of the licensee 78340
that is on file with the division. Any license so suspended shall 78341
remain suspended until it is reactivated by the superintendent. No 78342
such license shall be reactivated until it is established, to the 78343
satisfaction of the superintendent, that the requirements of this 78344
section have been met. If the requirements of this section are not 78345
met within twelve months from the date the license was suspended, 78346
the license shall be revoked automatically without the taking of 78347
any action by the superintendent. 78348

(D) If the license of a real estate broker is suspended 78349
pursuant to division (C) of this section, the license of a real 78350
estate salesperson associated with that broker correspondingly is 78351
suspended pursuant to division (H) of section 4735.20 of the 78352
Revised Code. A sole broker shall notify affiliated salespersons 78353
of the suspension in writing within three days of receiving the 78354
notice required by division (C) of this section. 78355

(1) The suspended license of the associated real estate 78356
salesperson shall be reactivated and no fee shall be charged or 78357
collected for that reactivation if that broker subsequently 78358
submits proof to the superintendent that the broker has complied 78359
with the requirements of this section and requests that the 78360
broker's license as a real estate broker be reactivated, and the 78361
superintendent then reactivates the broker's license as a real 78362

estate broker. 78363

(2) If the real estate salesperson submits an application to 78364
leave the association of the suspended broker in order to 78365
associate with a different broker, the suspended license of the 78366
associated real estate salesperson shall be reactivated and no fee 78367
shall be charged or collected for that reactivation. The 78368
superintendent may process the application regardless of whether 78369
the licensee's license is returned to the superintendent. 78370

Any person whose license is reactivated pursuant to this 78371
division shall comply with the requirements of this section and 78372
otherwise be in compliance with this chapter. 78373

(E) Any licensee who is a disabled licensee at any time 78374
during the last three months of the third year of the licensee's 78375
continuing education reporting period may receive an extension of 78376
time as deemed appropriate by the superintendent to submit proof 78377
to the superintendent that the licensee has satisfactorily 78378
completed the required thirty hours of continuing education. To 78379
receive an extension of time, the licensee shall submit a request 78380
to the division of real estate for the extension and proof 78381
satisfactory to the commission that the licensee was a disabled 78382
licensee at some time during the last three months of the 78383
three-year reporting period. The proof shall include, but is not 78384
limited to, a signed statement by the licensee's attending 78385
physician describing the disability, certifying that the 78386
licensee's disability is of such a nature as to prevent the 78387
licensee from attending any instruction lasting at least three 78388
hours in duration, and stating the expected duration of the 78389
disability. The licensee shall request the extension and provide 78390
the physician's statement to the division no later than one month 78391
prior to the end of the licensee's three-year continuing education 78392
reporting period, unless the disability did not arise until the 78393
last month of the three-year reporting period, in which event the 78394

licensee shall request the extension and provide the physician's 78395
statement as soon as practical after the occurrence of the 78396
disability. A licensee granted an extension pursuant to this 78397
division who is no longer a disabled licensee and who submits 78398
proof of completion of the continuing education during the 78399
extension period, shall submit, for future continuing education 78400
reporting periods, proof of completion of the continuing education 78401
requirements according to the schedule established in division (A) 78402
of this section. 78403

(F) The superintendent shall not renew a license if the 78404
licensee fails to comply with this section, and the licensee shall 78405
be required to pay the penalty fee provided in section 4735.14 of 78406
the Revised Code. 78407

(G) A licensee shall submit proof of completion of the 78408
required continuing education with the licensee's notice of 78409
renewal. The proof shall be submitted in the manner provided by 78410
the superintendent. 78411

Sec. 4736.12. (A) The state board of sanitarian registration 78412
shall charge the following fees: 78413

(1) To apply as a sanitarian-in-training, eighty dollars; 78414

(2) For sanitarians-in-training to apply for registration as 78415
sanitarians, eighty dollars. The applicant shall pay this fee only 78416
once regardless of the number of times the applicant takes an 78417
examination required under section 4736.08 of the Revised Code. 78418

(3) For persons other than sanitarians-in-training to apply 78419
for registration as sanitarians, including persons meeting the 78420
requirements of section 4736.16 of the Revised Code, one hundred 78421
sixty dollars. The applicant shall pay this fee only once 78422
regardless of the number of times the applicant takes an 78423
examination required under section 4736.08 of the Revised Code. 78424

(4) The renewal fee for registered sanitarians shall be 78425
~~eighty~~ ninety dollars. 78426

(5) The renewal fee for sanitarians-in-training shall be 78427
~~eighty~~ ninety dollars. 78428

(6) For late application for renewal, an additional ~~fifty~~ 78429
seventy-five dollars. 78430

The board of sanitarian registration, with the approval of 78431
the controlling board, may establish fees in excess of the amounts 78432
provided in this section, provided that such fees do not exceed 78433
the amounts permitted by this section by more than fifty per cent. 78434

(B) The board of sanitarian registration shall charge 78435
separate fees for examinations as required by section 4736.08 of 78436
the Revised Code, provided that the fees are not in excess of the 78437
actual cost to the board of conducting the examinations. 78438

(C) The board of sanitarian registration may adopt rules 78439
establishing fees for all of the following: 78440

(1) Application for the registration of a training agency 78441
approved under rules adopted by the board pursuant to section 78442
4736.11 of the Revised Code and for the annual registration 78443
renewal of an approved training agency; 78444

(2) Application for the review of continuing education hours 78445
submitted for the board's approval by approved training agencies 78446
or by registered sanitarians or sanitarians-in-training; 78447

(3) Additional copies of pocket identification cards and wall 78448
certificates. 78449

Sec. 4741.03. (A) The state veterinary medical licensing 78450
board shall meet at least once in each calendar year and may hold 78451
additional meetings as often as it considers necessary to conduct 78452
the business of the board. The president of the board may call 78453
special meetings, and the executive director shall call special 78454

meetings upon the written request of three members of the board. 78455
The board shall organize by electing a president and 78456
vice-president from its veterinarian members and such other 78457
officers as the board prescribes by rule. Each officer shall serve 78458
for a term specified by board rule or until a successor is elected 78459
and qualified. A quorum of the board consists of four members of 78460
which at least three are members who are veterinarians. The 78461
concurrence of four members is necessary for the board to take any 78462
action. 78463

(B) The board may appoint a person, not one of its members, 78464
to serve as its executive director. The executive director is in 78465
the unclassified service and serves at the pleasure of the board. 78466
The executive director shall serve as the board's 78467
secretary-treasurer ex officio. The board may employ additional 78468
employees for professional, technical, clerical, and special work 78469
as it considers necessary. The executive director shall give a 78470
surety bond to the state in the sum the board requires, 78471
conditioned upon the faithful performance of the executive 78472
director's duties. The board shall pay the cost of the bond. The 78473
executive director shall keep a complete accounting of all funds 78474
received and of all vouchers presented by the board to the 78475
director of budget and management for the disbursement of funds. 78476
The president or executive director shall approve all vouchers of 78477
the board. All money received by the board shall be credited to 78478
the occupational licensing and regulatory fund. 78479

(C) In addition to any other duty required under this 78480
chapter, the board shall do all of the following: 78481

(1) Prescribe a seal; 78482

(2) ~~Accept and review applications for admission to an~~ 78483
~~examination in accordance with section 4741.09 of the Revised Code~~ 78484
~~and review~~ Review the results of board-approved, nationally 78485
recognized examinations taken by applicants in accordance with 78486

rules adopted by the board. 78487

(3) Keep a record of all of its meetings and proceedings; 78488

(4) Maintain a register that records all applicants for a 78489
certificate of license or a temporary permit, all persons who have 78490
been denied a license or permit, all persons who have been granted 78491
or reissued a license or permit, and all persons whose license or 78492
permit has been revoked or suspended. The register shall also 78493
include a record of persons licensed prior to October 17, 1975. 78494

(5) Maintain a register, in such form as the board determines 78495
by rule, of all colleges and universities that teach veterinary 78496
medicine and veterinary technology that are approved by the board; 78497

(6) Enforce this chapter, and for that purpose, make 78498
investigations relative as provided in section 4741.26 of the 78499
Revised Code; 78500

(7) Issue licenses and permits to persons who meet the 78501
qualifications set forth in this chapter; 78502

(8) Approve colleges and universities which meet the board's 78503
requirements for veterinary medicine and associated fields of 78504
study and withdraw or deny, after an adjudication conducted in 78505
accordance with Chapter 119. of the Revised Code, approval from 78506
colleges and universities which fail to meet those requirements; 78507

(9) Adopt rules, in accordance with Chapter 119. of the 78508
Revised Code, which are necessary for its government and for the 78509
administration and enforcement of this chapter. 78510

(D) The board may do all of the following: 78511

(1) Subpoena witnesses and require their attendance and 78512
testimony, and require the production by witnesses of books, 78513
papers, public records, animal patient records, and other 78514
documentary evidence and examine them, in relation to any matter 78515
that the board has authority to investigate, inquire into, or 78516

hear. Except for any officer or employee of the state or any political subdivision of the state, the treasurer of state shall pay all witnesses in any proceeding before the board, upon certification from the board, witness fees and mileage in the amount provided for under section 119.094 of the Revised Code.

(2) Examine and inspect books, papers, public records, animal patient records, and other documentary evidence at the location where the books, papers, records, and other evidence are normally stored or maintained.

(E) All registers, books, and records kept by the board are the property of the board and are open for public examination and inspection at all reasonable times in accordance with section 149.43 of the Revised Code. The registers, books, and records are prima-facie evidence of the matters contained in them.

Sec. 4741.11. Whenever an applicant for a license to practice veterinary medicine ~~passes the examination specified in section 4741.09 of the Revised Code, and~~ has graduated from a veterinary college approved by the state veterinary medical licensing board or accredited by the American veterinary medical association or has been issued a certificate on or after May 1, 1987, by the education commission for foreign veterinary graduates of the American veterinary medical association or by the program for the assessment of veterinary education equivalence of the American association of veterinary state boards, and is not in violation of this chapter, the board shall issue a certificate of license to that effect, signed by the members and bearing the seal of the board. The certificate shall show that the successful applicant has qualified under the laws of this state and the requirements of the board and that the applicant is duly licensed and qualified to practice veterinary medicine.

~~Upon request, the board shall furnish to an applicant for a~~

~~license who fails to pass the examination a written report showing 78548~~
~~reasons for the applicant's failure in the examination. 78549~~

Sec. 4741.12. The state veterinary medical licensing board 78550
may issue a license to practice veterinary medicine without the 78551
examination required pursuant to section 4741.11 of the Revised 78552
Code to an applicant from another state, territory, country, or 78553
the District of Columbia who furnishes satisfactory proof to the 78554
board that the applicant meets all of the following criteria: 78555

(A) The applicant is a graduate of a veterinary college 78556
accredited by the American veterinary medical association or holds 78557
a certificate issued, on or after May 1, 1987, by the education 78558
commission for foreign veterinary graduates of the American 78559
veterinary medical association or ~~issued by any other nationally~~ 78560
~~recognized certification program the board approves by rule by the~~ 78561
program for the assessment of veterinary education equivalence of 78562
the American association of veterinary state boards. 78563

(B) The applicant holds a license, which is not under 78564
suspension, revocation, or other disciplinary action, issued by an 78565
agency similar to this board of another state, territory, country, 78566
or the District of Columbia, having requirements equivalent to 78567
those of this state, provided the laws of such state, territory, 78568
country, or district accord equal rights to the holder of a 78569
license to practice in this state who removes to such state, 78570
territory, country, or district. 78571

(C) The applicant is of good moral character, as determined 78572
by the board. 78573

(D) The applicant is not under investigation for an act which 78574
would constitute a violation of this chapter that would require 78575
the revocation of or refusal to renew a license. 78576

(E) The applicant has a thorough knowledge of the laws and 78577

rules governing the practice of veterinary medicine in this state, 78578
as determined by the board. 78579

Sec. 4741.17. (A) Applicants or registrants shall pay to the 78580
state veterinary medical licensing board: 78581

(1) For an initial veterinary license ~~based on examination,~~ 78582
on or after the first day of March in an even-numbered year, ~~three~~ 78583
~~hundred seventy-five~~ four hundred twenty-five dollars, and on or 78584
after the first day of March in an odd-numbered year, ~~two hundred~~ 78585
~~fifty~~ three hundred dollars; 78586

(2) For an initial limited license to practice veterinary 78587
medicine for an intern, resident in a veterinary specialty, or 78588
graduate student, thirty-five dollars; 78589

(3) For an initial limited license to practice veterinary 78590
medicine for an instructor, researcher, or diagnostician, one 78591
hundred fifty-five dollars; 78592

~~(4) For a veterinary license by reciprocity issued on or~~ 78593
~~after the first day of March in an even-numbered year, four~~ 78594
~~hundred twenty-five dollars, and on or after the first day of~~ 78595
~~March in an odd-numbered year, three hundred dollars;~~ 78596

~~(5)~~ For a veterinary temporary permit, one hundred dollars; 78597

~~(6)~~(5) For a duplicate license, thirty-five dollars; 78598

~~(7)~~(6) For the veterinary license biennial renewal fee, where 78599
the application is postmarked no later than the first day of 78600
March, one hundred fifty-five dollars; where the application is 78601
postmarked after the first day of March, but no later than the 78602
first day of April, two hundred twenty-five dollars; and where the 78603
application is postmarked after the first day of April, four 78604
hundred fifty dollars. Notwithstanding section 4741.25 of the 78605
Revised Code, the board shall deposit ten dollars of each 78606
veterinary license biennial renewal fee that it collects into the 78607

state treasury to the credit of the veterinarian loan repayment 78608
fund created in section 4741.46 of the Revised Code. 78609

~~(8)~~(7) For the limited license to practice veterinary 78610
medicine biennial renewal fee, where the application is postmarked 78611
not later than the first day of July, one hundred fifty-five 78612
dollars; where the application is postmarked after the first day 78613
of July, but not later than the first day of August, two hundred 78614
twenty-five dollars; and where the application is postmarked after 78615
the first day of August, four hundred fifty dollars. 78616
Notwithstanding section 4741.25 of the Revised Code, the board 78617
shall deposit ten dollars of each limited license biennial renewal 78618
fee that it collects from instructors, researchers, and 78619
diagnosticians into the state treasury to the credit of the 78620
veterinarian loan repayment fund. 78621

~~(9)~~(8) For an initial registered veterinary technician 78622
registration fee on or after the first day of March in an 78623
odd-numbered year, thirty-five dollars, and on or after the first 78624
day of March in an even-numbered year, twenty-five dollars; 78625

~~(10)~~(9) For the biennial renewal registration fee of a 78626
registered veterinary technician, where the application is 78627
postmarked no later than the first day of March, thirty-five 78628
dollars; where the application is postmarked after the first day 78629
of March, but no later than the first day of April, forty-five 78630
dollars; and where the application is postmarked after the first 78631
day of April, sixty dollars; 78632

~~(11)~~(10) For a specialist certificate, fifty dollars. The 78633
certificate is not subject to renewal. 78634

~~(12)~~(11) For the reinstatement of a suspended license, or for 78635
reinstatement of a license that has lapsed more than one year, an 78636
additional fee of seventy-five dollars; 78637

~~(13) For examinations offered by the board, a fee, which 78638~~

~~shall be established by the board, in an amount adequate to cover~~ 78639
~~the expense of procuring, administering, and scoring examinations;~~ 78640

~~(14)~~(12) For a provisional veterinary graduate license, one 78641
hundred dollars. 78642

(B) For the purposes of divisions (A)(6), (7), ~~(8)~~, and 78643
~~(10)~~(9) of this section, a date stamp of the office of the board 78644
may serve in lieu of a postmark. 78645

Sec. 4741.19. (A) Unless exempted under this chapter, no 78646
person shall practice veterinary medicine, or any of its branches, 78647
without a license or limited license issued by the state 78648
veterinary medical licensing board pursuant to sections 4741.11 to 78649
4741.13 of the Revised Code, a temporary permit issued pursuant to 78650
section 4741.14 of the Revised Code, or a registration certificate 78651
issued pursuant to division (C) of this section, or with an 78652
inactive, expired, suspended, terminated, or revoked license, 78653
temporary permit, or registration. 78654

(B) No veterinary student shall: 78655

(1) Perform or assist surgery unless under direct veterinary 78656
supervision and unless the student has had the minimum education 78657
and experience prescribed by rule of the board; 78658

(2) Engage in any other work related to the practice of 78659
veterinary medicine unless under veterinary supervision; 78660

(3) Participate in the operation of a branch office, clinic, 78661
or allied establishment unless a licensed veterinarian is present 78662
on the establishment premises. 78663

(C) No person shall act as a registered veterinary technician 78664
unless the person is registered with the board on a biennial basis 78665
and pays the biennial registration fee. A registered veterinary 78666
technician registration expires biennially on the first day of 78667
March in the odd-numbered years and may be renewed in accordance 78668

with the standard renewal procedures contained in Chapter 4745. of 78669
the Revised Code upon payment of the biennial registration fee and 78670
fulfillment of ten continuing education hours during the two years 78671
immediately preceding renewal for registration. Each registered 78672
veterinary technician shall notify in writing the executive 78673
director of the board of any change in the registered veterinary 78674
technician's office address or employment within ninety days after 78675
the change has taken place. 78676

(1) A registered veterinary technician operating under 78677
veterinary supervision may perform the following duties: 78678

(a) Prepare or supervise the preparation of patients, 78679
instruments, equipment, and medications for surgery; 78680

(b) Collect or supervise the collection of specimens and 78681
perform laboratory procedures as required by the supervising 78682
veterinarian; 78683

(c) Apply wound dressings, casts, or splints as required by 78684
the supervising veterinarian; 78685

(d) Assist a veterinarian in immunologic, diagnostic, 78686
medical, and surgical procedures; 78687

(e) Suture skin incisions; 78688

(f) Administer or supervise the administration of topical, 78689
oral, or parenteral medication under the direction of the 78690
supervising veterinarian; 78691

(g) Other ancillary veterinary technician functions that are 78692
performed pursuant to the order and control and under the full 78693
responsibility of a licensed veterinarian. 78694

(h) Any additional duties as established by the board in 78695
rule. 78696

(2) A registered veterinary technician operating under direct 78697
veterinary supervision may perform all of the following: 78698

(a) Induce and monitor general anesthesia according to 78699
medically recognized and appropriate methods; 78700

(b) Dental prophylaxis, periodontal care, and extraction not 78701
involving sectioning of teeth or resection of bone or both of 78702
these; 78703

(c) Equine dental procedures, including the floating of 78704
molars, premolars, and canine teeth; removal of deciduous teeth; 78705
and the extraction of first premolars or wolf teeth. 78706

The degree of supervision by a licensed veterinarian over the 78707
functions performed by the registered veterinary technician shall 78708
be consistent with the standards of generally accepted veterinary 78709
medical practices. 78710

(D) A veterinarian licensed to practice in this state shall 78711
not present the person's self as or state a claim that the person 78712
is a specialist unless the veterinarian has previously met the 78713
requirements for certification by a specialty organization 78714
recognized by the American board of veterinary specialties for a 78715
specialty or such other requirements set by rule of the board and 78716
has paid the fee required by division (A)~~(11)~~(10) of section 78717
4741.17 of the Revised Code. 78718

(E) Notwithstanding division (A) of this section, any animal 78719
owner or the owner's designee may engage in the practice of embryo 78720
transfer on the owner's animal if a licensed veterinarian directly 78721
supervises the owner or the owner's designee and the means used to 78722
perform the embryo transfer are nonsurgical. 78723

(F) Allied medical support may assist a licensed veterinarian 78724
to the extent to which the law that governs the individual 78725
providing the support permits, if all of the following apply: 78726

(1) A valid veterinary-client-patient-relationship exists. 78727

(2) The individual acts under direct veterinary supervision. 78728

(3) The allied medical support individual receives informed, 78729
written, client consent. 78730

(4) The veterinarian maintains responsibility for the patient 78731
and keeps the patient's medical records. 78732

The board may inspect the facilities of an allied medical 78733
support individual in connection with an investigation based on a 78734
complaint received in accordance with section 4741.26 of the 78735
Revised Code involving that individual. 78736

Sec. 4741.22. (A) The state veterinary medical licensing 78737
board may refuse to issue or renew a license, limited license, 78738
registration, or temporary permit to or of any applicant who, and 78739
may issue a reprimand to, suspend or revoke the license, limited 78740
license, registration, or the temporary permit of, or impose a 78741
civil penalty pursuant to this section upon any person holding a 78742
license, limited license, or temporary permit to practice 78743
veterinary medicine or any person registered as a registered 78744
veterinary technician who: 78745

~~(A)~~(1) In the conduct of the person's practice does not 78746
conform to the rules of the board or the standards of the 78747
profession governing proper, humane, sanitary, and hygienic 78748
methods to be used in the care and treatment of animals; 78749

~~(B)~~(2) Uses fraud, misrepresentation, or deception in any 78750
application or examination for licensure, or any other 78751
documentation created in the course of practicing veterinary 78752
medicine; 78753

~~(C)~~(3) Is found to be physically or psychologically addicted 78754
to alcohol or an illegal or controlled substance, as defined in 78755
section 3719.01 of the Revised Code, to such a degree as to render 78756
the person unfit to practice veterinary medicine; 78757

~~(D)~~(4) Directly or indirectly employs or lends the person's 78758

services to a solicitor for the purpose of obtaining patients;	78759
~~(E)~~ (5) Obtains a fee on the assurance that an incurable	78760
disease can be cured;	78761
~~(F)~~ (6) Advertises in a manner that violates section 4741.21	78762
of the Revised Code;	78763
~~(G)~~ (7) Divides fees or charges or has any arrangement to	78764
share fees or charges with any other person, except on the basis	78765
of services performed;	78766
~~(H)~~ (8) Sells any biologic containing living, dead, or	78767
sensitized organisms or products of those organisms, except in a	78768
manner that the board by rule has prescribed;	78769
~~(I)~~ (9) Is convicted of or pleads guilty to any felony or	78770
crime involving illegal or prescription drugs, or fails to report	78771
to the board within sixty days of the individual's conviction of,	78772
plea of guilty to, or treatment in lieu of conviction involving a	78773
felony, misdemeanor of the first degree, or offense involving	78774
illegal or prescription drugs;	78775
~~(J)~~ (10) Is convicted of any violation of section 959.13 of	78776
the Revised Code;	78777
~~(K)~~ (11) Swears falsely in any affidavit required to be made	78778
by the person in the course of the practice of veterinary	78779
medicine;	78780
~~(L)~~ (12) Fails to report promptly to the proper official any	78781
known reportable disease;	78782
~~(M)~~ (13) Fails to report promptly vaccinations or the results	78783
of tests when required to do so by law or rule;	78784
~~(N)~~ (14) Has been adjudicated incompetent for the purpose of	78785
holding the license or permit by a court, as provided in Chapter	78786
2111. of the Revised Code, and has not been restored to legal	78787
capacity for that purpose;	78788

~~(O)~~(15) Permits a person who is not a licensed veterinarian, 78789
a veterinary student, or a registered veterinary technician to 78790
engage in work or perform duties in violation of this chapter; 78791

~~(P)~~(16) Is guilty of gross incompetence or gross negligence; 78792

~~(Q)~~(17) Has had a license to practice veterinary medicine or 78793
a license, registration, or certificate to engage in activities as 78794
a registered veterinary technician revoked, suspended, or acted 78795
against by disciplinary action by an agency similar to this board 78796
of another state, territory, or country or the District of 78797
Columbia; 78798

~~(R)~~(18) Is or has practiced with a revoked, suspended, 78799
inactive, expired, or terminated license or registration; 78800

~~(S)~~(19) Represents self as a specialist unless certified as a 78801
specialist by the board; 78802

~~(T)~~(20) In the person's capacity as a veterinarian or 78803
registered veterinary technician makes or files a report, health 78804
certificate, vaccination certificate, or other document that the 78805
person knows is false or negligently or intentionally fails to 78806
file a report or record required by any applicable state or 78807
federal law; 78808

~~(U)~~(21) Fails to use reasonable care in the administration of 78809
drugs or acceptable scientific methods in the selection of those 78810
drugs or other modalities for treatment of a disease or in conduct 78811
of surgery; 78812

~~(V)~~(22) Makes available a dangerous drug, as defined in 78813
section 4729.01 of the Revised Code, to any person other than for 78814
the specific treatment of an animal patient; 78815

~~(W)~~(23) Refuses to permit a board investigator or the board's 78816
designee to inspect the person's business premises during regular 78817
business hours, except as provided in division (A) of section 78818

4741.26 of the Revised Code; 78819

~~(X)~~(24) Violates any order of the board or fails to comply 78820
with a subpoena of the board; 78821

~~(Y)~~(25) Fails to maintain medical records as required by rule 78822
of the board; 78823

~~(Z)~~(26) Engages in cruelty to animals; 78824

~~(AA)~~(27) Uses, prescribes, or sells any veterinary 78825
prescription drug or biologic, or prescribes any extra-label use 78826
of any over-the-counter drug or dangerous drug in the absence of a 78827
valid veterinary-client-patient relationship. 78828

Before (B) Except as provided in division (D) of this 78829
section, before the board may revoke, deny, refuse to renew, or 78830
suspend a license, registration, or temporary permit or otherwise 78831
discipline the holder of a license, registration, or temporary 78832
permit, the executive director shall file written charges with the 78833
board. The board shall conduct a hearing on the charges as 78834
provided in Chapter 119. of the Revised Code. 78835

(C) If the board, after a hearing conducted pursuant to 78836
Chapter 119. of the Revised Code, revokes, refuses to renew, or 78837
suspends a license, registration, or temporary permit for a 78838
violation of this section, section 4741.23, division (C) or (D) of 78839
section 4741.19, or division (B), (C), or (D) of section 4741.21 78840
of the Revised Code, the board may impose a civil penalty upon the 78841
holder of the license, permit, or registration of not less than 78842
one hundred dollars or more than one thousand dollars. In addition 78843
to the civil penalty and any other penalties imposed pursuant to 78844
this chapter, the board may assess any holder of a license, 78845
permit, or registration the costs of the hearing conducted under 78846
this section if the board determines that the holder has violated 78847
any provision for which the board may impose a civil penalty under 78848
this section. 78849

(D) The executive director may recommend that the board 78850
suspend an individual's certificate of license without a prior 78851
hearing if the executive director determines both of the 78852
following: 78853

(1) There is clear and convincing evidence that division 78854
(A)(3), (9), (14), (22), or (26) of this section applies to the 78855
individual. 78856

(2) The individual's continued practice presents a danger of 78857
immediate and serious harm to the public. 78858

The executive director shall prepare written allegations for 78859
consideration by the board. The board, upon review of those 78860
allegations and by an affirmative vote of not fewer than four of 78861
its members, may suspend the certificate without a prior hearing. 78862
A telephone conference call may be utilized for reviewing the 78863
allegations and taking the vote on the suspension. 78864

The board shall issue a written order of suspension by 78865
certified mail or in person in accordance with section 119.07 of 78866
the Revised Code. If the individual subject to the suspension 78867
requests an adjudicatory hearing by the board, the date set for 78868
the hearing shall be not later than fifteen days, but not earlier 78869
than seven days after the individual requests the hearing unless 78870
otherwise agreed to by both the board and the individual. 78871

A suspension imposed under this division shall remain in 78872
effect, unless reversed on appeal, until a final adjudicative 78873
order issued by the board under this section and Chapter 119. of 78874
the Revised Code becomes effective. The board shall issue its 78875
final adjudicative order not later than ninety days after 78876
completion of its hearing. Failure to issue the order within 78877
ninety days results in dissolution of the suspension order, but 78878
does not invalidate any subsequent, final adjudicative order. 78879

(E) A license or registration issued to an individual under 78880

this chapter is automatically suspended upon that individual's 78881
conviction of or plea of guilty to or upon a judicial finding with 78882
regard to any of the following: aggravated murder, murder, 78883
voluntary manslaughter, felonious assault, kidnapping, rape, 78884
sexual battery, gross sexual imposition, aggravated arson, 78885
aggravated robbery, or aggravated burglary. The suspension shall 78886
remain in effect from the date of the conviction, plea, or finding 78887
until an adjudication is held under Chapter 119. of the Revised 78888
Code. If the board has knowledge that an automatic suspension has 78889
occurred, it shall notify the individual subject to the 78890
suspension. If the individual is notified and either fails to 78891
request an adjudication within the time periods established by 78892
Chapter 119. of the Revised Code or fails to participate in the 78893
adjudication, the board shall enter a final order permanently 78894
revoking the individual's license or registration. 78895

Sec. 4741.31. The state veterinary medical licensing board 78896
shall adopt rules in accordance with Chapter 119. of the Revised 78897
Code establishing standards for approving and designating 78898
physicians and facilities as treatment providers for veterinarians 78899
with substance abuse problems and shall approve and designate 78900
treatment providers in accordance with the rules. The rules shall 78901
include standards for both inpatient and outpatient treatment. The 78902
rules shall provide that to be approved, a treatment provider must 78903
be capable of making an initial examination to determine the type 78904
of treatment required for a veterinarian with substance abuse 78905
problems. Subject to the rules, the board shall review and approve 78906
treatment providers on a regular basis and may, at its discretion, 78907
withdraw or deny approval. 78908

An approved treatment provider shall: 78909

(A) Report to the board the name of any veterinarian 78910
suffering or showing evidence of suffering impairment by reason of 78911

alcohol or drug addiction as described in division ~~(C)~~(A)(3) of 78912
section 4741.22 of the Revised Code who fails to comply within one 78913
week with a referral for examination; 78914

(B) Report to the board the name of any impaired veterinarian 78915
who fails to enter treatment within forty-eight hours following 78916
the provider's determination that the veterinarian needs 78917
treatment; 78918

(C) Require every veterinarian who enters treatment to agree 78919
to a treatment contract establishing the terms of treatment and 78920
aftercare, including any required supervision or restrictions of 78921
practice during treatment or aftercare; 78922

(D) Require a veterinarian to suspend practice on entering 78923
any required inpatient treatment; 78924

(E) Report to the board any failure by an impaired 78925
veterinarian to comply with the terms of the treatment contract 78926
during inpatient or outpatient treatment or aftercare; 78927

(F) Report to the board the resumption of practice of any 78928
impaired veterinarian before the treatment provider has made a 78929
clear determination that the veterinarian is capable of practicing 78930
according to acceptable and prevailing standards of care; 78931

(G) Require a veterinarian who resumes practice after 78932
completion of treatment to comply with an aftercare contract that 78933
meets the requirements of rules adopted by the board for approval 78934
of treatment providers; 78935

(H) Report to the board any veterinarian who suffers a 78936
relapse at any time during or following aftercare. 78937

Any veterinarian who enters into treatment by an approved 78938
treatment provider shall be deemed to have waived any 78939
confidentiality requirements that would otherwise prevent the 78940
treatment provider from making reports required under this 78941

section. 78942

In the absence of fraud or bad faith, no professional 78943
association of veterinarians licensed under this chapter that 78944
sponsors a committee or program to provide peer assistance to 78945
veterinarians with substance abuse problems, no representative or 78946
agent of such a committee or program, and no member of the state 78947
veterinary medical licensing board shall be liable to any person 78948
for damages in a civil action by reason of actions taken to refer 78949
a veterinarian to a treatment provider designated by the board or 78950
actions or omissions of the provider in treating a veterinarian. 78951

In the absence of fraud or bad faith, no person who reports 78952
to the board a veterinarian with a suspected substance abuse 78953
problem shall be liable to any person for damages in a civil 78954
action as a result of the report. 78955

Sec. 4760.02. (A) Except as provided in division (B) of this 78956
section, no person shall practice as an anesthesiologist assistant 78957
unless the person holds a current, valid certificate of 78958
~~registration~~ issued under this chapter to practice as an 78959
anesthesiologist assistant. 78960

(B) Division (A) of this section does not apply to either of 78961
the following: 78962

(1) A person participating in a training program leading 78963
toward certification by the national commission for certification 78964
of anesthesiologist assistants, as long as the person is 78965
supervised by an anesthesiologist, an individual participating in 78966
a hospital residency program in preparation to practice as an 78967
anesthesiologist, or an anesthesiologist assistant who holds a 78968
current, valid certificate of ~~registration~~ to practice issued 78969
under this chapter; 78970

(2) Any person who otherwise holds professional authority 78971

granted pursuant to the Revised Code to perform any of the 78972
activities that an anesthesiologist assistant is authorized to 78973
perform. 78974

Sec. 4760.03. (A) An individual seeking a certificate of 78975
~~registration to practice~~ as an anesthesiologist assistant shall 78976
file with the state medical board a written application on a form 78977
prescribed and supplied by the board. The application shall 78978
include all of the following information: 78979

(1) Evidence satisfactory to the board that the applicant is 78980
at least twenty-one years of age and of good moral character; 78981

(2) Evidence satisfactory to the board that the applicant has 78982
successfully completed the training necessary to prepare 78983
individuals to practice as anesthesiologist assistants, as 78984
specified in section 4760.031 of the Revised Code; 78985

(3) Evidence satisfactory to the board that the applicant 78986
holds current certification from the national commission for 78987
certification of anesthesiologist assistants and that the 78988
requirements for receiving the certification included passage of 78989
an examination to determine the individual's competence to 78990
practice as an anesthesiologist assistant; 78991

(4) Any other information the board considers necessary to 78992
process the application and evaluate the applicant's 78993
qualifications. 78994

(B) At the time of making application for a certificate of 78995
~~registration to practice~~, the applicant shall pay the board a fee 78996
of one hundred dollars, no part of which shall be returned. 78997

(C) The board shall review all applications received under 78998
this section. Not later than sixty days after receiving a complete 78999
application, the board shall determine whether an applicant meets 79000
the requirements to receive a certificate of ~~registration to~~ 79001

practice. The affirmative vote of not fewer than six members of 79002
the board is required to determine that an applicant meets the 79003
requirements for a certificate. The board shall not issue a 79004
certificate ~~of registration~~ to an applicant unless the applicant 79005
is certified by the national commission for certification of 79006
anesthesiologist assistants or a successor organization that is 79007
recognized by the board. 79008

Sec. 4760.031. As a condition of being eligible to receive a 79009
certificate ~~of registration to practice~~ as an anesthesiologist 79010
assistant, an individual must successfully complete the following 79011
training requirements: 79012

(A) A baccalaureate or higher degree program at an 79013
institution of higher education accredited by an organization 79014
recognized by the board of regents. The program must have included 79015
courses in the following areas of study: 79016

- (1) General biology; 79017
- (2) General chemistry; 79018
- (3) Organic chemistry; 79019
- (4) Physics; 79020
- (5) Calculus. 79021

(B) A training program conducted for the purpose of preparing 79022
individuals to practice as anesthesiologist assistants. If the 79023
program was completed prior to ~~the effective date of this section~~ 79024
May 31, 2000, the program must have been completed at case western 79025
reserve university or emory university in Atlanta, Georgia. If the 79026
program is completed on or after ~~the effective date of this~~ 79027
~~section~~ May 31, 2000, the program must be a graduate-level program 79028
accredited by the commission on accreditation of allied health 79029
education programs or any of the commission's successor 79030
organizations. In either case, the training program must have 79031

included at least all of the following components: 79032

(1) Basic sciences of anesthesia: physiology, 79033
pathophysiology, anatomy, and biochemistry. The courses must be 79034
presented as a continuum of didactic courses designed to teach 79035
students the foundations of human biological existence on which 79036
clinical correlations to anesthesia practice are based. 79037

(2) Pharmacology for the anesthetic sciences. The course must 79038
include instruction in the anesthetic principles of pharmacology, 79039
pharmacodynamics, pharmacokinetics, uptake and distribution, 79040
intravenous anesthetics and narcotics, and volatile anesthetics. 79041

(3) Physics in anesthesia. 79042

(4) Fundamentals of anesthetic sciences, presented as a 79043
continuum of courses covering a series of topics in basic medical 79044
sciences with special emphasis on the effects of anesthetics on 79045
normal physiology and pathophysiology. 79046

(5) Patient instrumentation and monitoring, presented as a 79047
continuum of courses focusing on the design of, proper preparation 79048
of, and proper methods of resolving problems that arise with 79049
anesthesia equipment. The courses must provide a balance between 79050
the engineering concepts used in anesthesia instruments and the 79051
clinical application of anesthesia instruments. 79052

(6) Clinically based conferences in which techniques of 79053
anesthetic management, quality assurance issues, and current 79054
professional literature are reviewed from the perspective of 79055
practice improvement. 79056

(7) Clinical experience consisting of at least two thousand 79057
hours of direct patient contact, presented as a continuum of 79058
courses throughout the entirety of the program, beginning with a 79059
gradual introduction of the techniques for the anesthetic 79060
management of patients and culminating in the assimilation of the 79061
graduate of the program into the work force. Areas of instruction 79062

must include the following:	79063
(a) Preoperative patient assessment;	79064
(b) Indwelling vascular catheter placement, including intravenous and arterial catheters;	79065 79066
(c) Airway management, including mask airway and orotracheal intubation;	79067 79068
(d) Intraoperative charting;	79069
(e) Administration and maintenance of anesthetic agents, narcotics, hypnotics, and muscle relaxants;	79070 79071
(f) Administration and maintenance of volatile anesthetics;	79072
(g) Administration of blood products and fluid therapy;	79073
(h) Patient monitoring;	79074
(i) Postoperative management of patients;	79075
(j) Regional anesthesia techniques;	79076
(k) Administration of vasoactive substances for treatment of unacceptable patient hemodynamic status;	79077 79078
(l) Specific clinical training in all the subspecialties of anesthesia, including pediatrics, neurosurgery, cardiovascular surgery, trauma, obstetrics, orthopedics, and vascular surgery.	79079 79080 79081
(8) Basic life support that qualifies the individual to administer cardiopulmonary resuscitation to patients in need. The course must include the instruction necessary to be certified in basic life support by the American red cross or the American heart association.	79082 79083 79084 79085 79086
(9) Advanced cardiac life support that qualifies the individual to participate in the pharmacologic intervention and management resuscitation efforts for a patient in full cardiac arrest. The course must include the instruction necessary to be certified in advanced cardiac life support by the American red	79087 79088 79089 79090 79091

cross or the American heart association. 79092

Sec. 4760.032. In addition to any other eligibility 79093
requirement set forth in this chapter, each applicant for a 79094
certificate ~~of registration~~ to practice as an anesthesiologist 79095
assistant shall comply with sections 4776.01 to 4776.04 of the 79096
Revised Code. The state medical board shall not grant to an 79097
applicant a certificate ~~of registration~~ to practice as an 79098
anesthesiologist assistant unless the board, in its discretion, 79099
decides that the results of the criminal records check do not make 79100
the applicant ineligible for a certificate issued pursuant to 79101
section 4760.04 of the Revised Code. 79102

Sec. 4760.04. If the state medical board determines under 79103
section 4760.03 of the Revised Code that an applicant meets the 79104
requirements for a certificate ~~of registration~~ to practice as an 79105
anesthesiologist assistant, the secretary of the board shall 79106
register the applicant as an anesthesiologist assistant and issue 79107
to the applicant a certificate ~~of registration~~ to practice as an 79108
anesthesiologist assistant. The certificate shall expire 79109
biennially and may be renewed in accordance with section 4760.06 79110
of the Revised Code. 79111

Sec. 4760.05. On application by the holder of a certificate 79112
~~of registration~~ to practice as an anesthesiologist assistant, the 79113
state medical board shall issue a duplicate certificate to replace 79114
one that is missing or damaged, to reflect a name change, or for 79115
any other reasonable cause. The fee for a duplicate certificate is 79116
thirty-five dollars. 79117

Sec. 4760.06. (A) A person seeking to renew a certificate ~~of~~ 79118
~~registration~~ to practice as an anesthesiologist assistant shall, 79119
on or before the thirty-first day of January of each even-numbered 79120

year, apply for renewal of the certificate. The state medical 79121
board shall ~~send~~ provide renewal notices at least one month prior 79122
to the expiration date. 79123

Applications shall be submitted to the board ~~on forms in a~~ 79124
~~manner prescribed by the board shall prescribe and supply.~~ Each 79125
application shall be accompanied by a biennial renewal fee of one 79126
hundred dollars. 79127

The applicant shall report any criminal offense that 79128
constitutes grounds for refusing to issue a certificate ~~of~~ 79129
~~registration to practice~~ under section 4760.13 of the Revised Code 79130
to which the applicant has pleaded guilty, of which the applicant 79131
has been found guilty, or for which the applicant has been found 79132
eligible for intervention in lieu of conviction, since last 79133
signing an application for a certificate ~~of registration to~~ 79134
practice as an anesthesiologist assistant. 79135

(B) To be eligible for renewal, an anesthesiologist assistant 79136
must certify to the board that the assistant has maintained 79137
certification by the national commission for the certification of 79138
anesthesiologist assistants. 79139

(C) If an applicant submits a complete renewal application 79140
and qualifies for renewal pursuant to division (B) of this 79141
section, the board shall ~~issue to the applicant a renewed~~ renew 79142
the certificate ~~of registration to practice~~ as an anesthesiologist 79143
assistant. 79144

(D) A certificate ~~of registration to practice~~ that is not 79145
renewed on or before its expiration date is automatically 79146
suspended on its expiration date. If a certificate has been 79147
suspended pursuant to this division for two years or less, the 79148
board shall reinstate the certificate upon an applicant's 79149
submission of a renewal application, the biennial renewal fee, and 79150
the applicable monetary penalty. The penalty for reinstatement is 79151

twenty-five dollars. If a certificate has been suspended pursuant 79152
to this division for more than two years, it may be restored upon 79153
an applicant's submission of a restoration application, the 79154
biennial ~~registration~~ renewal fee, and the applicable monetary 79155
penalty and compliance with sections 4776.01 to 4776.04 of the 79156
Revised Code. The board shall not restore a certificate to 79157
practice unless the board, in its discretion, decides that the 79158
results of the criminal records check do not make the applicant 79159
ineligible for a certificate issued pursuant to section 4760.04 of 79160
the Revised Code. The penalty for restoration is fifty dollars. 79161

Sec. 4760.13. (A) The state medical board, by an affirmative 79162
vote of not fewer than six members, may revoke or may refuse to 79163
grant a certificate ~~of registration~~ to practice as an 79164
anesthesiologist assistant to a person found by the board to have 79165
committed fraud, misrepresentation, or deception in applying for 79166
or securing the certificate. 79167

(B) The board, by an affirmative vote of not fewer than six 79168
members, shall, to the extent permitted by law, limit, revoke, or 79169
suspend an individual's certificate ~~of registration~~ to practice as 79170
an anesthesiologist assistant, refuse to issue a certificate to an 79171
applicant, refuse to renew a certificate, refuse to reinstate a 79172
certificate, or reprimand or place on probation the holder of a 79173
certificate for any of the following reasons: 79174

(1) Permitting the holder's name or certificate to be used by 79175
another person; 79176

(2) Failure to comply with the requirements of this chapter, 79177
Chapter 4731. of the Revised Code, or any rules adopted by the 79178
board; 79179

(3) Violating or attempting to violate, directly or 79180
indirectly, or assisting in or abetting the violation of, or 79181
conspiring to violate, any provision of this chapter, Chapter 79182

4731. of the Revised Code, or the rules adopted by the board; 79183

(4) A departure from, or failure to conform to, minimal 79184
standards of care of similar practitioners under the same or 79185
similar circumstances whether or not actual injury to the patient 79186
is established; 79187

(5) Inability to practice according to acceptable and 79188
prevailing standards of care by reason of mental illness or 79189
physical illness, including physical deterioration that adversely 79190
affects cognitive, motor, or perceptive skills; 79191

(6) Impairment of ability to practice according to acceptable 79192
and prevailing standards of care because of habitual or excessive 79193
use or abuse of drugs, alcohol, or other substances that impair 79194
ability to practice; 79195

(7) Willfully betraying a professional confidence; 79196

(8) Making a false, fraudulent, deceptive, or misleading 79197
statement in securing or attempting to secure a certificate of 79198
~~registration~~ to practice as an anesthesiologist assistant. 79199

As used in this division, "false, fraudulent, deceptive, or 79200
misleading statement" means a statement that includes a 79201
misrepresentation of fact, is likely to mislead or deceive because 79202
of a failure to disclose material facts, is intended or is likely 79203
to create false or unjustified expectations of favorable results, 79204
or includes representations or implications that in reasonable 79205
probability will cause an ordinarily prudent person to 79206
misunderstand or be deceived. 79207

(9) The obtaining of, or attempting to obtain, money or a 79208
thing of value by fraudulent misrepresentations in the course of 79209
practice; 79210

(10) A plea of guilty to, a judicial finding of guilt of, or 79211
a judicial finding of eligibility for intervention in lieu of 79212

conviction for, a felony; 79213

(11) Commission of an act that constitutes a felony in this 79214
state, regardless of the jurisdiction in which the act was 79215
committed; 79216

(12) A plea of guilty to, a judicial finding of guilt of, or 79217
a judicial finding of eligibility for intervention in lieu of 79218
conviction for, a misdemeanor committed in the course of practice; 79219

(13) A plea of guilty to, a judicial finding of guilt of, or 79220
a judicial finding of eligibility for intervention in lieu of 79221
conviction for, a misdemeanor involving moral turpitude; 79222

(14) Commission of an act in the course of practice that 79223
constitutes a misdemeanor in this state, regardless of the 79224
jurisdiction in which the act was committed; 79225

(15) Commission of an act involving moral turpitude that 79226
constitutes a misdemeanor in this state, regardless of the 79227
jurisdiction in which the act was committed; 79228

(16) A plea of guilty to, a judicial finding of guilt of, or 79229
a judicial finding of eligibility for intervention in lieu of 79230
conviction for violating any state or federal law regulating the 79231
possession, distribution, or use of any drug, including 79232
trafficking in drugs; 79233

(17) Any of the following actions taken by the state agency 79234
responsible for regulating the practice of anesthesiologist 79235
assistants in another jurisdiction, for any reason other than the 79236
nonpayment of fees: the limitation, revocation, or suspension of 79237
an individual's license to practice; acceptance of an individual's 79238
license surrender; denial of a license; refusal to renew or 79239
reinstate a license; imposition of probation; or issuance of an 79240
order of censure or other reprimand; 79241

(18) Violation of the conditions placed by the board on a 79242

certificate ~~of registration~~ to practice; 79243

(19) Failure to use universal blood and body fluid 79244
precautions established by rules adopted under section 4731.051 of 79245
the Revised Code; 79246

(20) Failure to cooperate in an investigation conducted by 79247
the board under section 4760.14 of the Revised Code, including 79248
failure to comply with a subpoena or order issued by the board or 79249
failure to answer truthfully a question presented by the board at 79250
a deposition or in written interrogatories, except that failure to 79251
cooperate with an investigation shall not constitute grounds for 79252
discipline under this section if a court of competent jurisdiction 79253
has issued an order that either quashes a subpoena or permits the 79254
individual to withhold the testimony or evidence in issue; 79255

(21) Failure to comply with any code of ethics established by 79256
the national commission for the certification of anesthesiologist 79257
assistants; 79258

(22) Failure to notify the state medical board of the 79259
revocation or failure to maintain certification from the national 79260
commission for certification of anesthesiologist assistants. 79261

(C) Disciplinary actions taken by the board under divisions 79262
(A) and (B) of this section shall be taken pursuant to an 79263
adjudication under Chapter 119. of the Revised Code, except that 79264
in lieu of an adjudication, the board may enter into a consent 79265
agreement with an anesthesiologist assistant or applicant to 79266
resolve an allegation of a violation of this chapter or any rule 79267
adopted under it. A consent agreement, when ratified by an 79268
affirmative vote of not fewer than six members of the board, shall 79269
constitute the findings and order of the board with respect to the 79270
matter addressed in the agreement. If the board refuses to ratify 79271
a consent agreement, the admissions and findings contained in the 79272
consent agreement shall be of no force or effect. 79273

(D) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or certificate holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the certificate holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F) For purposes of this division, any individual who holds a certificate ~~of registration to practice~~ issued under this chapter, or applies for a certificate ~~of registration to practice~~, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, on a showing of a possible violation, may compel any individual who holds a certificate ~~of registration to practice~~ issued under this chapter or who has applied for a certificate ~~of registration~~

to practice pursuant to this chapter to submit to a mental or 79306
physical examination, or both. A physical examination may include 79307
an HIV test. The expense of the examination is the responsibility 79308
of the individual compelled to be examined. Failure to submit to a 79309
mental or physical examination or consent to an HIV test ordered 79310
by the board constitutes an admission of the allegations against 79311
the individual unless the failure is due to circumstances beyond 79312
the individual's control, and a default and final order may be 79313
entered without the taking of testimony or presentation of 79314
evidence. If the board finds an anesthesiologist assistant unable 79315
to practice because of the reasons set forth in division (B)(5) of 79316
this section, the board shall require the anesthesiologist 79317
assistant to submit to care, counseling, or treatment by 79318
physicians approved or designated by the board, as a condition for 79319
an initial, continued, reinstated, or renewed certificate ~~of~~ 79320
~~registration to practice~~ to practice. An individual affected by this division 79321
shall be afforded an opportunity to demonstrate to the board the 79322
ability to resume practicing in compliance with acceptable and 79323
prevailing standards of care. 79324

(2) For purposes of division (B)(6) of this section, if the 79325
board has reason to believe that any individual who holds a 79326
certificate ~~of registration to practice~~ to practice issued under this chapter 79327
or any applicant for a certificate ~~of registration to practice~~ to practice 79328
suffers such impairment, the board may compel the individual to 79329
submit to a mental or physical examination, or both. The expense 79330
of the examination is the responsibility of the individual 79331
compelled to be examined. Any mental or physical examination 79332
required under this division shall be undertaken by a treatment 79333
provider or physician qualified to conduct such examination and 79334
chosen by the board. 79335

Failure to submit to a mental or physical examination ordered 79336
by the board constitutes an admission of the allegations against 79337

the individual unless the failure is due to circumstances beyond 79338
the individual's control, and a default and final order may be 79339
entered without the taking of testimony or presentation of 79340
evidence. If the board determines that the individual's ability to 79341
practice is impaired, the board shall suspend the individual's 79342
certificate or deny the individual's application and shall require 79343
the individual, as a condition for an initial, continued, 79344
reinstated, or renewed certificate ~~of registration~~ to practice, to 79345
submit to treatment. 79346

Before being eligible to apply for reinstatement of a 79347
certificate suspended under this division, the anesthesiologist 79348
assistant shall demonstrate to the board the ability to resume 79349
practice in compliance with acceptable and prevailing standards of 79350
care. The demonstration shall include the following: 79351

(a) Certification from a treatment provider approved under 79352
section 4731.25 of the Revised Code that the individual has 79353
successfully completed any required inpatient treatment; 79354

(b) Evidence of continuing full compliance with an aftercare 79355
contract or consent agreement; 79356

(c) Two written reports indicating that the individual's 79357
ability to practice has been assessed and that the individual has 79358
been found capable of practicing according to acceptable and 79359
prevailing standards of care. The reports shall be made by 79360
individuals or providers approved by the board for making such 79361
assessments and shall describe the basis for their determination. 79362

The board may reinstate a certificate suspended under this 79363
division after such demonstration and after the individual has 79364
entered into a written consent agreement. 79365

When the impaired anesthesiologist assistant resumes 79366
practice, the board shall require continued monitoring of the 79367
anesthesiologist assistant. The monitoring shall include 79368

monitoring of compliance with the written consent agreement 79369
entered into before reinstatement or with conditions imposed by 79370
board order after a hearing, and, on termination of the consent 79371
agreement, submission to the board for at least two years of 79372
annual written progress reports made under penalty of 79373
falsification stating whether the anesthesiologist assistant has 79374
maintained sobriety. 79375

(G) If the secretary and supervising member determine that 79376
there is clear and convincing evidence that an anesthesiologist 79377
assistant has violated division (B) of this section and that the 79378
individual's continued practice presents a danger of immediate and 79379
serious harm to the public, they may recommend that the board 79380
suspend the individual's certificate ~~or registration~~ without a 79381
prior hearing. Written allegations shall be prepared for 79382
consideration by the board. 79383

The board, on review of the allegations and by an affirmative 79384
vote of not fewer than six of its members, excluding the secretary 79385
and supervising member, may suspend a certificate without a prior 79386
hearing. A telephone conference call may be utilized for reviewing 79387
the allegations and taking the vote on the summary suspension. 79388

The board shall issue a written order of suspension by 79389
certified mail or in person in accordance with section 119.07 of 79390
the Revised Code. The order shall not be subject to suspension by 79391
the court during pendency of any appeal filed under section 119.12 79392
of the Revised Code. If the anesthesiologist assistant requests an 79393
adjudicatory hearing by the board, the date set for the hearing 79394
shall be within fifteen days, but not earlier than seven days, 79395
after the anesthesiologist assistant requests the hearing, unless 79396
otherwise agreed to by both the board and the certificate holder. 79397

A summary suspension imposed under this division shall remain 79398
in effect, unless reversed on appeal, until a final adjudicative 79399
order issued by the board pursuant to this section and Chapter 79400

119. of the Revised Code becomes effective. The board shall issue 79401
its final adjudicative order within sixty days after completion of 79402
its hearing. Failure to issue the order within sixty days shall 79403
result in dissolution of the summary suspension order, but shall 79404
not invalidate any subsequent, final adjudicative order. 79405

(H) If the board takes action under division (B)(11), (13), 79406
or (14) of this section, and the judicial finding of guilt, guilty 79407
plea, or judicial finding of eligibility for intervention in lieu 79408
of conviction is overturned on appeal, on exhaustion of the 79409
criminal appeal, a petition for reconsideration of the order may 79410
be filed with the board along with appropriate court documents. On 79411
receipt of a petition and supporting court documents, the board 79412
shall reinstate the certificate ~~of registration to practice~~. The 79413
board may then hold an adjudication under Chapter 119. of the 79414
Revised Code to determine whether the individual committed the act 79415
in question. Notice of opportunity for hearing shall be given in 79416
accordance with Chapter 119. of the Revised Code. If the board 79417
finds, pursuant to an adjudication held under this division, that 79418
the individual committed the act, or if no hearing is requested, 79419
it may order any of the sanctions specified in division (B) of 79420
this section. 79421

(I) The certificate ~~of registration to practice~~ of an 79422
anesthesiologist assistant and the assistant's practice in this 79423
state are automatically suspended as of the date the 79424
anesthesiologist assistant pleads guilty to, is found by a judge 79425
or jury to be guilty of, or is subject to a judicial finding of 79426
eligibility for intervention in lieu of conviction in this state 79427
or treatment of intervention in lieu of conviction in another 79428
jurisdiction for any of the following criminal offenses in this 79429
state or a substantially equivalent criminal offense in another 79430
jurisdiction: aggravated murder, murder, voluntary manslaughter, 79431
felonious assault, kidnapping, rape, sexual battery, gross sexual 79432

imposition, aggravated arson, aggravated robbery, or aggravated 79433
burglary. Continued practice after the suspension shall be 79434
considered practicing without a certificate. 79435

The board shall notify the individual subject to the 79436
suspension by certified mail or in person in accordance with 79437
section 119.07 of the Revised Code. If an individual whose 79438
certificate is suspended under this division fails to make a 79439
timely request for an adjudication under Chapter 119. of the 79440
Revised Code, the board shall enter a final order permanently 79441
revoking the individual's certificate ~~of registration~~ to practice. 79442

(J) In any instance in which the board is required by Chapter 79443
119. of the Revised Code to give notice of opportunity for hearing 79444
and the individual subject to the notice does not timely request a 79445
hearing in accordance with section 119.07 of the Revised Code, the 79446
board is not required to hold a hearing, but may adopt, by an 79447
affirmative vote of not fewer than six of its members, a final 79448
order that contains the board's findings. In the final order, the 79449
board may order any of the sanctions identified under division (A) 79450
or (B) of this section. 79451

(K) Any action taken by the board under division (B) of this 79452
section resulting in a suspension shall be accompanied by a 79453
written statement of the conditions under which the 79454
anesthesiologist assistant's certificate may be reinstated. The 79455
board shall adopt rules in accordance with Chapter 119. of the 79456
Revised Code governing conditions to be imposed for reinstatement. 79457
Reinstatement of a certificate suspended pursuant to division (B) 79458
of this section requires an affirmative vote of not fewer than six 79459
members of the board. 79460

(L) When the board refuses to grant or issue a certificate ~~of~~ 79461
~~registration~~ to practice as an anesthesiologist assistant to an 79462
applicant, revokes an individual's certificate ~~of registration~~, 79463
refuses to renew a an individual's certificate ~~of registration~~, or 79464

refuses to reinstate an individual's certificate ~~of registration~~, 79465
the board may specify that its action is permanent. An individual 79466
subject to a permanent action taken by the board is forever 79467
thereafter ineligible to hold a certificate ~~of registration to~~ 79468
practice as an anesthesiologist assistant and the board shall not 79469
accept an application for reinstatement of the certificate or for 79470
issuance of a new certificate. 79471

(M) Notwithstanding any other provision of the Revised Code, 79472
all of the following apply: 79473

(1) The surrender of a certificate ~~of registration to~~ 79474
practice issued under this chapter is not effective unless or 79475
until accepted by the board. Reinstatement of a certificate 79476
surrendered to the board requires an affirmative vote of not fewer 79477
than six members of the board. 79478

(2) An application made under this chapter for a certificate 79479
~~of registration to practice~~ may not be withdrawn without approval 79480
of the board. 79481

(3) Failure by an individual to renew a certificate ~~of~~ 79482
~~registration to practice~~ in accordance with section 4760.06 of the 79483
Revised Code shall not remove or limit the board's jurisdiction to 79484
take disciplinary action under this section against the 79485
individual. 79486

Sec. 4760.131. On receipt of a notice pursuant to section 79487
3123.43 of the Revised Code, the state medical board shall comply 79488
with sections 3123.41 to 3123.50 of the Revised Code and any 79489
applicable rules adopted under section 3123.63 of the Revised Code 79490
with respect to a certificate ~~of registration to practice~~ as an 79491
anesthesiologist assistant issued pursuant to this chapter. 79492

Sec. 4760.132. If the state medical board has reason to 79493
believe that any person who has been granted a certificate ~~of~~ 79494

~~registration to practice~~ as an anesthesiologist assistant under 79495
this chapter is mentally ill or mentally incompetent, it may file 79496
in the probate court of the county in which the person has a legal 79497
residence an affidavit in the form prescribed in section 5122.11 79498
of the Revised Code and signed by the board secretary or a member 79499
of the board secretary's staff, whereupon the same proceedings 79500
shall be had as provided in Chapter 5122. of the Revised Code. The 79501
attorney general may represent the board in any proceeding 79502
commenced under this section. 79503

If any person who has been granted a certificate ~~of~~ 79504
~~registration to practice~~ is adjudged by a probate court to be 79505
mentally ill or mentally incompetent, the person's certificate 79506
shall be automatically suspended until the person has filed with 79507
the state medical board a certified copy of an adjudication by a 79508
probate court of the person's subsequent restoration to competency 79509
or has submitted to the board proof, satisfactory to the board, 79510
that the person has been discharged as having a restoration to 79511
competency in the manner and form provided in section 5122.38 of 79512
the Revised Code. The judge of the probate court shall forthwith 79513
notify the state medical board of an adjudication of mental 79514
illness or mental incompetence, and shall note any suspension of a 79515
certificate in the margin of the court's record of such 79516
certificate. 79517

Sec. 4760.133. (A)(1) If an anesthesiologist assistant 79518
violates any section of this chapter or any rule adopted under 79519
this chapter, the state medical board may, pursuant to an 79520
adjudication under Chapter 119. of the Revised Code and an 79521
affirmative vote of not fewer than six of its members, impose a 79522
civil penalty. The amount of the civil penalty shall be determined 79523
by the board in accordance with the guidelines adopted under 79524
division (A)(2) of this section. The civil penalty may be in 79525
addition to any other action the board may take under section 79526

4760.13 of the Revised Code. 79527

(2) The board shall adopt and may amend guidelines regarding 79528
the amounts of civil penalties to be imposed under this section. 79529
Adoption or amendment of the guidelines requires the approval of 79530
not fewer than six board members. 79531

Under the guidelines, no civil penalty amount shall exceed 79532
twenty thousand dollars. 79533

(B) Amounts received from payment of civil penalties imposed 79534
under this section shall be deposited by the board in accordance 79535
with section 4731.24 of the Revised Code. Amounts received from 79536
payment of civil penalties imposed for violations of division 79537
(B)(6) of section 4760.13 of the Revised Code shall be used by the 79538
board solely for investigations, enforcement, and compliance 79539
monitoring. 79540

Sec. 4760.15. (A) As used in this section, "prosecutor" has 79541
the same meaning as in section 2935.01 of the Revised Code. 79542

(B) Whenever any person holding a valid certificate issued 79543
pursuant to this chapter pleads guilty to, is subject to a 79544
judicial finding of guilt of, or is subject to a judicial finding 79545
of eligibility for intervention in lieu of conviction for a 79546
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 79547
of any substantively comparable ordinance of a municipal 79548
corporation in connection with the person's practice, the 79549
prosecutor in the case, on forms prescribed and provided by the 79550
state medical board, shall promptly notify the board of the 79551
conviction. Within thirty days of receipt of that information, the 79552
board shall initiate action in accordance with Chapter 119. of the 79553
Revised Code to determine whether to suspend or revoke the 79554
certificate under section 4760.13 of the Revised Code. 79555

(C) The prosecutor in any case against any person holding a 79556

valid certificate ~~of registration~~ to practice issued pursuant to 79557
this chapter, on forms prescribed and provided by the state 79558
medical board, shall notify the board of any of the following: 79559

(1) A plea of guilty to, a finding of guilt by a jury or 79560
court of, or judicial finding of eligibility for intervention in 79561
lieu of conviction for a felony, or a case in which the trial 79562
court issues an order of dismissal upon technical or procedural 79563
grounds of a felony charge; 79564

(2) A plea of guilty to, a finding of guilt by a jury or 79565
court of, or judicial finding of eligibility for intervention in 79566
lieu of conviction for a misdemeanor committed in the course of 79567
practice, or a case in which the trial court issues an order of 79568
dismissal upon technical or procedural grounds of a charge of a 79569
misdemeanor, if the alleged act was committed in the course of 79570
practice; 79571

(3) A plea of guilty to, a finding of guilt by a jury or 79572
court of, or judicial finding of eligibility for intervention in 79573
lieu of conviction for a misdemeanor involving moral turpitude, or 79574
a case in which the trial court issues an order of dismissal upon 79575
technical or procedural grounds of a charge of a misdemeanor 79576
involving moral turpitude. 79577

The report shall include the name and address of the 79578
certificate holder, the nature of the offense for which the action 79579
was taken, and the certified court documents recording the action. 79580

Sec. 4760.16. (A) Within sixty days after the imposition of 79581
any formal disciplinary action taken by any health care facility, 79582
including a hospital, health care facility operated by an insuring 79583
corporation, ambulatory surgical facility, or similar facility, 79584
against any individual holding a valid certificate ~~of registration~~ 79585
to practice as an anesthesiologist assistant, the chief 79586
administrator or executive officer of the facility shall report to 79587

the state medical board the name of the individual, the action 79588
taken by the facility, and a summary of the underlying facts 79589
leading to the action taken. On request, the board shall be 79590
provided certified copies of the patient records that were the 79591
basis for the facility's action. Prior to release to the board, 79592
the summary shall be approved by the peer review committee that 79593
reviewed the case or by the governing board of the facility. 79594

The filing of a report with the board or decision not to file 79595
a report, investigation by the board, or any disciplinary action 79596
taken by the board, does not preclude a health care facility from 79597
taking disciplinary action against an anesthesiologist assistant. 79598

In the absence of fraud or bad faith, no individual or entity 79599
that provides patient records to the board shall be liable in 79600
damages to any person as a result of providing the records. 79601

(B) An anesthesiologist assistant, professional association 79602
or society of anesthesiologist assistants, physician, or 79603
professional association or society of physicians that believes a 79604
violation of any provision of this chapter, Chapter 4731. of the 79605
Revised Code, or rule of the board has occurred shall report to 79606
the board the information on which the belief is based. This 79607
division does not require any treatment provider approved by the 79608
board under section 4731.25 of the Revised Code or any employee, 79609
agent, or representative of such a provider to make reports with 79610
respect to an anesthesiologist assistant participating in 79611
treatment or aftercare for substance abuse as long as the 79612
anesthesiologist assistant maintains participation in accordance 79613
with the requirements of section 4731.25 of the Revised Code and 79614
the treatment provider or employee, agent, or representative of 79615
the provider has no reason to believe that the anesthesiologist 79616
assistant has violated any provision of this chapter or rule 79617
adopted under it, other than being impaired by alcohol, drugs, or 79618
other substances. This division does not require reporting by any 79619

member of an impaired practitioner committee established by a 79620
health care facility or by any representative or agent of a 79621
committee or program sponsored by a professional association or 79622
society of anesthesiologist assistants to provide peer assistance 79623
to anesthesiologist assistants with substance abuse problems with 79624
respect to an anesthesiologist assistant who has been referred for 79625
examination to a treatment program approved by the board under 79626
section 4731.25 of the Revised Code if the anesthesiologist 79627
assistant cooperates with the referral for examination and with 79628
any determination that the anesthesiologist assistant should enter 79629
treatment and as long as the committee member, representative, or 79630
agent has no reason to believe that the anesthesiologist assistant 79631
has ceased to participate in the treatment program in accordance 79632
with section 4731.25 of the Revised Code or has violated any 79633
provision of this chapter or rule adopted under it, other than 79634
being impaired by alcohol, drugs, or other substances. 79635

(C) Any professional association or society composed 79636
primarily of anesthesiologist assistants that suspends or revokes 79637
an individual's membership for violations of professional ethics, 79638
or for reasons of professional incompetence or professional 79639
malpractice, within sixty days after a final decision, shall 79640
report to the board, on forms prescribed and provided by the 79641
board, the name of the individual, the action taken by the 79642
professional organization, and a summary of the underlying facts 79643
leading to the action taken. 79644

The filing of a report with the board or decision not to file 79645
a report, investigation by the board, or any disciplinary action 79646
taken by the board, does not preclude a professional organization 79647
from taking disciplinary action against an anesthesiologist 79648
assistant. 79649

(D) Any insurer providing professional liability insurance to 79650
any person holding a valid certificate ~~of registration~~ to practice 79651

as an anesthesiologist assistant or any other entity that seeks to indemnify the professional liability of an anesthesiologist assistant shall notify the board within thirty days after the final disposition of any written claim for damages where such disposition results in a payment exceeding twenty-five thousand dollars. The notice shall contain the following information:

(1) The name and address of the person submitting the notification;

(2) The name and address of the insured who is the subject of the claim;

(3) The name of the person filing the written claim;

(4) The date of final disposition;

(5) If applicable, the identity of the court in which the final disposition of the claim took place.

(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the anesthesiologist assistant.

(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving an anesthesiologist assistant, supervising physician, or health care facility arising out of matters that are the subject of the reporting required by this section. The board may use the

information obtained only as the basis for an investigation, as 79683
evidence in a disciplinary hearing against an anesthesiologist 79684
assistant or supervising physician, or in any subsequent trial or 79685
appeal of a board action or order. 79686

The board may disclose the summaries and reports it receives 79687
under this section only to health care facility committees within 79688
or outside this state that are involved in credentialing or 79689
recredentialing an anesthesiologist assistant or supervising 79690
physician or reviewing their privilege to practice within a 79691
particular facility. The board shall indicate whether or not the 79692
information has been verified. Information transmitted by the 79693
board shall be subject to the same confidentiality provisions as 79694
when maintained by the board. 79695

(G) Except for reports filed by an individual pursuant to 79696
division (B) of this section, the board shall send a copy of any 79697
reports or summaries it receives pursuant to this section to the 79698
anesthesiologist assistant. The anesthesiologist assistant shall 79699
have the right to file a statement with the board concerning the 79700
correctness or relevance of the information. The statement shall 79701
at all times accompany that part of the record in contention. 79702

(H) An individual or entity that reports to the board or 79703
refers an impaired anesthesiologist assistant to a treatment 79704
provider approved by the board under section 4731.25 of the 79705
Revised Code shall not be subject to suit for civil damages as a 79706
result of the report, referral, or provision of the information. 79707

(I) In the absence of fraud or bad faith, a professional 79708
association or society of anesthesiologist assistants that 79709
sponsors a committee or program to provide peer assistance to an 79710
anesthesiologist assistant with substance abuse problems, a 79711
representative or agent of such a committee or program, and a 79712
member of the state medical board shall not be held liable in 79713
damages to any person by reason of actions taken to refer an 79714

anesthesiologist assistant to a treatment provider approved under 79715
section 4731.25 of the Revised Code for examination or treatment. 79716

Sec. 4760.18. The attorney general, the prosecuting attorney 79717
of any county in which the offense was committed or the offender 79718
resides, the state medical board, or any other person having 79719
knowledge of a person engaged either directly or by complicity in 79720
practicing as an anesthesiologist assistant without having first 79721
obtained a certificate ~~of registration~~ to practice pursuant to 79722
this chapter, may, in accordance with provisions of the Revised 79723
Code governing injunctions, maintain an action in the name of the 79724
state to enjoin any person from engaging either directly or by 79725
complicity in unlawfully practicing as an anesthesiologist 79726
assistant by applying for an injunction in any court of competent 79727
jurisdiction. 79728

Prior to application for an injunction, the secretary of the 79729
state medical board shall notify the person allegedly engaged 79730
either directly or by complicity in the unlawful practice by 79731
registered mail that the secretary has received information 79732
indicating that this person is so engaged. The person shall answer 79733
the secretary within thirty days showing that the person is either 79734
properly licensed for the stated activity or that the person is 79735
not in violation of this chapter. If the answer is not forthcoming 79736
within thirty days after notice by the secretary, the secretary 79737
shall request that the attorney general, the prosecuting attorney 79738
of the county in which the offense was committed or the offender 79739
resides, or the state medical board proceed as authorized in this 79740
section. 79741

Upon the filing of a verified petition in court, the court 79742
shall conduct a hearing on the petition and shall give the same 79743
preference to this proceeding as is given all proceedings under 79744
Chapter 119. of the Revised Code, irrespective of the position of 79745

the proceeding on the calendar of the court. 79746

Injunction proceedings shall be in addition to, and not in 79747
lieu of, all penalties and other remedies provided in this 79748
chapter. 79749

Sec. 4762.06. (A) A person seeking to renew a certificate to 79750
practice as an oriental medicine practitioner or certificate to 79751
practice as an acupuncturist shall, on or before the thirty-first 79752
day of January of each even-numbered year, apply for renewal of 79753
the certificate. The state medical board shall ~~send~~ provide 79754
renewal notices at least one month prior to the expiration date. 79755

Applications shall be submitted to the board ~~on forms in a~~ 79756
manner prescribed by the board ~~shall prescribe and supply~~. Each 79757
application shall be accompanied by a biennial renewal fee of one 79758
hundred dollars. 79759

The applicant shall report any criminal offense that 79760
constitutes grounds for refusing to issue a certificate under 79761
section 4762.13 of the Revised Code to which the applicant has 79762
pleaded guilty, of which the applicant has been found guilty, or 79763
for which the applicant has been found eligible for intervention 79764
in lieu of conviction, since last signing an application for a 79765
certificate to practice as an oriental medicine practitioner or 79766
certificate to practice as an acupuncturist. 79767

(B)(1) To be eligible for renewal of a certificate to 79768
practice as an oriental medicine practitioner, an applicant shall 79769
certify to the board both of the following, as applicable: 79770

(a) That the applicant has maintained a current and active 79771
designation from the national certification commission for 79772
acupuncture and oriental medicine as either a diplomate in 79773
oriental medicine or diplomate of acupuncture and Chinese 79774
herbology; 79775

(b) That the applicant has successfully completed one 79776
six-hour course in herb and drug interaction approved by the 79777
national certification commission for acupuncture and oriental 79778
medicine in the four years immediately preceding the expiration 79779
date of the applicant's current and active designation from the 79780
commission as a diplomate in oriental medicine or diplomate of 79781
acupuncture and Chinese herbology. 79782

(2) To be eligible for renewal of a certificate to practice 79783
as an acupuncturist, an applicant shall certify to the board that 79784
the acupuncturist has maintained a current and active designation 79785
from the national certification commission for acupuncture and 79786
oriental medicine as a diplomate in acupuncture. 79787

(C) If an applicant submits a complete renewal application 79788
and qualifies for renewal pursuant to division (B) of this 79789
section, the board shall issue to the applicant a renewed 79790
certificate to practice. 79791

(D) A certificate to practice that is not renewed on or 79792
before its expiration date is automatically suspended on its 79793
expiration date. If a certificate has been suspended pursuant to 79794
this division for two years or less, the board shall reinstate the 79795
certificate upon an applicant's submission of a renewal 79796
application, the biennial renewal fee, and the applicable monetary 79797
penalty. The penalty for reinstatement is twenty-five dollars. If 79798
a certificate has been suspended pursuant to this division for 79799
more than two years, it may be restored upon an applicant's 79800
submission of a restoration application, the biennial ~~registration~~ 79801
renewal fee, and the applicable monetary penalty and compliance 79802
with sections 4776.01 to 4776.04 of the Revised Code. The board 79803
shall not restore a certificate to practice unless the board, in 79804
its discretion, decides that the results of the criminal records 79805
check do not make the applicant ineligible for a certificate 79806
issued pursuant to section 4762.04 of the Revised Code. The 79807

penalty for restoration is fifty dollars. 79808

Sec. 4762.13. (A) The state medical board, by an affirmative 79809
vote of not fewer than six members, may revoke or may refuse to 79810
grant a certificate to practice as an oriental medicine 79811
practitioner or certificate to practice as an acupuncturist to a 79812
person found by the board to have committed fraud, 79813
misrepresentation, or deception in applying for or securing the 79814
certificate. 79815

(B) The board, by an affirmative vote of not fewer than six 79816
members, shall, to the extent permitted by law, limit, revoke, or 79817
suspend an individual's certificate to practice, refuse to issue a 79818
certificate to an applicant, refuse to renew a certificate, refuse 79819
to reinstate a certificate, or reprimand or place on probation the 79820
holder of a certificate for any of the following reasons: 79821

(1) Permitting the holder's name or certificate to be used by 79822
another person; 79823

(2) Failure to comply with the requirements of this chapter, 79824
Chapter 4731. of the Revised Code, or any rules adopted by the 79825
board; 79826

(3) Violating or attempting to violate, directly or 79827
indirectly, or assisting in or abetting the violation of, or 79828
conspiring to violate, any provision of this chapter, Chapter 79829
4731. of the Revised Code, or the rules adopted by the board; 79830

(4) A departure from, or failure to conform to, minimal 79831
standards of care of similar practitioners under the same or 79832
similar circumstances whether or not actual injury to the patient 79833
is established; 79834

(5) Inability to practice according to acceptable and 79835
prevailing standards of care by reason of mental illness or 79836
physical illness, including physical deterioration that adversely 79837

affects cognitive, motor, or perceptive skills; 79838

(6) Impairment of ability to practice according to acceptable 79839
and prevailing standards of care because of habitual or excessive 79840
use or abuse of drugs, alcohol, or other substances that impair 79841
ability to practice; 79842

(7) Willfully betraying a professional confidence; 79843

(8) Making a false, fraudulent, deceptive, or misleading 79844
statement in soliciting or advertising for patients or in securing 79845
or attempting to secure a certificate to practice as an oriental 79846
medicine practitioner or certificate to practice as an 79847
acupuncturist. 79848

As used in this division, "false, fraudulent, deceptive, or 79849
misleading statement" means a statement that includes a 79850
misrepresentation of fact, is likely to mislead or deceive because 79851
of a failure to disclose material facts, is intended or is likely 79852
to create false or unjustified expectations of favorable results, 79853
or includes representations or implications that in reasonable 79854
probability will cause an ordinarily prudent person to 79855
misunderstand or be deceived. 79856

(9) Representing, with the purpose of obtaining compensation 79857
or other advantage personally or for any other person, that an 79858
incurable disease or injury, or other incurable condition, can be 79859
permanently cured; 79860

(10) The obtaining of, or attempting to obtain, money or a 79861
thing of value by fraudulent misrepresentations in the course of 79862
practice; 79863

(11) A plea of guilty to, a judicial finding of guilt of, or 79864
a judicial finding of eligibility for intervention in lieu of 79865
conviction for, a felony; 79866

(12) Commission of an act that constitutes a felony in this 79867

state, regardless of the jurisdiction in which the act was 79868
committed; 79869

(13) A plea of guilty to, a judicial finding of guilt of, or 79870
a judicial finding of eligibility for intervention in lieu of 79871
conviction for, a misdemeanor committed in the course of practice; 79872

(14) A plea of guilty to, a judicial finding of guilt of, or 79873
a judicial finding of eligibility for intervention in lieu of 79874
conviction for, a misdemeanor involving moral turpitude; 79875

(15) Commission of an act in the course of practice that 79876
constitutes a misdemeanor in this state, regardless of the 79877
jurisdiction in which the act was committed; 79878

(16) Commission of an act involving moral turpitude that 79879
constitutes a misdemeanor in this state, regardless of the 79880
jurisdiction in which the act was committed; 79881

(17) A plea of guilty to, a judicial finding of guilt of, or 79882
a judicial finding of eligibility for intervention in lieu of 79883
conviction for violating any state or federal law regulating the 79884
possession, distribution, or use of any drug, including 79885
trafficking in drugs; 79886

(18) Any of the following actions taken by the state agency 79887
responsible for regulating the practice of oriental medicine or 79888
acupuncture in another jurisdiction, for any reason other than the 79889
nonpayment of fees: the limitation, revocation, or suspension of 79890
an individual's license to practice; acceptance of an individual's 79891
license surrender; denial of a license; refusal to renew or 79892
reinstate a license; imposition of probation; or issuance of an 79893
order of censure or other reprimand; 79894

(19) Violation of the conditions placed by the board on a 79895
certificate to practice as an oriental medicine practitioner or 79896
certificate to practice as an acupuncturist; 79897

(20) Failure to use universal blood and body fluid 79898
precautions established by rules adopted under section 4731.051 of 79899
the Revised Code; 79900

(21) Failure to cooperate in an investigation conducted by 79901
the board under section 4762.14 of the Revised Code, including 79902
failure to comply with a subpoena or order issued by the board or 79903
failure to answer truthfully a question presented by the board at 79904
a deposition or in written interrogatories, except that failure to 79905
cooperate with an investigation shall not constitute grounds for 79906
discipline under this section if a court of competent jurisdiction 79907
has issued an order that either quashes a subpoena or permits the 79908
individual to withhold the testimony or evidence in issue; 79909

(22) Failure to comply with the standards of the national 79910
certification commission for acupuncture and oriental medicine 79911
regarding professional ethics, commitment to patients, commitment 79912
to the profession, and commitment to the public; 79913

(23) Failure to have adequate professional liability 79914
insurance coverage in accordance with section 4762.22 of the 79915
Revised Code; 79916

(24) Failure to maintain a current and active designation as 79917
a diplomate in oriental medicine, diplomate of acupuncture and 79918
Chinese herbology, or diplomate in acupuncture, as applicable, 79919
from the national certification commission for acupuncture and 79920
oriental medicine, including revocation by the commission of the 79921
individual's designation, failure by the individual to meet the 79922
commission's requirements for redesignation, or failure to notify 79923
the board that the appropriate designation has not been 79924
maintained. 79925

(C) Disciplinary actions taken by the board under divisions 79926
(A) and (B) of this section shall be taken pursuant to an 79927
adjudication under Chapter 119. of the Revised Code, except that 79928

in lieu of an adjudication, the board may enter into a consent 79929
agreement with an oriental medicine practitioner or acupuncturist 79930
or applicant to resolve an allegation of a violation of this 79931
chapter or any rule adopted under it. A consent agreement, when 79932
ratified by an affirmative vote of not fewer than six members of 79933
the board, shall constitute the findings and order of the board 79934
with respect to the matter addressed in the agreement. If the 79935
board refuses to ratify a consent agreement, the admissions and 79936
findings contained in the consent agreement shall be of no force 79937
or effect. 79938

(D) For purposes of divisions (B)(12), (15), and (16) of this 79939
section, the commission of the act may be established by a finding 79940
by the board, pursuant to an adjudication under Chapter 119. of 79941
the Revised Code, that the applicant or certificate holder 79942
committed the act in question. The board shall have no 79943
jurisdiction under these divisions in cases where the trial court 79944
renders a final judgment in the certificate holder's favor and 79945
that judgment is based upon an adjudication on the merits. The 79946
board shall have jurisdiction under these divisions in cases where 79947
the trial court issues an order of dismissal upon technical or 79948
procedural grounds. 79949

(E) The sealing of conviction records by any court shall have 79950
no effect upon a prior board order entered under the provisions of 79951
this section or upon the board's jurisdiction to take action under 79952
the provisions of this section if, based upon a plea of guilty, a 79953
judicial finding of guilt, or a judicial finding of eligibility 79954
for intervention in lieu of conviction, the board issued a notice 79955
of opportunity for a hearing or entered into a consent agreement 79956
prior to the court's order to seal the records. The board shall 79957
not be required to seal, destroy, redact, or otherwise modify its 79958
records to reflect the court's sealing of conviction records. 79959

(F) For purposes of this division, any individual who holds a 79960

certificate to practice issued under this chapter, or applies for 79961
a certificate to practice, shall be deemed to have given consent 79962
to submit to a mental or physical examination when directed to do 79963
so in writing by the board and to have waived all objections to 79964
the admissibility of testimony or examination reports that 79965
constitute a privileged communication. 79966

(1) In enforcing division (B)(5) of this section, the board, 79967
upon a showing of a possible violation, may compel any individual 79968
who holds a certificate to practice issued under this chapter or 79969
who has applied for a certificate pursuant to this chapter to 79970
submit to a mental examination, physical examination, including an 79971
HIV test, or both a mental and physical examination. The expense 79972
of the examination is the responsibility of the individual 79973
compelled to be examined. Failure to submit to a mental or 79974
physical examination or consent to an HIV test ordered by the 79975
board constitutes an admission of the allegations against the 79976
individual unless the failure is due to circumstances beyond the 79977
individual's control, and a default and final order may be entered 79978
without the taking of testimony or presentation of evidence. If 79979
the board finds an oriental medicine practitioner or acupuncturist 79980
unable to practice because of the reasons set forth in division 79981
(B)(5) of this section, the board shall require the individual to 79982
submit to care, counseling, or treatment by physicians approved or 79983
designated by the board, as a condition for an initial, continued, 79984
reinstated, or renewed certificate to practice. An individual 79985
affected by this division shall be afforded an opportunity to 79986
demonstrate to the board the ability to resume practicing in 79987
compliance with acceptable and prevailing standards of care. 79988

(2) For purposes of division (B)(6) of this section, if the 79989
board has reason to believe that any individual who holds a 79990
certificate to practice issued under this chapter or any applicant 79991
for a certificate suffers such impairment, the board may compel 79992

the individual to submit to a mental or physical examination, or 79993
both. The expense of the examination is the responsibility of the 79994
individual compelled to be examined. Any mental or physical 79995
examination required under this division shall be undertaken by a 79996
treatment provider or physician qualified to conduct such 79997
examination and chosen by the board. 79998

Failure to submit to a mental or physical examination ordered 79999
by the board constitutes an admission of the allegations against 80000
the individual unless the failure is due to circumstances beyond 80001
the individual's control, and a default and final order may be 80002
entered without the taking of testimony or presentation of 80003
evidence. If the board determines that the individual's ability to 80004
practice is impaired, the board shall suspend the individual's 80005
certificate or deny the individual's application and shall require 80006
the individual, as a condition for an initial, continued, 80007
reinstated, or renewed certificate, to submit to treatment. 80008

Before being eligible to apply for reinstatement of a 80009
certificate suspended under this division, the oriental medicine 80010
practitioner or acupuncturist shall demonstrate to the board the 80011
ability to resume practice in compliance with acceptable and 80012
prevailing standards of care. The demonstration shall include the 80013
following: 80014

(a) Certification from a treatment provider approved under 80015
section 4731.25 of the Revised Code that the individual has 80016
successfully completed any required inpatient treatment; 80017

(b) Evidence of continuing full compliance with an aftercare 80018
contract or consent agreement; 80019

(c) Two written reports indicating that the individual's 80020
ability to practice has been assessed and that the individual has 80021
been found capable of practicing according to acceptable and 80022
prevailing standards of care. The reports shall be made by 80023

individuals or providers approved by the board for making such 80024
assessments and shall describe the basis for their determination. 80025

The board may reinstate a certificate suspended under this 80026
division after such demonstration and after the individual has 80027
entered into a written consent agreement. 80028

When the impaired individual resumes practice, the board 80029
shall require continued monitoring of the individual. The 80030
monitoring shall include monitoring of compliance with the written 80031
consent agreement entered into before reinstatement or with 80032
conditions imposed by board order after a hearing, and, upon 80033
termination of the consent agreement, submission to the board for 80034
at least two years of annual written progress reports made under 80035
penalty of falsification stating whether the individual has 80036
maintained sobriety. 80037

(G) If the secretary and supervising member determine both of 80038
the following, they may recommend that the board suspend an 80039
individual's certificate to practice without a prior hearing: 80040

(1) That there is clear and convincing evidence that an 80041
oriental medicine practitioner or acupuncturist has violated 80042
division (B) of this section; 80043

(2) That the individual's continued practice presents a 80044
danger of immediate and serious harm to the public. 80045

Written allegations shall be prepared for consideration by 80046
the board. The board, upon review of the allegations and by an 80047
affirmative vote of not fewer than six of its members, excluding 80048
the secretary and supervising member, may suspend a certificate 80049
without a prior hearing. A telephone conference call may be 80050
utilized for reviewing the allegations and taking the vote on the 80051
summary suspension. 80052

The board shall issue a written order of suspension by 80053
certified mail or in person in accordance with section 119.07 of 80054

the Revised Code. The order shall not be subject to suspension by 80055
the court during pendency of any appeal filed under section 119.12 80056
of the Revised Code. If the oriental medicine practitioner or 80057
acupuncturist requests an adjudicatory hearing by the board, the 80058
date set for the hearing shall be within fifteen days, but not 80059
earlier than seven days, after the hearing is requested, unless 80060
otherwise agreed to by both the board and the certificate holder. 80061

A summary suspension imposed under this division shall remain 80062
in effect, unless reversed on appeal, until a final adjudicative 80063
order issued by the board pursuant to this section and Chapter 80064
119. of the Revised Code becomes effective. The board shall issue 80065
its final adjudicative order within sixty days after completion of 80066
its hearing. Failure to issue the order within sixty days shall 80067
result in dissolution of the summary suspension order, but shall 80068
not invalidate any subsequent, final adjudicative order. 80069

(H) If the board takes action under division (B)(11), (13), 80070
or (14) of this section, and the judicial finding of guilt, guilty 80071
plea, or judicial finding of eligibility for intervention in lieu 80072
of conviction is overturned on appeal, upon exhaustion of the 80073
criminal appeal, a petition for reconsideration of the order may 80074
be filed with the board along with appropriate court documents. 80075
Upon receipt of a petition and supporting court documents, the 80076
board shall reinstate the certificate to practice. The board may 80077
then hold an adjudication under Chapter 119. of the Revised Code 80078
to determine whether the individual committed the act in question. 80079
Notice of opportunity for hearing shall be given in accordance 80080
with Chapter 119. of the Revised Code. If the board finds, 80081
pursuant to an adjudication held under this division, that the 80082
individual committed the act, or if no hearing is requested, it 80083
may order any of the sanctions specified in division (B) of this 80084
section. 80085

(I) The certificate to practice of an oriental medicine 80086

practitioner or acupuncturist and the practitioner's or 80087
acupuncturist's practice in this state are automatically suspended 80088
as of the date the practitioner or acupuncturist pleads guilty to, 80089
is found by a judge or jury to be guilty of, or is subject to a 80090
judicial finding of eligibility for intervention in lieu of 80091
conviction in this state or treatment or intervention in lieu of 80092
conviction in another jurisdiction for any of the following 80093
criminal offenses in this state or a substantially equivalent 80094
criminal offense in another jurisdiction: aggravated murder, 80095
murder, voluntary manslaughter, felonious assault, kidnapping, 80096
rape, sexual battery, gross sexual imposition, aggravated arson, 80097
aggravated robbery, or aggravated burglary. Continued practice 80098
after the suspension shall be considered practicing without a 80099
certificate. 80100

The board shall notify the individual subject to the 80101
suspension by certified mail or in person in accordance with 80102
section 119.07 of the Revised Code. If an individual whose 80103
certificate is suspended under this division fails to make a 80104
timely request for an adjudication under Chapter 119. of the 80105
Revised Code, the board shall enter a final order permanently 80106
revoking the individual's certificate to practice. 80107

(J) In any instance in which the board is required by Chapter 80108
119. of the Revised Code to give notice of opportunity for hearing 80109
and the individual subject to the notice does not timely request a 80110
hearing in accordance with section 119.07 of the Revised Code, the 80111
board is not required to hold a hearing, but may adopt, by an 80112
affirmative vote of not fewer than six of its members, a final 80113
order that contains the board's findings. In the final order, the 80114
board may order any of the sanctions identified under division (A) 80115
or (B) of this section. 80116

(K) Any action taken by the board under division (B) of this 80117
section resulting in a suspension shall be accompanied by a 80118

written statement of the conditions under which the certificate to
practice may be reinstated. The board shall adopt rules in
accordance with Chapter 119. of the Revised Code governing
conditions to be imposed for reinstatement. Reinstatement of a
certificate suspended pursuant to division (B) of this section
requires an affirmative vote of not fewer than six members of the
board.

(L) When the board refuses to grant or issue a certificate to
practice to an applicant, revokes an individual's certificate,
refuses to renew ~~a~~ an individual's certificate, or refuses to
reinstate an individual's certificate, the board may specify that
its action is permanent. An individual subject to a permanent
action taken by the board is forever thereafter ineligible to hold
a certificate to practice as an oriental medicine practitioner or
certificate to practice as an acupuncturist and the board shall
not accept an application for reinstatement of the certificate or
for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code,
all of the following apply:

(1) The surrender of a certificate to practice as an oriental
medicine practitioner or certificate to practice as an
acupuncturist issued under this chapter is not effective unless or
until accepted by the board. Reinstatement of a certificate
surrendered to the board requires an affirmative vote of not fewer
than six members of the board.

(2) An application made under this chapter for a certificate
may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate in
accordance with section 4762.06 of the Revised Code shall not
remove or limit the board's jurisdiction to take disciplinary
action under this section against the individual.

Sec. 4762.133. (A)(1) If an oriental medicine practitioner or 80150
acupuncturist violates any section of this chapter or any rule 80151
adopted under this chapter, the state medical board may, pursuant 80152
to an adjudication under Chapter 119. of the Revised Code and an 80153
affirmative vote of not fewer than six of its members, impose a 80154
civil penalty. The amount of the civil penalty shall be determined 80155
by the board in accordance with the guidelines adopted under 80156
division (A)(2) of this section. The civil penalty may be in 80157
addition to any other action the board may take under section 80158
4762.13 of the Revised Code. 80159

(2) The board shall adopt and may amend guidelines regarding 80160
the amounts of civil penalties to be imposed under this section. 80161
Adoption or amendment of the guidelines requires the approval of 80162
not fewer than six board members. 80163

Under the guidelines, no civil penalty amount shall exceed 80164
twenty thousand dollars. 80165

(B) Amounts received from payment of civil penalties imposed 80166
under this section shall be deposited by the board in accordance 80167
with section 4731.24 of the Revised Code. Amounts received from 80168
payment of civil penalties imposed for violations of division 80169
(B)(6) of section 4762.13 of the Revised Code shall be used by the 80170
board solely for investigations, enforcement, and compliance 80171
monitoring. 80172

Sec. 4763.01. As used in this chapter: 80173

(A) "Real estate appraisal" or "appraisal" means an analysis, 80174
opinion, or conclusion relating to the nature, quality, value, or 80175
utility of specified interests in, or aspects of identified real 80176
estate that is classified as either a valuation or an analysis. 80177

(B) "Valuation" means an estimate of the value of real 80178
estate. 80179

(C) "Analysis" means a study of real estate for purposes 80180
other than valuation. 80181

(D) "Appraisal report" means a written communication of a 80182
real estate appraisal, or appraisal review, ~~or appraisal~~ 80183
~~consulting service~~ or an oral communication of a real estate 80184
appraisal, or appraisal review, ~~or appraisal consulting service~~ 80185
that is documented by a writing that supports the oral 80186
communication. 80187

(E) "Appraisal assignment" means an engagement for which a 80188
person licensed or certified under this chapter is employed, 80189
retained, or engaged to act, or would be perceived by third 80190
parties or the public as acting, as a disinterested third party in 80191
rendering an unbiased real estate appraisal. 80192

(F) "Specialized services" means all appraisal services, 80193
other than appraisal assignments, including, but not limited to, 80194
valuation and analysis given in connection with activities such as 80195
real estate brokerage, mortgage banking, real estate counseling, 80196
and real estate tax counseling, and specialized marketing, 80197
financing, and feasibility studies. 80198

(G) "Real estate" has the same meaning as in section 4735.01 80199
of the Revised Code. 80200

(H) "Appraisal foundation" means a nonprofit corporation 80201
incorporated under the laws of the state of Illinois on November 80202
30, 1987, for the purposes of establishing and improving uniform 80203
appraisal standards by defining, issuing, and promoting those 80204
standards; establishing appropriate criteria for the certification 80205
and recertification of qualified appraisers by defining, issuing, 80206
and promoting the qualification criteria and disseminating the 80207
qualification criteria to others; and developing or assisting in 80208
development of appropriate examinations for qualified appraisers. 80209

(I) "Prepare" means to develop and communicate, whether 80210

through a personal physical inspection or through the act or 80211
process of critically studying a report prepared by another who 80212
made the physical inspection, an appraisal, analysis, or opinion, 80213
or specialized service and to report the results. If the person 80214
who develops and communicates the appraisal or specialized service 80215
does not make the personal inspection, the name of the person who 80216
does make the personal inspection shall be identified on the 80217
appraisal or specialized service reported. 80218

(J) "Report" means any communication, written, oral, or by 80219
any other means of transmission of information, of a real estate 80220
appraisal, appraisal review, ~~appraisal consulting service~~, or 80221
specialized service that is transmitted to a client or employer 80222
upon completion of the appraisal or service. 80223

(K) "State-certified general real estate appraiser" means any 80224
person who satisfies the certification requirements of this 80225
chapter relating to the appraisal of all types of real property 80226
and who holds a current and valid certificate or renewal 80227
certificate issued to the person pursuant to this chapter. 80228

(L) "State-certified residential real estate appraiser" means 80229
any person who satisfies the certification requirements only 80230
relating to the appraisal of one to four units of single-family 80231
residential real estate without regard to transaction value or 80232
complexity and who holds a current and valid certificate or 80233
renewal certificate issued to the person pursuant to this chapter. 80234

(M) "State-licensed residential real estate appraiser" means 80235
any person who satisfies the licensure requirements of this 80236
chapter relating to the appraisal of noncomplex one-to-four unit 80237
single-family residential real estate having a transaction value 80238
of less than one million dollars and complex one-to-four unit 80239
single-family residential real estate having a transaction value 80240
of less than two hundred fifty thousand dollars and who holds a 80241
current and valid license or renewal license issued to the person 80242

pursuant to this chapter. 80243

(N) "Certified or licensed real estate appraisal" means an 80244
appraisal prepared and reported by a certificate holder or 80245
licensee under this chapter acting within the scope of 80246
certification or licensure and as a disinterested third party. 80247

(O) "State-registered real estate appraiser assistant" means 80248
any person, other than a state-certified general real estate 80249
appraiser, state-certified residential real estate appraiser, or a 80250
state-licensed residential real estate appraiser, who satisfies 80251
the registration requirements of this chapter for participating in 80252
the development and preparation of real estate appraisals and who 80253
holds a current and valid registration or renewal registration 80254
issued to the person pursuant to this chapter. 80255

(P) "Institution of higher education" means a state 80256
university or college, a private college or university located in 80257
this state that possesses a certificate of authorization issued by 80258
the ~~Ohio board of regents~~ chancellor of higher education pursuant 80259
to Chapter 1713. of the Revised Code, or an accredited college or 80260
university located outside this state that is accredited by an 80261
accrediting organization or professional accrediting association 80262
recognized by the ~~Ohio board of regents~~ chancellor of higher 80263
education. 80264

(Q) "Division of real estate" may be used interchangeably 80265
with, and for all purposes has the same meaning as, "division of 80266
real estate and professional licensing." 80267

(R) "Superintendent" or "superintendent of real estate" means 80268
the superintendent of the division of real estate and professional 80269
licensing of this state. Whenever the division or superintendent 80270
of real estate is referred to or designated in any statute, rule, 80271
contract, or other document, the reference or designation shall be 80272
deemed to refer to the division or superintendent of real estate 80273

and professional licensing, as the case may be. 80274

(S) "Appraisal review" means the act or process of developing 80275
and communicating an opinion about the quality of another 80276
appraiser's work that was performed as part of an appraisal, or 80277
appraisal review, ~~or appraisal consulting assignment.~~ 80278

(T) ~~"Appraisal consulting" means the act or process of~~ 80279
~~developing an analysis, recommendation, or opinion to solve a~~ 80280
~~problem related to real estate.~~ 80281

(U) "Work file" means documentation used during the 80282
preparation of an appraisal report or necessary to support an 80283
appraiser's analyses, opinions, or conclusions. 80284

Sec. 4763.07. (A) Every state-certified general real estate 80285
appraiser, state-certified residential real estate appraiser and 80286
state-licensed residential real estate appraiser shall submit 80287
proof of successfully completing a minimum of fourteen classroom 80288
hours of continuing education instruction in courses or seminars 80289
approved by the real estate appraiser board. The certificate 80290
holder and licensee shall have satisfied the fourteen-hour 80291
continuing education requirements within the one-year period 80292
immediately following the issuance of the initial certificate or 80293
license and shall satisfy those requirements annually thereafter. 80294
A 80295

In accordance with federal law, each state-registered real 80296
estate appraiser assistant who remains in this classification for 80297
more than two years shall satisfy in the third and successive 80298
years this section's requirements submit proof of successfully 80299
completing a minimum of fourteen classroom hours of continuing 80300
education instruction in courses or seminars approved by the real 80301
estate appraiser board. Each registrant shall satisfy the 80302
fourteen-hour continuing education requirements annually. 80303

This division does not apply to an appraiser with a 80304
certification or license from another state that is temporarily 80305
recognized in this state pursuant to division (E)(2) of section 80306
4763.05 of the Revised Code. A 80307

A certificate holder, licensee, or registrant who fails to 80308
submit proof to the superintendent of meeting these requirements 80309
is ineligible to obtain a renewal certificate, license, or 80310
registration and shall comply with section 4763.05 of the Revised 80311
Code in order to regain a certificate, license, or registration, 80312
except that the certificate holder, licensee, or registrant may 80313
submit proof to the superintendent of meeting these requirements 80314
within three months after the date of expiration of the 80315
certificate, license, or registration, or by obtaining a medical 80316
exception under division (E) of this section, without having to 80317
comply with section 4763.05 of the Revised Code. A certificate 80318
holder, licensee, or registrant may not engage in any activities 80319
permitted by the certificate, license, or registration during the 80320
three-month period following the certificate's, license's, or 80321
registration's normal expiration date or during the time period 80322
for which a medical exception applies. 80323

A certificate holder, licensee, or registrant may satisfy all 80324
or a portion of the required hours of classroom instruction in the 80325
following manner: 80326

(1) Completion of an educational program of study determined 80327
by the board to be equivalent, for continuing education purposes, 80328
to courses or seminars approved by the board; 80329

(2) Participation, other than as a student, in educational 80330
processes or programs approved by the board that relate to real 80331
estate appraisal theory, practices, or techniques. 80332

A certificate holder, licensee, or registrant shall present 80333
to the superintendent of real estate evidence of the manner in 80334

which the certificate holder, licensee, or registrant satisfied 80335
the requirements of division (A) of this section. 80336

(B) The board shall adopt rules for implementing a continuing 80337
education program for state-certified general real estate 80338
appraisers, state-certified residential real estate appraisers, 80339
state-licensed residential real estate appraisers, and 80340
state-registered real estate appraiser assistants for the purpose 80341
of assuring that certificate holders, licensees, and registrants 80342
have current knowledge of real estate appraisal theories, 80343
practices, and techniques that will provide a high degree of 80344
service and protection to members of the public. In addition to 80345
any other provisions the board considers appropriate, the rules 80346
adopted by the board shall prescribe the following: 80347

(1) Policies and procedures for obtaining board approval of 80348
courses of instruction and seminars; 80349

(2) Standards, policies, and procedures to be applied in 80350
evaluating the alternative methods of complying with continuing 80351
education requirements set forth in divisions (A)(1) and (2) of 80352
this section; 80353

(3) Standards, monitoring methods, and systems for recording 80354
attendance to be employed by course sponsors as a prerequisite to 80355
approval of courses for continuing education credit. 80356

(C) No amendment or rescission of a rule the board adopts 80357
pursuant to division (B) of this section shall operate to deprive 80358
a certificate holder or licensee of credit toward renewal of 80359
certification or licensure for any course of instruction completed 80360
by the certificate holder or licensee prior to the effective date 80361
of the amendment or rescission that would have qualified for 80362
credit under the rule as it existed prior to amendment or 80363
rescission. 80364

(D) The superintendent of real estate shall not issue a 80365

renewal certificate, registration, or license to any person who 80366
does not meet applicable minimum criteria for state certification, 80367
registration, or licensure prescribed by federal law or rule. 80368

(E) The superintendent may grant a medical exception upon 80369
application by a person certified, registered, or licensed under 80370
this chapter. To receive an exception, the certificate holder, 80371
registrant, or licensee shall submit a request to the 80372
superintendent with proof satisfactory that a medical exception is 80373
warranted. If the superintendent makes a determination that 80374
satisfactory proof has not been presented, within fifteen days of 80375
the date of the denial of the medical exception, the certificate 80376
holder, registrant, or licensee may file with the division of real 80377
estate a request that the real estate appraiser board review the 80378
determination. The board may adopt reasonable rules in accordance 80379
with Chapter 119. of the Revised Code to implement this division. 80380

Sec. 4765.161. The state board of emergency medical, fire, 80381
and transportation services shall adopt rules under section 80382
4765.11 of the Revised Code to establish an expedited veterans 80383
paramedic certification program for any person who is a veteran of 80384
the armed forces of the United States and who, while serving in 80385
the armed forces of the United States, received training as what 80386
this state categorizes as a paramedic. The program shall provide 80387
for a method or procedure whereby, upon application by such a 80388
veteran, the veteran is evaluated to determine the extent of the 80389
training the veteran received while serving in the armed forces of 80390
the United States. If the evaluation indicates that the training 80391
the veteran received while serving in the armed forces of the 80392
United States was such that the veteran is eligible to be issued a 80393
certificate to practice as a paramedic, the board shall issue the 80394
veteran a certificate to practice as a paramedic as provided in 80395
section 4765.30 of the Revised Code upon payment of the 80396
appropriate fee. 80397

If the evaluation indicates that the training the veteran received while serving in the armed forces of the United States was such that the veteran is not eligible to be issued a certificate to practice as a paramedic, the veteran shall receive credit for the training the veteran received while serving in the armed forces of the United States and shall be required to successfully complete only the necessary additional training or instruction in order to be issued a certificate to practice as a paramedic.

Sec. 4765.361. An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic may perform medical services that the technician is authorized by law to perform in nonemergency situations if the services are performed under the direction of the technician's medical director or cooperating physician advisory board. In nonemergency situations, no medical director or cooperating physician advisory board shall delegate, instruct, or otherwise authorize a technician to perform any medical service that the technician is not authorized by law to perform.

Sec. 4774.06. (A) An individual seeking to renew a certificate to practice as a radiologist assistant shall, on or before the thirty-first day of January of each even-numbered year, apply for renewal of the certificate. The state medical board shall ~~send~~ provide renewal notices at least one month prior to the expiration date.

Renewal applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee specified by the board in rules adopted under section 4774.11 of the Revised Code.

The applicant shall report any criminal offense that

constitutes grounds for refusing to issue a certificate under 80428
section 4774.13 of the Revised Code to which the applicant has 80429
pleaded guilty, of which the applicant has been found guilty, or 80430
for which the applicant has been found eligible for intervention 80431
in lieu of conviction, since last signing an application for a 80432
certificate to practice as a radiologist assistant. 80433

(B) To be eligible for renewal, a radiologist assistant shall 80434
certify to the board that the assistant has maintained both of the 80435
following: 80436

(1) A license as a radiographer under Chapter 4773. of the 80437
Revised Code; 80438

(2) Certification as a registered radiologist assistant from 80439
the American registry of radiologic technologists by meeting the 80440
registry's requirements for annual registration, including 80441
completion of the continuing education requirements established by 80442
the registry. 80443

(C) If an applicant submits a renewal application that the 80444
board considers to be complete and qualifies for renewal pursuant 80445
to division (B) of this section, the board shall issue to the 80446
applicant a renewed certificate to practice as a radiologist 80447
assistant. 80448

(D) A certificate to practice that is not renewed on or 80449
before its expiration date is automatically suspended on its 80450
expiration date, subject to the provisions of section 119.06 of 80451
the Revised Code specifying that an applicant who appropriately 80452
files a renewal application is not required to discontinue 80453
practicing merely because the board has failed to act on the 80454
application. If a certificate has been suspended pursuant to this 80455
division for two years or less, the board shall reinstate the 80456
certificate upon an applicant's submission of a renewal 80457
application, the biennial renewal fee, and the applicable monetary 80458

penalty. The penalty for reinstatement is twenty-five dollars. If 80459
a certificate has been suspended pursuant to this division for 80460
more than two years, it may be restored upon an applicant's 80461
submission of a restoration application, the biennial renewal fee, 80462
and the applicable monetary penalty and compliance with sections 80463
4776.01 to 4776.04 of the Revised Code. The board shall not 80464
restore a certificate unless the board, in its discretion, decides 80465
that the results of the criminal records check do not make the 80466
applicant ineligible for a certificate issued pursuant to section 80467
4774.04 of the Revised Code. The penalty for restoration is fifty 80468
dollars. 80469

Sec. 4774.13. (A) The state medical board, by an affirmative 80470
vote of not fewer than six members, may revoke or may refuse to 80471
grant a certificate to practice as a radiologist assistant to an 80472
individual found by the board to have committed fraud, 80473
misrepresentation, or deception in applying for or securing the 80474
certificate. 80475

(B) The board, by an affirmative vote of not fewer than six 80476
members, shall, to the extent permitted by law, limit, revoke, or 80477
suspend an individual's certificate to practice as a radiologist 80478
assistant, refuse to issue a certificate to an applicant, refuse 80479
to renew a certificate, refuse to reinstate a certificate, or 80480
reprimand or place on probation the holder of a certificate for 80481
any of the following reasons: 80482

(1) Permitting the holder's name or certificate to be used by 80483
another person; 80484

(2) Failure to comply with the requirements of this chapter, 80485
Chapter 4731. of the Revised Code, or any rules adopted by the 80486
board; 80487

(3) Violating or attempting to violate, directly or 80488
indirectly, or assisting in or abetting the violation of, or 80489

conspiring to violate, any provision of this chapter, Chapter 80490
4731. of the Revised Code, or the rules adopted by the board; 80491

(4) A departure from, or failure to conform to, minimal 80492
standards of care of similar practitioners under the same or 80493
similar circumstances whether or not actual injury to the patient 80494
is established; 80495

(5) Inability to practice according to acceptable and 80496
prevailing standards of care by reason of mental illness or 80497
physical illness, including physical deterioration that adversely 80498
affects cognitive, motor, or perceptive skills; 80499

(6) Impairment of ability to practice according to acceptable 80500
and prevailing standards of care because of habitual or excessive 80501
use or abuse of drugs, alcohol, or other substances that impair 80502
ability to practice; 80503

(7) Willfully betraying a professional confidence; 80504

(8) Making a false, fraudulent, deceptive, or misleading 80505
statement in securing or attempting to secure a certificate to 80506
practice as a radiologist assistant. 80507

As used in this division, "false, fraudulent, deceptive, or 80508
misleading statement" means a statement that includes a 80509
misrepresentation of fact, is likely to mislead or deceive because 80510
of a failure to disclose material facts, is intended or is likely 80511
to create false or unjustified expectations of favorable results, 80512
or includes representations or implications that in reasonable 80513
probability will cause an ordinarily prudent person to 80514
misunderstand or be deceived. 80515

(9) The obtaining of, or attempting to obtain, money or a 80516
thing of value by fraudulent misrepresentations in the course of 80517
practice; 80518

(10) A plea of guilty to, a judicial finding of guilt of, or 80519

a judicial finding of eligibility for intervention in lieu of 80520
conviction for, a felony; 80521

(11) Commission of an act that constitutes a felony in this 80522
state, regardless of the jurisdiction in which the act was 80523
committed; 80524

(12) A plea of guilty to, a judicial finding of guilt of, or 80525
a judicial finding of eligibility for intervention in lieu of 80526
conviction for, a misdemeanor committed in the course of practice; 80527

(13) A plea of guilty to, a judicial finding of guilt of, or 80528
a judicial finding of eligibility for intervention in lieu of 80529
conviction for, a misdemeanor involving moral turpitude; 80530

(14) Commission of an act in the course of practice that 80531
constitutes a misdemeanor in this state, regardless of the 80532
jurisdiction in which the act was committed; 80533

(15) Commission of an act involving moral turpitude that 80534
constitutes a misdemeanor in this state, regardless of the 80535
jurisdiction in which the act was committed; 80536

(16) A plea of guilty to, a judicial finding of guilt of, or 80537
a judicial finding of eligibility for intervention in lieu of 80538
conviction for violating any state or federal law regulating the 80539
possession, distribution, or use of any drug, including 80540
trafficking in drugs; 80541

(17) Any of the following actions taken by the state agency 80542
responsible for regulating the practice of radiologist assistants 80543
in another jurisdiction, for any reason other than the nonpayment 80544
of fees: the limitation, revocation, or suspension of an 80545
individual's license to practice; acceptance of an individual's 80546
license surrender; denial of a license; refusal to renew or 80547
reinstate a license; imposition of probation; or issuance of an 80548
order of censure or other reprimand; 80549

(18) Violation of the conditions placed by the board on a	80550
certificate to practice as a radiologist assistant;	80551
(19) Failure to use universal blood and body fluid	80552
precautions established by rules adopted under section 4731.051 of	80553
the Revised Code;	80554
(20) Failure to cooperate in an investigation conducted by	80555
the board under section 4774.14 of the Revised Code, including	80556
failure to comply with a subpoena or order issued by the board or	80557
failure to answer truthfully a question presented by the board at	80558
a deposition or in written interrogatories, except that failure to	80559
cooperate with an investigation shall not constitute grounds for	80560
discipline under this section if a court of competent jurisdiction	80561
has issued an order that either quashes a subpoena or permits the	80562
individual to withhold the testimony or evidence in issue;	80563
(21) Failure to maintain a license as a radiographer under	80564
Chapter 4773. of the Revised Code;	80565
(22) Failure to maintain certification as a registered	80566
radiologist assistant from the American registry of radiologic	80567
technologists, including revocation by the registry of the	80568
assistant's certification or failure by the assistant to meet the	80569
registry's requirements for annual registration, or failure to	80570
notify the board that the certification as a registered	80571
radiologist assistant has not been maintained;	80572
(23) Failure to comply with any of the rules of ethics	80573
included in the standards of ethics established by the American	80574
registry of radiologic technologists, as those rules apply to an	80575
individual who holds the registry's certification as a registered	80576
radiologist assistant.	80577
(C) Disciplinary actions taken by the board under divisions	80578
(A) and (B) of this section shall be taken pursuant to an	80579
adjudication under Chapter 119. of the Revised Code, except that	80580

in lieu of an adjudication, the board may enter into a consent 80581
agreement with a radiologist assistant or applicant to resolve an 80582
allegation of a violation of this chapter or any rule adopted 80583
under it. A consent agreement, when ratified by an affirmative 80584
vote of not fewer than six members of the board, shall constitute 80585
the findings and order of the board with respect to the matter 80586
addressed in the agreement. If the board refuses to ratify a 80587
consent agreement, the admissions and findings contained in the 80588
consent agreement shall be of no force or effect. 80589

(D) For purposes of divisions (B)(11), (14), and (15) of this 80590
section, the commission of the act may be established by a finding 80591
by the board, pursuant to an adjudication under Chapter 119. of 80592
the Revised Code, that the applicant or certificate holder 80593
committed the act in question. The board shall have no 80594
jurisdiction under these divisions in cases where the trial court 80595
renders a final judgment in the certificate holder's favor and 80596
that judgment is based upon an adjudication on the merits. The 80597
board shall have jurisdiction under these divisions in cases where 80598
the trial court issues an order of dismissal on technical or 80599
procedural grounds. 80600

(E) The sealing of conviction records by any court shall have 80601
no effect on a prior board order entered under the provisions of 80602
this section or on the board's jurisdiction to take action under 80603
the provisions of this section if, based upon a plea of guilty, a 80604
judicial finding of guilt, or a judicial finding of eligibility 80605
for intervention in lieu of conviction, the board issued a notice 80606
of opportunity for a hearing prior to the court's order to seal 80607
the records. The board shall not be required to seal, destroy, 80608
redact, or otherwise modify its records to reflect the court's 80609
sealing of conviction records. 80610

(F) For purposes of this division, any individual who holds a 80611
certificate to practice as a radiologist assistant issued under 80612

this chapter, or applies for a certificate to practice, shall be 80613
deemed to have given consent to submit to a mental or physical 80614
examination when directed to do so in writing by the board and to 80615
have waived all objections to the admissibility of testimony or 80616
examination reports that constitute a privileged communication. 80617

(1) In enforcing division (B)(5) of this section, the board, 80618
on a showing of a possible violation, may compel any individual 80619
who holds a certificate to practice as a radiologist assistant 80620
issued under this chapter or who has applied for a certificate to 80621
practice to submit to a mental or physical examination, or both. A 80622
physical examination may include an HIV test. The expense of the 80623
examination is the responsibility of the individual compelled to 80624
be examined. Failure to submit to a mental or physical examination 80625
or consent to an HIV test ordered by the board constitutes an 80626
admission of the allegations against the individual unless the 80627
failure is due to circumstances beyond the individual's control, 80628
and a default and final order may be entered without the taking of 80629
testimony or presentation of evidence. If the board finds a 80630
radiologist assistant unable to practice because of the reasons 80631
set forth in division (B)(5) of this section, the board shall 80632
require the radiologist assistant to submit to care, counseling, 80633
or treatment by physicians approved or designated by the board, as 80634
a condition for an initial, continued, reinstated, or renewed 80635
certificate to practice. An individual affected by this division 80636
shall be afforded an opportunity to demonstrate to the board the 80637
ability to resume practicing in compliance with acceptable and 80638
prevailing standards of care. 80639

(2) For purposes of division (B)(6) of this section, if the 80640
board has reason to believe that any individual who holds a 80641
certificate to practice as a radiologist assistant issued under 80642
this chapter or any applicant for a certificate to practice 80643
suffers such impairment, the board may compel the individual to 80644

submit to a mental or physical examination, or both. The expense 80645
of the examination is the responsibility of the individual 80646
compelled to be examined. Any mental or physical examination 80647
required under this division shall be undertaken by a treatment 80648
provider or physician qualified to conduct such examination and 80649
chosen by the board. 80650

Failure to submit to a mental or physical examination ordered 80651
by the board constitutes an admission of the allegations against 80652
the individual unless the failure is due to circumstances beyond 80653
the individual's control, and a default and final order may be 80654
entered without the taking of testimony or presentation of 80655
evidence. If the board determines that the individual's ability to 80656
practice is impaired, the board shall suspend the individual's 80657
certificate or deny the individual's application and shall require 80658
the individual, as a condition for an initial, continued, 80659
reinstated, or renewed certificate to practice, to submit to 80660
treatment. 80661

Before being eligible to apply for reinstatement of a 80662
certificate suspended under this division, the radiologist 80663
assistant shall demonstrate to the board the ability to resume 80664
practice in compliance with acceptable and prevailing standards of 80665
care. The demonstration shall include the following: 80666

(a) Certification from a treatment provider approved under 80667
section 4731.25 of the Revised Code that the individual has 80668
successfully completed any required inpatient treatment; 80669

(b) Evidence of continuing full compliance with an aftercare 80670
contract or consent agreement; 80671

(c) Two written reports indicating that the individual's 80672
ability to practice has been assessed and that the individual has 80673
been found capable of practicing according to acceptable and 80674
prevailing standards of care. The reports shall be made by 80675

individuals or providers approved by the board for making such 80676
assessments and shall describe the basis for their determination. 80677

The board may reinstate a certificate suspended under this 80678
division after such demonstration and after the individual has 80679
entered into a written consent agreement. 80680

When the impaired radiologist assistant resumes practice, the 80681
board shall require continued monitoring of the radiologist 80682
assistant. The monitoring shall include monitoring of compliance 80683
with the written consent agreement entered into before 80684
reinstatement or with conditions imposed by board order after a 80685
hearing, and, on termination of the consent agreement, submission 80686
to the board for at least two years of annual written progress 80687
reports made under penalty of falsification stating whether the 80688
radiologist assistant has maintained sobriety. 80689

(G) If the secretary and supervising member determine that 80690
there is clear and convincing evidence that a radiologist 80691
assistant has violated division (B) of this section and that the 80692
individual's continued practice presents a danger of immediate and 80693
serious harm to the public, they may recommend that the board 80694
suspend the individual's certificate to practice without a prior 80695
hearing. Written allegations shall be prepared for consideration 80696
by the board. 80697

The board, on review of the allegations and by an affirmative 80698
vote of not fewer than six of its members, excluding the secretary 80699
and supervising member, may suspend a certificate without a prior 80700
hearing. A telephone conference call may be utilized for reviewing 80701
the allegations and taking the vote on the summary suspension. 80702

The board shall issue a written order of suspension by 80703
certified mail or in person in accordance with section 119.07 of 80704
the Revised Code. The order shall not be subject to suspension by 80705
the court during pendency of any appeal filed under section 119.12 80706

of the Revised Code. If the radiologist assistant requests an 80707
adjudicatory hearing by the board, the date set for the hearing 80708
shall be within fifteen days, but not earlier than seven days, 80709
after the radiologist assistant requests the hearing, unless 80710
otherwise agreed to by both the board and the certificate holder. 80711

A summary suspension imposed under this division shall remain 80712
in effect, unless reversed on appeal, until a final adjudicative 80713
order issued by the board pursuant to this section and Chapter 80714
119. of the Revised Code becomes effective. The board shall issue 80715
its final adjudicative order within sixty days after completion of 80716
its hearing. Failure to issue the order within sixty days shall 80717
result in dissolution of the summary suspension order, but shall 80718
not invalidate any subsequent, final adjudicative order. 80719

(H) If the board takes action under division (B)(10), (12), 80720
or (13) of this section, and the judicial finding of guilt, guilty 80721
plea, or judicial finding of eligibility for intervention in lieu 80722
of conviction is overturned on appeal, on exhaustion of the 80723
criminal appeal, a petition for reconsideration of the order may 80724
be filed with the board along with appropriate court documents. On 80725
receipt of a petition and supporting court documents, the board 80726
shall reinstate the certificate to practice as a radiologist 80727
assistant. The board may then hold an adjudication under Chapter 80728
119. of the Revised Code to determine whether the individual 80729
committed the act in question. Notice of opportunity for hearing 80730
shall be given in accordance with Chapter 119. of the Revised 80731
Code. If the board finds, pursuant to an adjudication held under 80732
this division, that the individual committed the act, or if no 80733
hearing is requested, it may order any of the sanctions specified 80734
in division (B) of this section. 80735

(I) The certificate to practice of a radiologist assistant 80736
and the assistant's practice in this state are automatically 80737
suspended as of the date the radiologist assistant pleads guilty 80738

to, is found by a judge or jury to be guilty of, or is subject to 80739
a judicial finding of eligibility for intervention in lieu of 80740
conviction in this state or treatment of intervention in lieu of 80741
conviction in another jurisdiction for any of the following 80742
criminal offenses in this state or a substantially equivalent 80743
criminal offense in another jurisdiction: aggravated murder, 80744
murder, voluntary manslaughter, felonious assault, kidnapping, 80745
rape, sexual battery, gross sexual imposition, aggravated arson, 80746
aggravated robbery, or aggravated burglary. Continued practice 80747
after the suspension shall be considered practicing without a 80748
certificate. 80749

The board shall notify the individual subject to the 80750
suspension by certified mail or in person in accordance with 80751
section 119.07 of the Revised Code. If an individual whose 80752
certificate is suspended under this division fails to make a 80753
timely request for an adjudication under Chapter 119. of the 80754
Revised Code, the board shall enter a final order permanently 80755
revoking the individual's certificate to practice. 80756

(J) In any instance in which the board is required by Chapter 80757
119. of the Revised Code to give notice of opportunity for hearing 80758
and the individual subject to the notice does not timely request a 80759
hearing in accordance with section 119.07 of the Revised Code, the 80760
board is not required to hold a hearing, but may adopt, by an 80761
affirmative vote of not fewer than six of its members, a final 80762
order that contains the board's findings. In the final order, the 80763
board may order any of the sanctions identified under division (A) 80764
or (B) of this section. 80765

(K) Any action taken by the board under division (B) of this 80766
section resulting in a suspension shall be accompanied by a 80767
written statement of the conditions under which the radiologist 80768
assistant's certificate may be reinstated. The board shall adopt 80769
rules in accordance with Chapter 119. of the Revised Code 80770

governing conditions to be imposed for reinstatement. 80771
Reinstatement of a certificate suspended pursuant to division (B) 80772
of this section requires an affirmative vote of not fewer than six 80773
members of the board. 80774

(L) When the board refuses to grant or issue a certificate to 80775
practice as a radiologist assistant to an applicant, revokes an 80776
individual's certificate, refuses to renew a an individual's 80777
certificate, or refuses to reinstate an individual's certificate, 80778
the board may specify that its action is permanent. An individual 80779
subject to a permanent action taken by the board is forever 80780
thereafter ineligible to hold a certificate to practice as a 80781
radiologist assistant and the board shall not accept an 80782
application for reinstatement of the certificate or for issuance 80783
of a new certificate. 80784

(M) Notwithstanding any other provision of the Revised Code, 80785
all of the following apply: 80786

(1) The surrender of a certificate to practice as a 80787
radiologist assistant issued under this chapter is not effective 80788
unless or until accepted by the board. Reinstatement of a 80789
certificate surrendered to the board requires an affirmative vote 80790
of not fewer than six members of the board. 80791

(2) An application made under this chapter for a certificate 80792
to practice may not be withdrawn without approval of the board. 80793

(3) Failure by an individual to renew a certificate to 80794
practice in accordance with section 4774.06 of the Revised Code 80795
shall not remove or limit the board's jurisdiction to take 80796
disciplinary action under this section against the individual. 80797

Sec. 4774.133. (A)(1) If a radiologist assistant violates any 80798
section of this chapter or any rule adopted under this chapter, 80799
the state medical board may, pursuant to an adjudication under 80800

Chapter 119. of the Revised Code and an affirmative vote of not 80801
fewer than six of its members, impose a civil penalty. The amount 80802
of the civil penalty shall be determined by the board in 80803
accordance with the guidelines adopted under division (A)(2) of 80804
this section. The civil penalty may be in addition to any other 80805
action the board may take under section 4774.13 of the Revised 80806
Code. 80807

(2) The board shall adopt and may amend guidelines regarding 80808
the amounts of civil penalties to be imposed under this section. 80809
Adoption or amendment of the guidelines requires the approval of 80810
not fewer than six board members. 80811

Under the guidelines, no civil penalty amount shall exceed 80812
twenty thousand dollars. 80813

(B) Amounts received from payment of civil penalties imposed 80814
under this section shall be deposited by the board in accordance 80815
with section 4731.24 of the Revised Code. Amounts received from 80816
payment of civil penalties imposed for violations of division 80817
(B)(6) of section 4774.13 of the Revised Code shall be used by the 80818
board solely for investigations, enforcement, and compliance 80819
monitoring. 80820

Sec. 4778.06. (A) An individual seeking to renew a license to 80821
practice as a genetic counselor shall, on or before the 80822
thirty-first day of January of each even-numbered year, apply for 80823
renewal of the license. The state medical board shall ~~send~~ provide 80824
renewal notices at least one month prior to the expiration date. 80825

Renewal applications shall be submitted to the board in a 80826
manner prescribed by the board. Each application shall be 80827
accompanied by a biennial renewal fee of one hundred fifty 80828
dollars. 80829

The applicant shall report any criminal offense to which the 80830

applicant has pleaded guilty, of which the applicant has been 80831
found guilty, or for which the applicant has been found eligible 80832
for intervention in lieu of conviction, since last signing an 80833
application for a license to practice as a genetic counselor. 80834

(B) To be eligible for renewal, a genetic counselor shall 80835
certify to the board that the counselor has done both of the 80836
following: 80837

(1) Maintained the counselor's status as a certified genetic 80838
counselor; 80839

(2) Completed at least thirty hours of continuing education 80840
in genetic counseling that has been approved by the national 80841
society of genetic counselors or American board of genetic 80842
counseling. 80843

(C) If an applicant submits a renewal application that the 80844
board considers to be complete and qualifies for renewal pursuant 80845
to division (B) of this section, the board shall issue to the 80846
applicant a renewed license to practice as a genetic counselor. 80847

(D) The board may require a random sample of genetic 80848
counselors to submit materials documenting that their status as 80849
certified genetic counselors has been maintained and that the 80850
number of hours of continuing education required under division 80851
(B)(2) of this section has been completed. 80852

If a genetic counselor certifies that the genetic counselor 80853
has completed the number of hours and type of continuing education 80854
required for renewal of a license, and the board finds through the 80855
random sample or any other means that the genetic counselor did 80856
not complete the requisite continuing education, the board may 80857
impose a civil penalty of not more than five thousand dollars. ~~The~~ 80858
If a civil penalty is imposed in addition to any other action the 80859
board takes under section 4778.14 of the Revised Code, the board's 80860
finding shall be made pursuant to an adjudication under Chapter 80861

119. of the Revised Code and by an affirmative vote of not fewer 80862
than six members. A civil penalty imposed under this division may 80863
be in addition to or in lieu of any other action the board may 80864
take under section 4778.14 of the Revised Code. The board shall 80865
deposit civil penalties in accordance with section 4731.24 of the 80866
Revised Code. 80867

Sec. 4778.14. (A) The state medical board, by an affirmative 80868
vote of not fewer than six members, may revoke or may refuse to 80869
grant a license to practice as a genetic counselor to an 80870
individual found by the board to have committed fraud, 80871
misrepresentation, or deception in applying for or securing the 80872
license. 80873

(B) The board, by an affirmative vote of not fewer than six 80874
members, shall, to the extent permitted by law, limit, revoke, or 80875
suspend an individual's license to practice as a genetic 80876
counselor, refuse to issue a license to an applicant, refuse to 80877
renew a license, refuse to reinstate a license, or reprimand or 80878
place on probation the holder of a license for any of the 80879
following reasons: 80880

(1) Permitting the holder's name or license to be used by 80881
another person; 80882

(2) Failure to comply with the requirements of this chapter, 80883
Chapter 4731. of the Revised Code, or any rules adopted by the 80884
board; 80885

(3) Violating or attempting to violate, directly or 80886
indirectly, or assisting in or abetting the violation of, or 80887
conspiring to violate, any provision of this chapter, Chapter 80888
4731. of the Revised Code, or the rules adopted by the board; 80889

(4) A departure from, or failure to conform to, minimal 80890
standards of care of similar practitioners under the same or 80891

similar circumstances whether or not actual injury to the patient 80892
is established; 80893

(5) Inability to practice according to acceptable and 80894
prevailing standards of care by reason of mental illness or 80895
physical illness, including physical deterioration that adversely 80896
affects cognitive, motor, or perceptive skills; 80897

(6) Impairment of ability to practice according to acceptable 80898
and prevailing standards of care because of habitual or excessive 80899
use or abuse of drugs, alcohol, or other substances that impair 80900
ability to practice; 80901

(7) Willfully betraying a professional confidence; 80902

(8) Making a false, fraudulent, deceptive, or misleading 80903
statement in securing or attempting to secure a license to 80904
practice as a genetic counselor. 80905

As used in this division, "false, fraudulent, deceptive, or 80906
misleading statement" means a statement that includes a 80907
misrepresentation of fact, is likely to mislead or deceive because 80908
of a failure to disclose material facts, is intended or is likely 80909
to create false or unjustified expectations of favorable results, 80910
or includes representations or implications that in reasonable 80911
probability will cause an ordinarily prudent person to 80912
misunderstand or be deceived. 80913

(9) The obtaining of, or attempting to obtain, money or a 80914
thing of value by fraudulent misrepresentations in the course of 80915
practice; 80916

(10) A plea of guilty to, a judicial finding of guilt of, or 80917
a judicial finding of eligibility for intervention in lieu of 80918
conviction for, a felony; 80919

(11) Commission of an act that constitutes a felony in this 80920
state, regardless of the jurisdiction in which the act was 80921

committed; 80922

(12) A plea of guilty to, a judicial finding of guilt of, or 80923
a judicial finding of eligibility for intervention in lieu of 80924
conviction for, a misdemeanor committed in the course of practice; 80925

(13) A plea of guilty to, a judicial finding of guilt of, or 80926
a judicial finding of eligibility for intervention in lieu of 80927
conviction for, a misdemeanor involving moral turpitude; 80928

(14) Commission of an act in the course of practice that 80929
constitutes a misdemeanor in this state, regardless of the 80930
jurisdiction in which the act was committed; 80931

(15) Commission of an act involving moral turpitude that 80932
constitutes a misdemeanor in this state, regardless of the 80933
jurisdiction in which the act was committed; 80934

(16) A plea of guilty to, a judicial finding of guilt of, or 80935
a judicial finding of eligibility for intervention in lieu of 80936
conviction for violating any state or federal law regulating the 80937
possession, distribution, or use of any drug, including 80938
trafficking in drugs; 80939

(17) Any of the following actions taken by an agency 80940
responsible for authorizing, certifying, or regulating an 80941
individual to practice a health care occupation or provide health 80942
care services in this state or in another jurisdiction, for any 80943
reason other than the nonpayment of fees: the limitation, 80944
revocation, or suspension of an individual's license to practice; 80945
acceptance of an individual's license surrender; denial of a 80946
license; refusal to renew or reinstate a license; imposition of 80947
probation; or issuance of an order of censure or other reprimand; 80948

(18) Violation of the conditions placed by the board on a 80949
license to practice as a genetic counselor; 80950

(19) Failure to cooperate in an investigation conducted by 80951

the board under section 4778.18 of the Revised Code, including 80952
failure to comply with a subpoena or order issued by the board or 80953
failure to answer truthfully a question presented by the board at 80954
a deposition or in written interrogatories, except that failure to 80955
cooperate with an investigation shall not constitute grounds for 80956
discipline under this section if a court of competent jurisdiction 80957
has issued an order that either quashes a subpoena or permits the 80958
individual to withhold the testimony or evidence in issue; 80959

(20) Failure to maintain the individual's status as a 80960
certified genetic counselor; 80961

(21) Failure to comply with the code of ethics established by 80962
the national society of genetic counselors. 80963

(C) Disciplinary actions taken by the board under divisions 80964
(A) and (B) of this section shall be taken pursuant to an 80965
adjudication under Chapter 119. of the Revised Code, except that 80966
in lieu of an adjudication, the board may enter into a consent 80967
agreement with a genetic counselor or applicant to resolve an 80968
allegation of a violation of this chapter or any rule adopted 80969
under it. A consent agreement, when ratified by an affirmative 80970
vote of not fewer than six members of the board, shall constitute 80971
the findings and order of the board with respect to the matter 80972
addressed in the agreement. If the board refuses to ratify a 80973
consent agreement, the admissions and findings contained in the 80974
consent agreement shall be of no force or effect. 80975

A telephone conference call may be utilized for ratification 80976
of a consent agreement that revokes or suspends an individual's 80977
license. The telephone conference call shall be considered a 80978
special meeting under division (F) of section 121.22 of the 80979
Revised Code. 80980

(D) For purposes of divisions (B)(11), (14), and (15) of this 80981
section, the commission of the act may be established by a finding 80982

by the board, pursuant to an adjudication under Chapter 119. of 80983
the Revised Code, that the applicant or license holder committed 80984
the act in question. The board shall have no jurisdiction under 80985
these divisions in cases where the trial court renders a final 80986
judgment in the license holder's favor and that judgment is based 80987
upon an adjudication on the merits. The board shall have 80988
jurisdiction under these divisions in cases where the trial court 80989
issues an order of dismissal on technical or procedural grounds. 80990

(E) The sealing of conviction records by any court shall have 80991
no effect on a prior board order entered under the provisions of 80992
this section or on the board's jurisdiction to take action under 80993
the provisions of this section if, based upon a plea of guilty, a 80994
judicial finding of guilt, or a judicial finding of eligibility 80995
for intervention in lieu of conviction, the board issued a notice 80996
of opportunity for a hearing or took other formal action under 80997
Chapter 119. of the Revised Code prior to the court's order to 80998
seal the records. The board shall not be required to seal, 80999
destroy, redact, or otherwise modify its records to reflect the 81000
court's sealing of conviction records. 81001

(F) For purposes of this division, any individual who holds a 81002
license to practice as a genetic counselor, or applies for a 81003
license, shall be deemed to have given consent to submit to a 81004
mental or physical examination when directed to do so in writing 81005
by the board and to have waived all objections to the 81006
admissibility of testimony or examination reports that constitute 81007
a privileged communication. 81008

(1) In enforcing division (B)(5) of this section, the board, 81009
on a showing of a possible violation, may compel any individual 81010
who holds a license to practice as a genetic counselor or who has 81011
applied for a license to practice as a genetic counselor to submit 81012
to a mental or physical examination, or both. A physical 81013
examination may include an HIV test. The expense of the 81014

examination is the responsibility of the individual compelled to 81015
be examined. Failure to submit to a mental or physical examination 81016
or consent to an HIV test ordered by the board constitutes an 81017
admission of the allegations against the individual unless the 81018
failure is due to circumstances beyond the individual's control, 81019
and a default and final order may be entered without the taking of 81020
testimony or presentation of evidence. If the board finds a 81021
genetic counselor unable to practice because of the reasons set 81022
forth in division (B)(5) of this section, the board shall require 81023
the genetic counselor to submit to care, counseling, or treatment 81024
by physicians approved or designated by the board, as a condition 81025
for an initial, continued, reinstated, or renewed license to 81026
practice. An individual affected by this division shall be 81027
afforded an opportunity to demonstrate to the board the ability to 81028
resume practicing in compliance with acceptable and prevailing 81029
standards of care. 81030

(2) For purposes of division (B)(6) of this section, if the 81031
board has reason to believe that any individual who holds a 81032
license to practice as a genetic counselor or any applicant for a 81033
license suffers such impairment, the board may compel the 81034
individual to submit to a mental or physical examination, or both. 81035
The expense of the examination is the responsibility of the 81036
individual compelled to be examined. Any mental or physical 81037
examination required under this division shall be undertaken by a 81038
treatment provider or physician qualified to conduct such 81039
examination and chosen by the board. 81040

Failure to submit to a mental or physical examination ordered 81041
by the board constitutes an admission of the allegations against 81042
the individual unless the failure is due to circumstances beyond 81043
the individual's control, and a default and final order may be 81044
entered without the taking of testimony or presentation of 81045
evidence. If the board determines that the individual's ability to 81046

practice is impaired, the board shall suspend the individual's 81047
license or deny the individual's application and shall require the 81048
individual, as a condition for an initial, continued, reinstated, 81049
or renewed license, to submit to treatment. 81050

Before being eligible to apply for reinstatement of a license 81051
suspended under this division, the genetic counselor shall 81052
demonstrate to the board the ability to resume practice in 81053
compliance with acceptable and prevailing standards of care. The 81054
demonstration shall include the following: 81055

(a) Certification from a treatment provider approved under 81056
section 4731.25 of the Revised Code that the individual has 81057
successfully completed any required inpatient treatment; 81058

(b) Evidence of continuing full compliance with an aftercare 81059
contract or consent agreement; 81060

(c) Two written reports indicating that the individual's 81061
ability to practice has been assessed and that the individual has 81062
been found capable of practicing according to acceptable and 81063
prevailing standards of care. The reports shall be made by 81064
individuals or providers approved by the board for making such 81065
assessments and shall describe the basis for their determination. 81066

The board may reinstate a license suspended under this 81067
division after such demonstration and after the individual has 81068
entered into a written consent agreement. 81069

When the impaired genetic counselor resumes practice, the 81070
board shall require continued monitoring of the genetic counselor. 81071
The monitoring shall include monitoring of compliance with the 81072
written consent agreement entered into before reinstatement or 81073
with conditions imposed by board order after a hearing, and, on 81074
termination of the consent agreement, submission to the board for 81075
at least two years of annual written progress reports made under 81076
penalty of falsification stating whether the genetic counselor has 81077

maintained sobriety. 81078

(G) If the secretary and supervising member determine both of 81079
the following, they may recommend that the board suspend an 81080
individual's license to practice without a prior hearing: 81081

(1) That there is clear and convincing evidence that a 81082
genetic counselor has violated division (B) of this section; 81083

(2) That the individual's continued practice presents a 81084
danger of immediate and serious harm to the public. 81085

Written allegations shall be prepared for consideration by 81086
the board. The board, on review of the allegations and by an 81087
affirmative vote of not fewer than six of its members, excluding 81088
the secretary and supervising member, may suspend a license 81089
without a prior hearing. A telephone conference call may be 81090
utilized for reviewing the allegations and taking the vote on the 81091
summary suspension. 81092

The board shall issue a written order of suspension by 81093
certified mail or in person in accordance with section 119.07 of 81094
the Revised Code. The order shall not be subject to suspension by 81095
the court during pendency of any appeal filed under section 119.12 81096
of the Revised Code. If the genetic counselor requests an 81097
adjudicatory hearing by the board, the date set for the hearing 81098
shall be within fifteen days, but not earlier than seven days, 81099
after the genetic counselor requests the hearing, unless otherwise 81100
agreed to by both the board and the genetic counselor. 81101

A summary suspension imposed under this division shall remain 81102
in effect, unless reversed on appeal, until a final adjudicative 81103
order issued by the board pursuant to this section and Chapter 81104
119. of the Revised Code becomes effective. The board shall issue 81105
its final adjudicative order within sixty days after completion of 81106
its hearing. Failure to issue the order within sixty days shall 81107
result in dissolution of the summary suspension order, but shall 81108

not invalidate any subsequent, final adjudicative order. 81109

(H) If the board takes action under division (B)(10), (12), 81110
or (13) of this section, and the judicial finding of guilt, guilty 81111
plea, or judicial finding of eligibility for intervention in lieu 81112
of conviction is overturned on appeal, on exhaustion of the 81113
criminal appeal, a petition for reconsideration of the order may 81114
be filed with the board along with appropriate court documents. On 81115
receipt of a petition and supporting court documents, the board 81116
shall reinstate the license to practice as a genetic counselor. 81117
The board may then hold an adjudication under Chapter 119. of the 81118
Revised Code to determine whether the individual committed the act 81119
in question. Notice of opportunity for hearing shall be given in 81120
accordance with Chapter 119. of the Revised Code. If the board 81121
finds, pursuant to an adjudication held under this division, that 81122
the individual committed the act, or if no hearing is requested, 81123
it may order any of the sanctions specified in division (B) of 81124
this section. 81125

(I) The license to practice as a genetic counselor and the 81126
counselor's practice in this state are automatically suspended as 81127
of the date the genetic counselor pleads guilty to, is found by a 81128
judge or jury to be guilty of, or is subject to a judicial finding 81129
of eligibility for intervention in lieu of conviction in this 81130
state or treatment of intervention in lieu of conviction in 81131
another jurisdiction for any of the following criminal offenses in 81132
this state or a substantially equivalent criminal offense in 81133
another jurisdiction: aggravated murder, murder, voluntary 81134
manslaughter, felonious assault, kidnapping, rape, sexual battery, 81135
gross sexual imposition, aggravated arson, aggravated robbery, or 81136
aggravated burglary. Continued practice after the suspension shall 81137
be considered practicing without a license. 81138

The board shall notify the individual subject to the 81139
suspension by certified mail or in person in accordance with 81140

section 119.07 of the Revised Code. If an individual whose license
is suspended under this division fails to make a timely request
for an adjudication under Chapter 119. of the Revised Code, the
board shall enter a final order permanently revoking the
individual's license to practice.

(J) In any instance in which the board is required by Chapter
119. of the Revised Code to give notice of opportunity for hearing
and the individual subject to the notice does not timely request a
hearing in accordance with section 119.07 of the Revised Code, the
board is not required to hold a hearing, but may adopt, by an
affirmative vote of not fewer than six of its members, a final
order that contains the board's findings. In the final order, the
board may order any of the sanctions identified under division (A)
or (B) of this section.

(K) Any action taken by the board under division (B) of this
section resulting in a suspension shall be accompanied by a
written statement of the conditions under which the license of the
genetic counselor may be reinstated. The board shall adopt rules
in accordance with Chapter 119. of the Revised Code governing
conditions to be imposed for reinstatement. Reinstatement of a
license suspended pursuant to division (B) of this section
requires an affirmative vote of not fewer than six members of the
board.

(L) When the board refuses to grant or issue a license to
practice as a genetic counselor to an applicant, revokes an
individual's license, refuses to renew a an individual's license,
or refuses to reinstate an individual's license, the board may
specify that its action is permanent. An individual subject to a
permanent action taken by the board is forever thereafter
ineligible to hold a license to practice as a genetic counselor
and the board shall not accept an application for reinstatement of
the license or for issuance of a new license.

(M) Notwithstanding any other provision of the Revised Code, 81173
all of the following apply: 81174

(1) The surrender of a license to practice as a genetic 81175
counselor is not effective unless or until accepted by the board. 81176
A telephone conference call may be utilized for acceptance of the 81177
surrender of an individual's license. The telephone conference 81178
call shall be considered a special meeting under division (F) of 81179
section 121.22 of the Revised Code. Reinstatement of a license 81180
surrendered to the board requires an affirmative vote of not fewer 81181
than six members of the board. 81182

(2) An application made under this chapter for a license to 81183
practice may not be withdrawn without approval of the board. 81184

(3) Failure by an individual to renew a license in accordance 81185
with section 4778.06 of the Revised Code shall not remove or limit 81186
the board's jurisdiction to take disciplinary action under this 81187
section against the individual. 81188

Sec. 4778.141. (A)(1) If a genetic counselor violates any 81189
section of this chapter other than section 4778.06 of the Revised 81190
Code or violates any rule adopted under this chapter, the state 81191
medical board may, pursuant to an adjudication under Chapter 119. 81192
of the Revised Code and an affirmative vote of not fewer than six 81193
of its members, impose a civil penalty. The amount of the civil 81194
penalty shall be determined by the board in accordance with 81195
guidelines adopted under division (A)(2) of this section. The 81196
civil penalty may be in addition to any other action the board may 81197
take under section 4778.14 of the Revised Code. 81198

(2) The board shall adopt and may amend guidelines regarding 81199
the amounts of civil penalties to be imposed under this section. 81200
Adoption or amendment of the guidelines requires the approval of 81201
not fewer than six board members. 81202

Under the guidelines, no civil penalty amount shall exceed 81203
twenty thousand dollars. 81204

(B) Amounts received from payment of civil penalties imposed 81205
under this section shall be deposited by the board in accordance 81206
with section 4731.24 of the Revised Code. Amounts received from 81207
payment of civil penalties imposed for violations of division 81208
(B)(6) of section 4778.14 of the Revised Code shall be used by the 81209
board solely for investigations, enforcement, and compliance 81210
monitoring. 81211

Sec. 4905.71. (A) Every telephone or electric light company 81212
that is a public utility as defined by section 4905.02 of the 81213
Revised Code and, subject to section 4927.15 of the Revised Code, 81214
every incumbent local exchange carrier as defined by section 81215
4927.01 of the Revised Code shall permit, upon reasonable terms 81216
and conditions and the payment of reasonable charges, the 81217
attachment of any wire, cable, facility, or apparatus to its 81218
poles, pedestals, or placement of same in conduit duct space, by 81219
any person or entity other than a public utility that is 81220
authorized and has obtained, under law, any necessary public or 81221
private authorization and permission to construct and maintain the 81222
attachment, so long as the attachment does not interfere, 81223
obstruct, or delay the service and operation of the ~~telephone or~~ 81224
~~electric light~~ company or carrier, or create a hazard to safety. 81225
Every such ~~telephone or electric light~~ company or carrier shall 81226
file tariffs with the public utilities commission containing the 81227
charges, terms, and conditions established for such use. 81228

(B) The commission shall regulate the justness and 81229
reasonableness of the charges, terms, and conditions contained in 81230
any such tariff, and may, upon complaint of any persons in which 81231
it appears that reasonable grounds for complaint are stated, or 81232
upon its own initiative, investigate such charges, terms, and 81233

conditions and conduct a hearing to establish just and reasonable 81234
charges, terms, and conditions, and to resolve any controversy 81235
that may arise among the parties as to such attachment. 81236

Sec. 4905.81. The public utilities commission shall: 81237

(A) Supervise and regulate each motor carrier; 81238

(B) Regulate the safety of operation of each motor carrier, 81239
and of each intermodal equipment provider as defined in section 81240
4923.041 of the Revised Code; 81241

(C) Adopt reasonable safety rules applicable to the highway 81242
transportation of persons or property in interstate and intrastate 81243
commerce by motor carriers; 81244

(D) Adopt safety rules applicable to the transportation and 81245
offering for transportation of hazardous materials in interstate 81246
and intrastate commerce by motor carriers. The rules shall not be 81247
incompatible with the requirements of the United States department 81248
of transportation. 81249

(E) Require the filing of reports and other data by motor 81250
carriers; 81251

(F) Adopt reasonable rules for the administration and 81252
enforcement of this chapter and Chapters 4901., 4903., 4907., 81253
4909., 4921., and 4923. of the Revised Code applying to each motor 81254
carrier in this state; 81255

(G) Supervise and regulate motor carriers in all other 81256
matters affecting the relationship between those carriers and the 81257
public to the exclusion of all local authorities, except as 81258
provided in this section. The commission, in the exercise of the 81259
jurisdiction conferred upon it by this chapter and Chapters 4901., 81260
4903., 4907., 4909., 4921., and 4923. of the Revised Code, may 81261
adopt rules affecting motor carriers, notwithstanding the 81262
provisions of any ordinance, resolution, license, or permit 81263

enacted, adopted, or granted by any township, municipal 81264
corporation, municipal corporation and county, or county. In case 81265
of conflict between any such ordinance, resolution, license, or 81266
permit, the order or rule of the commission shall prevail. Local 81267
subdivisions may adopt reasonable local police rules within their 81268
respective boundaries not inconsistent with those chapters and 81269
rules adopted under them. 81270

The commission has jurisdiction to receive, hear, and 81271
determine as a question of fact, upon complaint of any party or 81272
upon its own motion, and upon not less than fifteen days' notice 81273
of the time and place of the hearing and the matter to be heard, 81274
whether any corporation, company, association, joint-stock 81275
association, person, firm, or copartnership, or their lessees, 81276
legal or personal representatives, trustees, or receivers or 81277
trustees appointed by any court, is engaged as a motor carrier. 81278
The finding of the commission on such a question is a final order 81279
that may be reviewed as provided in section 4923.15 of the Revised 81280
Code. 81281

Sec. 4909.161. (A) Notwithstanding the provisions of Chapters 81282
4905. and 4909. of the Revised Code, the payment of any type of 81283
increased excise tax levy shall be considered to be a normal 81284
expense incurred by a public utility in the course of rendering 81285
service to the public, and may be recovered as such in accordance 81286
with an order of the public utilities commission. Any public 81287
utility required to pay any such increased excise tax levy may 81288
file with the public utilities commission revised rate schedules 81289
that will permit full recovery on an interim or permanent basis in 81290
its rates, of the amount of any resultant increased tax payments 81291
and the commission shall promptly act to approve such schedules. 81292
81293

(B) Notwithstanding Chapters 4905. and 4909. of the Revised 81294

Code, the payment of the kilowatt-hour tax imposed by section 81295
5727.81 of the Revised Code shall be considered a normal expense 81296
incurred by an electric distribution utility, as defined in 81297
section 4928.01 of the Revised Code, in the course of rendering 81298
service to the public, and may be recovered as such in accordance 81299
with an order of the commission. An electric distribution utility 81300
required to pay the kilowatt-hour tax may file with the commission 81301
revised rate schedules, consistent with Chapters 4905. and 4909. 81302
and division (A)(6) of section 4928.34 of the Revised Code, that 81303
will permit full recovery on a permanent basis in its rates, of 81304
the amount of any resultant tax payments, after taking into 81305
account any reductions of taxes in its rates resulting from Sub. 81306
S.B. No. 3 of the 123rd general assembly, and the commission shall 81307
act promptly to approve those schedules. 81308

(C) Notwithstanding the provisions of Chapters 4905. and 81309
4909. of the Revised Code, the payment of any increased tax on 81310
transmission and distribution property and energy conversion 81311
equipment that results from the amendment of divisions (E) and (H) 81312
of section 5727.111 of the Revised Code by H.B. 64 of the 131st 81313
general assembly shall be considered to be a normal expense 81314
incurred by an electric company in the course of rendering service 81315
to the public, and may be recovered as such in accordance with an 81316
order of the commission. Any electric company required to pay any 81317
such increased tax may file with the commission a request for a 81318
reconcilable rider that will permit full recovery of the amount of 81319
any resultant increased tax payments, and the commission shall 81320
promptly approve the rider. 81321

Sec. 4923.04. (A)~~(1)~~ The public utilities commission shall 81322
adopt rules applicable to ~~the~~ all of the following: 81323

(1) The transportation of persons or property by motor 81324
carriers operating in interstate and intrastate commerce.; 81325

(2) The ~~commission shall adopt rules applicable to the~~ 81326
highway transportation and offering for transportation of 81327
hazardous materials by motor carriers, and persons engaging in the 81328
highway transportation and offering for transportation of 81329
hazardous materials, operating in interstate or intrastate 81330
commerce; 81331

(3) The use and interchange of intermodal equipment, as those 81332
terms are defined in section 4923.041 of the Revised Code. 81333

(B) The rules adopted under division (A) of this section 81334
shall not be incompatible with the requirements of the United 81335
States department of transportation. 81336

(C) To achieve the purposes of this chapter and to assist the 81337
commission in the performance of any of its powers or duties, the 81338
commission, either through the public utilities commissioners or 81339
employees authorized by it, may do either or both of the 81340
following: 81341

(1) Apply for, and any judge of a court of record of 81342
competent jurisdiction may issue, an appropriate search warrant; 81343

(2) Examine under oath, at the offices of the commission, any 81344
officer, agent, or employee of any person subject to this chapter. 81345
The commission, by subpoena, also may compel the attendance of a 81346
witness for the purpose of the examination and, by subpoena duces 81347
tecum, may compel the production of all books, contracts, records, 81348
and documents that relate to ~~the transportation and offering for~~ 81349
~~transportation of hazardous materials~~ compliance with this chapter 81350
or compliance with rules adopted under this chapter. 81351

Sec. 4923.041. (A) As used in section 4923.04 of the Revised 81352
Code: 81353

"Interchange" means the act of providing intermodal equipment 81354
to a motor carrier pursuant to an intermodal equipment interchange 81355

agreement for the purpose of transporting the equipment for 81356
loading or unloading by any person or repositioning the equipment 81357
for the benefit of the equipment provider, but it does not include 81358
the leasing of equipment to a motor carrier for primary use in the 81359
motor carrier's freight hauling operations. 81360

"Intermodal equipment" means trailing equipment that is used 81361
in the intermodal transportation of containers over public 81362
highways in interstate commerce, including trailers and chassis. 81363

(B) As used in this section: 81364

"Intermodal equipment interchange agreement" means the 81365
uniform intermodal interchange and facilities access agreement or 81366
any other written document executed by an intermodal equipment 81367
provider or its agent and a motor carrier or its agent, the 81368
primary purpose of which is to establish the responsibilities and 81369
liabilities of both parties with respect to the interchange of the 81370
intermodal equipment. 81371

"Intermodal equipment provider" means any person that 81372
interchanges intermodal equipment with a motor carrier pursuant to 81373
a written interchange agreement or has a contractual 81374
responsibility for the maintenance of the intermodal equipment. 81375

"Person" means any individual, partnership, association, 81376
corporation, business trust, or any other organized group of 81377
individuals. 81378

Sec. 4927.01. (A) As used in this chapter: 81379

(1) "Basic local exchange service" means residential-end-user 81380
access to and usage of telephone-company-provided services over a 81381
single line or small-business-end-user access to and usage of 81382
telephone-company-provided services over the primary access line 81383
of service, which in the case of residential and small-business 81384
access and usage is not part of a bundle or package of services, 81385

that does both of the following: 81386

(a) Enables a customer to originate or receive voice 81387
communications within a local service area as that area exists on 81388
September 13, 2010, ~~the effective date of the amendment of this~~ 81389
~~section by S.B. 162 of the 128th general assembly or as that area~~ 81390
is changed with the approval of the public utilities commission; 81391

(b) Consists of all of the following services: 81392

(i) Local dial tone service; 81393

(ii) For residential end users, flat-rate telephone exchange 81394
service; 81395

(iii) Touch tone dialing service; 81396

(iv) Access to and usage of 9-1-1 services, where such 81397
services are available; 81398

(v) Access to operator services and directory assistance; 81399

(vi) Provision of a telephone directory in any reasonable 81400
format for no additional charge and a listing in that directory, 81401
with reasonable accommodations made for private listings; 81402

(vii) Per call, caller identification blocking services; 81403

(viii) Access to telecommunications relay service; and 81404

(ix) Access to toll presubscription, interexchange or toll 81405
providers or both, and networks of other telephone companies. 81406

"Basic local exchange service" excludes any voice service to 81407
which customers are transitioned following a withdrawal of basic 81408
local exchange service under section 4927.10 of the Revised Code. 81409

(2) "Bundle or package of services" means one or more 81410
telecommunications services or other services offered together as 81411
one service option at a single price. 81412

(3) "Carrier access" means access to and usage of telephone 81413
company-provided facilities that enable end user customers 81414

originating or receiving voice grade, data, or image 81415
communications, over a local exchange telephone company network 81416
operated within a local service area, to access interexchange or 81417
other networks and includes special access. 81418

(4) "Federal poverty level" means the income level 81419
represented by the poverty guidelines as revised annually by the 81420
United States department of health and human services in 81421
accordance with section 673(2) of the "Omnibus Reconciliation Act 81422
of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family 81423
size equal to the size of the family of the person whose income is 81424
being determined. 81425

(5) "Incumbent local exchange carrier" means, with respect to 81426
an area, the local exchange carrier that: 81427

(a) On February 8, 1996, provided telephone exchange service 81428
in such area; and 81429

(b)(i) On February 8, 1996, was deemed to be a member of the 81430
exchange carrier association pursuant to 47 C.F.R. 69.601(b); or 81431

(ii) Is a person or entity that, on or after February 8, 81432
1996, became a successor or assign of a member described in 81433
division (A)(5)(b)(i) of this section. 81434

(6) "Internet protocol-enabled services" means any services, 81435
capabilities, functionalities, or applications that are provided 81436
using internet protocol or a successor protocol to enable an end 81437
user to send or receive communications in internet protocol format 81438
or a successor format, regardless of how any particular such 81439
service is classified by the federal communications commission, 81440
and includes voice over internet protocol service. 81441

(7) "Interstate-access component" means the portion of 81442
carrier access that is within the jurisdiction of the federal 81443
communications commission. 81444

(8) "Local exchange carrier" means any person engaged in the 81445
provision of telephone exchange service, or the offering of access 81446
to telephone exchange service or facilities for the purpose of 81447
originating or terminating telephone toll service. 81448

~~(8)~~(9) "Local service area" means the geographic area that 81449
may encompass more than one exchange area and within which a 81450
telephone customer, by paying the rate for basic local exchange 81451
service, may complete calls to other telephone customers without 81452
being assessed long distance toll charges. 81453

~~(9)~~(10) "Small business" means a nonresidential service 81454
customer with three or fewer service access lines. 81455

~~(10)~~(11) "Telecommunications" means the transmission, between 81456
or among points specified by the user, of information of the 81457
user's choosing, without change in the form or content of the 81458
information as sent and received. 81459

~~(11)~~(12) "Telecommunications carrier" has the same meaning as 81460
in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 81461
153. 81462

~~(12)~~(13) "Telecommunications service" means the offering of 81463
telecommunications for a fee directly to the public, or to such 81464
classes of users as to be effectively available directly to the 81465
public, regardless of the facilities used. 81466

~~(13)~~(14) "Telephone company" means a company described in 81467
division (A) of section 4905.03 of the Revised Code that is a 81468
public utility under section 4905.02 of the Revised Code. 81469

~~(14)~~(15) "Telephone exchange service" means 81470
telecommunications service that is within a telephone exchange, or 81471
within a connected system of telephone exchanges within the same 81472
exchange area operated to furnish to subscribers 81473
intercommunicating service of the character ordinarily furnished 81474
by a single exchange, and that is covered by the exchange service 81475

charge; or comparable service provided through a system of 81476
switches, transmission equipment, or other facilities, or 81477
combination thereof, by which a customer can originate and 81478
terminate a telecommunications service. 81479

~~(15)~~(16) "Telephone toll service" means telephone service 81480
between stations in different exchange areas for which there is 81481
made a separate charge not included in contracts with customers 81482
for exchange service. 81483

~~(16)~~(17) "Voice over internet protocol service" means a 81484
service that ~~uses a broadband connection from an end user's~~ 81485
~~location and~~ enables real-time, two-way, voice communications that 81486
originate or terminate from the user's location using internet 81487
protocol or a successor protocol, including, but not limited to, 81488
any such service that permits an end user to receive calls from 81489
and terminate calls to the public switched network. 81490

~~(17)~~(18) "Voice service" includes all of the applicable 81491
functionalities described in 47 C.F.R. 54.101(a). "Voice service" 81492
is not the same as basic local exchange service. 81493

(19) "Wireless service" means federally licensed commercial 81494
mobile service as defined in the "Telecommunications Act of 1996," 81495
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 81496
commercial mobile radio service in 47 C.F.R. 20.3. Under division 81497
(A)~~(17)~~(19) of this section, commercial mobile radio service is 81498
specifically limited to mobile telephone, mobile cellular 81499
telephone, paging, personal communications services, and 81500
specialized mobile radio service provided by a common carrier in 81501
this state and excludes fixed wireless service. 81502

~~(18)~~(20) "Wireless service provider" means a facilities-based 81503
provider of wireless service to one or more end users in this 81504
state. 81505

(B) The definitions of this section shall be applied 81506

consistent with the definitions in the "Telecommunications Act of 81507
1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with 81508
federal decisions interpreting those definitions. 81509

Sec. 4927.02. (A) It is the policy of this state to: 81510

(1) Ensure the availability of adequate basic local exchange 81511
service or voice service to citizens throughout the state; 81512

(2) Provide incentives for competing providers of 81513
telecommunications service to provide advanced, high-quality 81514
telecommunications service to citizens throughout the state; 81515

(3) Rely primarily on market forces, where they exist, to 81516
maintain reasonable service levels for telecommunications services 81517
at reasonable rates; 81518

(4) Encourage innovation in the telecommunications industry 81519
and the deployment of advanced telecommunications services; 81520

(5) Create a regulatory climate that provides incentives to 81521
create and maintain high technology jobs for Ohioans; 81522

(6) Promote diversity and options in the supply of 81523
telecommunications services and equipment throughout the state; 81524

(7) Recognize the continuing emergence of a competitive 81525
telecommunications environment through flexible regulatory 81526
treatment of telecommunications services where appropriate; 81527

(8) Consider the regulatory treatment of competing and 81528
functionally equivalent services and, to the extent practicable, 81529
provide for equivalent regulation of all telephone companies and 81530
services; 81531

(9) Not unduly favor or advantage any provider and not unduly 81532
disadvantage providers of competing and functionally equivalent 81533
services; and 81534

(10) Protect the affordability of telephone service for 81535

low-income subscribers through the continuation of federal 81536
lifeline assistance programs. 81537

(B) The public utilities commission shall consider the policy 81538
set forth in this section in carrying out this chapter. 81539

Sec. 4927.07. (A) A Except as provided under the notice 81540
requirements of section 4927.10 of the Revised Code, a telephone 81541
company may withdraw any telecommunications service if it gives at 81542
least thirty days' prior notice to the public utilities commission 81543
and to its affected customers. 81544

(B) A Except as provided under the notice requirements of 81545
section 4927.10 of the Revised Code, a telephone company may 81546
abandon entirely telecommunications service in this state if it 81547
gives at least thirty days' prior notice to the commission, to its 81548
wholesale and retail customers, and to any telephone company 81549
wholesale provider of its services. 81550

(C) Divisions (A) and (B) of this section do not apply to any 81551
of the following: 81552

(1) ~~Basic local exchange service provided by an incumbent~~ 81553
~~local exchange carrier;~~ 81554

~~(2)~~ Pole attachments under section 4905.71 of the Revised 81555
Code; 81556

~~(3)~~(2) Conduit occupancy under section 4905.71 of the Revised 81557
Code; 81558

~~(4)~~(3) Interconnection and resale agreements approved under 81559
the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151 81560
et seq., as amended. 81561

(D) ~~An~~ Except as provided in section 4927.10 of the Revised 81562
Code, an incumbent local exchange carrier may not withdraw or 81563
abandon basic local exchange service. 81564

(E) A Neither a telephone company nor an incumbent local 81565
exchange carrier may ~~not~~, without first filing a request with the 81566
commission and obtaining commission approval, withdraw any tariff 81567
filed with the commission for pole attachments or conduit 81568
occupancy under section 4905.71 of the Revised Code or abandon 81569
service provided under that section. 81570

Sec. 4927.10. (A) Subject to division (B) of this section, if 81571
the federal communications commission adopts an order that allows 81572
an incumbent local exchange carrier to withdraw the 81573
interstate-access component of its basic local exchange service 81574
under 47 U.S.C. 214, neither of the following shall apply, 81575
beginning when the order is adopted, with regard to any exchange 81576
area in which an incumbent local exchange carrier withdraws that 81577
component: 81578

(1) The prohibition contained in division (D) of section 81579
4927.07 of the Revised Code against the withdrawal or abandonment 81580
of basic local exchange service by an incumbent local exchange 81581
carrier, provided that the carrier gives at least one hundred 81582
twenty days' prior notice to the public utilities commission and 81583
to its affected customers of the withdrawal or abandonment; 81584

(2) The requirements contained in division (A) of section 81585
4927.11 of the Revised Code. 81586

(B) If a residential customer to whom notice has been given 81587
under this section will be unable to obtain reasonable and 81588
comparatively priced voice service upon the carrier's withdrawal 81589
or abandonment of basic local exchange service, the customer may 81590
file a petition with the public utilities commission not later 81591
than ninety days prior to the effective date of the withdrawal or 81592
abandonment. If a residential customer is identified by the 81593
collaborative process established under Section 749.10 of H.B. 64 81594
of the 131st general assembly as a customer who will be unable to 81595

obtain reasonable and comparatively priced voice service upon the 81596
withdrawal or abandonment of basic local exchange service, that 81597
customer shall be treated as though the customer filed a timely 81598
petition under this division. 81599

(1) The public utilities commission shall issue an order 81600
disposing of the petition not later than ninety days after the 81601
filing of the petition. 81602

(a) If the public utilities commission determines after an 81603
investigation that no reasonable and comparatively priced voice 81604
service will be available to the affected customer at the 81605
customer's residence, the public utilities commission shall 81606
attempt to identify a willing provider of a reasonable and 81607
comparatively priced voice service to serve the customer. 81608

(b) If no willing provider is identified, the public 81609
utilities commission may order the withdrawing or abandoning 81610
carrier to provide a reasonable and comparatively priced voice 81611
service to the customer at the customer's residence. 81612

(c) The willing provider or the carrier, as applicable, may 81613
utilize any technology or service arrangement to provide the voice 81614
service. 81615

(2) Except as provided in division (B)(2) of this section, an 81616
order adopted under division (B)(1)(b) of this section shall not 81617
be in effect for more than twelve months after the date that it is 81618
issued. If an order is issued under division (B)(1)(b) of this 81619
section, the public utilities commission shall evaluate, during 81620
the twelve-month period in which the order is effective, whether 81621
an alternative reasonable and comparatively priced voice service 81622
is found to exist for the affected customer. If no such voice 81623
service is available, the public utilities commission may extend 81624
the order for one additional twelve-month period. If, at the end 81625
of the second twelve-month period, no alternative reasonable and 81626

comparatively priced voice service is available, the public 81627
utilities commission may order the withdrawing or abandoning 81628
carrier to continue to provide a reasonable and comparatively 81629
priced voice service to the affected customer at the customer's 81630
residence, utilizing any technology or service arrangement to 81631
provide the voice service. 81632

(3) For purposes of this division, the public utilities 81633
commission shall define the term "reasonable and comparatively 81634
priced voice service" to include service that provides voice grade 81635
access to the public switched network or its functional 81636
equivalent, access to 9-1-1, and that is competitively priced, 81637
when considering all the alternatives in the marketplace and their 81638
functionalities. 81639

Sec. 4927.101. (A) Section 4927.10 of the Revised Code and 81640
the amendments to sections 4927.01, 4927.02, 4927.07, and 4927.11 81641
of the Revised Code made by H.B. 64 of the 131st general assembly 81642
shall not affect any of the following: 81643

(1) Any contractual obligation, including agreements under 81644
the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 251 81645
and 252, as amended; 81646

(2) Any right or obligation under federal law or rules; 81647

(3) The carrier-access requirements under section 4927.15 of 81648
the Revised Code; 81649

(4) Any right or obligation under section 4905.71 of the 81650
Revised Code; 81651

(5) Any state law or rule adopted under this title related to 81652
wholesale rights or obligations. 81653

(B) The amendments to section 4927.15 of the Revised Code 81654
made by H.B. 64 of the 131st general assembly shall not affect the 81655
obligations and rights described in divisions (A)(1), (2), (4), 81656

and (5) of this section. 81657

Sec. 4927.11. (A) Except as otherwise provided in this 81658
section and section 4927.10 of the Revised Code, an incumbent 81659
local exchange carrier shall provide basic local exchange service 81660
to all persons or entities in its service area requesting that 81661
service, and that service shall be provided on a reasonable and 81662
nondiscriminatory basis. 81663

(B)(1) An incumbent local exchange carrier is not obligated 81664
to construct facilities and provide basic local exchange service, 81665
or any other telecommunications service, to the occupants of 81666
multitenant real estate, including, but not limited to, 81667
apartments, condominiums, subdivisions, office buildings, or 81668
office parks, if the owner, operator, or developer of the 81669
multitenant real estate does any of the following to the benefit 81670
of any other telecommunications service provider: 81671

(a) Permits only one provider of telecommunications service 81672
to install the company's facilities or equipment during the 81673
construction or development phase of the multitenant real estate; 81674

(b) Accepts or agrees to accept incentives or rewards that 81675
are offered by a telecommunications service provider to the owner, 81676
operator, developer, or occupants of the multitenant real estate 81677
and are contingent on the provision of telecommunications service 81678
by that provider to the occupants, to the exclusion of services 81679
provided by other telecommunications service providers; 81680

(c) Collects from the occupants of the multitenant real 81681
estate any charges for the provision of telecommunications service 81682
to the occupants, including charges collected through rents, fees, 81683
or dues. 81684

(2) A carrier not obligated to construct facilities and 81685
provide basic local exchange service pursuant to division (B)(1) 81686

of this section shall notify the public utilities commission of 81687
that fact within one hundred twenty days of receiving knowledge 81688
thereof. 81689

(3) The commission by rule may establish a process for 81690
determining a necessary successor telephone company to provide 81691
service to real estate described in division (B)(1) of this 81692
section when the circumstances described in that division cease to 81693
exist. 81694

(4) An incumbent local exchange carrier that receives a 81695
request from any person or entity to provide service under the 81696
circumstances described in division (B)(1) of this section shall, 81697
within fifteen days of such receipt, provide notice to the person 81698
or entity specifying whether the carrier will provide the 81699
requested service. If the carrier provides notice that it will not 81700
serve the person or entity, the notice shall describe the person's 81701
or entity's right to file a complaint with the commission under 81702
section 4927.21 of the Revised Code within thirty days after 81703
receipt of the notice. In resolving any such complaint, the 81704
commission's determination shall be limited to whether any 81705
circumstance described in divisions (B)(1)(a) to (c) of this 81706
section exists. Upon a finding by the commission that such a 81707
circumstance exists, the complaint shall be dismissed. Upon a 81708
finding that such circumstances do not exist, the person's or 81709
entity's sole remedy shall be provision by the carrier of the 81710
requested service within a reasonable time. 81711

(C) An incumbent local exchange carrier may apply to the 81712
commission for a waiver from compliance with division (A) of this 81713
section. The application shall include, at a minimum, the reason 81714
for the requested waiver, the number of persons or entities who 81715
would be impacted by the waiver, and the alternatives that would 81716
be available to those persons or entities if the waiver were 81717
granted. The incumbent local exchange carrier applying for the 81718

waiver shall publish notice of the waiver application one time in 81719
a newspaper of general circulation throughout the service area 81720
identified in the application and shall provide additional notice 81721
to affected persons or entities as required by the commission in 81722
rules adopted under this division. The commission's rules shall 81723
define "affected" for purposes of this division. The commission 81724
shall afford such persons or entities a reasonable opportunity to 81725
comment to the commission on the application. This opportunity 81726
shall include a public hearing conducted in accordance with rules 81727
adopted under this division and conducted in the service area 81728
identified in the application. After a reasonable opportunity to 81729
comment has been provided, but not later than one hundred twenty 81730
days after the application is filed, the commission either shall 81731
issue an order granting the waiver if, upon investigation, it 81732
finds the waiver to be just, reasonable, and not contrary to the 81733
public interest, and that the applicant demonstrates a financial 81734
hardship or an unusual technical limitation, or shall issue an 81735
order denying the waiver based on a failure to meet those 81736
standards and specifying the reasons for the denial. The 81737
commission shall adopt rules to implement division (C) of this 81738
section. 81739

Sec. 4927.15. (A)(1) The rates, terms, and conditions for 81740
9-1-1 service provided in this state by a telephone company or a 81741
telecommunications carrier and each of the following provided in 81742
this state by a telephone company shall be approved and tariffed 81743
in the manner prescribed by rule adopted by the public utilities 81744
commission and shall be subject to the applicable laws, including 81745
rules or regulations adopted and orders issued by the commission 81746
or the federal communications commission: 81747

~~(1) Carrier access;~~ 81748

~~(2)(a)~~ N-1-1 services, other than 9-1-1 service; 81749

~~(3) Pole attachments and conduit occupancy under section~~	81750
~~4905.71 of the Revised Code;~~	81751
~~(4)(b) Pay telephone access lines;~~	81752
~~(5)(c) Toll presubscription;~~	81753
~~(6)(d) Telecommunications relay service.~~	81754
<u>(2) The rates, terms, and conditions for both of the</u>	81755
<u>following provided in this state by a telephone company or an</u>	81756
<u>incumbent local exchange carrier shall be approved and tariffed in</u>	81757
<u>the manner prescribed by rule adopted by the public utilities</u>	81758
<u>commission and shall be subject to the applicable laws, including</u>	81759
<u>rules or regulations adopted and orders issued by the commission</u>	81760
<u>or the federal communications commission:</u>	81761
<u>(a) Carrier access;</u>	81762
<u>(b) Pole attachments and conduit occupancy under section</u>	81763
<u>4905.71 of the Revised Code.</u>	81764
(B) The public utilities commission may order changes in a	81765
telephone company's rates for carrier access in this state subject	81766
to this division. In the event that the public utilities	81767
commission reduces a telephone company's rates for carrier access	81768
that are in effect on September 13, 2010, that reduction shall be	81769
on a revenue-neutral basis under terms and conditions established	81770
by the public utilities commission, and any resulting rate changes	81771
necessary to comply with division (B) or (C) of this section shall	81772
be in addition to any upward rate alteration made under section	81773
4927.12 of the Revised Code.	81774
(C) The public utilities commission has authority to address	81775
carrier access policy and to create and administer mechanisms for	81776
carrier access reform, including, but not limited to, high cost	81777
support.	81778
Sec. 4928.54. Beginning on the starting date of competitive	81779

~~retail electric service, the~~ The director of development may 81780
~~services shall~~ aggregate percentage of income payment plan program 81781
customers for the purpose of ~~competitively auctioning~~ establishing 81782
a competitive procurement process for the supply of competitive 81783
retail electric ~~generation service to~~ for those customers. The 81784
process shall be an auction. Only bidders certified under section 81785
4928.08 of the Revised Code ~~and further qualified under~~ 81786
~~eligibility criteria the director prescribes by rule under~~ 81787
~~division (B) of section 4928.53 of the Revised Code after~~ 81788
~~consultation with the commission and electric light companies~~ 81789
~~regarding any such rule. The objectives of~~ may participate in the 81790
auction shall be to provide reliable retail electric generation 81791
service to customers, based on selection criteria that the winning 81792
bid provide the lowest cost and best value to customers. The rules 81793
adopted by the director under division (b) of section 4928.53 of 81794
the Revised Code shall ensure a fair and unbiased auction process 81795
and the performance of any winning bidder. 81796

Sec. 4928.541. The competitive procurement process 81797
established under section 4928.54 of the Revised Code shall be 81798
conducted until a winning bid is or winning bids are selected. 81799

Sec. 4928.542. The winning bid or bids selected through the 81800
competitive procurement process established under section 4928.54 81801
of the Revised Code shall meet all of the following requirements: 81802

(A) Be designed to provide reliable competitive retail 81803
electric service to percentage of income payment plan program 81804
customers; 81805

(B) Reduce the cost of the percentage of income payment plan 81806
program relative to the otherwise applicable standard service 81807
offer established under sections 4928.141, 4928.142, and 4928.143 81808
of the Revised Code; 81809

(C) Result in the best value for persons paying the universal 81810
service rider under section 4928.52 of the Revised Code. 81811

Sec. 4928.543. The director of development services shall 81812
adopt rules in accordance with Chapter 119. of the Revised Code to 81813
implement sections 4928.54, 4928.541, and 4928.542 of the Revised 81814
Code. The rules shall ensure a fair and unbiased auction process 81815
and the performance of the winning bidder or bidders. 81816

Sec. 4928.544. (A) For the purpose of facilitating compliance 81817
with sections 4928.54, 4928.541, and 4928.542 of the Revised Code, 81818
and upon written request by the director of development services, 81819
the public utilities commission shall design, manage, and 81820
supervise the competitive procurement process required by section 81821
4928.54 of the Revised Code. To the extent reasonably possible, 81822
and to minimize costs, the process may be designed based on any 81823
existing competitive procurement process for the establishment of 81824
the default generation supply price for electric distribution 81825
utilities. 81826

This division does not preclude a process design that is 81827
based on a competitive procurement process that applies to the 81828
combined certified territories of electric distribution utilities 81829
subject to common ownership. 81830

(B) The director of development services shall reimburse the 81831
commission for its costs incurred under division (A) of this 81832
section. The reimbursements constitute administrative costs of the 81833
low-income customer assistance programs for the purpose of 81834
division (A) of section 4928.51 of the Revised Code. 81835

Sec. 4928.55. The director of development services shall 81836
establish an energy efficiency and weatherization program 81837
targeted, to the extent practicable, to high-cost, high-volume use 81838
structures occupied by customers eligible for the percentage of 81839

income payment plan program, with the goal of reducing the energy 81840
bills of the occupants. Acceptance of energy efficiency and 81841
weatherization services provided by the program shall be a 81842
condition for the eligibility of any such customer to participate 81843
in the percentage of income payment plan program. ~~Any difference~~ 81844
~~between universal service fund revenues under section 4928.51 of~~ 81845
~~the Revised Code and any savings in percentage of income payment~~ 81846
~~plan program costs as a result of competitive auctioning under~~ 81847
~~section 4928.54 of the Revised Code shall be reinvested in the~~ 81848
~~targeted energy efficiency and weatherization program.~~ 81849

Sec. 4928.581. (A) The public benefits advisory board shall 81850
conduct an independent investigation and analysis for the purpose 81851
of making the report required under division (B) of this section. 81852

(B) With the approval of a majority of its voting members, 81853
the board shall prepare a written report containing all of the 81854
following: 81855

(1) For each year since the establishment of the universal 81856
service fund and for each electric distribution utility, the 81857
annual amount of revenue collected from customers for the purpose 81858
of supporting the universal service fund and the low-income 81859
customer assistance programs. 81860

(2) For 2016, 2017, and 2018, and for each electric 81861
distribution utility, a forecast of the annual amount of revenue 81862
that will be collected from customers for the purpose of 81863
supporting the universal service fund and the low-income customer 81864
assistance programs, assuming no changes are made to the programs. 81865
The forecast shall identify all assumptions, input variables, and 81866
values assigned to input variables. The forecast may include 81867
alternative outcomes based on variations in the assumptions, 81868
variables, and values, so as to show the sensitivity of the 81869
forecast to alternative inputs. 81870

(3) A recommendation as to any changes that should be made to the design and implementation of the current universal service fund and the low-income customer assistance programs to ensure that energy services are provided to low-income and other consumers in this state in an affordable manner consistent with the policy specified in section 4928.02 of the Revised Code.

(C) The report required under division (B) of this section may include dissenting views and alternative recommendations.

(D) On or before December 15, 2015, the board shall submit the report required under division (B) of this section to the governor, the president of the senate, the speaker of the house of representatives, each member of the standing committees of both houses of the general assembly that have primary jurisdiction regarding public utility legislation, the director of development services, the chairperson of the public utilities commission, the Ohio consumers' counsel, and each member of the public benefits advisory board.

Sec. 4928.582. (A) To discharge the duties under section 4928.581 of the Revised Code, the public benefits advisory board may obtain professional services as the board determines appropriate. The professionals shall be promptly reimbursed by the director of development services for the actual and necessary expenses incurred in the performance of their duties under section 4928.581 of the Revised Code. The reimbursements constitute administrative costs of the low-income customer assistance programs for the purpose of division (A) of section 4928.51 of the Revised Code.

(B) The chairperson of the board may execute, subject to the advice and consent of the board, any professional-services retention agreements that the board determines appropriate.

Sec. 4928.583. The director of development services, the 81901
public utilities commission, and each electric distribution 81902
utility shall promptly respond to requests by the public benefits 81903
advisory board for information needed to prepare the report 81904
required under section 4928.581 of the Revised Code. 81905

Sec. 4929.164. (A) A natural gas company may file an 81906
application with the public utilities commission for approval of 81907
an economic development project that has been ~~certified by~~ 81908
submitted to the director of development services ~~under~~ for the 81909
SiteOhio certification program, pursuant to section 122.9511 of 81910
the Revised Code. The company shall file the application prior to 81911
beginning the project. 81912

(B) The commission may approve a project under this section 81913
if both of the following apply: 81914

(1) The infrastructure development costs for the project are 81915
projected to generate a return on the company's investment that is 81916
less than the most recently authorized rate of return. 81917

(2) The amount of infrastructure development costs to be 81918
incurred by the company per calendar year, for the project and all 81919
other projects previously approved under this section, is not 81920
projected to exceed the product of one dollar multiplied by the 81921
aggregate number of the company's customers in this state. 81922

(C) The commission shall adopt rules to provide for an 81923
accelerated review of an application filed under division (A) of 81924
this section. The rules shall provide for the automatic approval 81925
of the application not later than ninety days after the date of 81926
the application filing unless the commission suspends the 81927
application for good cause shown. If the application is suspended, 81928
the commission shall approve, deny, modify, or hold a hearing on 81929
the application not later than forty-five days after the date that 81930

the suspension begins. 81931

Sec. 5101.072. There is hereby created in the state treasury 81932
the human services projects fund. The fund may consist of 81933
intrastate agency transfers, nonfederal grants, and other similar 81934
revenue sources. The department of job and family services shall 81935
use the fund to support program and administrative expenses 81936
related to the implementation of human services initiatives within 81937
the department. 81938

Sec. 5101.073. There is hereby created in the state treasury 81939
the ODJFS general services administration audit settlements and 81940
operating contingency fund. The director of job and family 81941
services may submit a deposit modification and payment detail 81942
report to the treasurer of state after the completion of the 81943
reconciliation of all final transactions with the federal 81944
government regarding a federal grant for a program the department 81945
of job and family services administers and a final closeout for 81946
the grant. On receipt of the report, the treasurer of state shall 81947
transfer the money in the refunds and audit settlements fund that 81948
is the subject of the report to the ODJFS general services 81949
administration and operating fund. Money in the ODJFS general 81950
services administration and operating fund shall be used to pay 81951
for the expenses of the programs the department administers and 81952
the department's administrative expenses, including the costs of 81953
state hearings under section 5101.35 of the Revised Code, required 81954
audit adjustments audits, settlements, contingencies, and other 81955
related expenses. As necessary for the purposes of the fund, the 81956
director of job and family services may request the director of 81957
budget and management to transfer money from any of the funds used 81958
by the department of job and family services, except the general 81959
revenue fund, to the ODJFS audit settlements and contingency fund. 81960
Upon receipt of such a request, the director of budget and 81961

management may transfer the money requested. The director of 81962
budget and management, in consultation with the director of job 81963
and family services, may transfer money from the ODJFS audit 81964
settlements and contingency fund to any fund used by the 81965
department or to the general revenue fund. 81966

Sec. 5101.54. (A) The director of job and family services 81967
shall administer the supplemental nutrition assistance program in 81968
accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 81969
et seq.). The department may: 81970

(1) Prepare and submit to the secretary of the United States 81971
department of agriculture a plan for the administration of the 81972
supplemental nutrition assistance program; 81973

(2) Prescribe forms for applications, certificates, reports, 81974
records, and accounts of county departments of job and family 81975
services, and other matters; 81976

(3) Require such reports and information from each county 81977
department of job and family services as may be necessary and 81978
advisable; 81979

(4) Administer and expend any sums appropriated by the 81980
general assembly for the purposes of the supplemental nutrition 81981
assistance program and all sums paid to the state by the United 81982
States as authorized by the Food and Nutrition Act of 2008; 81983

(5) Conduct such investigations as are necessary; 81984

(6) Enter into interagency agreements and cooperate with 81985
investigations conducted by the department of public safety, 81986
including providing information for investigative purposes, 81987
exchanging property and records, passing through federal financial 81988
participation, modifying any agreements with the United States 81989
department of agriculture, providing for the supply, security, and 81990
accounting of supplemental nutrition assistance program benefits 81991

for investigative purposes, and meeting any other requirements 81992
necessary for the detection and deterrence of illegal activities 81993
in the supplemental nutrition assistance program; 81994

(7) Adopt rules in accordance with Chapter 119. of the 81995
Revised Code governing employment and training requirements of 81996
recipients of supplemental nutrition assistance program benefits, 81997
including rules specifying which recipients are subject to the 81998
requirements and establishing sanctions for failure to satisfy the 81999
requirements. The rules shall be consistent with 7 U.S.C. 2015, 82000
including its work and employment and training requirements, and, 82001
to the extent practicable, ~~may~~ shall provide for the recipients to 82002
participate in work activities, developmental activities, and 82003
alternative work activities ~~established under~~ described in 82004
sections 5107.40 to 5107.69 of the Revised Code that are 82005
comparable to programs authorized by 7 U.S.C. 2015(d)(4). The 82006
rules may reference rules adopted under section 5107.05 of the 82007
Revised Code governing work activities, developmental activities, 82008
and alternative work activities ~~established under~~ described in 82009
sections 5107.40 to 5107.69 of the Revised Code. 82010

(8) Adopt rules in accordance with section 111.15 of the 82011
Revised Code that are consistent with the Food and Nutrition Act 82012
of 2008, as amended, and regulations adopted thereunder governing 82013
the following: 82014

(a) Eligibility requirements for the supplemental nutrition 82015
assistance program; 82016

(b) Sanctions for failure to comply with eligibility 82017
requirements; 82018

(c) Allotment of supplemental nutrition assistance program 82019
benefits; 82020

(d) To the extent permitted under federal statutes and 82021
regulations, a system under which some or all recipients of 82022

supplemental nutrition assistance program benefits subject to 82023
employment and training requirements established by rules adopted 82024
under division (A)(7) of this section receive the benefits after 82025
satisfying the requirements; 82026

(e) Administration of the program by county departments of 82027
job and family services; 82028

(f) Other requirements necessary for the efficient 82029
administration of the program. 82030

(9) Submit a plan to the United States secretary of 82031
agriculture for the department of job and family services to 82032
operate a simplified supplemental nutrition assistance program 82033
pursuant to 7 U.S.C. 2035 under which requirements governing the 82034
Ohio works first program established under Chapter 5107. of the 82035
Revised Code also govern the supplemental nutrition assistance 82036
program in the case of households receiving supplemental nutrition 82037
assistance program benefits and participating in Ohio works first. 82038

(B) A household that is entitled to receive supplemental 82039
nutrition assistance program benefits and that is determined to be 82040
in immediate need of nutrition assistance, shall receive 82041
certification of eligibility for program benefits, pending 82042
verification, within twenty-four hours, or, if mitigating 82043
circumstances occur, within seventy-two hours, after application, 82044
if: 82045

(1) The results of the application interview indicate that 82046
the household will be eligible upon full verification; 82047

(2) Information sufficient to confirm the statements in the 82048
application has been obtained from at least one additional source, 82049
not a member of the applicant's household. Such information shall 82050
be recorded in the case file, and shall include: 82051

(a) The name of the person who provided the name of the 82052
information source; 82053

(b) The name and address of the information source; 82054

(c) A summary of the information obtained. 82055

The period of temporary eligibility shall not exceed one 82056
month from the date of certification of temporary eligibility. If 82057
eligibility is established by full verification, benefits shall 82058
continue without interruption as long as eligibility continues. 82059

At the time of application, the county department of job and 82060
family services shall provide to a household described in this 82061
division a list of community assistance programs that provide 82062
emergency food. 82063

(C) All applications shall be approved or denied through full 82064
verification within thirty days from receipt of the application by 82065
the county department of job and family services. 82066

(D) Nothing in this section shall be construed to prohibit 82067
the certification of households that qualify under federal 82068
regulations to receive supplemental nutrition assistance program 82069
benefits without charge under the Food and Nutrition Act of 2008. 82070

(E) Any person who applies for the supplemental nutrition 82071
assistance program shall receive a voter registration application 82072
under section 3503.10 of the Revised Code. 82073

Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the 82074
Revised Code: 82075

(A) "Abuse" means the infliction upon an adult by self or 82076
others of injury, unreasonable confinement, intimidation, or cruel 82077
punishment with resulting physical harm, pain, or mental anguish. 82078

(B) "Adult" means any person sixty years of age or older 82079
within this state who is handicapped by the infirmities of aging 82080
or who has a physical or mental impairment which prevents the 82081
person from providing for the person's own care or protection, and 82082
who resides in an independent living arrangement. An "independent 82083

living arrangement" is a domicile of a person's own choosing, 82084
including, but not limited to, a private home, apartment, trailer, 82085
or rooming house. An "independent living arrangement" includes a 82086
residential facility licensed under section 5119.34 of the Revised 82087
Code that provides accommodations, supervision, and personal care 82088
services for three to sixteen unrelated adults, but does not 82089
include other institutions or facilities licensed by the state or 82090
facilities in which a person resides as a result of voluntary, 82091
civil, or criminal commitment. 82092

(C) "Caretaker" means the person assuming the responsibility 82093
for the care of an adult on a voluntary basis, by contract, 82094
through receipt of payment for care, as a result of a family 82095
relationship, or by order of a court of competent jurisdiction. 82096

(D) "Court" means the probate court in the county where an 82097
adult resides. 82098

(E) "Emergency" means that the adult is living in conditions 82099
which present a substantial risk of immediate and irreparable 82100
physical harm or death to self or any other person. 82101

(F) "Emergency services" means protective services furnished 82102
to an adult in an emergency. 82103

(G) "Exploitation" means the unlawful or improper act of a 82104
caretaker using an adult or an adult's resources for monetary or 82105
personal benefit, profit, or gain when the caretaker obtained or 82106
exerted control over the adult or the adult's resources in any of 82107
the following ways: 82108

(1) Without the adult's consent or the consent of the person 82109
authorized to give consent on the adult's behalf; 82110

(2) Beyond the scope of the express or implied consent of the 82111
adult or the person authorized to give consent on the adult's 82112
behalf; 82113

(3) By deception; 82114

(4) By threat; 82115

(5) By intimidation. 82116

(H) "In need of protective services" means an adult known or 82117
suspected to be suffering from abuse, neglect, or exploitation to 82118
an extent that either life is endangered or physical harm, mental 82119
anguish, or mental illness results or is likely to result. 82120

(I) "Incapacitated person" means a person who is impaired for 82121
any reason to the extent that the person lacks sufficient 82122
understanding or capacity to make and carry out reasonable 82123
decisions concerning the person's self or resources, with or 82124
without the assistance of a caretaker. Refusal to consent to the 82125
provision of services shall not be the sole determinative that the 82126
person is incapacitated. "Reasonable decisions" are decisions made 82127
in daily living which facilitate the provision of food, shelter, 82128
clothing, and health care necessary for life support. 82129

(J) "Mental illness" means a substantial disorder of thought, 82130
mood, perception, orientation, or memory that grossly impairs 82131
judgment, behavior, capacity to recognize reality, or ability to 82132
meet the ordinary demands of life. 82133

(K) "Neglect" means the failure of an adult to provide for 82134
self the goods or services necessary to avoid physical harm, 82135
mental anguish, or mental illness or the failure of a caretaker to 82136
provide such goods or services. 82137

(L) "Peace officer" means a peace officer as defined in 82138
section 2935.01 of the Revised Code. 82139

(M) "Physical harm" means bodily pain, injury, impairment, or 82140
disease suffered by an adult. 82141

(N) "Protective services" means services provided by the 82142
county department of job and family services or its designated 82143

agency to an adult who has been determined by evaluation to 82144
require such services for the prevention, correction, or 82145
discontinuance of an act of as well as conditions resulting from 82146
abuse, neglect, or exploitation. Protective services may include, 82147
but are not limited to, case work services, medical care, mental 82148
health services, legal services, fiscal management, home health 82149
care, homemaker services, housing-related services, guardianship 82150
services, and placement services as well as the provision of such 82151
commodities as food, clothing, and shelter. 82152

(0) "Working day" means Monday, Tuesday, Wednesday, Thursday, 82153
and Friday, except when such day is a holiday as defined in 82154
section 1.14 of the Revised Code. 82155

Sec. 5101.61. (A) As used in this section: 82156

(1) "Senior service provider" means any person who provides 82157
care or services to a person who is an adult as defined in 82158
division (B) of section 5101.60 of the Revised Code. 82159

(2) "Ambulatory health facility" means a nonprofit, public or 82160
proprietary freestanding organization or a unit of such an agency 82161
or organization that: 82162

(a) Provides preventive, diagnostic, therapeutic, 82163
rehabilitative, or palliative items or services furnished to an 82164
outpatient or ambulatory patient, by or under the direction of a 82165
physician or dentist in a facility which is not a part of a 82166
hospital, but which is organized and operated to provide medical 82167
care to outpatients; 82168

(b) Has health and medical care policies which are developed 82169
with the advice of, and with the provision of review of such 82170
policies, an advisory committee of professional personnel, 82171
including one or more physicians, one or more dentists, if dental 82172
care is provided, and one or more registered nurses; 82173

(c) Has a medical director, a dental director, if dental care is provided, and a nursing director responsible for the execution of such policies, and has physicians, dentists, nursing, and ancillary staff appropriate to the scope of services provided;

(d) Requires that the health care and medical care of every patient be under the supervision of a physician, provides for medical care in a case of emergency, has in effect a written agreement with one or more hospitals and other centers or clinics, and has an established patient referral system to other resources, and a utilization review plan and program;

(e) Maintains clinical records on all patients;

(f) Provides nursing services and other therapeutic services in accordance with programs and policies, with such services supervised by a registered professional nurse, and has a registered professional nurse on duty at all times of clinical operations;

(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals;

(h) Has established an accounting and record keeping system to determine reasonable and allowable costs;

(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of mental health and addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification.

(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.

(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.

(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which:

(a) Is primarily engaged in providing home health services;

(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy;

(c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies;

(d) Maintains comprehensive records on all patients;

(e) Is operated by the state, a political subdivision, or an agency of either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions (A)(5)(a) to (d) of this section, and is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

(6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home:

(a) Nursing care provided by or under the supervision of a registered professional nurse;	82236 82237
(b) Physical, occupational, or speech therapy ordered by the patient's attending physician;	82238 82239
(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;	82240 82241 82242
(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	82243 82244 82245
(e) Medical supplies and the use of medical appliances;	82246
(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	82247 82248 82249 82250
(g) Any of the foregoing items and services which:	82251
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	82252 82253 82254
(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.	82255 82256 82257 82258 82259
Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of a residential facility licensed under section 5119.34	82260 82261 82262 82263 82264 82265

of the Revised Code that provides accommodations, supervision, and 82266
personal care services for three to sixteen unrelated adults, any 82267
employee of a nursing home, residential care facility, or home for 82268
the aging, as defined in section 3721.01 of the Revised Code, any 82269
senior service provider, any peace officer, coroner, member of the 82270
clergy, any employee of a community mental health facility, and 82271
any person engaged in professional counseling, social work, or 82272
marriage and family therapy having reasonable cause to believe 82273
that an adult is being abused, neglected, or exploited, or is in a 82274
condition which is the result of abuse, neglect, or exploitation 82275
shall immediately report such belief to the county department of 82276
job and family services. This section does not apply to employees 82277
of any hospital or public hospital as defined in section 5122.01 82278
of the Revised Code. 82279

(B) Any person having reasonable cause to believe that an 82280
adult has suffered abuse, neglect, or exploitation may report, or 82281
cause reports to be made of such belief to the department. 82282

(C) The reports made under this section shall be made orally 82283
or in writing except that oral reports shall be followed by a 82284
written report if a written report is requested by the department. 82285
Written reports shall include: 82286

(1) The name, address, and approximate age of the adult who 82287
is the subject of the report; 82288

(2) The name and address of the individual responsible for 82289
the adult's care, if any individual is, and if the individual is 82290
known; 82291

(3) The nature and extent of the alleged abuse, neglect, or 82292
exploitation of the adult; 82293

(4) The basis of the reporter's belief that the adult has 82294
been abused, neglected, or exploited. 82295

(D) Any person with reasonable cause to believe that an adult 82296

is suffering abuse, neglect, or exploitation who makes a report 82297
pursuant to this section or who testifies in any administrative or 82298
judicial proceeding arising from such a report, or any employee of 82299
the state or any of its subdivisions who is discharging 82300
responsibilities under section 5101.62 of the Revised Code shall 82301
be immune from civil or criminal liability on account of such 82302
investigation, report, or testimony, except liability for perjury, 82303
unless the person has acted in bad faith or with malicious 82304
purpose. 82305

(E) No employer or any other person with the authority to do 82306
so shall discharge, demote, transfer, prepare a negative work 82307
performance evaluation, or reduce benefits, pay, or work 82308
privileges, or take any other action detrimental to an employee or 82309
in any way retaliate against an employee as a result of the 82310
employee's having filed a report under this section. 82311

(F) ~~Neither the~~ The written or oral report provided for in 82312
this section ~~nor~~ and the investigatory report provided for in 82313
section 5101.62 of the Revised Code ~~shall be considered a~~ are 82314
confidential and are not public record records, as defined in 82315
section 149.43 of the Revised Code. ~~Information~~ In accordance with 82316
rules adopted by the department of job and family services, 82317
information contained in the report shall upon request be made 82318
available to the adult who is the subject of the report, ~~to~~ 82319
~~agencies authorized by the department to receive information~~ 82320
~~contained in the report,~~ and to legal counsel for the adult. 82321

(G) The county department of job and family services shall be 82322
available to receive the written or oral report provided for in 82323
this section twenty-four hours a day and seven days a week. 82324

Sec. 5101.611. (A) If a county department of job and family 82325
services knows or has reasonable cause to believe that the subject 82326
of a report made under section 5101.61 or of an investigation 82327

conducted under sections 5101.62 to 5101.64 ~~or on the initiative~~ 82328
~~of the department of the Revised Code is mentally retarded or~~ 82329
~~developmentally disabled~~ an individual with a developmental 82330
disability as defined in section 5126.01 of the Revised Code, the 82331
county department shall refer the case to the county board of 82332
developmental disabilities of that county for review pursuant to 82333
section 5126.31 of the Revised Code. 82334

If a county board of developmental disabilities refers a case 82335
to the county department of job and family services in accordance 82336
with section 5126.31, the county department of job and family 82337
services shall proceed with the case in accordance with sections 82338
5101.60 to 5101.71 of the Revised Code. 82339

(B) If a county department of job and family services knows 82340
or has reasonable cause to believe that the subject of a report 82341
made under section 5101.61 or of an investigation conducted under 82342
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 82343
long-term care facility, as defined in section 173.14 of the 82344
Revised Code, the department shall refer the case to the office of 82345
the state long-term care ombudsman program for review pursuant to 82346
section 173.19 of the Revised Code. 82347

If the state ombudsman or regional long-term care ombudsman 82348
program refers a case to the county department of job and family 82349
services in accordance with rules adopted pursuant to section 82350
173.20 of the Revised Code, the county department shall proceed 82351
with the case in accordance with sections 5101.60 to 5101.71 of 82352
the Revised Code. 82353

(C) If a county department of job and family services knows 82354
or has reasonable cause to believe that the subject of a report 82355
made under section 5101.61 or of an investigation conducted under 82356
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 82357
nursing home, as defined in section 3721.01 of the Revised Code, 82358
and has allegedly been abused, neglected, or exploited by an 82359

employee of the nursing home, the department shall refer the case 82360
to the department of health for investigation pursuant to section 82361
3721.031 of the Revised Code. 82362

(D) If a county department of job and family services knows 82363
or has reasonable cause to believe that the subject of a report 82364
made under section 5101.61 or of an investigation conducted under 82365
sections 5101.62 to 5101.64 of the Revised Code is a child, as 82366
defined in section 5153.01 of the Revised Code, the department 82367
shall refer the case to the public children services agency of 82368
that county. 82369

(E) A referral by the county department of job and family 82370
services of a case to another public regulatory agency or 82371
investigatory entity pursuant to this section shall be made in 82372
accordance with rules adopted by the department of job and family 82373
services. 82374

Sec. 5101.612. (A) The department of job and family services 82375
shall establish and maintain a uniform statewide automated adult 82376
protective services information system. The information system 82377
shall contain records regarding all of the following: 82378

(1) All reports of abuse, neglect, or exploitation of adults 82379
made to county departments of job and family services under 82380
section 5101.61 of the Revised Code; 82381

(2) Investigations conducted under section 5101.62 of the 82382
Revised Code; 82383

(3) Protective services provided to adults pursuant to 82384
sections 5101.60 to 5101.71 of the Revised Code; 82385

(4) Any other information related to adults in need of 82386
protective services that state or federal law, regulation, or rule 82387
requires the department or a county department to maintain. 82388

(B) The department shall plan implementation of the 82389

information system on a county-by-county basis. The department 82390
shall promptly notify all county departments of the initiation and 82391
completion of statewide implementation of the information system. 82392

(C) Except as provided in division (C)(3) of this section and 82393
in rules adopted by the department pursuant to that division: 82394

(1) The information contained in or obtained from the 82395
information system is confidential and is not subject to 82396
disclosure pursuant to section 149.43 or 1347.08 of the Revised 82397
Code. 82398

(2) No person shall knowingly do either of the following: 82399

(a) Access or use information contained in the information 82400
system; 82401

(b) Disclose information obtained from the information 82402
system. 82403

(3) Information contained in the information system may be 82404
accessed or used only in a manner, to the extent, and for the 82405
purposes, authorized by rules adopted by the department. 82406

Sec. 5101.62. The county department of job and family 82407
services or its designee shall be responsible for the 82408
investigation of all reports provided for in section 173.20 or 82409
5101.61 and all cases referred to it under section 5126.31 of the 82410
Revised Code and for evaluating the need for and, to the extent of 82411
available funds, providing or arranging for the provision of 82412
protective services. ~~The department may designate another agency~~ 82413
~~to perform the department's duties under this section.~~ 82414

Investigation of the report provided for in section 5101.61 82415
or a case referred to the department under section 5126.31 of the 82416
Revised Code shall be initiated within twenty-four hours after the 82417
department receives the report or case if any emergency exists; 82418
otherwise investigation shall be initiated within three working 82419

days. 82420

Investigation of the need for protective services shall 82421
include a face-to-face visit with the adult who is the subject of 82422
the report, preferably in the adult's residence, and consultation 82423
with the person who made the report, if feasible, and agencies or 82424
persons who have information about the adult's alleged abuse, 82425
neglect, or exploitation. 82426

The department shall give written notice of the intent of the 82427
investigation and an explanation of the notice in language 82428
reasonably understandable to the adult who is the subject of the 82429
investigation, at the time of the initial interview with that 82430
person. 82431

Upon completion of the investigation, the department shall 82432
determine from its findings whether or not the adult who is the 82433
subject of the report is in need of protective services. No adult 82434
shall be determined to be abused, neglected, or in need of 82435
protective services for the sole reason that, in lieu of medical 82436
treatment, the adult relies on or is being furnished spiritual 82437
treatment through prayer alone in accordance with the tenets and 82438
practices of a church or religious denomination of which the adult 82439
is a member or adherent. The department shall write a report which 82440
confirms or denies the need for protective services and states why 82441
it reached this conclusion. 82442

Sec. 5101.621. (A) Each county department of job and family 82443
services shall prepare a memorandum of understanding that is 82444
signed by all of the following: 82445

(1) The director of the county department of job and family 82446
services; 82447

(2) If the county department has entered into an interagency 82448
agreement with a local agency pursuant to section 5101.622 of the 82449

<u>Revised Code, the director of the local agency;</u>	82450
<u>(3) The county peace officer;</u>	82451
<u>(4) All chief municipal peace officers within the county;</u>	82452
<u>(5) Other law enforcement officers handling adult abuse,</u>	82453
<u>neglect, and exploitation cases in the county;</u>	82454
<u>(6) The prosecuting attorney of the county;</u>	82455
<u>(7) The coroner of the county.</u>	82456
<u>(B) The memorandum of understanding shall set forth the</u>	82457
<u>procedures to be followed by the persons listed in division (A) of</u>	82458
<u>this section in the execution of their respective responsibilities</u>	82459
<u>related to cases of adult abuse, neglect, and exploitation. The</u>	82460
<u>memorandum of understanding shall establish all of the following:</u>	82461
<u>(1) An interdisciplinary team to coordinate efforts related</u>	82462
<u>to the prevention, reporting, and treatment of abuse, neglect, and</u>	82463
<u>exploitation of adults;</u>	82464
<u>(2) The roles and responsibilities for handling cases that</u>	82465
<u>have been referred by the county department to another agency</u>	82466
<u>pursuant to section 5101.611 of the Revised Code;</u>	82467
<u>(3) The roles and responsibilities for filing criminal</u>	82468
<u>charges against persons alleged to have abused, neglected, or</u>	82469
<u>exploited adults.</u>	82470
<u>Failure to follow the procedure set forth in the memorandum</u>	82471
<u>of understanding is not grounds for, and shall not result in, the</u>	82472
<u>dismissal of any charge or complaint arising from a report of</u>	82473
<u>abuse, neglect, or exploitation or the suppression of any evidence</u>	82474
<u>obtained as a result of a report of abuse, neglect, or</u>	82475
<u>exploitation and does not give any rights or grounds for appeal or</u>	82476
<u>post-conviction relief to any person.</u>	82477
<u>(C) The memorandum of understanding may, in addition, be</u>	82478
<u>signed by any of the following persons who are also members of the</u>	82479

<u>interdisciplinary team described in division (B)(1) of this</u>	82480
<u>section:</u>	82481
<u>(1) A representative of the area agency on aging, as defined</u>	82482
<u>in section 173.14 of the Revised Code;</u>	82483
<u>(2) The regional long-term care ombudsman;</u>	82484
<u>(3) A representative of the board of alcohol, drug addiction,</u>	82485
<u>and mental health services;</u>	82486
<u>(4) A representative of the board of health of a city or</u>	82487
<u>general health district;</u>	82488
<u>(5) A representative of the county board of developmental</u>	82489
<u>disabilities;</u>	82490
<u>(6) A representative of a victim assistance program;</u>	82491
<u>(7) A representative of a local housing authority;</u>	82492
<u>(8) Any other person whose participation furthers the goals</u>	82493
<u>of the memorandum of understanding.</u>	82494
<u>Sec. 5101.622. The county department of job and family</u>	82495
<u>services may enter into an agreement or contract with another</u>	82496
<u>person or government entity to perform the following duties:</u>	82497
<u>(A) In accordance with division (G) of section 5101.61 of the</u>	82498
<u>Revised Code, receive reports made under that section;</u>	82499
<u>(B) Perform the county department's duties under section</u>	82500
<u>5101.62 of the Revised Code;</u>	82501
<u>(C) Petition the court pursuant to section 5101.65 or 5101.69</u>	82502
<u>of the Revised Code for an order authorizing the provision of</u>	82503
<u>protective services.</u>	82504
<u>Sec. 5101.69. (A) Upon petition by the county department of</u>	82505
<u>human job and family services or its designee, the court may issue</u>	82506
<u>an order authorizing the provision of protective services on an</u>	82507

emergency basis to an adult. The petition for any emergency order 82508
shall include all of the following: 82509

(1) The name, age, and address of the adult in need of 82510
protective services; 82511

(2) The nature of the emergency; 82512

(3) The proposed protective services; 82513

(4) The petitioner's reasonable belief, together with facts 82514
supportive thereof, as to the existence of the circumstances 82515
described in divisions (D)(1) to (3) of this section; 82516

(5) Facts showing the petitioner's attempts to obtain the 82517
adult's consent to the protective services. 82518

(B) Notice of the filing and contents of the petition 82519
provided for in division (A) of this section, the rights of the 82520
person in the hearing provided for in division (C) of this 82521
section, and the possible consequences of a court order, shall be 82522
given to the adult. Notice shall also be given to the spouse of 82523
the adult or, if ~~he~~ the adult has none, to ~~his~~ the adult's adult 82524
children or next of kin, and ~~his~~ the adult's guardian, if any, if 82525
~~his~~ the guardian's whereabouts are known. The notice shall be 82526
given in language reasonably understandable to its recipients at 82527
least twenty-four hours prior to the hearing provided for in this 82528
section. The court may waive the twenty-four ~~hour~~ hours' notice 82529
~~requirement~~ requirement upon a showing that both of the following 82530
are the case: 82531

(1) Immediate and irreparable physical harm or immediate and 82532
irreparable financial harm to the adult or others will result from 82533
the twenty-four hour delay; ~~and~~ 82534

(2) Reasonable attempts have been made to notify the adult, 82535
~~his~~ the adult's spouse, or, if ~~he~~ the adult has none, ~~his~~ the 82536
adult's adult children or next of kin, if any, and ~~his~~ the adult's 82537

guardian, if any, if ~~his~~ the guardian's whereabouts are known. 82538

Notice of the court's determination shall be given to all 82539
persons receiving notice of the filing of the petition provided 82540
for in this division. 82541

(C) Upon receipt of a petition for an order for emergency 82542
services, the court shall hold a hearing no sooner than 82543
twenty-four and no later than seventy-two hours after the notice 82544
provided for in division (B) of this section has been given, 82545
unless the court has waived the notice. The adult who is the 82546
subject of the petition shall have the right to be present at the 82547
hearing, present, evidence, and examine and cross-examine 82548
witnesses. 82549

(D) The court shall issue an order authorizing the provision 82550
of protective services on an emergency basis if it finds, on the 82551
basis of clear and convincing evidence, ~~that~~ all of the following: 82552

(1) The adult is an incapacitated person; 82553

(2) An emergency exists; 82554

(3) No person authorized by law or court order to give 82555
consent for the adult is available or willing to consent to 82556
emergency services. 82557

(E) In issuing an emergency order, the court shall adhere to 82558
the following limitations: 82559

(1) The court shall order only such protective services as 82560
are necessary and available locally to remove the conditions 82561
creating the emergency, and the court shall specifically designate 82562
those protective services the adult shall receive; 82563

(2) The court shall not order any change of residence under 82564
this section unless the court specifically finds that a change of 82565
residence is necessary; 82566

(3) The court may order emergency ~~serices~~ services only for 82567

fourteen days. The county department or its designee may petition the court for a renewal of the order for a fourteen-day period upon a showing that continuation of the order is necessary to remove the emergency.

(4) In its order the court shall authorize the director of the county department or his, the director's designee, or a representative of the department's designee to give consent for the person for the approved emergency services until the expiration of the order;

(5) The court shall not order a person to a hospital or public hospital as defined in section 5122.01 of the Revised Code.

(F) If the county department or its designee determines that the adult continues to need protective services after the order provided for in division (D) of this section has expired, the county department or its designee may petition the court for an order to continue protective services, pursuant to section 5101.65 of the Revised Code. After the filing of the petition, the county department or its designee may continue to provide protective services pending a hearing by the court.

Sec. 5101.691. (A) A court, through a probate judge or a magistrate under the direction of a probate judge, may issue by telephone an ex parte emergency order authorizing the provision of protective services, including the relief available under division (B) of section 5101.692 of the Revised Code, to an adult on an emergency basis if all of the following are the case:

(1) The court receives notice from the county department of job and family services, an authorized employee of the county department, the department's designee, or an authorized employee of the department's designee, that the county department, designee, or employee believes an emergency order is needed as described in this section.

(2) There is reasonable cause to believe that the adult is 82599
incapacitated. 82600

(3) There is reasonable cause to believe that there is a 82601
substantial risk to the adult of immediate and irreparable 82602
physical harm, immediate and irreparable financial harm, or death. 82603

(B)(1) The judge or magistrate shall journalize any order 82604
issued under this section. 82605

(2) An order issued under this section shall be in effect for 82606
not longer than twenty-four hours, except that if the day 82607
following the day on which the order is issued is not a working 82608
day, the order shall remain in effect until the next working day. 82609

(C)(1) Except as provided in division (C)(2) of this section, 82610
not later than twenty-four hours after an order is issued under 82611
this section, a petition shall be filed with the court in 82612
accordance with division (A) of section 5101.69 of the Revised 82613
Code. 82614

(2) If the day following the day on which the order was 82615
issued is not a working day, the petition shall be filed with the 82616
court on the next working day. 82617

(3) Except as provided in section 5101.692 of the Revised 82618
Code, proceedings on the petition shall be conducted in accordance 82619
with section 5101.69 of the Revised Code. 82620

Sec. 5101.692. (A) If an order is issued pursuant to section 82621
5101.691 of the Revised Code, the court shall hold a hearing not 82622
later than twenty-four hours after the issuance to determine 82623
whether there is probable cause for the order, except that if the 82624
day following the day on which the order is issued is not a 82625
working day, the court shall hold the hearing on the next working 82626
day. 82627

(B) At the hearing, the court: 82628

(1) Shall determine whether protective services are the least 82629
restrictive alternative available for meeting the adult's needs; 82630

(2) May issue temporary orders to protect the adult from 82631
immediate and irreparable physical harm or immediate and 82632
irreparable financial harm, including, but not limited to, 82633
temporary protection orders, evaluations, and orders requiring a 82634
party to vacate the adult's place of residence or legal 82635
settlement; 82636

(3) May order emergency services; 82637

(4) May freeze the financial assets of the adult. 82638

(C) A temporary order issued pursuant to division (B)(2) of 82639
this section is effective for thirty days. The court may renew the 82640
order for an additional thirty-day period. 82641

Information contained in the order may be entered into the 82642
law enforcement automated data system. 82643

Sec. 5101.71. (A) The county departments of job and family 82644
services shall implement sections 5101.60 to 5101.71 of the 82645
Revised Code. The department of job and family services ~~may~~ shall 82646
provide a program of ongoing, comprehensive, formal training ~~to~~ 82647
~~county departments and other agencies authorized to implement~~ 82648
regarding the implementation of sections 5101.60 to 5101.71 of the 82649
Revised Code and require all adult protective services caseworkers 82650
and their supervisors to undergo the training. Training shall not 82651
be limited to the procedures for implementing section 5101.62 of 82652
the Revised Code. The department of job and family services shall 82653
adopt any rules it deems necessary regarding the training. 82654

(B) The director of job and family services may adopt rules 82655
in accordance with section 111.15 of the Revised Code ~~governing~~ 82656
~~the county departments' implementation to carry out the purposes~~ 82657
of sections 5101.60 to 5101.71 of the Revised Code. The rules 82658

adopted pursuant to this division may include a requirement that 82659
the county departments provide on forms prescribed by the rules a 82660
plan of proposed expenditures, and a report of actual 82661
expenditures, of funds necessary to implement sections 5101.60 to 82662
5101.71 of the Revised Code and other requirements for intake 82663
procedures, investigations, case management, and the provision of 82664
protective services. 82665

Sec. 5101.72. The department of job and family services, ~~to~~ 82666
~~the extent of available funds,~~ may reimburse county departments of 82667
job and family services for all or part of the costs they incur in 82668
implementing sections 5101.60 to 5101.71 of the Revised Code. The 82669
director of job and family services shall adopt internal 82670
management rules in accordance with section 111.15 of the Revised 82671
Code that provide for reimbursement of county departments of job 82672
and family services under this section. 82673

The director shall adopt internal management rules in 82674
accordance with section 111.15 of the Revised Code that do both of 82675
the following: 82676

(A) Implement sections 5101.60 to 5101.71 of the Revised 82677
Code; 82678

(B) Require the county departments to collect and submit to 82679
the department, or ensure that a designated agency collects and 82680
submits to the department, data concerning the implementation of 82681
sections 5101.60 to 5101.71 of the Revised Code. 82682

Sec. 5101.91. (A) As used in sections 5101.91 and 5101.92 of 82683
the Revised Code: 82684

(1) "Political subdivision" has the same meaning as in 82685
section 2744.01 of the Revised Code. 82686

(2) "Publicly funded assistance program" means any physical 82687
health, behavioral health, social, employment, education, housing, 82688

or similar program funded or provided by the state or a political subdivision of the state. 82689
82690

(B) There is hereby created the Ohio healthier buckeye advisory council in the department of job and family services. The council shall meet at the discretion of the director of job and family services and shall consist of the following members: 82691
82692
82693
82694

(1) Five members representing affected local private employers or local faith-based, charitable, nonprofit, or public entities or individuals participating in the healthier buckeye grant program, appointed by the governor; 82695
82696
82697
82698

(2) Two members of the senate, one from the majority party and one from the minority party, appointed by the president of the senate; 82699
82700
82701

(3) Two members of the house of representatives, one from the majority party and one from the minority party, appointed by the speaker of the house of representatives; 82702
82703
82704

(4) One member representing the judicial branch of government, appointed by the chief justice of the supreme court; 82705
82706

(5) Additional members representing any other entities or organizations the director of job and family services determines are necessary, appointed by the governor. 82707
82708
82709

(C) Initial appointments to the council shall be made not later than thirty days after ~~the effective date of this section~~ September 15, 2014. 82710
82711
82712

A member shall serve at the pleasure of the member's appointing authority. Members may be reappointed to the council. Vacancies on the council shall be filled in the same manner as the original appointments. 82713
82714
82715
82716

(D) The director of job and family services shall serve as chairperson of the council. 82717
82718

(E) The department of job and family services shall provide 82719
administrative assistance to the council. 82720

(F) Members shall serve without compensation, but shall be 82721
reimbursed for their actual and necessary expenses incurred in the 82722
performance of their official duties. 82723

(G) Annually, the Ohio healthier buckeye advisory council 82724
shall submit a report to the governor and, in accordance with 82725
section 101.68 of the Revised Code, to the general assembly. Each 82726
report shall contain a description of the council's activities for 82727
the preceding year and any other information the council considers 82728
appropriate to include in the report. 82729

Sec. 5101.92. The Ohio healthier buckeye advisory council ~~may~~ 82730
shall do all of the following: 82731

(A) Develop the means by which ~~county~~ local healthier buckeye 82732
councils established under section 355.02 of the Revised Code may 82733
reduce the reliance of individuals on publicly funded assistance 82734
programs as provided in section 355.03 of the Revised Code; 82735

~~(B) Recommend to the director of job and family services~~ 82736
~~eligibility criteria, application processes, and maximum grant~~ 82737
~~amounts for the Ohio healthier buckeye grant program~~ Provide 82738
assistance in the establishment of local healthier buckeye 82739
councils under Chapter 355. of the Revised Code; 82740

~~(C) Not later than December 1, 2015, submit to the director~~ 82741
~~recommendations for doing all of the following:~~ 82742

~~(1) Coordinating services across all public assistance~~ 82743
~~programs to help individuals find employment, succeed at work, and~~ 82744
~~stay out of poverty;~~ 82745

~~(2) Revising incentives for public assistance programs to~~ 82746
~~foster person-centered case management;~~ 82747

~~(3) Standardizing and automating eligibility determination~~ 82748

~~policies and processes for public assistance programs~~ Identify 82749
~~barriers and gaps to achieving greater financial independence for~~ 82750
~~individuals and families, and provide advice to remove those~~ 82751
~~barriers and gaps;~~ 82752

(D) Collect, analyze, and report performance measure 82753
information. 82754

Sec. 5101.99. (A) Whoever violates division (A) or (B) of 82755
section 5101.61 of the Revised Code shall be fined not more than 82756
five hundred dollars. 82757

(B) Whoever violates division (A) of section 5101.27 of the 82758
Revised Code is guilty of a misdemeanor of the first degree. 82759

(C) Whoever violates section 5101.133 or division (C)(2) of 82760
section 5101.612 of the Revised Code is guilty of a misdemeanor of 82761
the fourth degree. 82762

Sec. 5103.02. As used in sections 5103.03 to 5103.17 of the 82763
Revised Code: 82764

(A)(1) "Association" or "institution" includes all of the 82765
following: 82766

(a) Any incorporated or unincorporated organization, society, 82767
association, or agency, public or private, that receives or cares 82768
for children for two or more consecutive weeks; 82769

(b) Any individual, including the operator of a foster home, 82770
who, for hire, gain, or reward, receives or cares for children for 82771
two or more consecutive weeks, unless the individual is related to 82772
them by blood or marriage; 82773

(c) Any individual not in the regular employ of a court, or 82774
of an institution or association certified in accordance with 82775
section 5103.03 of the Revised Code, who in any manner becomes a 82776
party to the placing of children in foster homes, unless the 82777

individual is related to such children by blood or marriage or is 82778
the appointed guardian of such children. 82779

(2) "Association" or "institution" does not include any of 82780
the following: 82781

(a) Any organization, society, association, school, agency, 82782
child guidance center, detention or rehabilitation facility, or 82783
children's clinic licensed, regulated, approved, operated under 82784
the direction of, or otherwise certified by the department of 82785
education, a local board of education, the department of youth 82786
services, the department of mental health and addiction services, 82787
or the department of developmental disabilities; 82788

(b) Any individual who provides care for only a single-family 82789
group, placed there by their parents or other relative having 82790
custody; 82791

(c) A private, nonprofit therapeutic wilderness camp. 82792

(B) "Family foster home" means a foster home that is not a 82793
specialized foster home. 82794

(C) "Foster caregiver" means a person holding a valid foster 82795
home certificate issued under section 5103.03 of the Revised Code. 82796

(D) "Foster home" means a private residence in which children 82797
are received apart from their parents, guardian, or legal 82798
custodian, by an individual reimbursed for providing the children 82799
nonsecure care, supervision, or training twenty-four hours a day. 82800
"Foster home" does not include care provided for a child in the 82801
home of a person other than the child's parent, guardian, or legal 82802
custodian while the parent, guardian, or legal custodian is 82803
temporarily away. Family foster homes and specialized foster homes 82804
are types of foster homes. 82805

(E) "Medically fragile foster home" means a foster home that 82806
provides specialized medical services designed to meet the needs 82807

of children with intensive health care needs who meet all of the 82808
following criteria: 82809

(1) Under rules adopted by the medicaid director governing 82810
medicaid payments for long-term care services, the children 82811
require a skilled level of care. 82812

(2) The children require the services of a doctor of medicine 82813
or osteopathic medicine at least once a week due to the 82814
instability of their medical conditions. 82815

(3) The children require the services of a registered nurse 82816
on a daily basis. 82817

(4) The children are at risk of institutionalization in a 82818
hospital, skilled nursing facility, or intermediate care facility 82819
for individuals with intellectual disabilities. 82820

(F) "Private, nonprofit therapeutic wilderness camp" means a 82821
structured, alternative residential setting for children who are 82822
experiencing emotional, behavioral, moral, social, or learning 82823
difficulties at home or school in which all of the following are 82824
the case: 82825

(1) The children spend the majority of their time, including 82826
overnight, either outdoors or in a primitive structure. 82827

(2) The children have been placed there by their parents or 82828
another relative having custody. 82829

(3) The camp accepts no public funds for use in its 82830
operations. 82831

(G) "Recommending agency" means a public children services 82832
agency, private child placing agency, or private noncustodial 82833
agency that recommends that the department of job and family 82834
services take any of the following actions under section 5103.03 82835
of the Revised Code regarding a foster home: 82836

(1) Issue a certificate; 82837

(2) Deny a certificate; 82838

(3) Renew a certificate; 82839

(4) Deny renewal of a certificate; 82840

(5) Revoke a certificate. 82841

~~(G)~~(H) "Specialized foster home" means a medically fragile 82842
foster home or a treatment foster home. 82843

~~(H)~~(I) "Treatment foster home" means a foster home that 82844
incorporates special rehabilitative services designed to treat the 82845
specific needs of the children received in the foster home and 82846
that receives and cares for children who are emotionally or 82847
behaviorally disturbed, chemically dependent, mentally retarded, 82848
developmentally disabled, or who otherwise have exceptional needs. 82849

Sec. 5103.50. (A) As used in this section and sections 82850
5103.51 to 5103.55 of the Revised Code, "private, nonprofit 82851
therapeutic wilderness camp" has the same meaning as in section 82852
5103.02 of the Revised Code. 82853

(B) The director of job and family services shall adopt rules 82854
in accordance with Chapter 119. of the Revised Code to implement 82855
standards set forth in division (D) of this section and section 82856
5103.54 of the Revised Code that are substantially similar, as 82857
determined by the director, to other similarly situated providers 82858
of residential care to children. 82859

(C) The director of job and family services shall issue a 82860
license to a private, nonprofit therapeutic wilderness camp that 82861
submits an application to the director, on a form prescribed by 82862
the director, that indicates to the director's satisfaction that 82863
the camp meets the standards set forth in rules adopted under 82864
division (B) of this section. 82865

(D) In accordance with rules adopted by the director under 82866
division (B) of this section, the camp shall develop and implement 82867

<u>written policies that establish all of the following:</u>	82868
<u>(1) Standards for hiring, training, and supervising staff;</u>	82869
<u>(2) Standards for behavioral intervention, including</u>	82870
<u>standards prohibiting the use of prone restraint and governing the</u>	82871
<u>use of other restraints or isolation;</u>	82872
<u>(3) Standards for recordkeeping, including specifying</u>	82873
<u>information that must be included in each child's record, who may</u>	82874
<u>access records, confidentiality, maintenance, security, and</u>	82875
<u>disposal of records;</u>	82876
<u>(4) A procedure for handling complaints about the camp from</u>	82877
<u>the children attending the camp, their families, staff, and the</u>	82878
<u>public;</u>	82879
<u>(5) Standards for emergency and disaster preparedness,</u>	82880
<u>including procedures for emergency evacuation and standards</u>	82881
<u>requiring that a method of emergency communication be accessible</u>	82882
<u>at all times;</u>	82883
<u>(6) Standards that ensure the protection of children's civil</u>	82884
<u>rights;</u>	82885
<u>(7) Standards for the admission and discharge of children</u>	82886
<u>attending the camp, including standards for emergency discharge;</u>	82887
<u>(8) Standards for the supervision of children, including</u>	82888
<u>minimum staff to child ratios;</u>	82889
<u>(9) Standards for ensuring proper medical care, including</u>	82890
<u>administration of medications;</u>	82891
<u>(10) Standards for proper notification of critical incidents;</u>	82892
<u>(11) Standards regarding the health and safety of residents,</u>	82893
<u>including proper health department approvals, fire inspections,</u>	82894
<u>and food service licenses;</u>	82895
<u>(12) Standards for ensuring the reporting requirements under</u>	82896

section 2151.421 of the Revised Code are met. 82897

(E) The camp shall ensure that no child resides at the camp 82898
for more than twelve consecutive months, unless the camp has 82899
completed a full evaluation that determines the child is not ready 82900
for reunification with the child's family or guardian. Such 82901
evaluation shall include any outside professional determined to be 82902
necessary by the director of job and family services. This 82903
evaluation shall be conducted in accordance with rules adopted by 82904
the director. 82905

(F) The camp shall cooperate with any request from the 82906
director for an inspection or for access to records or written 82907
policies of the camp. 82908

(G) The camps shall ensure that no child is left without 82909
supervision of camp staff at any time. 82910

(H) The camp shall ensure that if there is a weather 82911
emergency or warning issued by the national weather service in the 82912
camp's geographic area, the children will be moved to a safe 82913
structure guarded from the weather event. 82914

(I) The camp shall ensure that all sharp tools used in the 82915
camp, including axes and knives, are locked unless in use by camp 82916
staff or otherwise under camp staff supervision. 82917

Sec. 5103.51. A license issued under section 5103.50 of the 82918
Revised Code is valid for two years, unless earlier revoked by the 82919
director of job and family services. The license may be renewed. 82920

Each private, nonprofit therapeutic wilderness camp seeking 82921
license renewal shall submit to the director an application for 82922
license renewal on such form as the director prescribes. 82923

Sec. 5103.52. (A) The director of job and family services may 82924
inspect a private, nonprofit therapeutic wilderness camp at any 82925

<u>time.</u>	82926
<u>(B) The director may request access to the camp's records or</u>	82927
<u>to the written policies adopted by the camp pursuant to section</u>	82928
<u>5103.50 of the Revised Code.</u>	82929
<u>Sec. 5103.53. A private, nonprofit therapeutic wilderness</u>	82930
<u>camp shall not operate without a license issued under section</u>	82931
<u>5103.50 of the Revised Code. If the director of job and family</u>	82932
<u>services determines that a camp is operating without a license,</u>	82933
<u>the director may petition the court of common pleas in the county</u>	82934
<u>in which the camp is located for an order enjoining its operation.</u>	82935
<u>The court shall grant injunctive relief upon a showing that the</u>	82936
<u>camp is operating without a license.</u>	82937
<u>Sec. 5103.54. (A) The director of job and family services</u>	82938
<u>shall adopt rules in accordance with Chapter 119. of the Revised</u>	82939
<u>Code to establish the following:</u>	82940
<u>(1) Policies and procedures for enforcing the minimum</u>	82941
<u>standards of operation for private, nonprofit therapeutic</u>	82942
<u>wilderness camps;</u>	82943
<u>(2) Procedures the director shall follow if the director</u>	82944
<u>determines that conditions at a camp pose imminent risk to the</u>	82945
<u>life, health, or safety of one or more children at a camp.</u>	82946
<u>(B) Rules adopted under this section shall be substantially</u>	82947
<u>similar, as determined by the director, to rules applicable to</u>	82948
<u>other residential care providers to children.</u>	82949
<u>(C) The director may issue, deny, or revoke a license</u>	82950
<u>according to procedures set forth in rules adopted under this</u>	82951
<u>section or section 5103.50 of the Revised Code.</u>	82952
<u>Sec. 5103.55. A parent of a child attending a private,</u>	82953
<u>nonprofit therapeutic wilderness camp is not relieved of the</u>	82954

parent's obligations regarding compulsory school attendance 82955
pursuant to section 3321.04 of the Revised Code. 82956

Sec. 5104.01. As used in this chapter: 82957

(A) "Administrator" means the person responsible for the 82958
daily operation of a center, type A home, or type B home. The 82959
administrator and the owner may be the same person. 82960

(B) "Approved child day camp" means a child day camp approved 82961
pursuant to section 5104.22 of the Revised Code. 82962

(C) "Border state child care provider" means a child care 82963
provider that is located in a state bordering Ohio and that is 82964
licensed, certified, or otherwise approved by that state to 82965
provide child care. 82966

(D) "Career pathways model" means an alternative pathway to 82967
meeting the requirements to be a child-care staff member or 82968
administrator that does both of the following: 82969

(1) Uses a framework approved by the director of job and 82970
family services to document formal education, training, 82971
experience, and specialized credentials and certifications; 82972

(2) Allows the child-care staff member or administrator to 82973
achieve a designation as an early childhood professional level 82974
one, two, three, four, five, or six. 82975

(E) "Caretaker parent" means the father or mother of a child 82976
whose presence in the home is needed as the caretaker of the 82977
child, a person who has legal custody of a child and whose 82978
presence in the home is needed as the caretaker of the child, a 82979
guardian of a child whose presence in the home is needed as the 82980
caretaker of the child, and any other person who stands in loco 82981
parentis with respect to the child and whose presence in the home 82982
is needed as the caretaker of the child. 82983

(F) "Chartered nonpublic school" means a school that meets 82984

standards for nonpublic schools prescribed by the state board of 82985
education for nonpublic schools pursuant to section 3301.07 of the 82986
Revised Code. 82987

(G) "Child" includes an infant, toddler, preschool-age child, 82988
or school-age child. 82989

(H) "Child care block grant act" means the "Child Care and 82990
Development Block Grant Act of 1990," established in section 5082 82991
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 82992
1388-236 (1990), 42 U.S.C. 9858, as amended. 82993

(I) "Child day camp" means a program in which only school-age 82994
children attend or participate, that operates for no more than 82995
seven hours per day, that operates only during one or more public 82996
school district's regular vacation periods or for no more than 82997
fifteen weeks during the summer, and that operates outdoor 82998
activities for each child who attends or participates in the 82999
program for a minimum of fifty per cent of each day that children 83000
attend or participate in the program, except for any day when 83001
hazardous weather conditions prevent the program from operating 83002
outdoor activities for a minimum of fifty per cent of that day. 83003
For purposes of this division, the maximum seven hours of 83004
operation time does not include transportation time from a child's 83005
home to a child day camp and from a child day camp to a child's 83006
home. 83007

(J) "Child care" means administering all of the following: 83008

(1) Administering to the needs of infants, toddlers, 83009
preschool-age children, and school-age children outside of school 83010
hours ~~by;~~ 83011

(2) By persons other than their parents ~~or,~~ guardians, or 83012
custodians, ~~or relatives by blood, marriage, or adoption for;~~ 83013

(3) For any part of the twenty-four-hour day ~~in;~~ 83014

(4) In a place ~~or residence~~ other than a child's own home, 83015
except that an in-home aide provides child care in the child's own 83016
home. 83017

(K) "Child day-care center" and "center" mean any place in 83018
which child care or publicly funded child care is provided for 83019
thirteen or more children at one time or any place that is not the 83020
permanent residence of the licensee or administrator in which 83021
child care or publicly funded child care is provided for seven to 83022
twelve children at one time. In counting children for the purposes 83023
of this division, any children under six years of age who are 83024
related to a licensee, administrator, or employee and who are on 83025
the premises of the center shall be counted. "Child day-care 83026
center" and "center" do not include any of the following: 83027

(1) A place located in and operated by a hospital, as defined 83028
in section 3727.01 of the Revised Code, in which the needs of 83029
children are administered to, if all the children whose needs are 83030
being administered to are monitored under the on-site supervision 83031
of a physician licensed under Chapter 4731. of the Revised Code or 83032
a registered nurse licensed under Chapter 4723. of the Revised 83033
Code, and the services are provided only for children who, in the 83034
opinion of the child's parent, guardian, or custodian, are 83035
exhibiting symptoms of a communicable disease or other illness or 83036
are injured; 83037

(2) A child day camp; 83038

(3) A place that provides child care, but not publicly funded 83039
child care, if all of the following apply: 83040

(a) An organized religious body provides the child care; 83041

(b) A parent, custodian, or guardian of at least one child 83042
receiving child care is on the premises and readily accessible at 83043
all times; 83044

(c) The child care is not provided for more than thirty days 83045

a year;	83046
(d) The child care is provided only for preschool-age and school-age children.	83047 83048
(L) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	83049 83050 83051
(M) "Child care resource and referral services" means all of the following services:	83052 83053
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	83054 83055 83056
(2) Provision of individualized consumer education to families seeking child care;	83057 83058
(3) Provision of timely referrals of available child care providers to families seeking child care;	83059 83060
(4) Recruitment of child care providers;	83061
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	83062 83063 83064 83065
(6) Collection and analysis of data on the supply of and demand for child care in the community;	83066 83067
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	83068 83069 83070
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	83071 83072 83073
(9) Provision of written educational materials to caretaker	83074

parents and informational resources to child care providers; 83075

(10) Coordination of services among child care resource and 83076
referral service organizations to assist in developing and 83077
maintaining a statewide system of child care resource and referral 83078
services if required by the department of job and family services; 83079

(11) Cooperation with the county department of job and family 83080
services in encouraging the establishment of parent cooperative 83081
child care centers and parent cooperative type A family day-care 83082
homes. 83083

(N) "Child-care staff member" means an employee of a child 83084
day-care center or type A family day-care home who is primarily 83085
responsible for the care and supervision of children. The 83086
administrator may be a part-time child-care staff member when not 83087
involved in other duties. 83088

(O) "Drop-in child day-care center," "drop-in center," 83089
"drop-in type A family day-care home," and "drop-in type A home" 83090
mean a center or type A home that provides child care or publicly 83091
funded child care for children on a temporary, irregular basis. 83092

(P) "Employee" means a person who either: 83093

(1) Receives compensation for duties performed in a child 83094
day-care center or type A family day-care home; 83095

(2) Is assigned specific working hours or duties in a child 83096
day-care center or type A family day-care home. 83097

(Q) "Employer" means a person, firm, institution, 83098
organization, or agency that operates a child day-care center or 83099
type A family day-care home subject to licensure under this 83100
chapter. 83101

(R) "Federal poverty line" means the official poverty 83102
guideline as revised annually in accordance with section 673(2) of 83103
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 83104

U.S.C. 9902, as amended, for a family size equal to the size of 83105
the family of the person whose income is being determined. 83106

(S) "Head start program" means a comprehensive child 83107
development program serving birth to three years old and 83108
preschool-age children that receives funds distributed under the 83109
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 83110
amended, and is licensed as a child day-care center. 83111

(T) "Income" means gross income, as defined in section 83112
5107.10 of the Revised Code, less any amounts required by federal 83113
statutes or regulations to be disregarded. 83114

(U) "Indicator checklist" means an inspection tool, used in 83115
conjunction with an instrument-based program monitoring 83116
information system, that contains selected licensing requirements 83117
that are statistically reliable indicators or predictors of a 83118
child day-care center's type A family day-care home's, or licensed 83119
type B family day-care home's compliance with licensing 83120
requirements. 83121

(V) "Infant" means a child who is less than eighteen months 83122
of age. 83123

(W) "In-home aide" means a person who does not reside with 83124
the child but provides care in the child's home and is certified 83125
by a county director of job and family services pursuant to 83126
section 5104.12 of the Revised Code to provide publicly funded 83127
child care to a child in a child's own home pursuant to this 83128
chapter and any rules adopted under it. 83129

(X) "Instrument-based program monitoring information system" 83130
means a method to assess compliance with licensing requirements 83131
for child day-care centers, type A family day-care homes, and 83132
licensed type B family day-care homes in which each licensing 83133
requirement is assigned a weight indicative of the relative 83134
importance of the requirement to the health, growth, and safety of 83135

the children that is used to develop an indicator checklist. 83136

(Y) "License capacity" means the maximum number in each age 83137
category of children who may be cared for in a child day-care 83138
center or type A family day-care home at one time as determined by 83139
the director of job and family services considering building 83140
occupancy limits established by the department of commerce, amount 83141
of available indoor floor space and outdoor play space, and amount 83142
of available play equipment, materials, and supplies. For the 83143
purposes of a provisional license issued under this chapter, the 83144
director shall also consider the number of available child-care 83145
staff members when determining "license capacity" for the 83146
provisional license. 83147

(Z) "Licensed child care program" means any of the following: 83148

(1) A child day-care center licensed by the department of job 83149
and family services pursuant to this chapter; 83150

(2) A type A family day-care home or type B family day-care 83151
home licensed by the department of job and family services 83152
pursuant to this chapter; 83153

(3) A licensed preschool program or licensed school child 83154
program. 83155

(AA) "Licensed preschool program" or "licensed school child 83156
program" means a preschool program or school child program, as 83157
defined in section 3301.52 of the Revised Code, that is licensed 83158
by the department of education pursuant to sections 3301.52 to 83159
3301.59 of the Revised Code. 83160

(BB) "Licensed type B family day-care home" and "licensed 83161
type B home" mean a type B family day-care home for which there is 83162
a valid license issued by the director of job and family services 83163
pursuant to section 5104.03 of the Revised Code. 83164

(CC) "Licensee" means the owner of a child day-care center, 83165

type A family day-care home, or type B family day-care home that 83166
is licensed pursuant to this chapter and who is responsible for 83167
ensuring its compliance with this chapter and rules adopted 83168
pursuant to this chapter. 83169

(DD) "Operate a child day camp" means to operate, establish, 83170
manage, conduct, or maintain a child day camp. 83171

(EE) "Owner" includes a person, as defined in section 1.59 of 83172
the Revised Code, ~~or~~ government entity, firm, organization, 83173
institution, agency, as well as any individual governing board 83174
members, partners, incorporators, agents, or authorized 83175
representatives of the owner. 83176

(FF) "Parent cooperative child day-care center," "parent 83177
cooperative center," "parent cooperative type A family day-care 83178
home," and "parent cooperative type A home" mean a corporation or 83179
association organized for providing educational services to the 83180
children of members of the corporation or association, without 83181
gain to the corporation or association as an entity, in which the 83182
services of the corporation or association are provided only to 83183
children of the members of the corporation or association, 83184
ownership and control of the corporation or association rests 83185
solely with the members of the corporation or association, and at 83186
least one parent-member of the corporation or association is on 83187
the premises of the center or type A home during its hours of 83188
operation. 83189

(GG) "Part-time child day-care center," "part-time center," 83190
"part-time type A family day-care home," and "part-time type A 83191
home" mean a center or type A home that provides child care or 83192
publicly funded child care for ~~no~~ not more than four hours a day 83193
for any child or not more than fifteen consecutive weeks per year, 83194
regardless of the number of hours per day. 83195

(HH) "Place of worship" means a building where activities of 83196

an organized religious group are conducted and includes the 83197
grounds and any other buildings on the grounds used for such 83198
activities. 83199

(II) "Preschool-age child" means a child who is three years 83200
old or older but is not a school-age child. 83201

(JJ) "Protective child care" means publicly funded child care 83202
for the direct care and protection of a child to whom either of 83203
the following applies: 83204

(1) A case plan prepared and maintained for the child 83205
pursuant to section 2151.412 of the Revised Code indicates a need 83206
for protective care and the child resides with a parent, 83207
stepparent, guardian, or another person who stands in loco 83208
parentis as defined in rules adopted under section 5104.38 of the 83209
Revised Code; 83210

(2) The child and the child's caretaker either temporarily 83211
reside in a facility providing emergency shelter for homeless 83212
families or are determined by the county department of job and 83213
family services to be homeless, and are otherwise ineligible for 83214
publicly funded child care. 83215

(KK) "Publicly funded child care" means administering to the 83216
needs of infants, toddlers, preschool-age children, and school-age 83217
children under age thirteen during any part of the 83218
twenty-four-hour day by persons other than their caretaker parents 83219
for remuneration wholly or in part with federal or state funds, 83220
including funds available under the child care block grant act, 83221
Title IV-A, and Title XX, distributed by the department of job and 83222
family services. 83223

(LL) "Religious activities" means any of the following: 83224
worship or other religious services; religious instruction; Sunday 83225
school classes or other religious classes conducted during or 83226
prior to worship or other religious services; youth or adult 83227

fellowship activities; choir or other musical group practices or 83228
programs; meals; festivals; or meetings conducted by an organized 83229
religious group. 83230

(MM) "School-age child" means a child who is enrolled in or 83231
is eligible to be enrolled in a grade of kindergarten or above but 83232
is less than fifteen years old. 83233

(NN) "School-age child care center" and "school-age child 83234
type A home" mean a center or type A home that provides child care 83235
for school-age children only and that does either or both of the 83236
following: 83237

(1) Operates only during that part of the day that 83238
immediately precedes or follows the public school day of the 83239
school district in which the center or type A home is located; 83240

(2) Operates only when the public schools in the school 83241
district in which the center or type A home is located are not 83242
open for instruction with pupils in attendance. 83243

(OO) "Serious risk noncompliance" means a licensure or 83244
certification rule violation that leads to a great risk of harm 83245
to, or death of, a child, and is observable, not inferable. 83246

(PP) "State median income" means the state median income 83247
calculated by the department of development pursuant to division 83248
(A)(1)(g) of section 5709.61 of the Revised Code. 83249

(QQ) "Title IV-A" means Title IV-A of the "Social Security 83250
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 83251

(RR) "Title XX" means Title XX of the "Social Security Act," 83252
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 83253

(SS) "Toddler" means a child who is at least eighteen months 83254
of age but less than three years of age. 83255

(TT) "Type A family day-care home" and "type A home" mean a 83256
permanent residence of the administrator in which child care or 83257

publicly funded child care is provided for seven to twelve 83258
children at one time or a permanent residence of the administrator 83259
in which child care is provided for four to twelve children at one 83260
time if four or more children at one time are under two years of 83261
age. In counting children for the purposes of this division, any 83262
children under six years of age who are related to a licensee, 83263
administrator, or employee and who are on the premises of the type 83264
A home shall be counted. "Type A family day-care home" and "type A 83265
home" do not include any child day camp. 83266

(UU) "Type B family day-care home" and "type B home" mean a 83267
permanent residence of the provider in which child care is 83268
provided for one to six children at one time and in which no more 83269
than three children are under two years of age at one time. In 83270
counting children for the purposes of this division, any children 83271
under six years of age who are related to the provider and who are 83272
on the premises of the type B home shall be counted. "Type B 83273
family day-care home" and "type B home" do not include any child 83274
day camp. 83275

Sec. 5104.013. (A)(1) At the times specified in division 83276
(A)(3) of this section, the director of job and family services, 83277
as part of the process of licensure of child day-care centers, 83278
type A family day-care homes, and ~~licensed~~ type B family day-care 83279
homes shall request the superintendent of the bureau of criminal 83280
identification and investigation to conduct a criminal records 83281
check with respect to the following persons: 83282

(a) Any owner, licensee, or administrator of a ~~child day-care~~ 83283
center; 83284

(b) Any owner, licensee, or administrator of a type A ~~family~~ 83285
~~day-care~~ home or type B home and any person eighteen years of age 83286
or older who resides in a type A ~~family day-care~~ home; 83287

~~(c) Any administrator of a licensed type B family day-care~~ 83288

~~home and any person eighteen years of age or older who resides in~~ 83289
~~a licensed type B family day care home or type B home.~~ 83290

(2) At the time specified in division (A)(3) of this section, 83291
the director of a county department of job and family services, as 83292
part of the process of certification of in-home aides, shall 83293
request the superintendent of the bureau of criminal 83294
identification and investigation to conduct a criminal records 83295
check with respect to any in-home aide. 83296

(3) The director of job and family services shall request a 83297
criminal records check pursuant to division (A)(1) of this section 83298
at the time of the initial application for licensure and every 83299
five years thereafter. The director of a county department of job 83300
and family services shall request a criminal records check 83301
pursuant to division (A)(2) of this section at the time of the 83302
initial application for certification and every five years 83303
thereafter. When the director of job and family services or the 83304
director of a county department of job and family services 83305
requests pursuant to division (A)(1) or (2) of this section a 83306
criminal records check for a person at the time of the person's 83307
initial application for licensure or certification, the director 83308
shall request that the superintendent of the bureau of criminal 83309
identification and investigation obtain information from the 83310
federal bureau of investigation as a part of the criminal records 83311
check for the person, including fingerprint-based checks of 83312
national crime information databases as described in 42 U.S.C. 671 83313
for the person subject to the criminal records check. In all other 83314
cases in which the director of job and family services or the 83315
director of a county department of job and family services 83316
requests a criminal records check for an applicant pursuant to 83317
division (A)(1) or (2) of this section, the director may request 83318
that the superintendent include information from the federal 83319
bureau of investigation in the criminal records check, including 83320

fingerprint-based checks of national crime information databases 83321
as described in 42 U.S.C. 671. 83322

(4) The director of job and family services shall review the 83323
results of a criminal records check subsequent to a request made 83324
pursuant to divisions (A)(1) and (3) of this section prior to 83325
approval of a license. The director of a county department of job 83326
and family services shall review the results of a criminal records 83327
check subsequent to a request made pursuant to divisions (A)(2) 83328
and (3) of this section prior to approval of certification. 83329

(B) The director of job and family services or the director 83330
of a county department of job and family services shall provide to 83331
each person for whom a criminal records check is required under 83332
this section a copy of the form prescribed pursuant to division 83333
(C)(1) of section 109.572 of the Revised Code and a standard 83334
impression sheet to obtain fingerprint impressions prescribed 83335
pursuant to division (C)(2) of that section, obtain the completed 83336
form and impression sheet from that person, and forward the 83337
completed form and impression sheet to the superintendent of the 83338
bureau of criminal identification and investigation. 83339

(C) A person who receives pursuant to division (B) of this 83340
section a copy of the form and standard impression sheet described 83341
in that division and who is requested to complete the form and 83342
provide a set of fingerprint impressions shall complete the form 83343
or provide all the information necessary to complete the form and 83344
shall provide the impression sheet with the impressions of the 83345
person's fingerprints. If the person, upon request, fails to 83346
provide the information necessary to complete the form or fails to 83347
provide impressions of the person's fingerprints, the director may 83348
consider the failure as a reason to deny licensure or 83349
certification. 83350

(D) Except as provided in rules adopted under division ~~(G)~~(N) 83351
of this section, ~~the~~ 83352

(1) The director of job and family services shall not grant a 83353
license to a ~~child day-care~~ center, type A ~~family day-care~~ home, 83354
or type B ~~family day-care~~ home and a county director of job and 83355
family services shall not certify an in-home aide if a person for 83356
whom a criminal records check was required in connection with the 83357
center or home previously has been convicted of or pleaded guilty 83358
to any of the violations described in division (A)(5) of section 83359
109.572 of the Revised Code. 83360

(2) The director of job and family services shall not grant a 83361
license to a type A home or type B home if a resident of the type 83362
A home or type B home is under eighteen years of age and has been 83363
adjudicated a delinquent child for committing a violation of any 83364
section listed in division (A)(5) of section 109.572 of the 83365
Revised Code. 83366

(E) Each ~~child day-care~~ center, type A ~~family day-care~~ home, 83367
and type B ~~family day-care~~ home shall pay to the bureau of 83368
criminal identification and investigation the fee prescribed 83369
pursuant to division (C)(3) of section 109.572 of the Revised Code 83370
for each criminal records check conducted in accordance with that 83371
section upon a request made pursuant to division (A) of this 83372
section. 83373

(F)(1) At the times specified in division (F)(2) of this 83374
section, the administrator of a center, type A home or licensed 83375
type B home shall request the superintendent of the bureau of 83376
criminal identification and investigation to conduct a criminal 83377
records check with respect to any applicant who has applied to the 83378
center, type A home, or licensed type B home for employment. 83379

(2) The administrator shall request a criminal records check 83380
pursuant to division (F)(1) of this section at the time of the 83381
applicant's initial application for employment and every five 83382
years thereafter. When the administrator requests pursuant to 83383
division (F)(1) of this section a criminal records check for an 83384

applicant at the time of the applicant's initial application for 83385
employment, the administrator shall request that the 83386
superintendent obtain information from the federal bureau of 83387
investigation as a part of the criminal records check for the 83388
applicant, including fingerprint-based checks of national crime 83389
information databases as described in 42 U.S.C. 671, for the 83390
person subject to the criminal records check. In all other cases 83391
in which the administrator requests a criminal records check for 83392
an applicant pursuant to division (F)(1) of this section, the 83393
administrator may request that the superintendent include 83394
information from the federal bureau of investigation in the 83395
criminal records check, including fingerprint-based checks of 83396
national crime information databases as described in 42 U.S.C. 83397
671. 83398

(G) Any person required by division (F) of this section to 83399
request a criminal records check shall inform each person, at the 83400
time of the person's initial application for employment, that the 83401
person is required to provide a set of impressions of the person's 83402
fingerprints and that a criminal records check is required to be 83403
conducted and satisfactorily completed in accordance with section 83404
109.572 of the Revised Code if the person comes under final 83405
consideration for appointment or employment as a precondition to 83406
employment for that position. 83407

(H) A person required by division (F) of this section to 83408
request a criminal records check shall provide to each applicant a 83409
copy of the form prescribed pursuant to division (C)(1) of section 83410
109.572 of the Revised Code, provide to each applicant a standard 83411
impression sheet to obtain fingerprint impressions prescribed 83412
pursuant to division (C)(2) of section 109.572 of the Revised 83413
Code, obtain the completed form and impression sheet from each 83414
applicant, and forward the completed form and impression sheet to 83415
the superintendent of the bureau of criminal identification and 83416

investigation at the time the person requests a criminal records 83417
check pursuant to division (F) of this section. 83418

(I) An applicant who receives pursuant to division (H) of 83419
this section a copy of the form prescribed pursuant to division 83420
(C)(1) of section 109.572 of the Revised Code and a copy of an 83421
impression sheet prescribed pursuant to division (C)(2) of that 83422
section and who is requested to complete the form and provide a 83423
set of fingerprint impressions shall complete the form or provide 83424
all the information necessary to complete the form and shall 83425
provide the impression sheet with the impressions of the 83426
applicant's fingerprints. If an applicant, upon request, fails to 83427
provide the information necessary to complete the form or fails to 83428
provide impressions of the applicant's fingerprints, the center or 83429
type A home shall not employ that applicant for any position for 83430
which a criminal records check is required by division (F) of this 83431
section. 83432

(J)(1) Except as provided in rules adopted under division (N) 83433
of this section, no center, type A home, or licensed type B home 83434
shall employ or contract with another entity for the services of a 83435
person if the person previously has been convicted of or pleaded 83436
guilty to any of the violations described in division (A)(5) of 83437
section 109.572 of the Revised Code. 83438

(2) A center, type A home, or licensed type B home may employ 83439
an applicant conditionally until the criminal records check 83440
required by this section is completed and the center or home 83441
receives the results of the criminal records check. If the results 83442
of the criminal records check indicate that, pursuant to division 83443
(J)(1) of this section, the applicant does not qualify for 83444
employment, the center, type A home, or licensed type B home shall 83445
release the applicant from employment. 83446

(3) The administrator of a center, type A home, or licensed 83447
type B home shall review the results of the criminal records check 83448

before an applicant has sole responsibility for the care, custody, 83449
or control of any child. 83450

(K)(1) Each center, type A home, and licensed type B home 83451
shall pay to the bureau of criminal identification and 83452
investigation the fee prescribed pursuant to division (C)(3) of 83453
section 109.572 of the Revised Code for each criminal records 83454
check conducted in accordance with that section upon the request 83455
pursuant to division (F) of this section of the administrator of 83456
the center, type A home, or licensed type B home. 83457

(2) A center, type A home, or licensed type B home may charge 83458
an applicant a fee for the costs it incurs in obtaining a criminal 83459
records check under this section. A fee charged under this 83460
division shall not exceed the amount of fees the center, type A 83461
home, or licensed type B home pays under division (K)(1) of this 83462
section. If a fee is charged under this division, the center, type 83463
A home, or licensed type B home shall notify the applicant at the 83464
time of the applicant's initial application for employment of the 83465
amount of the fee and that, unless the fee is paid, the center, 83466
type A home, or licensed type B home will not consider the 83467
applicant for employment. 83468

~~(F)~~(L) The report of any criminal records check conducted by 83469
the bureau of criminal identification and investigation in 83470
accordance with section 109.572 of the Revised Code and pursuant 83471
to a request made under division (A) ~~or (F)~~ of this section is not 83472
a public record for the purposes of section 149.43 of the Revised 83473
Code and shall not be made available to any person other than the 83474
person who is the subject of the criminal records check or the 83475
person's representative, the director of job and family services, 83476
the director of a county department of job and family services, 83477
the center, type A home, or type B home involved, and any court, 83478
hearing officer, or other necessary individual involved in a case 83479
dealing with a denial of licensure or certification related to the 83480

criminal records check. 83481

(M)(1) Each of the following persons shall sign a statement 83482
on forms prescribed by the director of job and family services 83483
attesting to the fact that the person has not been convicted of or 83484
pleaded guilty to any offense set forth in division (A)(5) of 83485
section 109.572 of the Revised Code and that no child has been 83486
removed from the person's home pursuant to section 2151.353 of the 83487
Revised Code: 83488

(a) An employee of a center, type A home, or licensed type B 83489
home; 83490

(b) A person eighteen years of age or older who resides in a 83491
type A home or licensed type B home; 83492

(c) An in-home aide; 83493

(d) An owner, licensee, or administrator of a center, type A 83494
home, or licensed type B home. 83495

(2) Each licensee of a type A home or type B home shall sign 83496
a statement on a form prescribed by the director of job and family 83497
services attesting to the fact that no person who resides at the 83498
type A home or licensed type B home and is under eighteen years of 83499
age has been adjudicated a delinquent child for committing a 83500
violation of any section listed in division (A)(5) of section 83501
109.572 of the Revised Code. 83502

(3) The statements required under divisions (M)(1) and (2) of 83503
this section shall be kept on file as follows: 83504

(a) With respect to an owner, licensee, administrator, or 83505
employee of a center, type A home, or licensed type B home, or a 83506
person eighteen years of age or older residing in a type A home or 83507
licensed type B home, at the center, type A home, or licensed type 83508
B home; 83509

(b) With respect to in-home aides, at the county department 83510

of job and family services. 83511

(4) No owner, administrator, licensee, or employee of a 83512
center, type A home, or licensed type B home, and no person 83513
eighteen years of age or older residing in a type A home or 83514
licensed type B home, shall withhold information from, or falsify 83515
information on, any statement required pursuant to division (M)(1) 83516
or (2) of this section. 83517

~~(G)~~(N) The director of job and family services shall adopt 83518
rules in accordance with Chapter 119. of the Revised Code to 83519
implement this section, including rules specifying exceptions to 83520
the ~~prohibition~~ prohibitions in ~~division~~ divisions (D) and (J) of 83521
this section for persons who have been convicted of an offense 83522
listed in ~~that division~~ division (A)(5) of section 109.572 of the 83523
Revised Code but who meet standards in regard to rehabilitation 83524
set by the director. 83525

~~(H)~~(O) As used in this section, ~~"criminal:~~ 83526

(1) "Applicant" means a person who is under final 83527
consideration for appointment to or employment in a position with 83528
a center, a type A home, or licensed type B home or any person who 83529
would serve in any position with a center, type A home, or 83530
licensed type B home pursuant to a contract with another entity. 83531

(2) "Criminal records check" has the same meaning as in 83532
section 109.572 of the Revised Code. 83533

Sec. 5104.015. The director of job and family services shall 83534
adopt rules in accordance with Chapter 119. of the Revised Code 83535
governing the operation of child day-care centers, including 83536
parent cooperative centers, part-time centers, drop-in centers, 83537
and school-age child care centers. The rules shall reflect the 83538
various forms of child care and the needs of children receiving 83539
child care or publicly funded child care and shall include 83540

specific rules for school-age child care centers that are 83541
developed in consultation with the department of education. The 83542
rules shall not require an existing school facility that is in 83543
compliance with applicable building codes to undergo an additional 83544
building code inspection or to have structural modifications. The 83545
rules shall include the following: 83546

(A) Submission of a site plan and descriptive plan of 83547
operation to demonstrate how the center proposes to meet the 83548
requirements of this chapter and rules adopted pursuant to this 83549
chapter for the initial license application; 83550

(B) Standards for ensuring that the physical surroundings of 83551
the center are safe and sanitary including the physical 83552
environment, the physical plant, and the equipment of the center; 83553

(C) Standards for the supervision, care, and discipline of 83554
children receiving child care or publicly funded child care in the 83555
center; 83556

(D) Standards for a program of activities, and for play 83557
equipment, materials, and supplies, to enhance the development of 83558
each child; however, any educational curricula, philosophies, and 83559
methodologies that are developmentally appropriate and that 83560
enhance the social, emotional, intellectual, and physical 83561
development of each child shall be permissible. As used in this 83562
division, "program" does not include instruction in religious or 83563
moral doctrines, beliefs, or values that is conducted at child 83564
day-care centers owned and operated by churches and does include 83565
methods of disciplining children at child day-care centers. 83566

(E) Admissions policies and procedures; 83567

(F) Health care policies and procedures, including procedures 83568
for the isolation of children with communicable diseases; 83569

(G) First aid and emergency procedures; 83570

(H) Procedures for discipline and supervision of children;	83571
(I) Standards for the provision of nutritious meals and snacks;	83572 83573
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	83574 83575 83576
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	83577 83578
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	83579 83580 83581 83582
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	83583 83584 83585
(N) Procedures for record keeping, organization, and administration;	83586 83587
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	83588 83589 83590
(P) Inspection procedures;	83591
(Q) Procedures and standards for setting initial license application fees;	83592 83593
(R) Procedures for receiving, recording, and responding to complaints about centers;	83594 83595
(S) Procedures for enforcing section 5104.04 of the Revised Code;	83596 83597
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number	83598 83599

on each center provisional license or license which any person may 83600
use to report a suspected violation by the center of this chapter 83601
or rules adopted pursuant to this chapter; 83602

(U) Requirements for the training of administrators and 83603
child-care staff members, including training in first aid, in 83604
prevention, recognition, and management of communicable diseases, 83605
and in child abuse recognition and prevention. ~~Training~~ 83606
~~requirements for child day-care centers adopted under this~~ 83607
~~division shall be consistent with sections 5104.034 and 5104.037~~ 83608
~~of the Revised Code.~~ 83609

(V) Standards providing for the special needs of children who 83610
are handicapped or who require treatment for health conditions 83611
while the child is receiving child care or publicly funded child 83612
care in the center; 83613

(W) A procedure for reporting of injuries of children that 83614
occur at the center; 83615

(X) Standards for licensing child day-care centers for 83616
children with short-term illnesses and other temporary medical 83617
conditions; 83618

(Y) Minimum requirements for instructional time for child 83619
day-care centers rated through the step up to quality program 83620
established pursuant to section 5104.29 of the Revised Code; 83621

(Z) Any other procedures and standards necessary to carry out 83622
the provisions of this chapter regarding child day-care centers. 83623

Sec. 5104.016. The director of job and family services, in 83624
addition to the rules adopted under section 5104.015 of the 83625
Revised Code, shall adopt rules establishing minimum requirements 83626
for child day-care centers. The rules shall include the 83627
requirements set forth in sections 5104.032 to ~~5104.037~~ 5104.036 83628
of the Revised Code. Except as provided in section 5104.07 of the 83629

Revised Code, the rules shall not change the square footage 83630
requirements of section 5104.032 of the Revised Code; the maximum 83631
number of children per child-care staff member and maximum group 83632
size requirements of section 5104.033 of the Revised Code; the 83633
educational and experience requirements of section 5104.035 of the 83634
Revised Code; the age, educational, and experience requirements of 83635
section 5104.036 of the Revised Code; ~~the number and type of~~ 83636
~~inservice training hours required under section 5104.037 of the~~ 83637
~~Revised Code~~; however, the rules shall provide procedures for 83638
determining compliance with those requirements. 83639

Sec. 5104.017. The director of job and family services shall 83640
adopt rules pursuant to Chapter 119. of the Revised Code governing 83641
the operation of type A family day-care homes, including parent 83642
cooperative type A homes, part-time type A homes, drop-in type A 83643
homes, and school-age child type A homes. The rules shall reflect 83644
the various forms of child care and the needs of children 83645
receiving child care. The rules shall include the following: 83646

(A) Submission of a site plan and descriptive plan of 83647
operation to demonstrate how the type A home proposes to meet the 83648
requirements of this chapter and rules adopted pursuant to this 83649
chapter for the initial license application; 83650

(B) Standards for ensuring that the physical surroundings of 83651
the type A home are safe and sanitary, including the physical 83652
environment, the physical plant, and the equipment of the type A 83653
home; 83654

(C) Standards for the supervision, care, and discipline of 83655
children receiving child care or publicly funded child care in the 83656
type A home; 83657

(D) Standards for a program of activities, and for play 83658
equipment, materials, and supplies, to enhance the development of 83659

each child; however, any educational curricula, philosophies, and 83660
methodologies that are developmentally appropriate and that 83661
enhance the social, emotional, intellectual, and physical 83662
development of each child shall be permissible; 83663

(E) Admissions policies and procedures; 83664

(F) Health care policies and procedures, including procedures 83665
for the isolation of children with communicable diseases; 83666

(G) First aid and emergency procedures; 83667

(H) Procedures for discipline and supervision of children; 83668

(I) Standards for the provision of nutritious meals and 83669
snacks; 83670

(J) Procedures for screening children, including any 83671
necessary physical examinations and the immunizations required 83672
pursuant to section 5104.014 of the Revised Code; 83673

(K) Procedures for screening employees, including any 83674
necessary physical examinations and immunizations; 83675

(L) Methods for encouraging parental participation in the 83676
type A home and methods for ensuring that the rights of children, 83677
parents, and employees are protected and that the responsibilities 83678
of parents and employees are met; 83679

(M) Procedures for ensuring the safety and adequate 83680
supervision of children traveling off the premises of the type A 83681
home while under the care of a type A home employee; 83682

(N) Procedures for record keeping, organization, and 83683
administration; 83684

(O) Procedures for issuing, denying, and revoking a license 83685
that are not otherwise provided for in Chapter 119. of the Revised 83686
Code; 83687

(P) Inspection procedures; 83688

(Q) Procedures and standards for setting initial license application fees;	83689 83690
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	83691 83692
(S) Procedures for enforcing section 5104.04 of the Revised Code;	83693 83694
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	83695 83696 83697 83698 83699
(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	83700 83701 83702 83703
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	83704 83705 83706 83707
(W) Standards for the maximum number of children per child-care staff member;	83708 83709
(X) Requirements for the amount of usable indoor floor space for each child;	83710 83711
(Y) Requirements for safe outdoor play space;	83712
(Z) Qualifications and training requirements for administrators and for child-care staff members;	83713 83714
(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	83715 83716 83717
(BB) Standards for the preparation and distribution of a	83718

roster of parents, custodians, and guardians;	83719
(CC) <u>Minimum requirements for instructional time for type A</u>	83720
<u>homes rated through the step up to quality program established</u>	83721
<u>pursuant to section 5104.29 of the Revised Code;</u>	83722
(DD) Any other procedures and standards necessary to carry	83723
out the provisions of this chapter regarding type A homes.	83724
Sec. 5104.018. The director of job and family services shall	83725
adopt rules in accordance with Chapter 119. of the Revised Code	83726
governing the licensure of type B family day-care homes. The rules	83727
shall provide for safeguarding the health, safety, and welfare of	83728
children receiving child care or publicly funded child care in a	83729
licensed type B family day-care home and shall include all of the	83730
following:	83731
(A) Requirements for the type B home to notify parents with	83732
children in the type B home that the type B home is certified as a	83733
foster home under section 5103.03 of the Revised Code-;	83734
(B) Standards for ensuring that the type B home and the	83735
physical surroundings of the type B home are safe and sanitary,	83736
including physical environment, physical plant, and equipment;	83737
(C) Standards for the supervision, care, and discipline of	83738
children receiving child care or publicly funded child care in the	83739
home;	83740
(D) Standards for a program of activities, and for play	83741
equipment, materials, and supplies to enhance the development of	83742
each child; however, any educational curricula, philosophies, and	83743
methodologies that are developmentally appropriate and that	83744
enhance the social, emotional, intellectual, and physical	83745
development of each child shall be permissible;	83746
(E) Admission policies and procedures;	83747
(F) Health care, first aid and emergency procedures;	83748

(G) Procedures for the care of sick children;	83749
(H) Procedures for discipline and supervision of children;	83750
(I) Nutritional standards;	83751
(J) Procedures for screening children, including any	83752
necessary physical examinations and the immunizations required	83753
pursuant to section 5104.014 of the Revised Code;	83754
(K) Procedures for screening administrators and employees,	83755
including any necessary physical examinations and immunizations;	83756
(L) Methods of encouraging parental participation and	83757
ensuring that the rights of children, parents, and administrators	83758
are protected and the responsibilities of parents and	83759
administrators are met;	83760
(M) Standards for the safe transport of children when under	83761
the care of administrators;	83762
(N) Procedures for issuing, denying, or revoking licenses;	83763
(O) Procedures for the inspection of type B homes that	83764
require, at a minimum, that each type B home be inspected prior to	83765
licensure to ensure that the home is safe and sanitary;	83766
(P) Procedures for record keeping and evaluation;	83767
(Q) Procedures for receiving, recording, and responding to	83768
complaints;	83769
(R) Standards providing for the special needs of children who	83770
are handicapped or who receive treatment for health conditions	83771
while the child is receiving child care or publicly funded child	83772
care in the type B home;	83773
(S) Requirements for the amount of usable indoor floor space	83774
for each child;	83775
(T) Requirements for safe outdoor play space;	83776
(U) Qualification and training requirements for	83777

administrators; 83778

(V) Procedures for granting a parent who is the residential 83779
parent and legal custodian, or a custodian or guardian access to 83780
the type B home during its hours of operation; 83781

(W) Requirements for the type B home to notify parents with 83782
children in the type B home that the type B home is certified as a 83783
foster home under section 5103.03 of the Revised Code; 83784

(X) Minimum requirements for instructional time for type B 83785
homes rated through the step up to quality program established 83786
pursuant to section 5104.29 of the Revised Code; 83787

(Y) Any other procedures and standards necessary to carry out 83788
the provisions of this chapter regarding licensure of type B 83789
homes. 83790

Sec. 5104.03. (A) Any person, firm, organization, 83791
institution, or agency seeking to establish a child day-care 83792
center, type A family day-care home, or licensed type B family 83793
day-care home shall apply for a license to the director of job and 83794
family services on such form as the director prescribes. The 83795
director shall provide at no charge to each applicant for 83796
licensure a copy of the child care license requirements in this 83797
chapter and a copy of the rules adopted pursuant to this chapter. 83798
The copies may be provided in paper or electronic form. 83799

Fees shall be set by the director pursuant to sections 83800
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 83801
paid at the time of application for a license to operate a center, 83802
type A home, or type B home. Fees collected under this section 83803
shall be paid into the state treasury to the credit of the general 83804
revenue fund. 83805

(B)(1) Upon filing of the application for a license, the 83806
director shall investigate and inspect the center, type A home, or 83807

type B home to determine the license capacity for each age 83808
category of children of the center, type A home, or type B home 83809
and to determine whether the center, type A home, or type B home 83810
complies with this chapter and rules adopted pursuant to this 83811
chapter. When, after investigation and inspection, the director is 83812
satisfied that this chapter and rules adopted pursuant to it are 83813
complied with, subject to division (H) of this section, a license 83814
shall be issued as soon as practicable in such form and manner as 83815
prescribed by the director. The license shall be designated as 83816
provisional and shall be valid for twelve months from the date of 83817
issuance unless revoked. 83818

(2) The director may contract with a government entity or a 83819
private nonprofit entity for the entity to inspect type A or type 83820
B family day-care homes pursuant to this section. If the director 83821
contracts with a government entity or private nonprofit entity for 83822
that purpose, the entity may contract with another government 83823
entity or private nonprofit entity for the other entity to inspect 83824
type A or type B homes pursuant to this section. The director, 83825
government entity, or private nonprofit entity shall conduct an 83826
inspection prior to the issuance of a license for a type A or type 83827
B home and, as part of that inspection, ensure that the ~~type B~~ 83828
home is safe and sanitary. 83829

(C)(1) On receipt of an application for licensure as a type B 83830
family day-care home to provide publicly funded child care, the 83831
director shall search the uniform statewide automated child 83832
welfare information system for information concerning any abuse or 83833
neglect report made pursuant to section 2151.421 of the Revised 83834
Code of which the applicant, any other adult residing in the 83835
applicant's home, or a person designated by the applicant to be an 83836
emergency or substitute caregiver for the applicant is the 83837
subject. 83838

(2) The director shall consider any information discovered 83839

pursuant to division (C)(1) of this section or that is provided by 83840
a public children services agency pursuant to section 5153.175 of 83841
the Revised Code. If the director determines that the information, 83842
when viewed within the totality of the circumstances, reasonably 83843
leads to the conclusion that the applicant may directly or 83844
indirectly endanger the health, safety, or welfare of children, 83845
the director shall deny the application for licensure or revoke 83846
the license of a type B family day-care home. 83847

(D) The director shall investigate and inspect the center, 83848
type A home, or type B home at least once during operation under a 83849
license designated as provisional. If after the investigation and 83850
inspection the director determines that the requirements of this 83851
chapter and rules adopted pursuant to this chapter are met, 83852
subject to division (H) of this section, the director shall issue 83853
a new license to the center or home. 83854

(E) Each license shall state the name of the licensee, the 83855
name of the administrator, the address of the center, type A home, 83856
or licensed type B home, and the license capacity for each age 83857
category of children. The license shall include thereon, in 83858
accordance with sections 5104.015, 5104.017, and 5104.018 of the 83859
Revised Code, the toll-free telephone number to be used by persons 83860
suspecting that the center, type A home, or licensed type B home 83861
has violated a provision of this chapter or rules adopted pursuant 83862
to this chapter. A license is valid only for the licensee, 83863
administrator, address, and license capacity for each age category 83864
of children designated on the license. The license capacity 83865
specified on the license is the maximum number of children in each 83866
age category that may be cared for in the center, type A home, or 83867
licensed type B home at one time. 83868

The center or type A home licensee shall notify the director 83869
when the administrator of the center or home changes. The director 83870
shall amend the current license to reflect a change in an 83871

administrator, if the administrator meets the requirements of this 83872
chapter and rules adopted pursuant to this chapter, or a change in 83873
license capacity for any age category of children as determined by 83874
the director of job and family services. 83875

(F) If the director revokes the license of a center, a type A 83876
home, or a type B home, the director shall not issue another 83877
license to the owner of the center, type A home, or type B home 83878
until five years have elapsed from the date the license is 83879
revoked. 83880

If the director denies an application for a license, the 83881
director shall not ~~accept~~ consider another application from the 83882
applicant until five years have elapsed from the date the 83883
application is denied. 83884

(G) If during the application for licensure process the 83885
director determines that the license of the owner has been 83886
revoked, the investigation of the center, type A home, or type B 83887
home shall cease. This action does not constitute denial of the 83888
application and may not be appealed under division (H) of this 83889
section. 83890

(H) All (1) Except as provided in division (H)(2) of this 83891
section, all actions of the director with respect to licensing 83892
centers, type A homes, or type B homes, refusal to license, and 83893
revocation of a license shall be in accordance with Chapter 119. 83894
of the Revised Code. Any Except as provided in division (H)(2) of 83895
this section, any applicant who is denied a license or any owner 83896
whose license is revoked may appeal in accordance with section 83897
119.12 of the Revised Code. 83898

(2) The following actions by the director are not subject to 83899
Chapter 119. of the Revised Code: 83900

(a) The director does not issue a license to the owner of a 83901
center, type A home, or type B home because the owner sought a 83902

license before five years had elapsed from the date the previous 83903
license was revoked. 83904

(b) The director does not issue a license because the 83905
applicant applied for licensure before five years had elapsed from 83906
the date the previous application was denied. 83907

(I) In no case shall the director issue a license under this 83908
section for a center, type A home, or type B home if the director, 83909
based on documentation provided by the appropriate county 83910
department of job and family services, determines that the 83911
applicant had been certified as a type B family day-care home when 83912
such certifications were issued by county departments prior to 83913
January 1, 2014, that the county department revoked that 83914
certification within the immediately preceding five years, that 83915
the revocation was based on the applicant's refusal or inability 83916
to comply with the criteria for certification, and that the 83917
refusal or inability resulted in a risk to the health or safety of 83918
children. 83919

(J)(1) Except as provided in division (J)(2) of this section, 83920
an administrator of a type B family day-care home that receives a 83921
license pursuant to this section to provide publicly funded child 83922
care is an independent contractor and is not an employee of the 83923
department of job and family services. 83924

(2) For purposes of Chapter 4141. of the Revised Code, 83925
determinations concerning the employment of an administrator of a 83926
type B family day-care home that receives a license pursuant to 83927
this section shall be determined under Chapter 4141. of the 83928
Revised Code. 83929

Sec. 5104.036. (A) All child-care staff members of a child 83930
day-care center shall be at least eighteen years of age, shall 83931
comply with the training requirements set forth in rules adopted 83932
pursuant to section 5104.015 of the Revised Code, and shall 83933

furnish the director of job and family services or the director's 83934
designee evidence of at least high school graduation or 83935
certification of high school equivalency by the state board of 83936
education or the appropriate agency of another state or evidence 83937
of completion of a training program approved by the department of 83938
job and family services or state board of education, except as 83939
follows: 83940

(B) A child-care staff member may be less than eighteen years 83941
of age if the staff member is either of the following: 83942

(1) A graduate of a two-year vocational child-care training 83943
program approved by the state board of education; 83944

(2) A student enrolled in the second year of a vocational 83945
child-care training program approved by the state board of 83946
education which leads to high school graduation, provided that the 83947
student performs the student's duties in the child day-care center 83948
under the continuous supervision of an experienced child-care 83949
staff member, receives periodic supervision from the vocational 83950
child-care training program teacher-coordinator in the student's 83951
high school, and meets all other requirements of this chapter and 83952
rules adopted pursuant to this chapter. 83953

(C) A child-care staff member shall be exempt from the 83954
educational requirements of division (A) of this section if the 83955
staff member: 83956

(1) Prior to January 1, 1972, was employed or designated by a 83957
child day-care center and has been continuously employed since 83958
either by the same child day-care center employer or at the same 83959
child day-care center; 83960

(2) Is a student enrolled in the second year of a vocational 83961
child-care training program approved by the state board of 83962
education which leads to high school graduation, provided that the 83963

student performs the student's duties in the child day-care center 83964
under the continuous supervision of an experienced child-care 83965
staff member, receives periodic supervision from the vocational 83966
child-care training program teacher-coordinator in the student's 83967
high school, and meets all other requirements of this chapter and 83968
rules adopted pursuant to this chapter; 83969

(3) Is receiving or has completed the final year of 83970
instruction at home as authorized under section 3321.04 of the 83971
Revised Code or has graduated from a nonchartered, nonpublic 83972
school in Ohio. 83973

Sec. 5104.04. (A) The department of job and family services 83974
shall establish procedures to be followed in investigating, 83975
inspecting, and licensing child day-care centers, type A family 83976
day-care homes, and licensed type B family day-care homes. 83977

(B)(1)(a) The department shall, at least once during every 83978
twelve-month period of operation of a center, type A home, or 83979
licensed type B home, inspect the center, type A home, or licensed 83980
type B home. The department shall inspect a part-time center or 83981
part-time type A home at least once during every twelve-month 83982
period of operation. The department shall provide a written 83983
inspection report to the licensee within a reasonable time after 83984
each inspection. The licensee shall display its most recent 83985
inspection report in a conspicuous place in the center, type A 83986
home, or licensed type B home. 83987

Inspections may be unannounced. No person, firm, 83988
organization, institution, or agency shall interfere with the 83989
inspection of a center, type A home, or licensed type B home by 83990
any state or local official engaged in performing duties required 83991
of the state or local official by this chapter or rules adopted 83992
pursuant to this chapter, including inspecting the center, type A 83993
home, or licensed type B home, reviewing records, or interviewing 83994

licensees, employees, children, or parents. 83995

(b) Upon receipt of any complaint that a center, type A home 83996
or licensed type B home is out of compliance with the requirements 83997
of this chapter or rules adopted pursuant to this chapter, the 83998
department shall investigate the center or home, and both of the 83999
following apply: 84000

(i) If the complaint alleges that a child suffered physical 84001
harm while receiving child care at the center or home or that the 84002
noncompliance alleged in the complaint involved, resulted in, or 84003
poses a substantial risk of physical harm to a child receiving 84004
child care at the center or home, the department shall inspect the 84005
center or home. 84006

(ii) If division (B)(1)(b)(i) of this section does not apply 84007
regarding the complaint, the department may inspect the center or 84008
home. 84009

(c) Division (B)(1)(b) of this section does not limit, 84010
restrict, or negate any duty of the department to inspect a 84011
center, type A home, or licensed type B home that otherwise is 84012
imposed under this section, or any authority of the department to 84013
inspect a center, type A home, or licensed type B home that 84014
otherwise is granted under this section when the department 84015
believes the inspection is necessary and it is permitted under the 84016
grant. 84017

(2) If the department implements an instrument-based program 84018
monitoring information system, it may use an indicator checklist 84019
to comply with division (B)(1) of this section. 84020

(3) The department shall contract with a third party by the 84021
first day of October in each even-numbered year to collect 84022
information concerning the amounts charged by the center or home 84023
for providing child care services for use in establishing 84024
reimbursement ceilings and payment pursuant to section 5104.30 of 84025

the Revised Code. The third party shall compile the information 84026
and report the results of the survey to the department not later 84027
than the first day of December in each even-numbered year. 84028

(C) The department may deny an application or revoke a 84029
license of a center, type A home, or licensed type B home, if the 84030
applicant knowingly makes a false statement on the application, 84031
the center or home does not comply with the requirements of this 84032
chapter or rules adopted pursuant to this chapter, or the 84033
applicant or owner has pleaded guilty to or been convicted of an 84034
offense described in division (A)(5) of section 5104.09 109.572 of 84035
the Revised Code. 84036

(D) If the department finds, after notice and hearing 84037
pursuant to Chapter 119. of the Revised Code, that any applicant, 84038
person, firm, organization, institution, or agency applying for 84039
licensure or licensed under section 5104.03 of the Revised Code is 84040
in violation of any provision of this chapter or rules adopted 84041
pursuant to this chapter, the department may issue an order of 84042
denial to the applicant or an order of revocation to the center, 84043
type A home, or licensed type B home revoking the license 84044
previously issued by the department. Upon the issuance of such an 84045
order, the person whose application is denied or whose license is 84046
revoked may appeal in accordance with section 119.12 of the 84047
Revised Code. 84048

(E) The surrender of a center, type A home, or licensed type 84049
B home license to the department or the withdrawal of an 84050
application for licensure by the owner or administrator of the 84051
center, type A home, or licensed type B home shall not prohibit 84052
the department from instituting any of the actions set forth in 84053
this section. 84054

(F) Whenever the department receives a complaint, is advised, 84055
or otherwise has any reason to believe that a center or type A 84056
home is providing child care without a license issued pursuant to 84057

section 5104.03 and is not exempt from licensing pursuant to 84058
section 5104.02 of the Revised Code, the department shall 84059
investigate the center or type A home and may inspect the areas 84060
children have access to or areas necessary for the care of 84061
children in the center or type A home during suspected hours of 84062
operation to determine whether the center or type A home is 84063
subject to the requirements of this chapter or rules adopted 84064
pursuant to this chapter. 84065

(G) The department, upon determining that the center or type 84066
A home is operating without a license, shall notify the attorney 84067
general, the prosecuting attorney of the county in which the 84068
center or type A home is located, or the city attorney, village 84069
solicitor, or other chief legal officer of the municipal 84070
corporation in which the center or type A home is located, that 84071
the center or type A home is operating without a license. Upon 84072
receipt of the notification, the attorney general, prosecuting 84073
attorney, city attorney, village solicitor, or other chief legal 84074
officer of a municipal corporation shall file a complaint in the 84075
court of common pleas of the county in which the center or type A 84076
home is located requesting that the court grant an order enjoining 84077
the owner from operating the center or type A home in violation of 84078
section 5104.02 of the Revised Code. The court shall grant such 84079
injunctive relief upon a showing that the respondent named in the 84080
complaint is operating a center or type A home and is doing so 84081
without a license. 84082

(H) The department shall prepare an annual report on 84083
inspections conducted under this section. The report shall include 84084
the number of inspections conducted, the number and types of 84085
violations found, and the steps taken to address the violations. 84086
The department shall file the report with the governor, the 84087
president and minority leader of the senate, and the speaker and 84088
minority leader of the house of representatives on or before the 84089

first day of January of each year, beginning in 1999. 84090

Sec. 5104.042. (A) The department of job and family services 84091
may suspend, without a prior hearing, the license of a child 84092
day-care center, type A family day-care home, or licensed type B 84093
family day-care home if any of the following occur: 84094

(1) A child dies or suffers a serious injury while receiving 84095
child care in the center, type A home, or licensed type B home. 84096

(2) A public children services agency receives a report 84097
pursuant to section 2151.421 of the Revised Code, and the person 84098
alleged to have inflicted abuse or neglect on the child who is the 84099
subject of the report is any of the following: 84100

(a) The owner, licensee, or administrator of the center, type 84101
A home, or licensed type B home; 84102

(b) An employee of the center, type A home, or licensed type 84103
B home; 84104

(c) Any person who resides in the type A home or licensed 84105
type B home. 84106

(3) An owner, licensee, administrator, or employee of the 84107
center, type A home, or licensed type B home, or a resident of the 84108
type A home or licensed type B home is charged by an indictment, 84109
information, or complaint with an offense relating to the abuse or 84110
neglect of a child. 84111

(4) The department or a county department of job and family 84112
services determines that the center, type A home, or licensed type 84113
B home created a serious risk to the health or safety of a child 84114
receiving child care in the center, type A home, or licensed type 84115
B home that resulted in or could have resulted in a child's death 84116
or injury. 84117

(5) The owner, licensee, or administrator of the center, type 84118
A home, or licensed type B home is charged by indictment, 84119

information, or complaint with fraud. 84120

(B) The department shall issue a written order of suspension 84121
and furnish a copy to the licensee. The licensee may appeal the 84122
suspension in accordance with section 119.12 of the Revised Code. 84123

(C) Except as provided in division (D) of this section, any 84124
summary suspension imposed under this section shall remain in 84125
effect, unless reversed on appeal, until any of the following 84126
occurs: 84127

(1) The public children services agency completes its 84128
investigation of the report pursuant to section 2151.421 of the 84129
Revised Code. 84130

(2) All criminal charges are disposed of through dismissal, a 84131
finding of not guilty, conviction, or a plea of guilty. 84132

(3) A final order is issued by the department pursuant to 84133
Chapter 119. of the Revised Code becomes effective. 84134

(D) If the department initiates the revocation of a license 84135
that has been suspended pursuant to this section, the suspension 84136
shall continue until the revocation process is completed. 84137

(E) The center, type A home, or licensed type B home shall 84138
not provide child care while the summary suspension remains in 84139
effect. Upon issuance of the order of suspension, the licensee 84140
shall inform the caretaker parent of each child receiving child 84141
care in the center, type A home, or licensed type B home of the 84142
suspension. 84143

(F) The director of job and family services may adopt rules 84144
in accordance with Chapter 119. of the Revised Code establishing 84145
standards and procedures for the summary suspension of licenses. 84146

Sec. 5104.09. ~~(A)(1) Except as provided in rules adopted~~ 84147
~~pursuant to division (D) of this section, no individual who has~~ 84148
~~been convicted of or pleaded guilty to a violation described in~~ 84149

~~division (A)(5) of section 109.572 of the Revised Code, a 84150~~
~~violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 84151~~
~~2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 84152~~
~~of the Revised Code or a violation of an existing or former law or 84153~~
~~ordinance of any municipal corporation, this state, any other 84154~~
~~state, or the United States that is substantially equivalent to 84155~~
~~any of those violations, or two violations of section 4511.19 of 84156~~
~~the Revised Code during operation of the center or home shall be 84157~~
~~certified as an in-home aide or be employed in any capacity in or 84158~~
~~own or operate a child day care center, type A family day care 84159~~
~~home, type B family day care home, or licensed type B family 84160~~
~~day care home. 84161~~

~~(2) Each employee of a child day care center and type A home 84162~~
~~and every person eighteen years of age or older residing in a type 84163~~
~~A home or licensed type B home shall sign a statement on forms 84164~~
~~prescribed by the director of job and family services attesting to 84165~~
~~the fact that the employee or resident person has not been 84166~~
~~convicted of or pleaded guilty to any offense set forth in 84167~~
~~division (A)(1) of this section and that no child has been removed 84168~~
~~from the employee's or resident person's home pursuant to section 84169~~
~~2151.353 of the Revised Code. Each licensee of a type A family 84170~~
~~day care home or type B family day care home shall sign a 84171~~
~~statement on a form prescribed by the director attesting to the 84172~~
~~fact that no person who resides at the type A home or licensed 84173~~
~~type B home and who is under the age of eighteen has been 84174~~
~~adjudicated a delinquent child for committing a violation of any 84175~~
~~section listed in division (A)(1) of this section. The statements 84176~~
~~shall be kept on file at the center, type A home, or licensed type 84177~~
~~B home. 84178~~

~~(3) Each in-home aide shall sign a statement on forms 84179~~
~~prescribed by the director of job and family services attesting 84180~~
~~that the aide has not been convicted of or pleaded guilty to any 84181~~

~~offense set forth in division (A)(1) of this section and that no~~ 84182
~~child has been removed from the aide's home pursuant to section~~ 84183
~~2151.353 of the Revised Code. The statement shall be kept on file~~ 84184
~~at the county department of job and family services.~~ 84185

~~(4) Each administrator and licensee of a center, type A home,~~ 84186
~~or licensed type B home shall sign a statement on a form~~ 84187
~~prescribed by the director of job and family services attesting~~ 84188
~~that the administrator or licensee has not been convicted of or~~ 84189
~~pleaded guilty to any offense set forth in division (A)(1) of this~~ 84190
~~section and that no child has been removed from the~~ 84191
~~administrator's or licensee's home pursuant to section 2151.353 of~~ 84192
~~the Revised Code. The statement shall be kept on file at the~~ 84193
~~center, type A home, or licensed type B home.~~ 84194

~~(B) No in-home aide, no administrator, licensee, or employee~~ 84195
~~of a center, type A home, or licensed type B home, and no person~~ 84196
~~eighteen years of age or older residing in a type A home or~~ 84197
~~licensed type B home shall withhold information from, or falsify~~ 84198
~~information on, any statement required pursuant to division~~ 84199
~~(A)(2), (3), or (4) of this section.~~ 84200

~~(C) No administrator, licensee, or child-care staff member~~ 84201
~~shall discriminate in the enrollment of children in a child~~ 84202
~~day-care center upon the basis of race, color, religion, sex, or~~ 84203
~~national origin.~~ 84204

~~(D) The director of job and family services shall adopt rules~~ 84205
~~in accordance with Chapter 119. of the Revised Code to implement~~ 84206
~~this section, including rules specifying exceptions to the~~ 84207
~~prohibition in division (A) of this section for persons who have~~ 84208
~~been convicted of an offense listed in that division but meet~~ 84209
~~rehabilitation standards set by the director.~~ 84210

Sec. 5104.29. (A) As used in this section, "early learning 84211
and development program" has the same meaning as "licensed child 84212

care program" as defined in section 5104.01 of the Revised Code. 84213

(B) There is hereby created in the department of job and 84214
family services the step up to quality program, under which the 84215
department of job and family services, in cooperation with the 84216
department of education, shall develop a tiered quality rating and 84217
improvement system for all early learning and development programs 84218
in this state. The step up to quality program shall include all of 84219
the following components: 84220

(1) Quality program standards for early learning and 84221
development programs; 84222

(2) Accountability measures that include tiered ratings 84223
representing each program's level of quality; 84224

(3) Program and provider outreach and support to help 84225
programs meet higher standards and promote participation in the 84226
step up to quality program; 84227

(4) Financial incentives for early learning and development 84228
programs that provide publicly funded child care and are linked to 84229
achieving and maintaining quality standards; 84230

(5) Parent and consumer education to help parents learn about 84231
program quality and ratings so they can make informed choices on 84232
behalf of their children. 84233

(C) The step up to quality program shall have the following 84234
goals: 84235

(1) Increasing the number of low-income children, special 84236
needs children, and children with limited English proficiency 84237
participating in quality early learning and development programs; 84238

(2) Providing families with an easy-to-use tool for 84239
evaluating the quality of early learning and development programs; 84240

(3) Recognizing and supporting early learning and development 84241
programs that achieve higher levels of quality; 84242

(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems. 84243
84244
84245

(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards. 84246
84247
84248
84249
84250

(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains: 84251
84252
84253
84254

(1) Learning and development; 84255

(2) Administration and leadership practices; 84256

(3) Staff quality and professional development; 84257

(4) Family and community partnerships. 84258

(F) The director of job and family services, in collaboration with the superintendent of public instruction, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section. 84259
84260
84261
84262

(G)(1) The department of job and family services shall ensure that the following percentages of early learning and development programs that are not type B family day-care homes and that provide publicly funded child care are rated in the third highest tier or above in the step up to quality program: 84263
84264
84265
84266
84267

(a) By June 30, 2017, twenty-five per cent; 84268

(b) By June 30, 2019, forty per cent; 84269

(c) By June 30, 2021, sixty per cent; 84270

(d) By June 30, 2023, eighty per cent; 84271

(e) By June 30, 2025, one hundred per cent. 84272

(2) The department of job and family services and the 84273
department of education shall identify ways to accelerate early 84274
learning and development programs moving to higher tiers in the 84275
step up to quality program and identify strategies for appropriate 84276
ratings of type B homes. The departments may consult with the 84277
early childhood advisory council established pursuant to section 84278
3301.90 of the Revised Code to facilitate their efforts and shall 84279
include owners and administrators of early learning and 84280
development programs in the identification process. The 84281
departments shall report their recommendations to the general 84282
assembly not later than October 31, 2016. 84283

Sec. 5104.30. (A) The department of job and family services 84284
is hereby designated as the state agency responsible for 84285
administration and coordination of federal and state funding for 84286
publicly funded child care in this state. Publicly funded child 84287
care shall be provided to the following: 84288

(1) Recipients of transitional child care as provided under 84289
section 5104.34 of the Revised Code; 84290

(2) Participants in the Ohio works first program established 84291
under Chapter 5107. of the Revised Code; 84292

(3) Individuals who would be participating in the Ohio works 84293
first program if not for a sanction under section 5107.16 of the 84294
Revised Code and who continue to participate in a work activity, 84295
developmental activity, or alternative work activity pursuant to 84296
an assignment under section 5107.42 of the Revised Code; 84297

(4) A family receiving publicly funded child care on October 84298
1, 1997, until the family's income reaches one hundred fifty per 84299
cent of the federal poverty line; 84300

(5) Subject to available funds, other individuals determined 84301

eligible in accordance with rules adopted under section 5104.38 of the Revised Code. 84302
84303

The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care. 84304
84305
84306
84307
84308
84309
84310
84311
84312
84313
84314

(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care. 84315
84316
84317
84318
84319
84320
84321
84322

(C) In the use of federal funds available under the child care block grant act, all of the following apply: 84323
84324

(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care. 84325
84326
84327
84328

(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for administrative costs. 84329
84330
84331

(3) The department shall allocate and use at least four per 84332

cent of the federal funds for the following: 84333

(a) Activities designed to provide comprehensive consumer 84334
education to parents and the public; 84335

(b) Activities that increase parental choice; 84336

(c) Activities, including child care resource and referral 84337
services, designed to improve the quality, and increase the 84338
supply, of child care; 84339

(d) Establishing a ~~tiered quality rating and improvement~~ 84340
~~system in which participation in the program may allow child~~ 84341
~~day care providers to be eligible for grants, technical~~ 84342
~~assistance, training, or other assistance and become eligible for~~ 84343
~~unrestricted monetary awards for maintaining a quality rating the~~ 84344
~~step up to quality program pursuant to section 5104.29 of the~~ 84345
~~Revised Code.~~ 84346

(4) The department shall ensure that the federal funds will 84347
be used only to supplement, and will not be used to supplant, 84348
federal, state, and local funds available on the effective date of 84349
the child care block grant act for publicly funded child care and 84350
related programs. If authorized by rules adopted by the department 84351
pursuant to section 5104.42 of the Revised Code, county 84352
departments of job and family services may purchase child care 84353
from funds obtained through any other means. 84354

(D) The department shall encourage the development of 84355
suitable child care throughout the state, especially in areas with 84356
high concentrations of recipients of public assistance and 84357
families with low incomes. The department shall encourage the 84358
development of suitable child care designed to accommodate the 84359
special needs of migrant workers. On request, the department, 84360
through its employees or contracts with state or community child 84361
care resource and referral service organizations, shall provide 84362
consultation to groups and individuals interested in developing 84363

child care. The department of job and family services may enter 84364
into interagency agreements with the department of education, the 84365
~~board of regents~~ chancellor of higher education, the department of 84366
development, and other state agencies and entities whenever the 84367
cooperative efforts of the other state agencies and entities are 84368
necessary for the department of job and family services to fulfill 84369
its duties and responsibilities under this chapter. 84370

The department shall develop and maintain a registry of 84371
persons providing child care. The director shall adopt rules in 84372
accordance with Chapter 119. of the Revised Code establishing 84373
procedures and requirements for the registry's administration. 84374

(E)(1) The director shall adopt rules in accordance with 84375
Chapter 119. of the Revised Code establishing both of the 84376
following: 84377

(a) Reimbursement ceilings for providers of publicly funded 84378
child care not later than the first day of July in each 84379
odd-numbered year; 84380

(b) A procedure for reimbursing and paying providers of 84381
publicly funded child care. 84382

(2) In establishing reimbursement ceilings under division 84383
(E)(1)(a) of this section, the director shall do all of the 84384
following: 84385

(a) Use the information obtained under division (B)(3) of 84386
section 5104.04 of the Revised Code; 84387

(b) Establish an enhanced reimbursement ceiling for providers 84388
who provide child care for caretaker parents who work 84389
nontraditional hours; 84390

(c) For an in-home aide, establish a an hourly reimbursement 84391
ceiling ~~that is seventy-five per cent of the reimbursement ceiling~~ 84392
~~that applies to a licensed type B family day-care home;~~ 84393

(d) With regard to the ~~tiered quality rating and improvement~~ 84394
~~system step up to quality program~~ established pursuant to ~~division~~ 84395
~~(C)(3)(d) of this section 5104.29 of the Revised Code~~, do both of 84396
the following: 84397

(i) Establish enhanced reimbursement ceilings for child 84398
day-care providers that participate in the ~~system program~~ and 84399
maintain quality ratings ~~under the system~~; 84400

(ii) ~~In the case of child day-care providers that have been~~ 84401
~~given access to the system by the department, weigh~~ Weigh any 84402
reduction in reimbursement ceilings more heavily against ~~those~~ 84403
providers that do not participate in the ~~system program~~ or do not 84404
maintain quality ratings ~~under the system~~. 84405

(3) In establishing reimbursement ceilings under division 84406
(E)(1)(a) of this section, the director may establish different 84407
reimbursement ceilings based on any of the following: 84408

(a) Geographic location of the provider; 84409

(b) Type of care provided; 84410

(c) Age of the child served; 84411

(d) Special needs of the child served; 84412

(e) Whether the expanded hours of service are provided; 84413

(f) Whether weekend service is provided; 84414

(g) Whether the provider has exceeded the minimum 84415
requirements of state statutes and rules governing child care; 84416

(h) Any other factors the director considers appropriate. 84417

~~(F) The director shall adopt rules in accordance with Chapter~~ 84418
~~119. of the Revised Code to implement the tiered quality rating~~ 84419
~~and improvement system described in division (C)(3)(d) of this~~ 84420
~~section.~~ 84421

Sec. 5104.31. (A) Publicly funded child care may be provided	84422
only by the following:	84423
(1) Any of the following licensed by the department of job	84424
and family services pursuant to section 5104.03 of the Revised	84425
Code or pursuant to rules adopted under section 5104.018 of the	84426
Revised Code:	84427
(a) A child day-care center, including a parent cooperative	84428
child day-care center;	84429
(b) A type A family day-care home, including a parent	84430
cooperative type A family day-care home;	84431
(c) A licensed type B family day-care home.	84432
(2) An in-home aide who has been certified by the county	84433
department of job and family services pursuant to section 5104.12	84434
of the Revised Code;	84435
(3) A child day camp approved pursuant to section 5104.22 of	84436
the Revised Code;	84437
(4) A licensed preschool program;	84438
(5) A licensed school child program;	84439
(6) A border state child care provider, except that a border	84440
state child care provider may provide publicly funded child care	84441
only to an individual who resides in an Ohio county that borders	84442
the state in which the provider is located.	84443
(B) Publicly funded child day-care may be provided in a	84444
child's own home only by an in-home aide.	84445
(C) Beginning July 1, 2020, publicly funded child care may be	84446
provided only by a provider that is rated through the ~~tiered~~	84447
~~quality rating and improvement system~~ <u>step up to quality program</u>	84448
established pursuant to section ~~5104.30~~ <u>5104.29</u> of the Revised	84449
Code.	84450

Sec. 5104.34. (A)(1) Each county department of job and family 84451
services shall implement procedures for making determinations of 84452
eligibility for publicly funded child care. Under those 84453
procedures, the eligibility determination for each applicant shall 84454
be made no later than thirty calendar days from the date the 84455
county department receives a completed application for publicly 84456
funded child care. Each applicant shall be notified promptly of 84457
the results of the eligibility determination. An applicant 84458
aggrieved by a decision or delay in making an eligibility 84459
determination may appeal the decision or delay to the department 84460
of job and family services in accordance with section 5101.35 of 84461
the Revised Code. The due process rights of applicants shall be 84462
protected. 84463

To the extent permitted by federal law, the county department 84464
may make all determinations of eligibility for publicly funded 84465
child care, may contract with child care providers or child care 84466
resource and referral service organizations for the providers or 84467
resource and referral service organizations to make all or any 84468
part of the determinations, and may contract with child care 84469
providers or child care resource and referral service 84470
organizations for the providers or resource and referral service 84471
organizations to collect specified information for use by the 84472
county department in making determinations. If a county department 84473
contracts with a child care provider or a child care resource and 84474
referral service organization for eligibility determinations or 84475
for the collection of information, the contract shall require the 84476
provider or resource and referral service organization to make 84477
each eligibility determination no later than thirty calendar days 84478
from the date the provider or resource and referral organization 84479
receives a completed application that is the basis of the 84480
determination and to collect and transmit all necessary 84481
information to the county department within a period of time that 84482

enables the county department to make each eligibility 84483
determination no later than thirty days after the filing of the 84484
application that is the basis of the determination. 84485

The county department may station employees of the department 84486
in various locations throughout the county to collect information 84487
relevant to applications for publicly funded child care and to 84488
make eligibility determinations. The county department, child care 84489
provider, and child care resource and referral service 84490
organization shall make each determination of eligibility for 84491
publicly funded child care no later than thirty days after the 84492
filing of the application that is the basis of the determination, 84493
shall make each determination in accordance with any relevant 84494
rules adopted pursuant to section 5104.38 of the Revised Code, and 84495
shall notify promptly each applicant for publicly funded child 84496
care of the results of the determination of the applicant's 84497
eligibility. 84498

The director of job and family services shall adopt rules in 84499
accordance with Chapter 119. of the Revised Code for monitoring 84500
the eligibility determination process. In accordance with those 84501
rules, the state department shall monitor eligibility 84502
determinations made by county departments of job and family 84503
services and shall direct any entity that is not in compliance 84504
with this division or any rule adopted under this division to 84505
implement corrective action specified by the department. 84506

(2)(a) All eligibility determinations for publicly funded 84507
child care shall be made in accordance with rules adopted pursuant 84508
to division (A) of section 5104.38 of the Revised Code. Except as 84509
otherwise provided in this section, both of the following apply: 84510

(i) Publicly funded child care may be provided only to 84511
eligible infants, toddlers, preschool-age children, and school-age 84512
children under age thirteen. 84513

(ii) For an applicant to be eligible for publicly funded child care, the caretaker parent must be employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving publicly funded child care. This restriction does not apply to families whose children are eligible for protective child care.

(b) In accordance with rules adopted under division (B) of section 5104.38 of the Revised Code, an applicant may receive publicly funded child care while the county department determines eligibility. An applicant may receive publicly funded child care while a county department determines eligibility only once during a twelve-month period. If the county department determines that an applicant is not eligible for publicly funded child care, the licensed child care program shall be paid for providing publicly funded child care for up to five days after that determination if the county department received a completed application with all required documentation. A program may appeal a denial of payment under this division.

(c) If a caretaker parent who has been determined eligible to receive publicly funded child care no longer meets the requirements of division (A)(2)(a)(ii) of this section, the caretaker parent may continue to receive publicly funded child care for a period of up to thirteen weeks not to extend beyond the caretaker parent's twelve-month eligibility period. Such authorization may be given only once during a twelve-month period.

Subject to available funds, the department of job and family services shall allow a family to receive publicly funded child care unless the family's income exceeds the maximum income eligibility limit. Initial and continued eligibility for publicly funded child care is subject to available funds unless the family is receiving child care pursuant to division (A)(1), (2), (3), or

(4) of section 5104.30 of the Revised Code. If the department must
limit eligibility due to lack of available funds, it shall give
first priority for publicly funded child care to an assistance
group whose income is not more than the maximum income eligibility
limit that received transitional child care in the previous month
but is no longer eligible because the twelve-month period has
expired. Such an assistance group shall continue to receive
priority for publicly funded child care until its income exceeds
the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the
Ohio works first program established under Chapter 5107. of the
Revised Code is eligible for transitional child care at any time
during the immediately following twelve-month period that both of
the following apply:

(a) The assistance group requires child care due to
employment;

(b) The assistance group's income is not more than one
hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio
works first program pursuant to section 5101.83 or section 5107.16
of the Revised Code is not eligible for transitional child care.

(B) To the extent permitted by federal law, the department of
job and family services may require a caretaker parent determined
to be eligible for publicly funded child care to pay a fee
according to the schedule of fees established in rules adopted
under section 5104.38 of the Revised Code. The department shall
make protective child care services available to children without
regard to the income or assets of the caretaker parent of the
child.

(C) A caretaker parent receiving publicly funded child care
shall report to the entity that determined eligibility any changes

in status with respect to employment or participation in a program 84577
of education or training not later than ten calendar days after 84578
the change occurs. 84579

(D) If the department of job and family services determines 84580
that available resources are not sufficient to provide publicly 84581
funded child care to all eligible families who request it, the 84582
department may establish a waiting list. The department may 84583
establish separate waiting lists within the waiting list based on 84584
income. 84585

(E) A caretaker parent shall not receive full-time publicly 84586
funded child care from more than one child care provider per child 84587
during any period a week, unless a county department grants the 84588
family an exemption for one of the following reasons: 84589

(a) The child needs additional care during non-traditional 84590
hours; 84591

(b) The child needs to change providers in the middle of the 84592
week and the hours of care provided by the providers do not 84593
overlap; 84594

(c) The child's provider is closed on scheduled school days 84595
off or on calamity days; 84596

(d) The child is enrolled in a part-time program 84597
participating in the tiered quality rating and improvement system 84598
established under section 5104.30 of the Revised Code and needs 84599
care from an additional part-time provider. 84600

(F) As used in this section, "maximum income eligibility 84601
limit" means the amount of income specified in rules adopted under 84602
division (A) of section 5104.38 of the Revised Code. 84603

Sec. 5104.37. (A) As used in this section, "eligible 84604
provider" means an individual or entity eligible to provide 84605
publicly funded child care pursuant to section 5104.31 of the 84606

Revised Code. 84607

(B) The department of job and family services may withhold 84608
any money due under this chapter and recover through any 84609
appropriate method any money erroneously paid under this chapter 84610
if evidence exists of less than full compliance with this chapter 84611
and any rules adopted under it. 84612

(C) Notwithstanding any other provision of this chapter to 84613
the contrary, the department shall take action against an eligible 84614
provider as described in this section. 84615

(D) Subject to the notice and appeal provisions of divisions 84616
(G) and (H) of this section, the department may suspend a contract 84617
entered into under section 5104.32 of the Revised Code with an 84618
eligible provider if the department has initiated an investigation 84619
of the provider for either of the following reasons: 84620

(1) The department has evidence that the eligible provider 84621
received an improper child care payment as a result of the 84622
provider's intentional act. 84623

(2) The department receives notice and a copy of an 84624
indictment, information, or complaint charging the eligible 84625
provider or the owner or operator of the provider with committing 84626
any of the following: 84627

(a) An act that is a felony or misdemeanor relating to 84628
providing or billing for publicly funded child care or providing 84629
management or administrative services relating to providing 84630
publicly funded child care; 84631

(b) An act that would constitute an offense described in 84632
division (A)(5) of section 5104.09 109.572 of the Revised Code. 84633

(E)(1) Except as provided in division (E)(2) of this section, 84634
the suspension of a contract under division (D) of this section 84635
shall continue until the department completes its investigation or 84636

all criminal charges are disposed of through dismissal, a finding 84637
of not guilty, conviction, or a plea of guilty. 84638

(2) If the department initiates the termination of a contract 84639
that has been suspended pursuant to division (D) of this section, 84640
the suspension shall continue until the termination process is 84641
completed. 84642

(F) An eligible provider shall not provide publicly funded 84643
child care while the provider's contract is under suspension 84644
pursuant to division (D) of this section. As of the date the 84645
eligible provider's contract is suspended, the department shall 84646
withhold payment to the eligible provider for publicly funded 84647
child care. 84648

(G) Before suspending an eligible provider's contract 84649
pursuant to division (D) of this section, the department shall 84650
notify the eligible provider. The notice shall include all of the 84651
following: 84652

(1) A description, which need not disclose specific 84653
information concerning any ongoing administrative or criminal 84654
investigation, of the reason that the department initiated its 84655
investigation of the provider; 84656

(2) A statement that the eligible provider will be prohibited 84657
from providing publicly funded child care while the contract is 84658
under suspension; 84659

(3) A statement that the suspension will continue until the 84660
department completes its investigation or all criminal charges are 84661
disposed of through dismissal, a finding of not guilty, 84662
conviction, or a plea of guilty, and that if the department 84663
initiates the termination of the contract, the suspension will 84664
continue until the termination process is completed. 84665

(H) An eligible provider may file an appeal with the 84666
department regarding any proposal by the department to suspend the 84667

provider's contract pursuant to division (D) of this section. The 84668
appeal must be received by the department not later than fifteen 84669
days after the date the provider receives the notification 84670
described in division (G) of this section. The department shall 84671
review the evidence and issue a decision not later than thirty 84672
days after receiving the appeal. The department shall not suspend 84673
a contract pursuant to division (D) of this section until the time 84674
for filing the appeal has passed or, if the provider files a 84675
timely appeal, the department has issued a decision on the appeal. 84676

Sec. 5104.38. In addition to any other rules adopted under 84677
this chapter, the director of job and family services shall adopt 84678
rules in accordance with Chapter 119. of the Revised Code 84679
governing financial and administrative requirements for publicly 84680
funded child care and establishing all of the following: 84681

(A) Procedures and criteria to be used in making 84682
determinations of eligibility for publicly funded child care that 84683
give priority to children of families with lower incomes and 84684
procedures and criteria for eligibility for publicly funded 84685
protective child care. The rules shall specify the maximum amount 84686
of income a family may have for initial and continued eligibility. 84687
The maximum amount shall not exceed ~~two~~ three hundred per cent of 84688
the federal poverty line. The rules may specify exceptions to the 84689
eligibility requirements in the case of a family that previously 84690
received publicly funded child care and is seeking to have the 84691
child care reinstated after the family's eligibility was 84692
terminated. 84693

(B) Procedures under which an applicant for publicly funded 84694
child care may receive publicly funded child care while the county 84695
department of job and family services determines eligibility and 84696
under which a licensed child care program may appeal a denial of 84697
payment under division (A)(2)(b) of section 5104.34 of the Revised 84698

Code; 84699

(C) A schedule of fees requiring all eligible caretaker 84700
parents to pay a fee for publicly funded child care according to 84701
income and family size, which shall be uniform for all types of 84702
publicly funded child care, except as authorized by rule, and, to 84703
the extent permitted by federal law, shall permit the use of state 84704
and federal funds to pay the customary deposits and other advance 84705
payments that a provider charges all children who receive child 84706
care from that provider. ~~The schedule of fees may not provide for~~ 84707
~~a caretaker parent to pay a fee that exceeds ten per cent of the~~ 84708
~~parent's family income.~~ 84709

(D) A formula for determining the amount of state and federal 84710
funds appropriated for publicly funded child care that may be 84711
allocated to a county department to use for administrative 84712
purposes; 84713

(E) Procedures to be followed by the department and county 84714
departments in recruiting individuals and groups to become 84715
providers of child care; 84716

(F) Procedures to be followed in establishing state or local 84717
programs designed to assist individuals who are eligible for 84718
publicly funded child care in identifying the resources available 84719
to them and to refer the individuals to appropriate sources to 84720
obtain child care; 84721

(G) Procedures to deal with fraud and abuse committed by 84722
either recipients or providers of publicly funded child care; 84723

(H) Procedures for establishing a child care grant or loan 84724
program in accordance with the child care block grant act; 84725

(I) Standards and procedures for applicants to apply for 84726
grants and loans, and for the department to make grants and loans; 84727

(J) A definition of "person who stands in loco parentis" for 84728

the purposes of division (JJ)(1) of section 5104.01 of the Revised Code; 84729
84730

(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department; 84731
84732
84733
84734
84735

(L) If the director establishes a different reimbursement ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served; 84736
84737
84738
84739
84740

(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period; 84741
84742
84743
84744
84745
84746
84747
84748

(N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code. 84749
84750

Sec. 5104.99. (A) Whoever violates section 5104.02 of the Revised Code shall be punished as follows: 84751
84752

(1) For each offense, the offender shall be fined not less than one hundred dollars nor more than five hundred dollars multiplied by the number of children receiving child care at the child day-care center or type A family day-care home that either exceeds the number of children to which a type B family day-care home may provide child care or, if the offender is a licensed type 84753
84754
84755
84756
84757
84758

A family day-care home that is operating as a child day-care center without being licensed as a center, exceeds the license capacity of the type A home.

(2) In addition to the fine specified in division (A)(1) of this section, all of the following apply:

(a) Except as provided in divisions (A)(2)(b), (c), and (d) of this section, the court shall order the offender to reduce the number of children to which it provides child care to a number that does not exceed either the number of children to which a type B family day-care home may provide child care or, if the offender is a licensed type A family day-care home that is operating as a child day-care center without being licensed as a center, the license capacity of the type A home.

(b) If the offender previously has been convicted of or pleaded guilty to one violation of section 5104.02 of the Revised Code, the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code.

(c) If the offender previously has been convicted of or pleaded guilty to two violations of section 5104.02 of the Revised Code, the offender is guilty of a misdemeanor of the first degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a misdemeanor of the first degree under section 2929.28 of the Revised Code.

(d) If the offender previously has been convicted of or
pleaded guilty to three or more violations of section 5104.02 of
the Revised Code, the offender is guilty of a felony of the fifth
degree, and the court shall order the offender to cease the
provision of child care to any person until it obtains a child
day-care center license or a type A family day-care home license,
as appropriate, under section 5104.03 of the Revised Code. The
court shall impose the fine specified in division (A)(1) of this
section and may impose an additional fine provided that the total
amount of the fines so imposed does not exceed the maximum fine
authorized for a felony of the fifth degree under section 2929.18
of the Revised Code.

(B) Whoever violates division ~~(B)(M)(4)~~ of section ~~5104.09~~
5104.013 of the Revised Code is guilty of a misdemeanor of the
first degree. If the offender is a licensee of a center ~~or, type A~~
home, or licensed type B home, the conviction shall constitute
grounds for denial or revocation of an application for licensure
pursuant to section 5104.04 of the Revised Code. Except as
otherwise provided in this division, the offense established under
division (M)(4) of section 5104.013 of the Revised Code is a
strict liability offense, and section 2901.20 of the Revised Code
does not apply. If the offender is a person eighteen years of age
or older residing in a ~~center or type A home~~ or licensed type B
home or is an employee of a center ~~or a, type A home, or licensed~~
type B home and if the licensee had knowledge of, and acquiesced
in, the commission of the offense, the conviction shall constitute
grounds for denial or revocation of an application for licensure
pursuant to section 5104.04 of the Revised Code.

(C) Whoever violates ~~division (C)~~ of section 5104.09 of the
Revised Code is guilty of a misdemeanor of the third degree.

Sec. 5107.05. The director of job and family services shall

adopt rules to implement this chapter. The rules shall be 84821
consistent with Title IV-A, Title IV-D, federal regulations, state 84822
law, the Title IV-A state plan submitted to the United States 84823
secretary of health and human services under section 5101.80 of 84824
the Revised Code, amendments to the plan, and waivers granted by 84825
the United States secretary. Rules governing eligibility, program 84826
participation, and other applicant and participant requirements 84827
shall be adopted in accordance with Chapter 119. of the Revised 84828
Code. Rules governing financial and other administrative 84829
requirements applicable to the department of job and family 84830
services and county departments of job and family services shall 84831
be adopted in accordance with section 111.15 of the Revised Code. 84832

(A) The rules shall specify, establish, or govern all of the 84833
following: 84834

(1) A payment standard for Ohio works first based on federal 84835
and state appropriations that is increased in accordance with 84836
section 5107.04 of the Revised Code; 84837

(2) For the purpose of section 5107.04 of the Revised Code, 84838
the method of determining the amount of cash assistance an 84839
assistance group receives under Ohio works first; 84840

(3) Requirements for initial and continued eligibility for 84841
Ohio works first, including requirements regarding income, 84842
citizenship, age, residence, and assistance group composition; 84843

(4) For the purpose of section 5107.12 of the Revised Code, 84844
application and verification procedures, including the minimum 84845
information an application must contain; 84846

(5) The extent to which a participant of Ohio works first 84847
must notify, pursuant to section 5107.12 of the Revised Code, a 84848
county department of job and family services of additional income 84849
not previously reported to the county department; 84850

(6) For the purpose of section 5107.16 of the Revised Code, 84851

both of the following: 84852

(a) Standards for the determination of good cause for failure 84853
or refusal to comply in full with a provision of a 84854
self-sufficiency contract; 84855

(b) The compliance activities a member of an assistance group 84856
must complete for the member to be considered to have ceased to 84857
fail or refuse to comply in full with a provision of a 84858
self-sufficiency contract. 84859

(7) The department of job and family services providing 84860
written notice of a sanction under section 5107.161 of the Revised 84861
Code; 84862

(8) For the purpose of division (B) of section 5107.17 of the 84863
Revised Code, the circumstances under which the adult member of an 84864
assistance group or an assistance group's minor head of household 84865
whose failure or refusal, without good cause, to comply in full 84866
with a provision of a self-sufficiency contract causes a sanction 84867
under section 5107.16 of the Revised Code must enter into a new, 84868
or amend an existing, self-sufficiency contract before the 84869
assistance group may resume participation in Ohio works first 84870
following the sanction; 84871

(9) Requirements for the collection and distribution of 84872
support payments owed participants of Ohio works first pursuant to 84873
section 5107.20 of the Revised Code; 84874

(10) For the purpose of section 5107.22 of the Revised Code, 84875
what constitutes cooperating in establishing a minor child's 84876
paternity or establishing, modifying, or enforcing a child support 84877
order and good cause for failure or refusal to cooperate; 84878

(11) The requirements governing the LEAP program, including 84879
the definitions of "equivalent of a high school diploma" and "good 84880
cause," and the incentives provided under the LEAP program; 84881

(12) If the director implements section 5107.301 of the Revised Code, the requirements governing the award provided under that section, including the form that the award is to take and requirements an individual must satisfy to receive the award;

(13) Circumstances under which a county department of job and family services may exempt a minor head of household or adult from participating in a work activity or developmental activity for all or some of the weekly hours otherwise required by section 5107.43 of the Revised Code.

(14) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code;

(15) The implementation of sections 5107.71 to 5107.717 of the Revised Code by county departments of job and family services;

(16) A domestic violence screening process to be used for the purpose of division (A) of section 5107.71 of the Revised Code;

(17) The minimum frequency with which county departments of job and family services must redetermine a member of an assistance group's need for a waiver issued under section 5107.714 of the Revised Code;

(18) Requirements for work activities, developmental activities, and alternative work activities for Ohio works first participants.

(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code.

The rules adopted under division (A)(10) of this section shall be consistent with 42 U.S.C. 654(29).

The rules adopted under division (A)(13) of this section

shall specify that the circumstances include that a school or 84912
place of work is closed due to a holiday or weather or other 84913
emergency and that an employer grants the minor head of household 84914
or adult leave for illness or earned vacation. 84915

(C) The rules may provide that a county department of job and 84916
family services is not required to take action under section 84917
5107.76 of the Revised Code to recover an erroneous payment under 84918
circumstances the rules specify. 84919

Sec. 5107.64. County departments of job and family services 84920
shall establish and administer alternative work activities for 84921
minor heads of households and adults participating in Ohio works 84922
first. In establishing alternative work activities, county 84923
departments are not limited by the restrictions Title IV-A imposes 84924
on work activities. The following are examples of alternative work 84925
activities that a county department may establish: 84926

(A) Parenting classes and life-skills training; 84927

(B) Participation in addiction services provided by a 84928
community addiction services provider ~~certified by the department~~ 84929
~~of mental health and addiction services under section 5119.36, as~~ 84930
defined in section 5119.01 of the Revised Code; 84931

(C) In the case of a homeless assistance group, finding a 84932
home; 84933

(D) In the case of a minor head of household or adult with a 84934
disability, active work in an individual written rehabilitation 84935
plan with the opportunities for Ohioans with disabilities agency; 84936

(E) In the case of a minor head of household or adult who has 84937
been the victim of domestic violence, residing in a domestic 84938
violence shelter, receiving counseling or treatment related to the 84939
domestic violence, or participating in criminal justice activities 84940
against the domestic violence offender; 84941

(F) An education program under which a participant who does 84942
not speak English attends English as a second language course. 84943

Sec. 5115.04. ~~(A)~~ The department of job and family services 84944
shall supervise and administer the disability financial assistance 84945
program, ~~except that the~~ subject to the following exceptions: 84946

The department may require county departments of job and 84947
family services to perform any administrative function for the 84948
program, as specified in rules adopted by the director of job and 84949
family services. 84950

~~(B)~~ If the department requires county departments to perform 84951
administrative functions under this ~~section~~ division, the director 84952
shall adopt rules in accordance with section 111.15 of the Revised 84953
Code governing the performance of the functions ~~to be performed~~ by 84954
county departments. County departments shall perform the functions 84955
in accordance with the rules. The director shall conduct 84956
investigations to determine whether disability financial 84957
assistance is being administered in compliance with the Revised 84958
Code and rules adopted by the director. 84959

~~(C)~~ If disability financial assistance payments are made by 84960
the county department of job and family services, the department 84961
shall advance sufficient funds to provide the county treasurer 84962
with the amount estimated for the payments. Financial assistance 84963
payments shall be distributed in accordance with sections 126.35, 84964
319.16, and 329.03 of the Revised Code. 84965

The department may enter into an agreement with a state 84966
agency whereby the state agency agrees to make eligibility 84967
determinations for the program. If the department enters into such 84968
an agreement, the department shall cover the administrative costs 84969
incurred by the state agency to make the eligibility 84970
determinations. 84971

As used in this division, "state agency" has the same meaning 84972
as in section 117.01 of the Revised Code. 84973

Sec. 5119.01. (A) As used in this chapter: 84974

(1) "Addiction" means the chronic and habitual use of 84975
alcoholic beverages, the use of a drug of abuse as defined in 84976
section 3719.011 of the Revised Code, or the use of gambling by an 84977
individual to the extent that the individual no longer can control 84978
the individual's use of alcohol, the individual becomes physically 84979
or psychologically dependent on the drug, the individual's use of 84980
alcohol or drugs endangers the health, safety, or welfare of the 84981
individual or others, or the individual's gambling causes 84982
psychological, financial, emotional, marital, legal, or other 84983
difficulties endangering the health, safety, or welfare of the 84984
individual or others. 84985

(2) "Addiction services" means services, including 84986
intervention, for the treatment of persons with alcohol, drug, or 84987
gambling addictions, and for the prevention of such addictions. 84988

(3) "Alcohol and drug addiction services" means services, 84989
including intervention, for the treatment of alcoholics or persons 84990
who abuse drugs of abuse and for the prevention of alcoholism and 84991
drug addiction. 84992

(4) "Alcoholic" means a person suffering from alcoholism. 84993

(5) "Alcoholism" means the chronic and habitual use of 84994
alcoholic beverages by an individual to the extent that the 84995
individual no longer can control the individual's use of alcohol 84996
or endangers the health, safety, or welfare of the individual or 84997
others. 84998

(6) "Community addiction services provider" means an agency, 84999
association, corporation, individual, or program that provides 85000
~~community~~ alcohol, drug addiction, or gambling addiction services 85001

that are certified by the department of mental health and 85002
addiction services under section 5119.36 of the Revised Code. 85003

(7) "Community mental health services provider" means an 85004
agency, association, corporation, individual, or program that 85005
provides ~~community~~ mental health services that are certified by 85006
the department of mental health and addiction services under 85007
section 5119.36 of the Revised Code. 85008

(8) "Drug addiction" means the use of a drug of abuse, as 85009
defined in section 3719.011 of the Revised Code, by an individual 85010
to the extent that the individual becomes physically or 85011
psychologically dependent on the drug or endangers the health, 85012
safety, or welfare of the individual or others. 85013

(9) "Gambling addiction" means the use of gambling by an 85014
individual to the extent that it causes psychological, financial, 85015
emotional, marital, legal, or other difficulties endangering the 85016
health, safety, or welfare of the individual or others. 85017

(10) "Gambling addiction services" means services for the 85018
treatment of persons who have a gambling addiction and for the 85019
prevention of gambling addiction. 85020

(11) "Hospital" means a hospital or inpatient unit licensed 85021
by the department of mental health and addiction services under 85022
section 5119.33 of the Revised Code, and any institution, 85023
hospital, or other place established, controlled, or supervised by 85024
the department under Chapter 5119. of the Revised Code. 85025

(12) "Mental illness" means a substantial disorder of 85026
thought, mood, perception, orientation, or memory that grossly 85027
impairs judgment, behavior, capacity to recognize reality, or 85028
ability to meet the ordinary demands of life. 85029

(13) "Mental health services" means services for the 85030
assessment, care, or treatment of persons who have a mental 85031
illness as defined in this section. 85032

(14)(a) "Residence" means a person's physical presence in a 85033
county with intent to remain there, except in either of the 85034
following circumstances: 85035

(i) If a person is receiving a mental health treatment 85036
service at a facility that includes nighttime sleeping 85037
accommodations, "residence" means that county in which the person 85038
maintained the person's primary place of residence at the time the 85039
person entered the facility; 85040

(ii) If a person is committed pursuant to section 2945.38, 85041
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 85042
"residence" means the county where the criminal charges were 85043
filed. 85044

(b) When the residence of a person is disputed, the matter of 85045
residence shall be referred to the department of mental health and 85046
addiction services for investigation and determination. Residence 85047
shall not be a basis for a board of alcohol, drug addiction, and 85048
mental health services to deny services to any person present in 85049
the board's service district, and the board shall provide services 85050
for a person whose residence is in dispute while residence is 85051
being determined and for a person in an emergency situation. 85052

(B) Any reference in this chapter to a board of alcohol, drug 85053
addiction, and mental health services also refers to an alcohol 85054
and drug addiction services board or a community mental health 85055
board in a service district in which an alcohol and drug addiction 85056
services board or a community mental health board has been 85057
established under section 340.021 or former section 340.02 of the 85058
Revised Code. 85059

Sec. 5119.10. (A) The director of mental health and addiction 85060
services is the chief executive and appointing authority of the 85061
department of mental health and addiction services. The director 85062
may organize the department for its efficient operation, including 85063

creating divisions or offices as necessary. The director may 85064
establish procedures for the governance of the department, conduct 85065
of its employees and officers, performance of its business, and 85066
custody, use, and preservation of departmental records, papers, 85067
books, documents, and property. Whenever the Revised Code imposes 85068
a duty upon or requires an action of the department or any of its 85069
institutions, the director or the director's designee shall 85070
perform the action or duty in the name of the department, except 85071
that the medical director appointed pursuant to section 5119.11 of 85072
the Revised Code shall be responsible for decisions relating to 85073
medical diagnosis, treatment, rehabilitation, quality assurance, 85074
and the clinical aspects of the following: licensure of hospitals 85075
and residential facilities, research, community addiction and 85076
mental health services plans, and certification and delivery of 85077
~~mental health and~~ addiction and mental health services. 85078

85079

(B) The director shall: 85080

(1) Adopt rules for the proper execution of the powers and 85081
duties of the department with respect to the institutions under 85082
its control, and require the performance of additional duties by 85083
the officers of the institutions as necessary to fully meet the 85084
requirements, intents, and purposes of this chapter. In case of an 85085
apparent conflict between the powers conferred upon any managing 85086
officer and those conferred by such sections upon the department, 85087
the presumption shall be conclusive in favor of the department. 85088

(2) Adopt rules for the nonpartisan management of the 85089
institutions under the department's control. An officer or 85090
employee of the department or any officer or employee of any 85091
institution under its control who, by solicitation or otherwise, 85092
exerts influence directly or indirectly to induce any other 85093
officer or employee of the department or any of its institutions 85094
to adopt the exerting officer's or employee's political views or 85095

to favor any particular person, issue, or candidate for office 85096
shall be removed from the exerting officer's or employee's office 85097
or position, by the department in case of an officer or employee, 85098
and by the governor in case of the director. 85099

(3) Appoint such employees, including the medical director, 85100
as are necessary for the efficient conduct of the department, and 85101
prescribe their titles and duties; 85102

(4) Prescribe the forms of affidavits, applications, medical 85103
certificates, orders of hospitalization and release, and all other 85104
forms, reports, and records that are required in the 85105
hospitalization or admission and release of all persons to the 85106
institutions under the control of the department, or are otherwise 85107
required under this chapter or Chapter 5122. of the Revised Code; 85108

(5) Exercise the powers and perform the duties relating to 85109
~~community~~ addiction and mental health facilities and services that 85110
are assigned to the director under this chapter and Chapter 340. 85111
of the Revised Code; 85112

(6) Develop and implement clinical evaluation and monitoring 85113
of services that are operated by the department; 85114

(7) Adopt rules establishing standards for the performance of 85115
evaluations by a forensic center or other psychiatric program or 85116
facility of the mental condition of defendants ordered by the 85117
court under section 2919.271, or 2945.371 of the Revised Code, and 85118
for the treatment of defendants who have been found incompetent to 85119
stand trial and ordered by the court under section 2945.38, 85120
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 85121
treatment in facilities; 85122

(8) On behalf of the department, have the authority and 85123
responsibility for entering into contracts and other agreements 85124
with providers, agencies, institutions, and other entities, both 85125
public and private, as necessary for the department to carry out 85126

its duties under this chapter and Chapters 340., 2919., 2945., and 85127
5122. of the Revised Code. Chapter 125. of the Revised Code does 85128
not apply to contracts the director enters into under this section 85129
for services provided to individuals with mental illness by 85130
providers, agencies, institutions, and other entities not owned or 85131
operated by the department. 85132

(9) Adopt rules in accordance with Chapter 119. of the 85133
Revised Code specifying the supplemental services that may be 85134
provided through a trust authorized by section 5815.28 of the 85135
Revised Code; 85136

(10) Adopt rules in accordance with Chapter 119. of the 85137
Revised Code establishing standards for the maintenance and 85138
distribution to a beneficiary of assets of a trust authorized by 85139
section 5815.28 of the Revised Code. 85140

(C) The director may contract with hospitals licensed by the 85141
department under section 5119.33 of the Revised Code for the care 85142
and treatment of mentally ill patients, or with persons, 85143
organizations, or agencies for the custody, evaluation, 85144
supervision, care, or treatment of mentally ill persons receiving 85145
services elsewhere than within the enclosure of a hospital 85146
operated under section 5119.14 of the Revised Code. 85147

Sec. 5119.11. (A) The director of mental health and addiction 85148
services shall appoint a medical director who is eligible or 85149
certified by the American board of psychiatry and neurology or the 85150
American osteopathic board of neurology and psychiatry, and has at 85151
least five years of clinical and two years of administrative 85152
experience. The medical director shall also have certification or 85153
substantial training and experience in the field of addiction 85154
medicine or addiction psychiatry. The medical director shall be 85155
responsible for decisions relating to medical diagnosis, 85156
treatment, prevention, rehabilitation, quality assurance, and the 85157

clinical aspects of ~~mental health and~~ addiction and mental health 85158
services involving all of the following: 85159

(1) Licensure of hospitals, residential facilities, and 85160
outpatient facilities; 85161

(2) Research; 85162

(3) Community addiction and mental health services plans; 85163

(4) Certification and delivery of ~~mental health and~~ addiction 85164
and mental health services. 85165

(B) The medical director shall also exercise clinical 85166
supervision of the chief clinical officers of hospitals and 85167
institutions under the jurisdiction of the department and shall 85168
review and approve decisions relating to the employment of the 85169
chief clinical officers. The medical director or the medical 85170
director's designee shall advise the director on matters relating 85171
to licensure, research, and the certification and delivery of 85172
~~mental health and~~ addiction and mental health services and 85173
community addiction and mental health plans. The medical director 85174
shall participate in the development of guidelines for community 85175
addiction and mental health services plans. The director of mental 85176
health and addiction services may establish other duties of the 85177
medical director. 85178

Sec. 5119.161. The department of mental health and addiction 85179
services, in conjunction with the department of job and family 85180
services, shall develop a joint state plan to improve the 85181
accessibility and timeliness of alcohol and drug addiction 85182
services for individuals identified by a public children services 85183
agency as in need of those services. The plan shall address the 85184
fact that Ohio works first participants may be among the persons 85185
receiving services under section 340.15 of the Revised Code and 85186
shall require the department of job and family services to seek 85187

federal funds available under Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, for the provision of the services to Ohio works first participants who are receiving services under section 340.15 of the Revised Code.

~~The plan shall address the need and manner for sharing information and include a request for the general assembly to appropriate an amount of funds specified in the report to be used by the departments to pay for services under section 340.15 of the Revised Code. The departments shall review and amend the plan as necessary.~~

~~Not later than the first day of July of each even-numbered year, the departments shall submit a report on the progress made under the joint state plan to the governor, president of the senate, and speaker of the house of representatives. The report shall include information on treatment capacity, needs assessments, and number of individuals who received services pursuant to section 340.15 of the Revised Code.~~

Sec. 5119.18. An appointing authority may appoint a person who holds a certified or permanent position in the classified service within the department of mental health and addiction services to a position in the unclassified service within the department. A person appointed pursuant to this section to a position in the unclassified service shall retain the right to resume the position and status held by the person in the classified service immediately prior to the person's appointment to the position in the unclassified service, pursuant to division (D) of section 124.11 of the Revised Code.

A person who holds a position in the classified service and who is appointed to a position in the unclassified service on or after January 1, 2016, shall have the right to resume a position in the classified service under this section only within five

years after the effective date of the person's appointment in the 85219
unclassified service. 85220

Sec. 5119.186. (A) The director of mental health and 85221
addiction services or the managing officer of an institution of 85222
the department may enter into an agreement with boards of trustees 85223
or boards of directors of one or more institutions of higher 85224
education or hospitals licensed pursuant to section 5119.33 of the 85225
Revised Code to establish, manage, and conduct collaborative 85226
training efforts for students enrolled in courses of studies for 85227
occupations or professions that involve the care and treatment for 85228
persons receiving ~~mental health or~~ addiction or mental health 85229
services. 85230

(B) Such collaborative training efforts may include but are 85231
not limited to programs in psychiatry, psychology, nursing, social 85232
work, counseling professions, and others considered appropriate by 85233
the director of mental health and addiction services. Any such 85234
program shall be approved or accredited by its respective 85235
professional organization or state board having jurisdiction over 85236
the profession. 85237

(1) The department shall require that the following be 85238
provided for in agreements between the department and institutions 85239
of higher education or hospitals licensed pursuant to section 85240
5119.33 of the Revised Code: 85241

(a) Establishment of inter-disciplinary committees to advise 85242
persons responsible for training programs. Each committee shall 85243
have representation drawn from the geographical community the 85244
institution of higher education or hospital serves and shall 85245
include representatives of agencies, boards, targeted populations 85246
as determined by the department, racial and ethnic minority 85247
groups, and publicly funded programs; 85248

(b) Funding procedures; 85249

(c) Specific outcomes and accomplishments that are expected	85250
or required of a program under such agreement;	85251
(d) The types of services to be provided under such	85252
agreement.	85253
(2) The department may require that the following be provided	85254
for in agreements between the department and institutions of	85255
higher education or hospitals licensed pursuant to section 5119.33	85256
of the Revised Code:	85257
(a) Special arrangements for individual residents or trainees	85258
to encourage their employment in publicly funded settings upon	85259
completion of their training;	85260
(b) Procedures for the selection of residents or trainees to	85261
promote the admission, retention, and graduation of women,	85262
minorities, and disabled persons;	85263
(c) Cross-cultural training and other subjects considered	85264
necessary to enhance training efforts and the care and treatment	85265
of patients and clients;	85266
(d) Funding of faculty positions oriented toward meeting the	85267
needs of publicly funded programs.	85268
Subject to appropriations by the general assembly, the	85269
director of mental health and addiction services has final	85270
approval of the funding of these collaborative training efforts.	85271
Sec. 5119.21. (A) The department of mental health and	85272
addiction services shall:	85273
(1) To the extent the department has available resources and	85274
in consultation with boards of alcohol, drug addiction, and mental	85275
health services, support a continuum of care in accordance with	85276
Chapter 340. of the Revised Code on a district or multi-district	85277
basis. The department shall define the essential elements of a	85278
continuum of care, shall assist in identifying resources, and may	85279

prioritize support for one or more of the elements. 85280

(2) Provide training, consultation, and technical assistance 85281
regarding ~~mental health and~~ addiction and mental health services 85282
and appropriate prevention, recovery, and mental health promotion 85283
activities, including those that are culturally competent, to 85284
employees of the department, community mental health and addiction 85285
services providers, boards of alcohol, drug addiction, and mental 85286
health services, and other agencies providing ~~mental health and~~ 85287
addiction and mental health services; 85288

(3) To the extent the department has available resources, 85289
promote and support a full range of ~~mental health and~~ addiction 85290
and mental health services that are available and accessible to 85291
all residents of this state, especially for severely ~~mentally~~ 85292
~~disabled~~ emotionally disturbed children, and adolescents, severely 85293
mentally disabled adults, pregnant women, parents, guardians or 85294
custodians of children at risk of abuse or neglect, and other 85295
special target populations, including racial and ethnic 85296
minorities, as determined by the department; 85297

(4) Develop standards and measures for evaluating the 85298
effectiveness of ~~mental health and~~ addiction and mental health 85299
services, including services that use methadone treatment, of 85300
gambling addiction services, and for increasing the accountability 85301
of community mental health and ~~alcohol and~~ addiction services 85302
providers ~~and of gambling addiction services providers~~; 85303

(5) Design and set criteria for the determination of priority 85304
populations; 85305

(6) Promote, direct, conduct, and coordinate scientific 85306
research, taking ethnic and racial differences into consideration, 85307
concerning the causes and prevention of mental illness and 85308
addiction, methods of providing effective services and treatment, 85309
and means of enhancing the mental health of and recovery from 85310

addiction of all residents of this state; 85311

(7) Foster the establishment and availability of vocational 85312
rehabilitation services and the creation of employment 85313
opportunities for ~~consumers of mental health and~~ individuals with 85314
~~addiction services and mental health needs~~, including members of 85315
racial and ethnic minorities; 85316

(8) Establish a program to protect and promote the rights of 85317
persons receiving ~~mental health and~~ addiction and mental health 85318
services, including the issuance of guidelines on informed consent 85319
and other rights; 85320

(9) Promote the involvement of persons who are receiving or 85321
have received ~~mental health or~~ addiction or mental health 85322
services, including families and other persons having a close 85323
relationship to a person receiving those services, in the 85324
planning, evaluation, delivery, and operation of ~~mental health and~~ 85325
addiction and mental health services; 85326

(10) Notify and consult with the relevant constituencies that 85327
may be affected by rules, standards, and guidelines issued by the 85328
department of mental health and addiction services. These 85329
constituencies shall include consumers of ~~mental health and~~ 85330
addiction and mental health services and their families, and may 85331
include public and private providers, employee organizations, and 85332
others when appropriate. Whenever the department proposes the 85333
adoption, amendment, or rescission of rules under Chapter 119. of 85334
the Revised Code, the notification and consultation required by 85335
this division shall occur prior to the commencement of proceedings 85336
under Chapter 119. The department shall adopt rules under Chapter 85337
119. of the Revised Code that establish procedures for the 85338
notification and consultation required by this division. 85339

(11) Provide consultation to the department of rehabilitation 85340
and correction concerning the delivery of ~~mental health and~~ 85341

addiction and mental health services in state correctional 85342
institutions-; 85343

(12) Promote and coordinate efforts in the provision of 85344
alcohol and drug addiction services and of gambling addiction 85345
services by other state agencies, as defined in section 1.60 of 85346
the Revised Code; courts; hospitals; clinics; physicians in 85347
private practice; public health authorities; boards of alcohol, 85348
drug addiction, and mental health services; ~~alcohol and drug~~ 85349
community addiction services providers; law enforcement agencies; 85350
~~gambling addiction services providers~~; and related groups; 85351

(13) Provide to each court of record, and biennially update, 85352
a list of the treatment and education programs within that court's 85353
jurisdiction that the court may require an offender, sentenced 85354
pursuant to section 4511.19 of the Revised Code, to attend; 85355

(14) Make the warning sign described in sections 3313.752, 85356
3345.41, and 3707.50 of the Revised Code available on the 85357
department's internet web site; 85358

(15) Provide a program of gambling addiction services on 85359
behalf of the state lottery commission, pursuant to an agreement 85360
entered into with the director of the commission under division 85361
(K) of section 3770.02 of the Revised Code, and provide a program 85362
of gambling addiction services on behalf of the Ohio casino 85363
control commission, under an agreement entered into with the 85364
executive director of the commission under section 3772.062 of the 85365
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 85366
Constitution, the department may enter into agreements with boards 85367
of alcohol, drug addiction, and mental health services, including 85368
boards with districts in which a casino facility is not located, 85369
and nonprofit organizations to provide gambling addiction services 85370
and ~~substance abuse~~ alcohol and drug addiction services, and with 85371
state institutions of higher education or private nonprofit 85372
institutions that possess a certificate of authorization issued 85373

under Chapter 1713. of the Revised Code to perform related 85374
research. 85375

(B) The department may accept and administer grants from 85376
public or private sources for carrying out any of the duties 85377
enumerated in this section. 85378

(C) ~~Pursuant to Chapter 119. of the Revised Code, the~~ 85379
~~department shall adopt a rule defining the term "intervention" as~~ 85380
~~it is used in this chapter in connection with alcohol and drug~~ 85381
~~addiction services and in connection with gambling addiction~~ 85382
~~services.~~ The department may adopt ~~other~~ rules in accordance with 85383
Chapter 119. of the Revised Code as necessary to implement the 85384
requirements of this chapter. 85385

Sec. 5119.23. (A) The department of mental health and 85386
addiction services shall establish a methodology for allocating to 85387
boards of alcohol, drug addiction, and mental health services the 85388
funds appropriated by the general assembly to the department for 85389
the purpose of ~~local mental health and addiction services~~ 85390
~~continuum~~ the continuum of care that each board establishes under 85391
section 340.03 of the Revised Code. The department shall establish 85392
the methodology after notifying and consulting with relevant 85393
constituencies as required by division (A)(10) of section 5119.21 85394
of the Revised Code. The methodology may provide for the funds to 85395
be allocated to boards on a district or multi-district basis. 85396

(B) Subject to section 5119.25 of the Revised Code, and to 85397
required submissions and approvals under section 340.08 of the 85398
Revised Code, the department shall allocate the funds to the 85399
boards in a manner consistent with the methodology, this section, 85400
other state and federal laws, rules, and regulations. 85401

(C) In consultation with boards, community addiction services 85402
providers, community mental health ~~and addiction~~ services 85403
providers, and persons receiving services, the department shall 85404

establish guidelines for the use of funds allocated ~~and~~ 85405
~~distributed~~ under this section. 85406

Sec. 5119.25. (A) The director of mental health and addiction 85407
services, in whole or in part, may withhold funds otherwise to be 85408
allocated to a board of alcohol, drug addiction, and mental health 85409
services under section 5119.23 of the Revised Code if the board 85410
fails to comply with Chapter 340. or ~~section 5119.22, 5119.24,~~ 85411
~~5119.36, or 5119.371~~ 5119. of the Revised Code or rules of the 85412
department of mental health and addiction services. However, 85413
beginning September 15, 2016, the director shall withhold all such 85414
funds from the board when required to do so under division (A)(4) 85415
of section 340.08 of the Revised Code or division (G)(1) of 85416
section 5119.22 of the Revised Code. 85417

(B) The director of mental health and addiction services may 85418
withhold funds otherwise to be allocated to a board of alcohol, 85419
drug addiction, and mental health services under section 5119.23 85420
of the Revised Code if the board denies available service on the 85421
basis of race, color, religion, creed, sex, age, national origin, 85422
disability as defined in section 4112.01 of the Revised Code, or 85423
developmental disability. 85424

(C) The director shall issue a notice identifying the areas 85425
of noncompliance and the action necessary to achieve compliance. 85426
The director may offer technical assistance to the board to 85427
achieve compliance. The board shall have thirty days from receipt 85428
of the notice of noncompliance to present its position that it is 85429
in compliance or to submit to the director evidence of corrective 85430
action the board took to achieve compliance. Before withholding 85431
funds, the director or the director's designee shall hold a 85432
hearing within thirty days of receipt of the board's position or 85433
evidence to determine if there are continuing violations and that 85434
either assistance is rejected or the board is unable, or has 85435

failed, to achieve compliance. The director may appoint a 85436
representative from another board of alcohol, drug addiction, and 85437
mental health services to serve as a mentor for the board in 85438
developing and executing a plan of corrective action to achieve 85439
compliance. Any such representative shall be from a board that is 85440
in compliance with Chapter 340. of the Revised Code, ~~sections~~ 85441
~~5119.22, 5119.24, 5119.36, and 5119.371 of the Revised Code~~ this 85442
chapter, and the department's rules. Subsequent to the hearing 85443
process, if it is determined that compliance has not been 85444
achieved, the director may allocate all or part of the withheld 85445
funds to one or more community mental health services providers or 85446
community addiction services providers to provide the ~~community~~ 85447
~~mental health or community~~ service or addiction service for which 85448
the board is not in compliance until the time that there is 85449
compliance. The director shall adopt rules in accordance with 85450
Chapter 119. of the Revised Code to implement this section. 85451

Sec. 5119.28. (A) All records, and reports, other than court 85452
journal entries or court docket entries, identifying a person and 85453
pertaining to the person's mental health condition, assessment, 85454
provision of care or treatment, or payment for assessment, care or 85455
treatment that are maintained in connection with any services 85456
certified by the department of mental health and addiction 85457
services, or any hospitals or facilities licensed or operated by 85458
the department, shall be kept confidential and shall not be 85459
disclosed by any person except: 85460

(1) If the person identified, or the person's legal guardian, 85461
if any, or if the person is a minor, the person's parent or legal 85462
guardian, consents; 85463

(2) When disclosure is provided for in this chapter or 85464
Chapter 340. or 5122. of the Revised Code or in accordance with 85465
other provisions of state or federal law authorizing such 85466

disclosure; 85467

(3) That hospitals, boards of alcohol, drug addiction, and 85468
mental health services, licensed facilities, and community mental 85469
health services providers may release necessary information to 85470
insurers and other third-party payers, including government 85471
entities responsible for processing and authorizing payment, to 85472
obtain payment for goods and services furnished to the person; 85473

(4) Pursuant to a court order signed by a judge; 85474

(5) That a person shall be granted access to the person's own 85475
psychiatric and medical records, unless access specifically is 85476
restricted in a person's treatment plan for clear treatment 85477
reasons; 85478

(6) That the department of mental health and addiction 85479
services may exchange psychiatric records and other pertinent 85480
information with community mental health services providers and 85481
boards of alcohol, drug addiction, and mental health services 85482
relating to the person's care or services. Records and information 85483
that may be exchanged pursuant to this division shall be limited 85484
to medication history, physical health status and history, 85485
financial status, summary of course of treatment, summary of 85486
treatment needs, and a discharge summary, if any. 85487

(7) That the department of mental health and addiction 85488
services, hospitals and community providers operated by the 85489
department, hospitals licensed by the department under section 85490
5119.33 of the Revised Code, and community mental health services 85491
providers may exchange psychiatric records and other pertinent 85492
information with payers and other providers of treatment and 85493
health services if the purpose of the exchange is to facilitate 85494
continuity of care for the person or for the emergency treatment 85495
of the person; 85496

(8) That the department of mental health and addiction 85497

services and community mental health services providers may 85498
exchange psychiatric records and other pertinent information with 85499
boards of alcohol, drug addiction, and mental health services for 85500
purposes of any board function set forth in Chapter 340. of the 85501
Revised Code. Boards of alcohol, drug addiction, and mental health 85502
services shall not access any personal information from the 85503
department or providers except as required or permitted by this 85504
section, or Chapter 340. or 5122. of the Revised Code for purposes 85505
related to payment, care coordination, health care operations, 85506
program and service evaluation, reporting activities, research, 85507
system administration, oversight, or other authorized purposes. 85508

(9) That a person's family member who is involved in the 85509
provision, planning, and monitoring of services to the person may 85510
receive medication information, a summary of the person's 85511
diagnosis and prognosis, and a list of the services and personnel 85512
available to assist the person and the person's family, if the 85513
person's treatment provider determines that the disclosure would 85514
be in the best interests of the person. No such disclosure shall 85515
be made unless the person is notified first and receives the 85516
information and does not object to the disclosure. 85517

(10) That community mental health services providers may 85518
exchange psychiatric records and certain other information with 85519
the board of alcohol, drug addiction, and mental health services 85520
and other providers in order to provide services to a person 85521
involuntarily committed to a board. Release of records under this 85522
division shall be limited to medication history, physical health 85523
status and history, financial status, summary of course of 85524
treatment, summary of treatment needs, and discharge summary, if 85525
any. 85526

(11) That information may be disclosed to the executor or the 85527
administrator of an estate of a deceased person when the 85528
information is necessary to administer the estate; 85529

(12) That information may be disclosed to staff members of 85530
the appropriate board or to staff members designated by the 85531
director of mental health and addiction services for the purpose 85532
of evaluating the quality, effectiveness, and efficiency of 85533
services and determining if the services meet minimum standards. 85534
Information obtained during such evaluations shall not be retained 85535
with the name of any person. 85536

(13) That records pertaining to the person's diagnosis, 85537
course of treatment, treatment needs, and prognosis shall be 85538
disclosed and released to the appropriate prosecuting attorney if 85539
the person was committed pursuant to section 2945.38, 2945.39, 85540
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 85541
attorney designated by the board for proceedings pursuant to 85542
involuntary commitment under Chapter 5122. of the Revised Code. 85543

(14) That the department of mental health and addiction 85544
services may exchange psychiatric hospitalization records, other 85545
mental health treatment records, and other pertinent information 85546
with the department of rehabilitation and correction and with the 85547
department of youth services to ensure continuity of care for 85548
inmates and offenders who are receiving mental health services in 85549
an institution of the department of rehabilitation and correction 85550
or the department of youth services and may exchange psychiatric 85551
hospitalization records, other mental health treatment records, 85552
and other pertinent information with boards of alcohol, drug 85553
addiction, and mental health services and community mental health 85554
services providers to ensure continuity of care for inmates or 85555
offenders who are receiving mental health services in an 85556
institution and are scheduled for release within six months. The 85557
release of records under this division is limited to records 85558
regarding an inmate's or offender's medication history, physical 85559
health status and history, summary of course of treatment, summary 85560
of treatment needs, and a discharge summary, if any. 85561

(15) That a community mental health services provider that
ceases to operate may transfer to either a community mental health
services provider that assumes its caseload or to the board of
alcohol, drug addiction, and mental health services of the service
district in which the person resided at the time services were
most recently provided any ~~treatment~~ records concerning treatment
that have not been transferred elsewhere at the person's request;

(16) That records and reports relating to a person who has
been deceased for fifty years or more are no longer considered
confidential.

(B) Before records are disclosed pursuant to divisions
(A)(3), (6), and (10) of this section, the custodian of the
records shall attempt to obtain the person's consent for the
disclosure.

(C) No person shall reveal the content of a medical record of
a person that is confidential pursuant to this section, except as
authorized by law.

Sec. 5119.31. The department of administrative services shall
purchase all supplies needed for the proper support and
maintenance of the institutions under the control of the
department of mental health and addiction services in accordance
with the competitive selection procedures of Chapter 125. of the
Revised Code and such rules as the department of administrative
services adopts. All bids shall be publicly opened on the day and
hour and at the place specified in the advertisement.

Preference shall be given to bidders in localities wherein
the institution is located, if the price is fair and reasonable
and not greater than the usual price; but bids not meeting the
specifications shall be rejected.

The department of administrative services may require such

security as it considers proper to accompany the bids and shall 85592
fix the security to be given by the contractor. 85593

The department of administrative services may reject any or 85594
all bids and secure new bids, if for any reason it is deemed for 85595
the best interest of the state to do so, and it may authorize the 85596
managing officer of any institution to purchase perishable goods 85597
and supplies for use in cases of emergency, in which cases such 85598
managing officer shall certify such fact in writing and the 85599
department of administrative services shall record the reasons for 85600
such purchase. 85601

Sec. 5119.33. (A)(1) The department of mental health and 85602
addiction services shall inspect and license all hospitals that 85603
receive mentally ill persons, except those hospitals managed by 85604
the department. No hospital may receive for care or treatment, 85605
either at public or private expense, any person who is or appears 85606
to be mentally ill, whether or not so adjudicated, unless the 85607
hospital has received a license from the department authorizing it 85608
to receive for care or treatment persons who are mentally ill or 85609
the hospital is managed by the department. 85610

(2) No such license shall be granted to a hospital for the 85611
treatment of mentally ill persons unless the department is 85612
satisfied, after investigation, that the hospital is managed and 85613
operated by qualified persons and has on its staff one or more 85614
qualified physicians responsible for the medical care of the 85615
patients confined there. At least one such physician shall be a 85616
psychiatrist. 85617

(B) The department shall adopt rules under Chapter 119. of 85618
the Revised Code prescribing minimum standards for the operation 85619
of hospitals for the care and treatment of mentally ill persons 85620
and establishing standards and procedures for the issuance, 85621
renewal, or revocation of full, probationary, and interim 85622

licenses. No license shall be granted to any hospital established 85623
or used for the care of mentally ill persons unless such hospital 85624
is operating in accordance with this section and rules adopted 85625
pursuant to this section. A full license shall expire one year 85626
after the date of issuance, a probationary license shall expire at 85627
the time prescribed by rule adopted pursuant to Chapter 119. of 85628
the Revised Code by the director of mental health and addiction 85629
services, and an interim license shall expire ninety days after 85630
the date of issuance. A full, probationary, or interim license may 85631
be renewed, except that an interim license may be renewed only 85632
twice. The department may fix reasonable fees for licenses and for 85633
license renewals. Such hospitals are subject to inspection and 85634
on-site review by the department. 85635

(C) Except as otherwise provided in Chapter 5122. of the 85636
Revised Code, neither the director of mental health and addiction 85637
services; an employee of the department; a board of alcohol, drug 85638
addiction, and mental health services or employee of a community 85639
mental health services provider; nor any other public official 85640
shall hospitalize any mentally ill person for care or treatment in 85641
any hospital that is not licensed in accordance with this section. 85642

(D) The department may issue an order suspending the 85643
admission of patients who are mentally ill to a hospital for care 85644
or treatment if it finds either of the following: 85645

(1) The hospital is not in compliance with rules adopted by 85646
the director pursuant to this section. 85647

(2) The hospital has been cited for more than one violation 85648
of statutes or rules during any previous period of time during 85649
which the hospital is licensed pursuant to this section. 85650

(E) Any license issued by the department under this section 85651
may be revoked or not renewed by the department for any of the 85652
following reasons: 85653

~~(A)(1)~~ The hospital is no longer a suitable place for the 85654
care or treatment of mentally ill persons. 85655

~~(B)(2)~~ The hospital refuses to be subject to inspection or 85656
on-site review by the department. 85657

~~(C)(3)~~ The hospital has failed to furnish humane, kind, and 85658
adequate treatment and care. 85659

~~(D)(4)~~ The hospital fails to comply with the licensure rules 85660
of the department. 85661

(E) The department may inspect, conduct an on-site review, 85662
and review the records of any hospital that the department has 85663
reason to believe is operating without a license. 85664

Sec. 5119.34. (A) As used in this section and sections 85665
5119.341 and 5119.342 of the Revised Code: 85666

(1) "Accommodations" means housing, daily meal preparation, 85667
laundry, housekeeping, arranging for transportation, social and 85668
recreational activities, maintenance, security, and other services 85669
that do not constitute personal care services or skilled nursing 85670
care. 85671

(2) "ADAMHS board" means a board of alcohol, drug addiction, 85672
and mental health services. 85673

(3) "Adult" means a person who is eighteen years of age or 85674
older, other than a person described in division (A)(4) of this 85675
section who is between eighteen and twenty-one years of age. 85676

(4) "Child" means a person who is under eighteen years of age 85677
or a person with a mental disability who is under twenty-one years 85678
of age. 85679

(5) "Community mental health services provider" means a 85680
community mental health services provider as defined in section 85681
5119.01 of the Revised Code. 85682

(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.

(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license.

(8) "Personal care services" means services including, but not limited to, the following:

(a) Assisting residents with activities of daily living;

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing personal care services.

~~(9) "Residential facility" means a publicly or privately operated home or facility that provides one of the following:~~

~~(a) Accommodations, supervision, personal care services, and community mental health services for one or more unrelated adults with mental illness or severe mental disabilities or to one or more unrelated children and adolescents with a serious emotional disturbance or who are in need of mental health services who are referred by or are receiving community mental health services from~~

~~a community mental health services provider, hospital, or practitioner.~~ 85713
85714

~~(b) Accommodations, supervision, and personal care services to any of the following:~~ 85715
85716

~~(i) One or two unrelated persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a community mental health services provider, hospital, or practitioner;~~ 85717
85718
85719
85720

~~(ii) One or two unrelated adults who are receiving residential state supplement payments;~~ 85721
85722

~~(iii) Three to sixteen unrelated adults.~~ 85723

~~(c) Room and board for five or more unrelated adults with mental illness or severe mental disability who are referred by or are receiving community mental health services from a community mental health services provider, hospital, or practitioner.~~ 85724
85725
85726
85727

~~(10) "Residential facility" does not include any of the following:~~ 85728
85729

~~(a) A hospital subject to licensure under section 5119.33 of the Revised Code;~~ 85730
85731

~~(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;~~ 85732
85733
85734

~~(c) An institution or association subject to certification under section 5103.03 of the Revised Code;~~ 85735
85736

~~(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;~~ 85737
85738
85739

~~(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;~~ 85740
85741

~~(f) Alcohol or drug addiction services certified pursuant to~~ 85742
~~section 5119.36 of the Revised Code;~~ 85743

~~(g) A facility licensed to provide methadone treatment under~~ 85744
~~section 5119.391 of the Revised Code;~~ 85745

~~(h) Any facility that receives funding for operating costs~~ 85746
~~from the development services agency under any program established~~ 85747
~~to provide emergency shelter housing or transitional housing for~~ 85748
~~the homeless;~~ 85749

~~(i) A terminal care facility for the homeless that has~~ 85750
~~entered into an agreement with a hospice care program under~~ 85751
~~section 3712.07 of the Revised Code;~~ 85752

~~(j) A facility approved by the veterans administration under~~ 85753
~~section 104(a) of the "Veterans Health Care Amendments of 1983,"~~ 85754
~~97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for~~ 85755
~~the placement and care of veterans.~~ 85756

~~(11)~~ "Room and board" means the provision of sleeping and 85757
living space, meals or meal preparation, laundry services, 85758
housekeeping services, or any combination thereof. 85759

~~(12)~~(10) "Residential state supplement" means the program 85760
administered under section 5119.41 of the Revised Code and related 85761
provisions of the Administrative Code under which the state 85762
supplements the supplemental security income payments received by 85763
aged, blind, or disabled adults under Title XVI of the Social 85764
Security Act. Residential state supplement payments are used for 85765
the provision of accommodations, supervision, and personal care 85766
services to supplemental security income recipients the department 85767
of mental health and addition services determines are at risk of 85768
needing institutional care. 85769

~~(13)~~(11) "Supervision" means any of the following: 85770

(a) Observing a resident to ensure the resident's health, 85771

safety, and welfare while the resident engages in activities of 85772
daily living or other activities; 85773

(b) Reminding a resident to perform or complete an activity, 85774
such as reminding a resident to engage in personal hygiene or 85775
other self-care activities; 85776

(c) Assisting a resident in making or keeping an appointment. 85777

~~(14)~~(12) "Unrelated" means that a resident is not related to 85778
the owner or operator of a residential facility or to the owner's 85779
or operator's spouse as a parent, grandparent, child, stepchild, 85780
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 85781
the child of an aunt or uncle. 85782

(B)(1) A "residential facility" is a publicly or privately 85783
operated home or facility that falls into one of the following 85784
categories: 85785

(a) Class one facilities provide accommodations, supervision, 85786
personal care services, and mental health services for one or more 85787
unrelated adults with mental illness or one or more unrelated 85788
children or adolescents with severe emotional disturbances; 85789

(b) Class two facilities provide accommodations, supervision, 85790
and personal care services to any of the following: 85791

(i) One or two unrelated persons with mental illness; 85792

(ii) One or two unrelated adults who are receiving 85793
residential state supplement payments; 85794

(iii) Three to sixteen unrelated adults. 85795

(c) Class three facilities provide room and board for five or 85796
more unrelated adults with mental illness. 85797

(2) "Residential facility" does not include any of the 85798
following: 85799

(a) A hospital subject to licensure under section 5119.33 of 85800

the Revised Code or an institution maintained, operated, managed, 85801
and governed by the department of mental health and addiction 85802
services for the hospitalization of mentally ill persons pursuant 85803
to section 5119.14 of the Revised Code; 85804

(b) A residential facility licensed under section 5123.19 of 85805
the Revised Code or otherwise regulated by the department of 85806
developmental disabilities; 85807

(c) An institution or association subject to certification 85808
under section 5103.03 of the Revised Code; 85809

(d) A facility operated by a hospice care program licensed 85810
under section 3712.04 of the Revised Code that is used exclusively 85811
for care of hospice patients; 85812

(e) A nursing home, residential care facility, or home for 85813
the aging as defined in section 3721.02 of the Revised Code; 85814

(f) A facility licensed to provide methadone treatment under 85815
section 5119.391 of the Revised Code; 85816

(g) Any facility that receives funding for operating costs 85817
from the development services agency under any program established 85818
to provide emergency shelter housing or transitional housing for 85819
the homeless; 85820

(h) A terminal care facility for the homeless that has 85821
entered into an agreement with a hospice care program under 85822
section 3712.07 of the Revised Code; 85823

(i) A facility approved by the veterans administration under 85824
section 104(a) of the "Veterans Health Care Amendments of 1983," 85825
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 85826
the placement and care of veterans; 85827

(j) The residence of a relative or guardian of a person with 85828
mental illness. 85829

(C) Nothing in division (A)-(9)(B) of this section shall be 85830

construed to permit personal care services to be imposed on a 85831
resident who is capable of performing the activity in question 85832
without assistance. 85833

~~(C)~~(D) Except in the case of a residential facility described 85834
in division ~~(A)(9)(a)~~ (B)(1)(a) of this section, members of the 85835
staff of a residential facility shall not administer medication to 85836
the facility's residents, but may do any of the following: 85837

(1) Remind a resident when to take medication and watch to 85838
ensure that the resident follows the directions on the container; 85839

(2) Assist a resident in the self-administration of 85840
medication by taking the medication from the locked area where it 85841
is stored, in accordance with rules adopted pursuant to this 85842
section, and handing it to the resident. If the resident is 85843
physically unable to open the container, a staff member may open 85844
the container for the resident. 85845

(3) Assist a physically impaired but mentally alert resident, 85846
such as a resident with arthritis, cerebral palsy, or Parkinson's 85847
disease, in removing oral or topical medication from containers 85848
and in consuming or applying the medication, upon request by or 85849
with the consent of the resident. If a resident is physically 85850
unable to place a dose of medicine to the resident's mouth without 85851
spilling it, a staff member may place the dose in a container and 85852
place the container to the mouth of the resident. 85853

~~(D)~~(E)(1) Except as provided in division ~~(D)~~(E)(2) of this 85854
section, a person operating or seeking to operate a residential 85855
facility shall apply for licensure of the facility to the 85856
department of mental health and addiction services. The 85857
application shall be submitted by the operator. When applying for 85858
the license, the applicant shall pay to the department the 85859
application fee specified in rules adopted under division ~~(K)~~(L) 85860
of this section. The fee is nonrefundable. 85861

The department shall send a copy of an application to the ADAMHS board serving the county in which the person operates or seeks to operate the facility. The ADAMHS board shall review the application and provide to the department any information about the applicant or the facility that the board would like the department to consider in reviewing the application.

(2) A person may not apply for a license to operate a residential facility if the person is or has been the owner, operator, or manager of a residential facility for which a license to operate was revoked or for which renewal of a license was refused for any reason other than nonpayment of the license renewal fee, unless both of the following conditions are met:

(a) A period of not less than two years has elapsed since the date the director of mental health and addiction services issued the order revoking or refusing to renew the facility's license.

(b) The director's revocation or refusal to renew the license was not based on an act or omission at the facility that violated a resident's right to be free from abuse, neglect, or exploitation.

~~(E)~~(F)(1) The department of mental health and addiction services shall inspect and license the operation of residential facilities. The department shall consider the past record of the facility and the applicant or licensee in arriving at its licensure decision.

The department may issue full, probationary, and interim licenses. A full license shall expire up to three years after the date of issuance, a probationary license shall expire in a shorter period of time as specified in rules adopted by the director of ~~mental health~~ mental health and addiction services under division ~~(K)~~(L) of this section, and an interim license shall expire ninety days after the date of issuance. A license may be renewed in

accordance with rules adopted by the director under division 85893
(K)(L) of this section. The renewal application shall be submitted 85894
by the operator. When applying for renewal of a license, the 85895
applicant shall pay to the department the renewal fee specified in 85896
rules adopted under division (K)(L) of this section. The fee is 85897
nonrefundable. 85898

(2) The department may issue an order suspending the 85899
admission of residents to the facility or refuse to issue or renew 85900
and may revoke a license if it finds ~~the~~ any of the following: 85901

(a) The facility is not in compliance with rules adopted by 85902
the director pursuant to division (K)(L) of this section ~~or if~~ 85903
~~any;~~ 85904

(b) Any facility operated by the applicant or licensee has 85905
been cited for a pattern of serious noncompliance or repeated 85906
violations of statutes or rules during the period of current or 85907
previous licenses. ~~Proceedings;~~ 85908

(c) The applicant or licensee submits false or misleading 85909
information as part of a license application, renewal, or 85910
investigation. 85911

Proceedings initiated to deny applications for full or 85912
probationary licenses or to revoke such licenses are governed by 85913
Chapter 119. of the Revised Code. An order issued pursuant to this 85914
division remains in effect during the pendency of those 85915
proceedings. 85916

~~(F)~~(G) The department may issue an interim license to operate 85917
a residential facility if both of the following conditions are 85918
met: 85919

(1) The department determines that the closing of or the need 85920
to remove residents from another residential facility has created 85921
an emergency situation requiring immediate removal of residents 85922
and an insufficient number of licensed beds are available. 85923

(2) The residential facility applying for an interim license 85924
meets standards established for interim licenses in rules adopted 85925
by the director under division ~~(K)~~(L) of this section. 85926

An interim license shall be valid for ninety days and may be 85927
renewed by the director no more than twice. Proceedings initiated 85928
to deny applications for or to revoke interim licenses under this 85929
division are not subject to Chapter 119. of the Revised Code. 85930

~~(G)~~(H)(1) The department of mental health and addiction 85931
services may conduct an inspection of a residential facility as 85932
follows: 85933

(a) Prior to issuance of a license for the facility; 85934

(b) Prior to renewal of the license; 85935

(c) To determine whether the facility has completed a plan of 85936
correction required pursuant to division ~~(G)~~(H)(2) of this section 85937
and corrected deficiencies to the satisfaction of the department 85938
and in compliance with this section and rules adopted pursuant to 85939
it; 85940

(d) Upon complaint by any individual or agency; 85941

(e) At any time the director considers an inspection to be 85942
necessary in order to determine whether the facility is in 85943
compliance with this section and rules adopted pursuant to this 85944
section. 85945

(2) In conducting inspections the department may conduct an 85946
on-site examination and evaluation of the residential facility and 85947
its personnel, activities, and services. The department shall have 85948
access to examine and copy all records, accounts, and any other 85949
documents relating to the operation of the residential facility, 85950
including records pertaining to residents, and shall have access 85951
to the facility in order to conduct interviews with the operator, 85952
staff, and residents. Following each inspection and review, the 85953

department shall complete a report listing any deficiencies, and 85954
including, when appropriate, a time table within which the 85955
operator shall correct the deficiencies. The department may 85956
require the operator to submit a plan of correction describing how 85957
the deficiencies will be corrected. 85958

~~(H)~~(I) No person shall do any of the following: 85959

(1) Operate a residential facility unless the facility holds 85960
a valid license; 85961

(2) Violate any of the conditions of licensure after having 85962
been granted a license; 85963

(3) Interfere with a state or local official's inspection or 85964
investigation of a residential facility; 85965

(4) Violate any of the provisions of this section or any 85966
rules adopted pursuant to this section. 85967

~~(I)~~(J) The following may enter a residential facility at any 85968
time: 85969

(1) Employees designated by the director of mental health and 85970
addiction services; 85971

(2) Employees of an ADAMHS board under either of the 85972
following circumstances: 85973

(a) When a resident of the facility is receiving services 85974
from a community mental health services provider under contract 85975
with that ADAMHS board or another ADAMHS board; 85976

(b) When authorized by section 340.05 of the Revised Code. 85977

(3) Employees of a community mental health services provider 85978
under either of the following circumstances: 85979

(a) When the ~~services~~ provider has a person receiving 85980
services residing in the facility; 85981

(b) When the ~~services~~ provider is acting as an agent of an 85982

ADAMHS board other than the board with which it is under contract. 85983

(4) Representatives of the state long-term care ombudsman 85984
program when the facility provides accommodations, supervision, 85985
and personal care services for three to sixteen unrelated adults 85986
or to one or two unrelated adults who are recipients under the 85987
residential state supplement program. 85988

The persons specified in division ~~(I)~~(J) of this section 85989
shall be afforded access to examine and copy all records, 85990
accounts, and any other documents relating to the operation of the 85991
residential facility, including records pertaining to residents. 85992

~~(J)~~(K) Employees of the department of mental health and 85993
addiction services may enter, for the purpose of investigation, 85994
any institution, residence, facility, or other structure which has 85995
been reported to the department as, or that the department has 85996
reasonable cause to believe is, operating as a residential 85997
facility without a valid license. 85998

~~(K)~~(L) The director shall adopt and may amend and rescind 85999
rules pursuant to Chapter 119. of the Revised Code governing the 86000
licensing and operation of residential facilities. The rules shall 86001
establish all of the following: 86002

(1) Minimum standards for the health, safety, adequacy, and 86003
cultural competency of treatment of and services for persons in 86004
residential facilities; 86005

(2) Procedures for the issuance, renewal, or revocation of 86006
the licenses of residential facilities; 86007

(3) Procedures for conducting ~~criminal records checks~~ 86008
background investigations for prospective or current operators, 86009
employees, ~~and~~ volunteers, and other non-resident occupants who 86010
may have direct access to facility residents; 86011

(4) The fee to be paid when applying for a new residential 86012

facility license or renewing the license; 86013

(5) Procedures for the operator of a residential facility to 86014
follow when notifying the ADAMHS board serving the county in which 86015
the facility is located when the facility is serving residents 86016
with mental illness or severe mental disability, including the 86017
circumstances under which the operator is required to make such a 86018
notification; 86019

(6) Procedures for the issuance and termination of orders of 86020
suspension of admission of residents to a residential facility; 86021

(7) Measures to be taken by residential facilities relative 86022
to residents' medication; 86023

(8) Requirements relating to preparation of special diets; 86024

(9) The maximum number of residents who may be served in a 86025
residential facility; 86026

(10) The rights of residents of residential facilities and 86027
procedures to protect such rights; 86028

~~(11) Procedures for obtaining an affiliation agreement 86029
approved by the board between a residential facility and a 86030
community mental health services provider; 86031~~

~~(12)~~ Standards and procedures under which the director may 86032
waive the requirements of any of the rules adopted. 86033

~~(L)~~(M)(1) The department may withhold the source of any 86034
complaint reported as a violation of this section when the 86035
department determines that disclosure could be detrimental to the 86036
department's purposes or could jeopardize the investigation. The 86037
department may disclose the source of any complaint if the 86038
complainant agrees in writing to such disclosure and shall 86039
disclose the source upon order by a court of competent 86040
jurisdiction. 86041

(2) Any person who makes a complaint under division ~~(L)~~(M)(1) 86042

of this section, or any person who participates in an 86043
administrative or judicial proceeding resulting from such a 86044
complaint, is immune from civil liability and is not subject to 86045
criminal prosecution, other than for perjury, unless the person 86046
has acted in bad faith or with malicious purpose. 86047

~~(M)~~~~(N)~~(1) The director of mental health and addiction 86048
services may petition the court of common pleas of the county in 86049
which a residential facility is located for an order enjoining any 86050
person from operating a residential facility without a license or 86051
from operating a licensed facility when, in the director's 86052
judgment, there is a present danger to the health or safety of any 86053
of the occupants of the facility. The court shall have 86054
jurisdiction to grant such injunctive relief upon a showing that 86055
the respondent named in the petition is operating a facility 86056
without a license or there is a present danger to the health or 86057
safety of any residents of the facility. 86058

(2) When the court grants injunctive relief in the case of a 86059
facility operating without a license, the court shall issue, at a 86060
minimum, an order enjoining the facility from admitting new 86061
residents to the facility and an order requiring the facility to 86062
assist with the safe and orderly relocation of the facility's 86063
residents. 86064

(3) If injunctive relief is granted against a facility for 86065
operating without a license and the facility continues to operate 86066
without a license, the director shall refer the case to the 86067
attorney general for further action. 86068

~~(N)~~~~(O)~~ The director may fine a person for violating division 86069
~~(H)~~~~(I)~~ of this section. The fine shall be five hundred dollars for 86070
a first offense; for each subsequent offense, the fine shall be 86071
one thousand dollars. The director's actions in imposing a fine 86072
shall be taken in accordance with Chapter 119. of the Revised 86073
Code. 86074

Sec. 5119.341. (A) Any person may operate a residential 86075
facility providing accommodations and personal care services for 86076
one to five unrelated persons and licensed as a residential 86077
facility that meets the criteria specified in division ~~(A)(9)(b)~~ 86078
~~(B)(1)(b)~~ of section 5119.34 of the Revised Code as a permitted 86079
use in any residential district or zone, including any 86080
single-family residential district or zone of any political 86081
subdivision. Such facilities may be required to comply with area, 86082
height, yard, and architectural compatibility requirements that 86083
are uniformly imposed upon all single-family residences within the 86084
district or zone. 86085

(B) Any person may operate a residential facility providing 86086
accommodations and personal care services for six to sixteen 86087
persons and licensed as a residential facility that meets the 86088
criteria specified in division ~~(A)(9)(b)~~ ~~(B)(1)(b)~~ of section 86089
5119.34 of the Revised Code as a permitted use in any 86090
multiple-family residential district or zone of any political 86091
subdivision, except that a political subdivision that has enacted 86092
a zoning ordinance or resolution establishing planned-unit 86093
developments as defined in section 519.021 of the Revised Code may 86094
exclude such facilities from such districts, and a political 86095
subdivision that has enacted a zoning ordinance or resolution may 86096
regulate such facilities in multiple-family residential districts 86097
or zones as a conditionally permitted use or special exception, in 86098
either case, under reasonable and specific standards and 86099
conditions set out in the zoning ordinance or resolution to: 86100

(1) Require the architectural design and site layout of the 86101
home and the location, nature, and height of any walls, screens, 86102
and fences to be compatible with adjoining land uses and the 86103
residential character of the neighborhood; 86104

(2) Require compliance with yard, parking, and sign 86105

regulation. 86106

(C) Divisions (A) and (B) of this section do not affect any 86107
right of a political subdivision to permit a person to operate a 86108
residential facility licensed under section 5119.34 of the Revised 86109
Code in a single-family residential district or zone under 86110
conditions established by the political subdivision. 86111

(D)(1) Notwithstanding divisions (A) and (B) of this section 86112
and except as provided in division (D)(2) of this section, a 86113
political subdivision that has enacted a zoning ordinance or 86114
resolution may limit the excessive concentration of licensed 86115
residential facilities that meet the criteria specified in 86116
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 86117
Code. 86118

(2) Division (D)(1) of this section does not authorize a 86119
political subdivision to prevent or limit the continued existence 86120
and operation of residential facilities existing and operating on 86121
September 10, 2012, and that meet the criteria specified in 86122
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 86123
Code. A political subdivision may consider the existence of such 86124
facilities for the purpose of limiting the excessive concentration 86125
of such facilities that meet the criteria specified in division 86126
~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code that 86127
are not existing and operating on September 10, 2012. 86128

Sec. 5119.36. (A) A community mental health services provider 86129
applicant or community addiction services provider applicant that 86130
seeks certification of its ~~community~~ mental health services or 86131
~~community~~ addiction services shall submit an application to the 86132
director of mental health and addiction services. On receipt of 86133
the application, the director may conduct an on-site review and 86134
shall evaluate the ~~provider~~ applicant to determine whether its 86135
services satisfy the standards established by rules adopted under 86136

division (E) of this section. The director shall make the 86137
evaluation, and, if the director conducts an on-site review of the 86138
~~provider applicant~~, may make the review, in cooperation with the 86139
board of alcohol, drug addiction, and mental health services for 86140
treatment or prevention services with which the ~~provider applicant~~ 86141
seeks to contract under division (A)(8)(a) of section 340.03 of 86142
the Revised Code. 86143

(B) Subject to section 5119.371 of the Revised Code, the 86144
director shall determine whether the services of ~~an~~ a community 86145
mental health services provider applicant or community addiction 86146
services applicant satisfy the standards for certification of the 86147
services. If the director determines that ~~a community mental~~ 86148
~~health services provider's or a community addiction services~~ 86149
~~provider's~~ an applicant's services satisfy the standards for 86150
certification and the ~~provider applicant~~ has paid the fee required 86151
under division (D) of this section, the director shall certify the 86152
services. No community mental health services provider or 86153
community addiction services provider shall be eligible to receive 86154
state or federal funds, or funds administered by a board of 86155
alcohol, drug addiction, and mental health services for treatment 86156
or prevention services unless its services have been certified by 86157
the department. 86158

(C) If the director determines that a community mental health 86159
services ~~provider's~~ provider applicant's or a community addiction 86160
services ~~provider's~~ provider applicant's services do not satisfy 86161
the standards for certification, the director shall identify the 86162
areas of noncompliance, specify what action is necessary to 86163
satisfy the standards, and may offer technical assistance to the 86164
~~provider applicant~~ and to the board of alcohol, drug addiction, 86165
and mental health services so that the board may assist the 86166
~~provider applicant~~ in satisfying the standards. The director shall 86167
give the ~~provider applicant~~ a reasonable time within which to 86168

demonstrate that its services satisfy the standards or to bring 86169
the services into compliance with the standards. If the director 86170
concludes that the services continue to fail to satisfy the 86171
standards, the director may request that the board reallocate any 86172
funds for the mental health or addiction services the ~~provider~~ 86173
applicant was to provide to another community mental health or 86174
addiction services provider whose ~~community~~ mental health or 86175
~~community~~ addiction services satisfy the standards. If the board 86176
does not reallocate such funds in a reasonable period of time, the 86177
director may withhold state and federal funds for the services and 86178
allocate those funds directly to a community mental health or 86179
community addiction services provider whose services satisfy the 86180
standards. 86181

(D) Each community mental health services provider applicant 86182
or community addiction services provider applicant seeking 86183
certification of its ~~mental health or addiction~~ or mental health 86184
services under this section shall pay a fee for the certification 86185
required by this section, unless the ~~provider~~ applicant is exempt 86186
under rules adopted under division (E) of this section. Fees shall 86187
be paid into the state treasury to the credit of the sale of goods 86188
and services fund created pursuant to section 5119.45 of the 86189
Revised Code. 86190

(E) The director shall adopt rules in accordance with Chapter 86191
119. of the Revised Code to implement this section. The rules 86192
shall do all of the following: 86193

(1) Establish certification standards for mental health 86194
services and addiction services that are consistent with 86195
nationally recognized applicable standards and facilitate 86196
participation in federal assistance programs. The rules shall 86197
include as certification standards only requirements that improve 86198
the quality of services or the health and safety of persons 86199
receiving ~~community mental health and addiction~~ and mental health 86200

services. The standards shall address at a minimum all of the 86201
following: 86202

- (a) Reporting major unusual incidents to the director; 86203
- (b) Procedures for applicants for and persons receiving 86204
~~community mental health and addiction and mental health~~ services 86205
to file grievances and complaints; 86206
- (c) Seclusion; 86207
- (d) Restraint; 86208
- (e) Requirements regarding physical facilities of service 86209
delivery sites; 86210
- (f) Requirements with regard to health, safety, adequacy, and 86211
cultural specificity and sensitivity; 86212
- (g) Standards for evaluating services; 86213
- (h) Standards and procedures for granting full ~~or~~ 86214
~~conditional, probationary, and interim~~ certification to a service 86215
community mental health services provider applicant or community 86216
addiction services applicant; 86217
- (i) Standards and procedures for revoking the certification 86218
of a community mental health or addiction services provider's 86219
services that do not continue to meet the minimum standards 86220
established pursuant to this section; 86221
- (j) The limitations to be placed on a provider that is 86222
granted ~~conditional~~ probationary or interim certification; 86223
- (k) Development of written policies addressing the rights of 86224
persons receiving services, including all of the following: 86225
- (i) The right to a copy of the written policies addressing 86226
the rights of persons receiving services; 86227
 - (ii) The right at all times to be treated with consideration 86228
and respect for the person's privacy and dignity; 86229

(iii) The right to have access to the person's own 86230
psychiatric, medical, or other treatment records unless access is 86231
specifically restricted in the person's treatment plan for clear 86232
treatment reasons; 86233

(iv) The right to have a client rights officer provided by 86234
the ~~services~~ provider or board of alcohol, drug addiction, and 86235
mental health services advise the person of the person's rights, 86236
including the person's rights under Chapter 5122. of the Revised 86237
Code if the person is committed to the provider or board. 86238

(2) Establish the process for certification of ~~community~~ 86239
~~mental health and addiction and mental health~~ services; 86240

(3) Set the amount of certification review fees; 86241

(4) Specify the type of notice and hearing to be provided 86242
prior to a decision on whether to reallocate funds. 86243

(F) The department may issue an order suspending admissions 86244
to a community addiction services provider that provides overnight 86245
accommodations if it finds either of the following: 86246

(1) The provider is not in compliance with rules adopted by 86247
the director pursuant to division (E) of this section; 86248

(2) The provider has been cited for more than one violation 86249
of statutes or rules during any previous certification period of 86250
the provider. 86251

(G) The department shall maintain a current list of community 86252
addiction services providers whose addiction services are 86253
certified by the department under division (B) of this section and 86254
shall provide a copy of the list to a judge of a court of common 86255
pleas who requests a copy for the use of the judge under division 86256
(H) of section 2925.03 of the Revised Code. The list ~~of certified~~ 86257
~~addiction services~~ shall identify each provider by its name, its 86258
address, and the county in which it is located. 86259

~~(G)~~(H) No person shall represent in any manner that a 86260
provider is certified by the department if the provider is not 86261
certified at the time the representation is made. 86262

Sec. 5119.361. The director of mental health and addiction 86263
services shall require that each board of alcohol, drug addiction, 86264
and mental health services ensure that each community mental 86265
health services provider and community addiction services provider 86266
with which it contracts under division (A)(8)(a) of section 340.03 86267
of the Revised Code to provide ~~community mental health or~~ 86268
addiction or mental health services establish grievance procedures 86269
consistent with rules adopted under section 5119.36 of the Revised 86270
Code that are available to all persons seeking or receiving 86271
services from a community mental health or addiction services 86272
provider. 86273

Sec. 5119.365. The director of mental health and addiction 86274
services shall adopt rules in accordance with Chapter 119. of the 86275
Revised Code to do both of the following: 86276

(A) Streamline the intake procedures used by a community 86277
addiction services provider accepting and beginning to serve a new 86278
~~patient~~ individual, including procedures regarding intake forms 86279
and questionnaires; 86280

(B) Enable a community addiction services provider to retain 86281
~~a patient~~ an individual as an active patient even though the 86282
patient last received services from the provider more than thirty 86283
days before resumption of services so that the ~~patient~~ individual 86284
and provider do not have to repeat the intake procedures. 86285

Sec. 5119.41. (A) As used in this section ~~and section~~ 86286
~~5119.411 of the Revised Code:~~ 86287

(1) "Nursing facility" has the same meaning as in section 86288

5165.01 of the Revised Code. 86289

(2) "Residential state supplement administrative agency" 86290
means the department of mental health and addiction services or, 86291
if the department designates an entity under division (C) of this 86292
section for a particular area, the designated entity. 86293

(3) "Residential state supplement program" means the program 86294
administered pursuant to this section. 86295

(B) The department of mental health and addiction services 86296
shall implement the residential state supplement program under 86297
which the state supplements the supplemental security income 86298
payments received by aged, blind, or disabled adults under Title 86299
XVI of the "Social Security Act," 42 U.S.C. 1381 et seq. 86300
Residential state supplement payments shall be used for the 86301
provision of accommodations, supervision, and personal care 86302
services to social security, supplemental security income, and 86303
social security disability insurance recipients who the department 86304
determines are at risk of needing institutional care. 86305

(C) In implementing the program, the department may designate 86306
one or more entities to be responsible for providing 86307
administrative services regarding the program. The department may 86308
designate an entity to be a residential state supplement 86309
administrative agency under this division either by entering into 86310
a contract with the entity to serve in that capacity or by 86311
otherwise delegating to the entity the responsibility to serve in 86312
that capacity. 86313

(D) For an individual to be eligible for residential state 86314
supplement payments, all of the following must be the case: 86315

(1) Except as provided by division ~~(H)~~(G) of this section, 86316
the individual must reside in one of the following living 86317
arrangements: 86318

(a) A residential care facility licensed by the department of 86319

health under Chapter 3721. of the Revised Code or an assisted 86320
living program as defined in section 5111.89 of the Revised Code; 86321

~~(b) A residential facility as defined in division (A)(9)(b)~~ 86322
~~of licensed by the department of mental health and addiction~~ 86323
~~services under section 5119.34 of the Revised Code licensed by the~~ 86324
~~department of mental health and addiction services;~~ 86325

~~(c) An apartment or room used to provide community mental~~ 86326
~~health housing services certified by the department of mental~~ 86327
~~health and addiction services under section 5119.36 of the Revised~~ 86328
~~Code and approved by a board of alcohol, drug addiction, and~~ 86329
~~mental health services under division (A)(14) of section 340.03 of~~ 86330
~~the Revised Code.~~ 86331

~~(2) A residential state supplement administrative agency must~~ 86332
~~have determined that the environment in which the individual will~~ 86333
~~be living while receiving the payments is appropriate for the~~ 86334
~~individual's needs. If the individual is eligible for social~~ 86335
~~security payments, supplemental security income payments, or~~ 86336
~~social security disability insurance benefits because of a mental~~ 86337
~~disability, the~~ If a residential state supplement administrative 86338
agency is aware that an individual enrolled in the program has 86339
mental health needs, the agency shall refer the individual to a 86340
community mental health services provider for an assessment under 86341
pursuant to division (A) of section 340.091 of the Revised Code. 86342

(3) The individual satisfies all eligibility requirements 86343
established by rules adopted under division (E) of this section. 86344

(4) An individual residing in a living arrangement housing 86345
more than sixteen individuals shall not be eligible for inclusion 86346
in the program unless the director of mental health and addiction 86347
services specifically waives this size limitation with respect to 86348
that individual in that living arrangement. An individual with 86349
such a waiver as of October 1, 2015, shall remain eligible for the 86350

program as long as the individual remains in that living 86351
arrangement. 86352

(E) The director of mental health and addiction services and 86353
medicaid director shall adopt rules in accordance with ~~section~~ 86354
~~111.15~~ Chapter 119. of the Revised Code as necessary to implement 86355
the residential state supplement program. 86356

To the extent permitted by Title XVI of the "Social Security 86357
Act," and any other provision of federal law, the medicaid 86358
director may adopt rules establishing standards for adjusting the 86359
eligibility requirements concerning the level of impairment a 86360
person must have so that the amount appropriated for the program 86361
by the general assembly is adequate for the number of eligible 86362
individuals. The rules shall not limit the eligibility of disabled 86363
persons solely on a basis classifying disabilities as physical or 86364
mental. The medicaid director also may adopt rules that establish 86365
eligibility standards for aged, blind, or disabled individuals who 86366
reside in one of the homes or facilities specified in division 86367
(D)(1) of this section but who, because of their income, do not 86368
receive supplemental security income payments. The rules may 86369
provide that these individuals may include individuals who receive 86370
other types of benefits, including, social security payments or 86371
social security disability insurance benefits provided under Title 86372
II of the "Social Security Act," 42 U.S.C. 401, et seq. 86373
Notwithstanding division (B) of this section, such payments may be 86374
made if funds are available for them. 86375

The director of mental health and addiction services may 86376
adopt rules establishing the method to be used to determine the 86377
amount an eligible individual will receive under the program. The 86378
amount the general assembly appropriates for the program may be a 86379
factor included in the method that director establishes. 86380

(F) The county department of job and family services of the 86381
county in which an applicant for the residential state supplement 86382

program resides or the department of medicaid shall determine 86383
whether the applicant meets income and resource requirements for 86384
the program. 86385

~~(G) The department of mental health and addiction services 86386
shall maintain a waiting list of any individuals eligible for 86387
payments under this section but not receiving them because moneys 86388
appropriated to the department for the purposes of this section 86389
are insufficient to make payments to all eligible individuals. An 86390
individual may apply to be placed on the waiting list even though 86391
the individual does not reside in one of the homes or facilities 86392
specified in division (D)(1) of this section at the time of 86393
application. The director of mental health and addiction services, 86394
by rules adopted in accordance with Chapter 119. of the Revised 86395
Code, may specify procedures and requirements for placing an 86396
individual on the waiting list and priorities for the order in 86397
which individuals placed on the waiting list are to begin to 86398
receive residential state supplement payments. The rules 86399
specifying priorities may give priority to individuals placed on 86400
the waiting list on or after July 1, 2006, who receive social 86401
security payments, social security disability insurance, or 86402
supplemental security income benefits under Title XVI of the 86403
"Social Security Act," 42 U.S.C. 1381, et seq. The rules shall not 86404
affect the place on the waiting list of any person who was on the 86405
list on July 1, 2006. The rules specifying priorities may also set 86406
additional priorities based on living arrangement, such as whether 86407
an individual resides in a facility listed in division (D)(1) of 86408
this section or has been admitted to a nursing facility. 86409~~

~~(H) An individual in a licensed or certified living 86410
arrangement receiving state supplementation on November 15, 1990, 86411
under former section 5101.531 of the Revised Code shall not become 86412
ineligible for payments under this section solely by reason of the 86413
individual's living arrangement as long as the individual remains 86414~~

in the living arrangement in which the individual resided on 86415
November 15, 1990. 86416

~~(I)~~(H) The county department of job and family services from 86417
which the person is receiving benefits or the department of 86418
medicaid shall notify each person denied approval for payments 86419
under this section of the person's right to a hearing. On request, 86420
the hearing shall be provided in accordance with ~~Chapter 119.~~ 86421
section 5101.35 of the Revised Code. 86422

Sec. 5119.44. As used in this section, "free clinic" has the 86423
same meaning as in section 2305.2341 of the Revised Code. 86424

(A) The department of mental health and addiction services 86425
may provide certain goods and services for the department of 86426
mental health and addiction services, the department of 86427
developmental disabilities, the department of rehabilitation and 86428
correction, the department of youth services, and other state, 86429
county, or municipal agencies requesting such goods and services 86430
when the department of mental health and addiction services 86431
determines that it is in the public interest, and considers it 86432
advisable, to provide these goods and services. The department of 86433
mental health and addiction services also may provide goods and 86434
services to agencies operated by the United States government and 86435
to public or private nonprofit agencies, other than free clinics, 86436
that are funded in whole or in part by the state if the public or 86437
private nonprofit agencies are designated for participation in 86438
this program by the director of mental health and addiction 86439
services for community addiction services providers and community 86440
mental health services providers, the director of developmental 86441
disabilities for community mental retardation and developmental 86442
disabilities agencies, the director of rehabilitation and 86443
correction for community rehabilitation and correction agencies, 86444
or the director of youth services for community youth services 86445

agencies. 86446

Designated community agencies or services providers shall 86447
receive goods and services through the department of mental health 86448
and addiction services only in those cases where the designating 86449
state agency certifies that providing such goods and services to 86450
the agency or services provider will conserve public resources to 86451
the benefit of the public and where the provision of such goods 86452
and services is considered feasible by the department of mental 86453
health and addiction services. 86454

(B) The department of mental health and addiction services 86455
may permit free clinics to purchase certain goods and services to 86456
the extent the purchases fall within the exemption to the 86457
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 86458
institutions, in 15 U.S.C. 13c, as amended. 86459

(C) The goods and services that may be provided by the 86460
department of mental health and addiction services under divisions 86461
(A) and (B) of this section may include: 86462

(1) Procurement, storage, processing, and distribution of 86463
food and professional consultation on food operations; 86464

(2) Procurement, storage, and distribution of medical and 86465
laboratory supplies, dental supplies, medical records, forms, 86466
optical supplies, and sundries, subject to section 5120.135 of the 86467
Revised Code; 86468

(3) Procurement, storage, repackaging, distribution, and 86469
dispensing of drugs, the provision of professional pharmacy 86470
consultation, and drug information services; 86471

(4) Other goods and services. 86472

(D) The department of mental health and addiction services 86473
may provide the goods and services designated in division (C) of 86474
this section to its institutions and to state-operated 86475

community-based mental health or addiction services providers. 86476

(E) After consultation with and advice from the director of 86477
developmental disabilities, the director of rehabilitation and 86478
correction, and the director of youth services, the department of 86479
mental health and addiction services may provide the goods and 86480
services designated in division (C) of this section to the 86481
department of developmental disabilities, the department of 86482
rehabilitation and correction, and the department of youth 86483
services. 86484

(F) The cost of administration of this section shall be 86485
determined by the department of mental health and addiction 86486
services and paid by the agencies, services providers, or free 86487
clinics receiving the goods and services to the department for 86488
deposit in the state treasury to the credit of the ~~office of~~ 86489
~~support~~ Ohio pharmacy services fund, which is hereby created. The 86490
fund shall be used to pay the cost of administration of this 86491
section to the department. 86492

(G) Whenever a state agency fails to make a payment for goods 86493
and services provided under this section within thirty-one days 86494
after the date the payment was due, the office of budget and 86495
management may transfer moneys from the state agency to the 86496
department of mental health and addiction services. The amount 86497
transferred shall not exceed the amount of overdue payments. Prior 86498
to making a transfer under this division, the office of budget and 86499
management shall apply any credits the state agency has 86500
accumulated in payments for goods and services provided under this 86501
section. 86502

(H) Purchases of goods and services under this section are 86503
not subject to section 307.86 of the Revised Code. 86504

Sec. 5119.61. (A) The department of mental health and 86505
addiction services shall collect and compile statistics and other 86506

information on the care and treatment of mentally disabled 86507
persons, and the care, treatment, and rehabilitation of 86508
alcoholics, drug dependent persons, and persons in danger of drug 86509
dependence in this state, including, without limitation, 86510
information on the number of such persons, the type of drug 86511
involved, the type of care, treatment, or rehabilitation 86512
prescribed or undertaken, and the success or failure of the care, 86513
treatment, or rehabilitation. The department shall collect 86514
information about services delivered and persons served as 86515
required for reporting and evaluation relating to state and 86516
federal funds expended for such purposes. 86517

(B) No alcohol, drug addiction, or mental health services 86518
provider shall fail to supply statistics and other information 86519
within its knowledge and with respect to its services, upon 86520
request of the department. 86521

(C) Communications by a person seeking aid in good faith for 86522
alcoholism or drug dependence are confidential, and this section 86523
does not require the collection or permit the disclosure of 86524
information which reveals or comprises the identity of any person 86525
seeking aid. 86526

(D) Based on the information collected and compiled under 86527
division (A) of this section, the department shall develop a 86528
project to assess the outcomes of persons served by community 86529
alcohol and drug addiction services providers and community mental 86530
health services providers that receive funds distributed by the 86531
department. 86532

Sec. 5119.94. (A) Upon receipt of a petition filed under 86533
section 5119.93 of the Revised Code and the payment of the 86534
appropriate filing fee, if any, the probate court shall examine 86535
the petitioner under oath as to the contents of the petition. 86536

(B) If, after reviewing the allegations contained in the 86537

petition and examining the petitioner under oath, it appears to 86538
the probate court that there is probable cause to believe the 86539
respondent may reasonably benefit from treatment, the court shall 86540
do all of the following: 86541

(1) Schedule a hearing to be held within seven days to 86542
determine if there is clear and convincing evidence that the 86543
respondent may reasonably benefit from treatment for alcohol and 86544
other drug abuse; 86545

(2) Notify the respondent, the legal guardian, if any and if 86546
known, and the spouse, parents, or nearest relative or friend of 86547
the respondent concerning the allegations and contents of the 86548
petition and of the date and purpose of the hearing; 86549

(3) Notify the respondent that the respondent may retain 86550
counsel and, if the person is unable to obtain an attorney, that 86551
the respondent may be represented by court-appointed counsel at 86552
public expense if the person is indigent. Upon the appointment of 86553
an attorney to represent an indigent respondent, the court shall 86554
notify the respondent of the name, address, and telephone number 86555
of the attorney appointed to represent the respondent. 86556

(4) Notify the respondent that the court shall cause the 86557
respondent to be examined not later than twenty-four hours before 86558
the hearing date by a physician for the purpose of a physical 86559
examination and by a qualified health professional for the purpose 86560
of a drug and alcohol addiction assessment and diagnosis. In 86561
addition, the court shall notify the respondent that the 86562
respondent may have an independent expert evaluation of the 86563
person's physical and mental condition conducted at the 86564
respondent's own expense. 86565

(5) Cause the respondent to be examined not later than 86566
twenty-four hours before the hearing date by a physician for the 86567
purpose of a physical examination and by a qualified health 86568

professional for the purpose of a drug and alcohol addiction 86569
assessment and diagnosis; 86570

(6) Conduct the hearing. 86571

(C) The physician and qualified health professional who 86572
examine the respondent pursuant to division (B)(5) of this section 86573
or who are obtained by the respondent at the respondent's own 86574
expense shall certify their findings to the court within 86575
twenty-four hours of the examinations. The findings of each 86576
qualified health professional shall include a recommendation for 86577
treatment if the qualified health professional determines that 86578
treatment is necessary. 86579

(D)(1) If upon completion of the hearing held under this 86580
section the probate court finds by clear and convincing evidence 86581
that the respondent may reasonably benefit from treatment, the 86582
court may order the treatment after considering the qualified 86583
health professionals' recommendations for treatment that have been 86584
submitted to the court under division (C) of this section. If the 86585
court orders the treatment under this division, the court shall 86586
order the treatment to be provided through a community addiction 86587
services provider ~~certified under section 5119.36 of the Revised~~ 86588
~~Code~~ or by an individual licensed or certified by the state 86589
medical board under Chapter 4731. of the Revised Code, the 86590
chemical dependency professionals board under Chapter 4758. of the 86591
Revised Code, the counselor, social worker, and marriage and 86592
family therapist board under Chapter 4757. of the Revised Code, or 86593
a similar board of another state authorized to provide substance 86594
abuse treatment. 86595

(2) Failure of a respondent to undergo and complete any 86596
treatment ordered pursuant to this division is contempt of court. 86597
Any ~~alcohol and drug~~ community addiction program services provider 86598
or person providing treatment under this division shall notify the 86599
probate court of a respondent's failure to undergo or complete the 86600

ordered treatment. 86601

(E) If, at any time after a petition is filed under section 86602
5119.93 of the Revised Code, the probate court finds that there is 86603
not probable cause to continue treatment or if the petitioner 86604
withdraws the petition, then the court shall dismiss the 86605
proceedings against the respondent. 86606

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 86607
Revised Code is guilty of a misdemeanor of the first degree. 86608

(B) Whoever violates division (B) of section 5119.61 of the 86609
Revised Code is guilty of a misdemeanor of the fourth degree. 86610

(C) Whoever violates section 5119.27 or 5119.28 or division 86611
(G)(H) of section 5119.36 of the Revised Code is guilty of a 86612
felony of the fifth degree. 86613

Sec. 5120.035. (A) As used in this section: 86614

(1) "Community treatment provider" means a program that 86615
provides substance use disorder assessment and treatment for 86616
persons and that satisfies all of the following: 86617

(a) It is located outside of a state correctional 86618
institution. 86619

(b) It shall provide the assessment and treatment for 86620
qualified prisoners referred and transferred to it under this 86621
section in a suitable facility that is licensed pursuant to 86622
division (C) of section 2967.14 of the Revised Code. 86623

(c) All qualified prisoners referred and transferred to it 86624
under this section shall reside initially in the suitable facility 86625
specified in division (A)(1)(b) of this section while undergoing 86626
the assessment and treatment. 86627

(2) "Electronic monitoring device" has the same meaning as in 86628
section 2929.01 of the Revised Code. 86629

(3) "State correctional institution" has the same meaning as 86630
in section 2967.01 of the Revised Code. 86631

(4) "Qualified prisoner" means a person who satisfies all of 86632
the following: 86633

(a) The person is confined in a state correctional 86634
institution under a prison term imposed for a felony of the fourth 86635
or fifth degree that is not an offense of violence. 86636

(b) The person has not previously been convicted of or 86637
pleaded guilty to an offense of violence. 86638

(c) The department of rehabilitation and correction 86639
determines, using a standardized assessment tool, that the person 86640
has a substance use disorder. 86641

(d) The person has not more than twelve months remaining to 86642
be served under the prison term described in division (A)(4)(a) of 86643
this section. 86644

(e) The person is not serving any prison term other than the 86645
term described in division (A)(4)(a) of this section. 86646

(f) The person is eighteen years of age or older. 86647

(g) The person does not show signs of drug or alcohol 86648
withdrawal and does not require medical detoxification. 86649

(h) As determined by the department of rehabilitation and 86650
correction, the person is physically and mentally capable of 86651
uninterrupted participation in the substance use disorder 86652
treatment program established under division (B) of this section. 86653

(B) The department of rehabilitation and correction shall 86654
establish and operate a program for community-based substance use 86655
disorder treatment for qualified prisoners. The purpose of the 86656
program shall be to provide substance use disorder assessment and 86657
treatment through community treatment providers to help reduce 86658
substance use relapses and recidivism for qualified prisoners 86659

while preparing them for reentry into the community and improving 86660
public safety. 86661

(C)(1) The department shall determine which qualified 86662
prisoners in its custody should be placed in the substance use 86663
disorder treatment program established under division (B) of this 86664
section. The department has full discretion in making that 86665
determination. If the department determines that a qualified 86666
prisoner should be placed in the program, the department may refer 86667
the prisoner to a community treatment provider the department has 86668
approved under division (E) of this section for participation in 86669
the program and transfer the prisoner from the state correctional 86670
institution to the provider's approved and licensed facility. 86671
Except as otherwise provided in division (C)(3) of this section, 86672
no prisoner shall be placed under the program in any facility 86673
other than a facility of a community treatment provider that has 86674
been so approved. If the department places a prisoner in the 86675
program, the prisoner shall receive credit against the prisoner's 86676
prison term for all time served in the provider's approved and 86677
licensed facility and may earn days of credit under section 86678
2967.193 of the Revised Code, but otherwise neither the placement 86679
nor the prisoner's participation in or completion of the program 86680
shall result in any reduction of the prisoner's prison term. 86681

(2) If the department places a prisoner in the substance use 86682
disorder treatment program, the prisoner does not satisfactorily 86683
participate in the program, and the prisoner has not served the 86684
prisoner's entire prison term, the department may remove the 86685
prisoner from the program and return the prisoner to a state 86686
correctional institution. 86687

(3) If the department places a prisoner in the substance use 86688
disorder treatment program and the prisoner is satisfactorily 86689
participating in the program, the department may permit the 86690
prisoner to reside at a residence approved by the department if 86691

the department determines, with input from the community treatment 86692
provider, that residing at the approved residence will help the 86693
prisoner prepare for reentry into the community and will help 86694
reduce substance use relapses and recidivism for the prisoner. If 86695
a prisoner is permitted under this division to reside at a 86696
residence approved by the department, the prisoner shall be 86697
monitored during the period of that residence by an electronic 86698
monitoring device. 86699

(D)(1) When a prisoner has been placed in the substance use 86700
disorder treatment program established under division (B) of this 86701
section, before the prisoner is released from custody of the 86702
department upon completion of the prisoner's prison term, the 86703
department shall conduct and prepare an evaluation of the 86704
prisoner, the prisoner's participation in the program, and the 86705
prisoner's needs regarding substance use disorder treatment upon 86706
release. Before the prisoner is released from custody of the 86707
department upon completion of the prisoner's prison term, the 86708
parole board or the court acting pursuant to an agreement under 86709
section 2967.29 of the Revised Code shall consider the evaluation, 86710
in addition to all other information and materials considered, as 86711
follows: 86712

(a) If the prisoner is a prisoner for whom post-release 86713
control is mandatory under section 2967.28 of the Revised Code, 86714
the board or court shall consider it in determining which 86715
post-release control sanction or sanctions to impose upon the 86716
prisoner under that section. 86717

(b) If the prisoner is a prisoner for whom post-release 86718
control is not mandatory under section 2967.28 of the Revised 86719
Code, the board or court shall consider it in determining whether 86720
a post-release control sanction is necessary and, if so, which 86721
post-release control sanction or sanctions to impose upon the 86722
prisoner under that section. 86723

(2) If the department determines that a prisoner it placed in 86724
the substance use disorder treatment program successfully 86725
completed the program and successfully completed a term of 86726
post-release control, if applicable, and if the prisoner submits 86727
an application under section 2953.32 of the Revised Code for 86728
sealing the record of the conviction, the director may issue a 86729
letter to the court in support of the application. 86730

(E)(1) The department shall accept applications from 86731
community treatment providers that satisfy the requirement 86732
specified in division (E)(2) of this section and that wish to 86733
participate in the substance use disorder treatment program 86734
established under division (B) of this section, and shall approve 86735
for participation in the program at least four and not more than 86736
eight of the providers that apply. To the extent feasible, the 86737
department shall approve one or more providers from each 86738
geographical quadrant of the state. 86739

(2) Each community treatment provider that applies under 86740
division (E)(1) of this section to participate in the program 86741
shall be certified by the department of mental health and 86742
addiction services under section 5119.36 of the Revised Code to 86743
provide substance use disorder treatment, but shall not be 86744
required to be certified by the department of mental health and 86745
addiction services to provide halfway house or residential 86746
treatment. 86747

(F) The department of rehabilitation and correction shall 86748
adopt rules for the operation of the substance use disorder 86749
treatment program it establishes under division (B) of this 86750
section and shall operate the program in accordance with this 86751
section and those rules. The rules shall establish, at a minimum, 86752
all of the following: 86753

(1) Criteria that establish which qualified prisoners are 86754
eligible for the program; 86755

(2) Criteria that must be satisfied to transfer a qualified prisoner to a residence pursuant to division (C)(3) of this section; 86756
86757
86758

(3) Criteria for the removal of a prisoner from the program pursuant to division (C)(2) of this section; 86759
86760

(4) Criteria for determining when an offender has successfully completed the program for purposes of division (D)(2) of this section; 86761
86762
86763

(5) Criteria for community treatment providers to provide assessment and treatment, including minimum standards for treatment. 86764
86765
86766

Sec. 5120.037. (A) Not later than June 30, 2016, the department of rehabilitation and correction shall study the feasibility of converting an existing state correctional facility, another existing facility controlled by the department, an existing facility owned by the state or a political subdivision of the state, or an existing facility owned by a private entity into a substance abuse recovery prison. The purpose of the prison would be to help reduce relapses and recidivism while preparing offenders confined in the prison for reentry into the community. In conducting the study, the department shall do all of the following: 86767
86768
86769
86770
86771
86772
86773
86774
86775
86776
86777

(1) Explore all alternatives for providing substance abuse recovery for offenders confined in the prison; 86778
86779

(2) Consider drug treatment and rehabilitation services to be provided in the prison to help to prepare offenders confined in the prison for reentry into the community; 86780
86781
86782

(3) Consider the categories of offenders that should be confined in the prison, including whether the department should be limited to placing an offender sentenced to or serving a prison 86783
86784
86785

term in the prison only if the department knows or has reason to 86786
believe that drug usage by the offender was a factor leading to 86787
the offense for which the offender was sentenced to the prison 86788
term. 86789

(B) Upon completion of the study specified in division (A) of 86790
this section, the department shall submit copies of the study to 86791
the president and minority leader of the senate, the speaker and 86792
minority leader of the house of representatives, and the governor. 86793

Sec. 5120.112. (A) The division of parole and community 86794
services shall accept applications for state financial assistance 86795
for the renovation, maintenance, and operation of proposed and 86796
approved community-based correctional facilities and programs and 86797
district community-based correctional facilities and programs that 86798
are filed in accordance with section 2301.56 of the Revised Code. 86799
The division, upon receipt of an application for a particular 86800
facility and program, shall determine whether the application is 86801
in proper form, whether the applicant satisfies the standards of 86802
operation that are prescribed by the department of rehabilitation 86803
and correction under section 5120.111 of the Revised Code, whether 86804
the applicant has established the facility and program, and, if 86805
the applicant has not at that time established the facility and 86806
program, whether the proposal of the applicant sufficiently 86807
indicates that the standards will be satisfied upon the 86808
establishment of the facility and program. If the division 86809
determines that the application is in proper form and that the 86810
applicant has satisfied or will satisfy the standards of the 86811
department, the division shall notify the applicant that it is 86812
qualified to receive state financial assistance for the facility 86813
and program under this section from moneys made available to the 86814
division for purposes of providing assistance to community-based 86815
correctional facilities and programs and district community-based 86816
correctional facilities and programs. 86817

(B) The amount of state financial assistance that is awarded 86818
to a qualified applicant under this section shall be determined by 86819
the division of parole and community services in accordance with 86820
this division. In determining the amount of state financial 86821
assistance to be awarded to a qualified applicant under this 86822
section, the division shall not calculate the cost of an offender 86823
incarcerated in a community-based correctional facility and 86824
program or district community-based correctional facility program 86825
to be greater than the average yearly cost of incarceration per 86826
inmate in all state correctional institutions, as defined in 86827
section 2967.01 of the Revised Code, as determined by the 86828
department of rehabilitation and correction. 86829

The times and manner of distribution of state financial 86830
assistance to be awarded to a qualified applicant under this 86831
section shall be determined by the division of parole and 86832
community services. 86833

(C) Upon approval of a proposal for a community-based 86834
correctional facility and program or a district community-based 86835
correctional facility and program by the division of parole and 86836
community services, the facility governing board, upon the advice 86837
of the judicial advisory board, shall enter into an award 86838
agreement with the department of rehabilitation and correction 86839
that outlines terms and conditions of the agreement on an annual 86840
basis. In the award agreement, the facility governing board shall 86841
identify a fiscal agent responsible for the deposit of funds and 86842
compliance with sections 2301.55 and 2301.56 of the Revised Code. 86843

(D) No state financial assistance shall be distributed to a 86844
qualified applicant until an agreement concerning the assistance 86845
has been entered into by the director of rehabilitation and 86846
correction and the deputy director of the division of parole and 86847
community services on the part of the state, and by the 86848
chairperson of the facility governing board of the community-based 86849

correctional facility and program or district community-based 86850
correctional facility and program to receive the financial 86851
assistance, whichever is applicable. The agreement shall be 86852
effective for a period of one year from the date of the agreement 86853
and shall specify all terms and conditions that are applicable to 86854
the awarding of the assistance, including, but not limited to: 86855

(1) The total amount of assistance to be awarded for each 86856
community-based correctional facility and program or district 86857
community-based correctional facility and program, and the times 86858
and manner of the payment of the assistance; 86859

(2) How persons who will staff and operate the facility and 86860
program are to be utilized during the period for which the 86861
assistance is to be granted, including descriptions of their 86862
positions and duties, and their salaries and fringe benefits; 86863

(3) A statement that none of the persons who will staff and 86864
operate the facility and program, including those who are 86865
receiving some or all of their salaries out of funds received by 86866
the facility and program as state financial assistance, are 86867
employees or are to be considered as being employees of the 86868
department of rehabilitation and correction, and a statement that 86869
the employees who will staff and operate that facility and program 86870
are employees of the facility and program; 86871

(4) A list of the type of expenses, other than salaries of 86872
persons who will staff and operate the facility and program, for 86873
which the state financial assistance can be used, and a 86874
requirement that purchases made with funds received as state 86875
financial assistance follow established fiscal guidelines as 86876
determined by the division of parole and community services and 86877
any applicable sections of the Revised Code, including, but not 86878
limited to, sections 125.01 to 125.11 and Chapter 153. of the 86879
Revised Code; 86880

(5) The accounting procedures that are to be used by the 86881
facility and program in relation to the state financial 86882
assistance; 86883

(6) A requirement that the facility and program file reports, 86884
during the period that it receives state financial assistance, 86885
with the division of parole and community services, which reports 86886
shall be statistical in nature and shall contain that information 86887
required under a research design agreed upon by all parties to the 86888
agreement, for purposes of evaluating the facility and program; 86889

(7) A requirement that the facility and program comply with 86890
standards of operation as prescribed by the department under 86891
section 5120.111 of the Revised Code, and with all information 86892
submitted on its application; 86893

(8) A statement that the facility and program will make a 86894
reasonable effort to augment the funding received from the state. 86895

(E)(1) No state financial assistance shall be distributed to 86896
a qualified applicant until its proposal for a community-based 86897
correctional facility and program or district community-based 86898
correctional facility and program has been approved by the 86899
division of parole and community services. 86900

(2) State financial assistance may be denied to any applicant 86901
if it fails to comply with the terms of any agreement entered into 86902
pursuant to division (D) of this section. 86903

(F) The division of parole and community services may expend 86904
up to one-half per cent of the annual appropriation made for 86905
community-based correctional facility programs, for goods or 86906
services that benefit those programs. 86907

Sec. 5120.135. (A) As used in this section, "laboratory 86908
services" includes the performance of medical laboratory analysis; 86909
professional laboratory and pathologist consultation; the 86910

procurement, storage, and distribution of laboratory supplies; and 86911
the performance of phlebotomy services. 86912

(B) The department of rehabilitation and correction may 86913
provide laboratory services to the departments of mental health 86914
and addiction services, developmental disabilities, youth 86915
services, and rehabilitation and correction. The department of 86916
rehabilitation and correction may also provide laboratory services 86917
to other state, county, or municipal agencies and to private 86918
persons that request laboratory services if the department of 86919
rehabilitation and correction determines that the provision of 86920
laboratory services is in the public interest and considers it 86921
advisable to provide such services. The department of 86922
rehabilitation and correction may also provide laboratory services 86923
to agencies operated by the United States government and to public 86924
and private entities funded in whole or in part by the state if 86925
the director of rehabilitation and correction designates them as 86926
eligible to receive such services. 86927

The department of rehabilitation and correction shall provide 86928
laboratory services from a laboratory that complies with the 86929
standards for certification set by the United States department of 86930
health and human services under the "Clinical Laboratory 86931
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. 86932
In addition, the laboratory shall maintain accreditation or 86933
certification with an appropriate accrediting or certifying 86934
organization as considered necessary by the recipients of its 86935
laboratory services and as authorized by the director of 86936
rehabilitation and correction. 86937

~~(C) The cost of administering this section shall be 86938~~
~~determined by the department of rehabilitation and correction and 86939~~
~~shall be paid by entities that receive laboratory services to the 86940~~
~~department for deposit in the state treasury to the credit of the 86941~~
~~laboratory services fund, which is hereby created. The fund shall 86942~~

~~be used to pay the costs the department incurs in administering~~ 86943
~~this section.~~ 86944

~~(D) Whenever a state agency fails to make a payment for~~ 86945
~~laboratory services provided to it by the department of~~ 86946
~~rehabilitation and correction under this section within thirty-one~~ 86947
~~days after the date the payment was due, the office of budget and~~ 86948
~~management may transfer moneys from that state agency to the~~ 86949
~~department of rehabilitation and correction for deposit to the~~ 86950
~~credit of the laboratory services fund. The amount transferred~~ 86951
~~shall not exceed the amount of the overdue payments. Prior to~~ 86952
~~making a transfer under this division, the office shall apply any~~ 86953
~~credits the state agency has accumulated in payment for laboratory~~ 86954
~~services provided under this section.~~ 86955

Sec. 5120.28. (A) The department of rehabilitation and 86956
~~correction, subject to the approval of the office of budget and~~ 86957
~~management,~~ shall fix the prices at which all labor and services 86958
performed, all agricultural products produced, and all articles 86959
manufactured in correctional and penal institutions shall be 86960
furnished to the state, the political subdivisions of the state, 86961
and the public institutions of the state and the political 86962
subdivisions, and to private persons. The prices shall be uniform 86963
to all and not higher than the usual market price for like labor, 86964
products, services, and articles. 86965

(B) Any money received by the department of rehabilitation 86966
and correction for labor and services performed shall be deposited 86967
into the institutional services fund created pursuant to division 86968
(A) of section 5120.29 of the Revised Code and shall be used and 86969
accounted for as provided in that section and division (B) of 86970
section 5145.03 of the Revised Code. 86971

(C) Any money received by the department of rehabilitation 86972
and correction for articles manufactured and agricultural products 86973

produced in penal and correctional institutions shall be deposited 86974
into the Ohio penal industries manufacturing fund created pursuant 86975
to division (B) of section 5120.29 of the Revised Code and shall 86976
be used and accounted for as provided in that section and division 86977
(B) of section 5145.03 of the Revised Code. 86978

Sec. 5120.38. Subject to the rules of the department of 86979
rehabilitation and correction, each institution under the 86980
department's jurisdiction other than an institution operated 86981
pursuant to a contract entered into under section 9.06 of the 86982
Revised Code shall be under the control of a managing officer 86983
known as a warden or other appropriate title. The managing officer 86984
shall be appointed by the director of ~~the department of~~ 86985
rehabilitation and correction and shall be in the unclassified 86986
service and serve at the pleasure of the director. Appointment to 86987
the position of managing officer shall be made from persons who 86988
have criminal justice experience. 86989

A person who is appointed to the position of managing officer 86990
from a permanent, classified position in the classified service 86991
within the department shall retain the right to resume the 86992
position and status that the person held in the classified service 86993
immediately prior to the person's appointment to the position in 86994
the unclassified service, regardless of the number of positions 86995
the person held in the unclassified service. ~~Upon being relieved~~ 86996
~~of the person's duties as managing officer, the person shall be~~ 86997
~~reinstated to the~~ An employee's right to resume a position in the 86998
classified service ~~that the person held immediately prior~~ may be 86999
exercised only when an appointing authority demotes the employee 87000
to a pay range lower than the employee's current pay range or 87001
revokes the employee's appointment to the position of managing 87002
~~officer or to another position that~~ in the unclassified service. 87003
An employee who holds a position in the classified service and who 87004
is appointed to a position in the unclassified service on or after 87005

January 1, 2016, shall have the right to resume a position in the 87006
classified service under this section only within five years after 87007
the effective date of the employee's appointment in the 87008
unclassified service. An employee forfeits the right to resume a 87009
position in the classified service if the employee is removed from 87010
a position in the unclassified service due to incompetence, 87011
inefficiency, dishonesty, drunkenness, immoral conduct, 87012
insubordination, discourteous treatment of the public, neglect of 87013
duty, a violation of this chapter or the rules of the department 87014
or the director, with approval of the state department of 87015
administrative services, certifies as being any other failure of 87016
good behavior, any other acts of misfeasance, malfeasance, or 87017
nonfeasance in office, or conviction of or plea of guilty to a 87018
felony. An employee also forfeits the right to resume the prior 87019
position in the classified service upon transfer to a different 87020
agency. Reinstatement to a position in the classified service 87021
shall be to a position substantially equal to that prior the 87022
position in the classified service that the person previously 87023
held, as certified by the director of rehabilitation and 87024
correction and approved by the director of administrative 87025
services. If the position the person previously held in the 87026
classified service has been placed in the unclassified service or 87027
is otherwise unavailable, the person shall be appointed to a 87028
position in the classified service within the department that the 87029
director of administrative services certifies is comparable in 87030
compensation to the position the person previously held in the 87031
classified service. Service as a managing officer in a position in 87032
the unclassified service shall be counted as service in the 87033
position in the classified service held by the person immediately 87034
preceding the person's appointment as managing officer to the 87035
position in the unclassified service. A When a person who is 87036
reinstated to a position in the classified service, as provided in 87037
this section, shall be the person is entitled to all rights and 87038

~~emoluments~~ benefits and any status accruing to the position in the
classified service during the time of the person's service as
~~managing officer in the position in the unclassified service.~~

The managing officer, under the director of rehabilitation
and correction, shall have entire executive charge of the
institution for which the managing officer is appointed. Subject
to civil service rules and regulations, the managing officer shall
appoint the necessary employees and the managing officer or the
director may remove such employees for cause. ~~A report of all~~
~~appointments, resignations, and discharges shall be filed with the~~
~~director at the close of each month.~~

Sec. 5120.381. Subject to the rules of the department of
rehabilitation and correction, the director of rehabilitation and
correction may appoint a deputy warden for each institution under
the jurisdiction of the department. A deputy warden shall be in
the unclassified service and serve at the pleasure of the director
of rehabilitation and correction. The director of rehabilitation
and correction shall make an appointment to the position of deputy
warden from persons having criminal justice experience. A person
who is appointed to a position as deputy warden from a permanent,
classified position in the classified service within the
department shall retain the right to resume the position and
status that the person held in the classified service immediately
prior to the person's appointment to the position in the
unclassified service, regardless of the number of positions the
person held in the unclassified service. ~~If the person is relieved~~
~~of the person's duties as deputy warden, the director shall~~
~~reinstate the person to the~~ An employee's right to resume a
position in the classified service ~~that the person held~~
~~immediately prior to the appointment as deputy warden or to~~
~~another position that is certified by~~ may be exercised only when
an appointing authority demotes the employee to a pay range lower

than the employee's current pay range or revokes the employee's 87071
appointment to the unclassified service. An employee who holds a 87072
position in the classified service and who is appointed to a 87073
position in the unclassified service on or after January 1, 2016, 87074
shall have the right to resume a position in the classified 87075
service under this section only within five years after the 87076
effective date of the employee's appointment in the unclassified 87077
service. An employee forfeits the right to resume a position in 87078
the classified service when the employee is removed from the 87079
position in the unclassified service due to incompetence, 87080
inefficiency, dishonesty, drunkenness, immoral conduct, 87081
insubordination, discourteous treatment of the public, neglect of 87082
duty, a violation of this chapter or the rules of the department 87083
or the director, with approval of the department of administrative 87084
services, as being any other failure of good behavior, any other 87085
acts of misfeasance, malfeasance, or nonfeasance in office, or 87086
conviction of or plea of guilty to a felony. An employee also 87087
forfeits the right to resume the prior position in the classified 87088
service upon transfer to a different agency. Reinstatement to a 87089
position in the classified service shall be to a position 87090
substantially equal to that prior the position in the classified 87091
service that the person previously held, as certified by the 87092
director of rehabilitation and correction and approved by the 87093
director of administrative services. If the position the person 87094
previously held in the classified service has been placed in the 87095
unclassified service or is otherwise unavailable, the person shall 87096
be appointed to a position in the classified service within the 87097
department that the director of administrative services certifies 87098
is comparable in compensation to the position the person 87099
previously held in the classified service. Service as deputy 87100
warden in the position in the unclassified service shall be 87101
counted as service in the position in the classified service that 87102
the person held immediately preceding the person's appointment as 87103

~~deputy warden to the position in the unclassified service. A~~ 87104
~~When~~ 87105
~~a person who is reinstated to a position in the classified service~~ 87106
~~as provided in this section, the person is entitled to all rights~~ 87107
~~and emoluments benefits and any status accruing to the position~~ 87108
~~during the time of the person's service as deputy warden in the~~ 87109
~~unclassified service.~~

Sec. 5120.382. Except as otherwise provided in this chapter 87110
for appointments by division chiefs and managing officers, the 87111
director of rehabilitation and correction shall appoint employees 87112
who are necessary for the efficient conduct of the department of 87113
rehabilitation and correction and prescribe their titles and 87114
duties. A person who is appointed to an unclassified position from 87115
a ~~permanent, classified~~ position ~~in the classified service within~~ 87116
~~the department shall serve at the pleasure of the director and~~ 87117
retain the right to resume the position and status that the person 87118
held in the classified service immediately prior to the person's 87119
appointment to the position in the unclassified service, 87120
regardless of the number of positions the person held in the 87121
unclassified service. ~~If the person is relieved of the person's~~ 87122
~~duties for the unclassified position, the director shall reinstate~~ 87123
~~the person to the~~ An employee's right to resume a position in the 87124
classified service ~~that the person held immediately prior to the~~ 87125
~~appointment or to another position that is certified by~~ may be 87126
exercised only when an appointing authority demotes the employee 87127
to a pay range lower than the employee's current pay range or 87128
revokes the employee's appointment to the unclassified service. An 87129
employee who holds a position in the classified service and who is 87130
appointed to a position in the unclassified service on or after 87131
January 1, 2016, shall have the right to resume a position in the 87132
classified service under this section only within five years after 87133
the effective date of the person's appointment in the unclassified 87134
service. An employee forfeits the right to resume a position in 87135

the classified service when the employee is removed from the 87136
position in the unclassified service due to incompetence, 87137
inefficiency, dishonesty, drunkenness, immoral conduct, 87138
insubordination, discourteous treatment of the public, neglect of 87139
duty, a violation of this chapter or the rules of the department 87140
or the director, with approval of the department of administrative 87141
services, as being any other failure of good behavior, any other 87142
acts of misfeasance, malfeasance, or nonfeasance in office, or 87143
conviction of or plea of guilty to a felony. An employee also 87144
forfeits the right to resume the prior position in the classified 87145
service upon transfer to a different agency. Reinstatement to a 87146
position in the classified service shall be to a position 87147
substantially equal to that prior classified the position in the 87148
classified service that the person previously held, as certified 87149
by the director of rehabilitation and correction and approved by 87150
the director of administrative services. If the position the 87151
person previously held in the classified service has been placed 87152
in the unclassified service or is otherwise unavailable, the 87153
person shall be appointed to a position in the classified service 87154
within the department that the director of administrative services 87155
certifies is comparable in compensation to the position the person 87156
previously held in the classified service. Service in the position 87157
in the unclassified service pursuant to the appointment shall be 87158
counted as service in the position in the classified service that 87159
the person held immediately preceding the person's appointment to 87160
the position in the unclassified service. A When a person who is 87161
reinstated to a position in the classified service as provided in 87162
this section, the person is entitled to all rights and emoluments 87163
benefits and any status accruing to the position in the classified 87164
service during the time of the person's service in the position in 87165
the unclassified service. 87166

Sec. 5122.31. (A) All certificates, applications, records, 87167

and reports made for the purpose of this chapter and sections 87168
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 87169
Code, other than court journal entries or court docket entries, 87170
and directly or indirectly identifying a patient or former patient 87171
or person whose hospitalization or commitment has been sought 87172
under this chapter, shall be kept confidential and shall not be 87173
disclosed by any person except: 87174

(1) If the person identified, or the person's legal guardian, 87175
if any, or if the person is a minor, the person's parent or legal 87176
guardian, consents, and if the disclosure is in the best interests 87177
of the person, as may be determined by the court for judicial 87178
records and by the chief clinical officer for medical records; 87179

(2) When disclosure is provided for in this chapter or 87180
Chapters 340. or 5119. of the Revised Code or in accordance with 87181
other provisions of state or federal law authorizing such 87182
disclosure; 87183

(3) That hospitals, boards of alcohol, drug addiction, and 87184
mental health services, and community mental health services 87185
providers may release necessary medical information to insurers 87186
and other third-party payers, including government entities 87187
responsible for processing and authorizing payment, to obtain 87188
payment for goods and services furnished to the patient; 87189

(4) Pursuant to a court order signed by a judge; 87190

(5) That a patient shall be granted access to the patient's 87191
own psychiatric and medical records, unless access specifically is 87192
restricted in a patient's treatment plan for clear treatment 87193
reasons; 87194

(6) That hospitals and other institutions and facilities 87195
within the department of mental health and addiction services may 87196
exchange psychiatric records and other pertinent information with 87197

other hospitals, institutions, and facilities of the department, 87198
and with community mental health services providers and boards of 87199
alcohol, drug addiction, and mental health services with which the 87200
department has a current agreement for patient care or services. 87201
Records and information that may be released pursuant to this 87202
division shall be limited to medication history, physical health 87203
status and history, financial status, summary of course of 87204
treatment in the hospital, summary of treatment needs, and a 87205
discharge summary, if any. 87206

(7) That hospitals within the department and other 87207
institutions and facilities within the department may exchange 87208
psychiatric records and other pertinent information with payers 87209
and other providers of treatment and health services if the 87210
purpose of the exchange is to facilitate continuity of care for a 87211
patient or for the emergency treatment of an individual; 87212

(8) That a patient's family member who is involved in the 87213
provision, planning, and monitoring of services to the patient may 87214
receive medication information, a summary of the patient's 87215
diagnosis and prognosis, and a list of the services and personnel 87216
available to assist the patient and the patient's family, if the 87217
patient's treating physician determines that the disclosure would 87218
be in the best interests of the patient. No such disclosure shall 87219
be made unless the patient is notified first and receives the 87220
information and does not object to the disclosure. 87221

(9) That community mental health services providers may 87222
exchange psychiatric records and certain other information with 87223
the board of alcohol, drug addiction, and mental health services 87224
and other services providers in order to provide services to a 87225
person involuntarily committed to a board. Release of records 87226
under this division shall be limited to medication history, 87227
physical health status and history, financial status, summary of 87228
course of treatment, summary of treatment needs, and discharge 87229

summary, if any. 87230

(10) That information may be disclosed to the executor or the 87231
administrator of an estate of a deceased patient when the 87232
information is necessary to administer the estate; 87233

(11) That records in the possession of the Ohio historical 87234
society may be released to the closest living relative of a 87235
deceased patient upon request of that relative; 87236

(12) That records pertaining to the patient's diagnosis, 87237
course of treatment, treatment needs, and prognosis shall be 87238
disclosed and released to the appropriate prosecuting attorney if 87239
the patient was committed pursuant to section 2945.38, 2945.39, 87240
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 87241
attorney designated by the board for proceedings pursuant to 87242
involuntary commitment under this chapter. 87243

(13) That the department of mental health and addiction 87244
services may exchange psychiatric hospitalization records, other 87245
mental health treatment records, and other pertinent information 87246
with the department of rehabilitation and correction and with the 87247
department of youth services to ensure continuity of care for 87248
inmates or offenders who are receiving mental health services in 87249
an institution of the department of rehabilitation and correction 87250
or the department of youth services and may exchange psychiatric 87251
hospitalization records, other mental health treatment records, 87252
and other pertinent information with boards of alcohol, drug 87253
addiction, and mental health services and community mental health 87254
services providers to ensure continuity of care for inmates or 87255
offenders who are receiving mental health services in an 87256
institution and are scheduled for release within six months. The 87257
department shall not disclose those records unless the inmate or 87258
offender is notified, receives the information, and does not 87259
object to the disclosure. The release of records under this 87260
division is limited to records regarding an inmate's or offender's 87261

medication history, physical health status and history, summary of 87262
course of treatment, summary of treatment needs, and a discharge 87263
summary, if any; 87264

(14) That records and reports relating to a person who has 87265
been deceased for fifty years or more are no longer considered 87266
confidential. 87267

(B) Before records are disclosed pursuant to divisions 87268
(A)(3), (6), and (9) of this section, the custodian of the records 87269
shall attempt to obtain the patient's consent for the disclosure. 87270
No person shall reveal the contents of a medical record of a 87271
patient except as authorized by law. 87272

(C) The managing officer of a hospital who releases necessary 87273
medical information under division (A)(3) of this section to allow 87274
an insurance carrier or other third party payor to comply with 87275
section 5121.43 of the Revised Code shall neither be subject to 87276
criminal nor civil liability. 87277

Sec. 5122.36. If the legal residence of a person suffering 87278
from mental illness is in another county of the state, the 87279
necessary expense of the person's return is a proper charge 87280
against the county of legal residence. If an adjudication and 87281
order of hospitalization by the probate court of the county of 87282
temporary residence are required, the regular probate court fees 87283
and expenses incident to the order of hospitalization under this 87284
chapter and any other expense incurred on the person's behalf 87285
shall be charged to and paid by the county of the person's legal 87286
residence upon the approval and certification of the probate judge 87287
of ~~that~~ the county of the person's legal residence. The ordering 87288
court shall send to the probate court of the person's county of 87289
legal residence a certified ~~transcript of all proceedings had in~~ 87290
copy of the commitment order from the ordering court. The 87291
receiving court shall enter and record the ~~transcript~~ commitment 87292

order. The certified ~~transcript~~ commitment order is prima facie 87293
evidence of the residence of the person. When the residence of the 87294
person cannot be established as represented by the ordering court, 87295
the matter of residence shall be referred to the department of 87296
mental health and addiction services for investigation and 87297
determination. 87298

Sec. 5123.032. (A) As used in this section, ~~"developmental;~~ 87299

(1) "Closed" or "closure" means a situation in which either 87300
of the following occurs: 87301

(a) A developmental center ceases operations; 87302

(b) Control of a developmental center is transferred from the 87303
department of developmental disabilities to another entity that is 87304
not a government entity. 87305

(2) "Developmental center" means any institution or facility 87306
of the department of developmental disabilities that, on or after 87307
January 30, 2004, is named, designated, or referred to as a 87308
developmental center. 87309

(B) Notwithstanding any other provision of law, any closure 87310
of a developmental center shall be subject to, and in accordance 87311
with, this section. 87312

~~(C) Notwithstanding any other provision of law, at least ten 87313
days prior to making any official, public announcement that the 87314
governor intends to close one or more developmental centers, the 87315
governor shall notify the general assembly in writing that the 87316
governor intends to close one or more developmental centers. The 87317
governor shall notify the general assembly in writing of the prior 87318
announcement and that the governor intends to close the center 87319
identified in the prior announcement, and the notification to the 87320
general assembly shall constitute, for purposes of this section, 87321
the governor's official, public announcement that the governor 87322~~

~~intends to close that center.~~ 87323

~~The notice required by this division shall identify by name 87324
each developmental center that the governor intends to close or, 87325
if the governor has not determined any specific developmental 87326
center to close, shall state the governor's general intent to 87327
close one or more developmental centers. When the governor 87328
notifies the general assembly as required by this division, the 87329
legislative service commission promptly shall conduct an 87330
independent study of the developmental centers of the department 87331
of developmental disabilities and of the department's operation of 87332
the centers, and the study shall address relevant criteria and 87333
factors, including, but not limited to, all of the following If 87334
the governor determines that one or more developmental centers 87335
should be closed, all of the following apply: 87336~~

~~(1) For each developmental center, the governor shall notify 87337
the general assembly and the department of developmental 87338
disabilities of that determination and the rationale for it. If 87339
the rationale is expenditure reductions or budget cuts, the notice 87340
shall specify the anticipated savings to be obtained through the 87341
closure. 87342~~

~~(2) Not later than seven days after the governor provides 87343
notice under this section, the officials who are to appoint 87344
members of the commission under division (D) of this section, 87345
shall appoint the members. As soon as possible after the 87346
appointments, the commission shall meet and commence 87347
deliberations. Not later than ninety days after the governor 87348
provides the notice, the commission shall provide to the general 87349
assembly, the governor, and the department a report of its 87350
recommendation concerning the developmental center. The commission 87351
may recommend closure for expenditure reductions or budget cuts 87352
only if the anticipated savings to be obtained by the closure are 87353
approximately the same as the anticipated savings specified in the 87354~~

governor's notice. If the governor gave notice of the proposed 87355
closure of more than one developmental center, the report shall 87356
list them in order of the commission's preference for closure. 87357

(3) On receipt of a report that recommends closure of a 87358
developmental center, the governor may close the developmental 87359
center. Except as otherwise provided in this division, the 87360
governor shall not close a developmental center that is not listed 87361
in the commission's recommendation, and shall not close multiple 87362
developmental centers in any order other than the order of the 87363
commission's preference as specified in the recommendation. If the 87364
governor determines that it is not feasible to implement the 87365
recommendation because there has been a significant change in 87366
circumstances, the governor may call for a new commission 87367
regarding the developmental center. The new commission shall be 87368
created and function in accordance with this section. 87369

(D) Each developmental center closure commission shall 87370
consist of thirteen members. Three members shall be members of the 87371
house of representatives, two of whom are members of the majority 87372
political party in the house of representatives appointed by the 87373
speaker of the house of representatives and one of whom is a 87374
member of the minority political party in the house of 87375
representatives appointed by the minority leader of the house of 87376
representatives. Three members shall be members of the senate, two 87377
of whom are members of the majority political party in the senate 87378
appointed by the president of the senate and one of whom is a 87379
member of the minority political party in the senate appointed by 87380
the minority leader of the senate. One member shall be the 87381
director of budget and management. One member shall be the 87382
director of developmental disabilities. Four members shall be 87383
persons with experience in the work of the department of 87384
developmental disabilities. One of these members must be a family 87385
member of a person living in the developmental center, and because 87386

of that familial connection, shall be deemed to have met the 87387
experience requirement. Of these four members one shall be 87388
appointed by the speaker of the house of representatives, one by 87389
the minority leader of the house of representatives, one by the 87390
president of the senate, and one by the minority leader of the 87391
senate. One member shall be a representative of the employees' 87392
association representing the largest number of employees of the 87393
department, as certified by the director of developmental 87394
disabilities, with that member being appointed by the president of 87395
the association. At the commission's first meeting, the members 87396
shall organize and appoint a chairperson and vice-chairperson. The 87397
members shall serve without compensation. 87398

(E) In making its determination of whether a developmental 87399
center should close, the commission shall consider the following 87400
factors and any other factors it considers appropriate: 87401

(1) The manner in which the closure of developmental centers 87402
in general would affect the safety, health, well-being, and 87403
lifestyle of the centers' residents and their family members and 87404
would affect public safety and, if the governor's notice 87405
identifies by name one or more developmental centers that the 87406
governor intends to close, the manner in which the closure of each 87407
center so identified would affect the safety, health, well-being, 87408
and lifestyle of the center's residents and their family members 87409
and would affect public safety Whether there is a need to reduce 87410
the number of developmental centers; 87411

(2) The availability of alternate facilities; 87412

(3) The cost effectiveness of the facilities identified for 87413
closure developmental center; 87414

(4) A comparison of the cost of residing at a facility 87415
identified for closure and the cost of new living arrangements The 87416
opportunities for, and barriers to, transitioning staff of the 87417

center to other appropriate employment; 87418

(5) The geographic factors associated with each ~~facility~~ the 87419
center and its proximity to other similar facilities; 87420

~~(6) The impact of collective bargaining on facility~~ 87421
~~operations;~~ 87422

~~(7)~~ The utilization and maximization of resources; 87423

~~(8)~~(7) Continuity of the staff and ability to serve the 87424
~~facility~~ center's population; 87425

~~(9)~~(8) Continuing costs following closure of ~~a facility~~ the 87426
center; 87427

~~(10)~~(9) The impact of the closure on the local economy; 87428

~~(11)~~(10) Alternatives and opportunities for consolidation 87429
with other centers or facilities; 87430

~~(12) How the closing of a facility identified for closure~~ 87431
~~relates to the department's plans for the future of developmental~~ 87432
~~centers in this state;~~ 87433

~~(13) The effect of the closure of developmental centers in~~ 87434
~~general upon the state's fiscal resources and fiscal status and,~~ 87435
~~if the governor's notice identifies by name one or more~~ 87436
~~developmental centers that the governor intends to close, the~~ 87437
~~effect of the closure of each center so identified upon the~~ 87438
~~state's fiscal resources and fiscal status.~~ 87439

~~(D) The legislative service commission shall complete the~~ 87440
~~study required by division (C) of this section, and prepare a~~ 87441
~~report that contains its findings, not later than sixty days after~~ 87442
~~the governor makes the official, public announcement that the~~ 87443
~~governor intends to close one or more developmental centers as~~ 87444
~~described in division (C) of this section. The commission shall~~ 87445
~~provide a copy of the report to each member of the general~~ 87446
~~assembly who requests a copy of the report~~ and for collaboration 87447

with other state agencies and political subdivisions. 87448

(F) The commission shall meet as often as necessary to make 87449
its determination and may take testimony and consider all relevant 87450
information. 87451

On providing its report, the commission shall cease to exist, 87452
provided that another commission shall be created if the governor 87453
calls for a new commission pursuant to division (D) of this 87454
section or the governor provides another notice of closure under 87455
division (C)(1) of this section. 87456

Sec. 5123.033. The program fee fund is hereby created in the 87457
state treasury. All fees collected pursuant to sections 5123.161, 87458
5123.164, and 5123.19 of the Revised Code shall be credited to the 87459
fund. Money credited to the fund shall be used solely for the 87460
department of developmental disabilities' duties under sections 87461
5123.16 to ~~5123.1610~~, 5123.1611 and 5123.19 of the Revised Code 87462
and to provide continuing education and professional training to 87463
providers of services to individuals with mental retardation or a 87464
developmental disability. If the money credited to the fund is 87465
inadequate to pay all of the department's costs in performing 87466
those duties and providing the continuing education and 87467
professional training, the department may use other available 87468
funds appropriated to the department to pay the remaining costs of 87469
performing those duties and providing the continuing education and 87470
professional training. 87471

Sec. 5123.08. An appointing officer may appoint a person who 87472
holds a certified position in the classified service within the 87473
department of developmental disabilities to a position in the 87474
unclassified service within the department. A person appointed 87475
pursuant to this section to a position in the unclassified service 87476
shall retain the right to resume the position and status held by 87477

the person in the classified service immediately prior to the 87478
person's appointment to the position in the unclassified service, 87479
regardless of the number of positions the person held in the 87480
unclassified service. An employee's right to resume a position in 87481
the classified service may only be exercised when an appointing 87482
authority demotes the employee to a pay range lower than the 87483
employee's current pay range or revokes the employee's appointment 87484
to the unclassified service. An employee who holds a position in 87485
the classified service and who is appointed to a position in the 87486
unclassified service on or after January 1, 2016, shall have the 87487
right to resume a position in the classified service under this 87488
section only within five years after the effective date of the 87489
employee's appointment in the unclassified service. An employee 87490
forfeits the right to resume a position in the classified service 87491
when the employee is removed from the position in the unclassified 87492
service due to incompetence, inefficiency, dishonesty, 87493
drunkenness, immoral conduct, insubordination, discourteous 87494
treatment of the public, neglect of duty, violation of this 87495
chapter or Chapter 124. of the Revised Code, the rules of the 87496
director of developmental disabilities or the director of 87497
administrative services, any other failure of good behavior, any 87498
other acts of misfeasance, malfeasance, or nonfeasance in office, 87499
or conviction of a felony. An employee also forfeits the right to 87500
resume a position in the classified service upon transfer to a 87501
different agency. 87502

Reinstatement to a position in the classified service shall 87503
be to a position substantially equal to that position in the 87504
classified service held previously, as certified by the director 87505
of administrative services. If the position the person previously 87506
held in the classified service has been placed in the unclassified 87507
service or is otherwise unavailable, the person shall be appointed 87508
to a position in the classified service within the department that 87509
the director of administrative services certifies is comparable in 87510

compensation to the position the person previously held in the 87511
classified service. Service in the position in the unclassified 87512
service shall be counted as service in the position in the 87513
classified service held by the person immediately prior to the 87514
person's appointment to the position in the unclassified service. 87515
When a person is reinstated to a position in the classified 87516
service as provided in this section, the person is entitled to all 87517
rights, status, and benefits accruing to the position in the 87518
classified service during the time of the person's service in the 87519
position in the unclassified service. 87520

Sec. 5123.16. (A) As used in sections 5123.16 to ~~5123.1610~~ 87521
5123.1611 of the Revised Code: 87522

(1) "Applicant" means any of the following: 87523

(a) The chief executive officer of a business that applies 87524
under section 5123.161 of the Revised Code for a certificate to 87525
provide supported living; 87526

(b) The chief executive officer of a business that seeks 87527
renewal of the business's supported living certificate under 87528
section 5123.164 of the Revised Code; 87529

(c) An individual who applies under section 5123.161 of the 87530
Revised Code for a certificate to provide supported living as an 87531
independent provider; 87532

(d) An independent provider who seeks renewal of the 87533
independent provider's supported living certificate under section 87534
5123.164 of the Revised Code. 87535

(2) "Business" means an association, corporation, nonprofit 87536
organization, partnership, trust, or other group of persons. 87537
"Business" does not mean an independent provider. 87538

(3) "Criminal records check" has the same meaning as in 87539
section 109.572 of the Revised Code. 87540

(4) "Disqualifying offense" means any of the offenses listed 87541
or described in divisions (A)(3)(a) to (e) of section 109.572 of 87542
the Revised Code. 87543

(5) "Independent provider" means a provider who provides 87544
supported living on a self-employed basis and does not employ, 87545
directly or through contract, another person to provide the 87546
supported living. 87547

(6) "Provider" means a person or government entity certified 87548
by the director of developmental disabilities to provide supported 87549
living. For the purpose of division (A)(8) of this section, 87550
"provider" includes a person or government entity that seeks or 87551
previously held a certificate to provide supported living. 87552

(7) "Minor drug possession offense" has the same meaning as 87553
in section 2925.01 of the Revised Code. 87554

(8) "Related party" means any of the following: 87555

(a) In the case of a provider who is an individual, any of 87556
the following: 87557

(i) The spouse of the provider; 87558

(ii) A parent or stepparent of the provider or provider's 87559
spouse; 87560

(iii) A child of the provider or provider's spouse; 87561

(iv) A sibling, half sibling, or stepsibling of the provider 87562
or provider's spouse; 87563

(v) A grandparent of the provider or provider's spouse; 87564

(vi) A grandchild of the provider or provider's spouse. 87565

(b) In the case of a provider that is a person other than an 87566
individual, any of the following: 87567

(i) Any person or government entity that directly or 87568
indirectly controls the provider's day-to-day operations 87569

(including as a general manager, business manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement and regardless of whether the person or government entity is required to file an Internal Revenue Code form W-2 for the provider;

(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;

(iii) A member of the provider's board of directors or trustees;

(iv) A person owning a financial interest of five per cent or more in the provider, including a direct, indirect, security, or mortgage financial interest;

(v) The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the persons specified in divisions (A)(8)(b)(i) to (iv) of this section;

(vi) A person over which the provider has control of the day-to-day operation;

(vii) A corporation that has a subsidiary relationship with the provider.

(c) In the case of a provider that is a government entity, any of the following:

(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement;

(ii) An officer of the provider; 87600

(iii) A member of the provider's governing board; 87601

(iv) A person or government entity over which the provider 87602
has control of the day-to-day operation. 87603

(B) No person or government entity may provide supported 87604
living without a valid supported living certificate issued by the 87605
director of developmental disabilities. 87606

(C) A county board of developmental disabilities may provide 87607
supported living only to the extent permitted by rules adopted 87608
under section ~~5123.1610~~ 5123.1611 of the Revised Code. 87609

Sec. 5123.161. A person or government entity that seeks to 87610
provide supported living shall apply to the director of 87611
developmental disabilities for a supported living certificate. 87612

Except as provided in sections 5123.166 and 5123.169 of the 87613
Revised Code, the director shall issue to the person or government 87614
entity a supported living certificate if the person or government 87615
entity follows the application process established in rules 87616
adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, 87617
meets the applicable certification standards established in those 87618
rules, and pays the certification fee established in those rules. 87619

Sec. 5123.162. (A) The director of developmental disabilities 87620
may conduct surveys of persons and government entities that seek a 87621
supported living certificate to determine whether the persons and 87622
government entities meet the certification standards. The director 87623
may also conduct surveys of providers to determine whether the 87624
providers continue to meet the certification standards. The 87625
director may assign to a county board of developmental 87626
disabilities the responsibility to conduct either type of survey. 87627
Each survey shall be conducted in accordance with rules adopted 87628
under section ~~5123.1610~~ 5123.1611 of the Revised Code. 87629

87630

(B) Following each survey of a provider, the director shall 87631
issue a report listing the date of the survey, any citations 87632
issued as a result of the survey, and the statutes or rules that 87633
purportedly have been violated and are the bases of the citations. 87634
The director shall also do both of the following: 87635

(1) Specify a date by which the provider may appeal any of 87636
the citations; 87637

(2) When appropriate, specify a timetable within which the 87638
provider must submit a plan of correction describing how the 87639
problems specified in the citations will be corrected and the date 87640
by which the provider anticipates the problems will be corrected. 87641

(C) If the director initiates a proceeding to revoke a 87642
provider's certification, the director shall include the report 87643
required by division (B) of this section with the notice of the 87644
proposed revocation the director sends to the provider. In this 87645
circumstance, the provider may not submit a plan of correction. 87646

(D) After a plan of correction is submitted, the director 87647
shall approve or disapprove the plan. If the plan of correction is 87648
approved, a copy of the approved plan shall be provided, not later 87649
than five business days after it is approved, to any person or 87650
government entity that requests it and made available on the 87651
internet web site maintained by the department of developmental 87652
disabilities. If the plan of correction is not approved and the 87653
director initiates a proceeding to revoke the provider's 87654
certification, a copy of the survey report shall be provided to 87655
any person or government entity that requests it and shall be made 87656
available on the internet web site maintained by the department. 87657

(E) In addition to survey reports described in this section, 87658
all other records associated with surveys conducted under this 87659
section are public records for the purpose of section 149.43 of 87660

the Revised Code and shall be made available on the request of any 87661
person or government entity. 87662

Sec. 5123.163. A supported living certificate is valid for a 87663
period of time established in rules adopted under section 87664
~~5123.1610~~ 5123.1611 of the Revised Code, unless any of the 87665
following occur before the end of that period of time: 87666

(A) The director of developmental disabilities issues an 87667
order requiring that action be taken against the certificate 87668
holder under section 5123.166 of the Revised Code. 87669

(B) The director issues an order terminating the certificate 87670
under section 5123.168 of the Revised Code. 87671

(C) The certificate holder voluntarily surrenders the 87672
certificate to the director. 87673

Sec. 5123.164. Except as provided in sections 5123.166 and 87674
5123.169 of the Revised Code, the director of developmental 87675
disabilities shall renew a supported living certificate if the 87676
certificate holder follows the renewal process established in 87677
rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised 87678
Code, continues to meet the applicable certification standards 87679
established in those rules, and pays the renewal fee established 87680
in those rules. 87681

Sec. 5123.166. (A) If good cause exists as specified in 87682
division (B) of this section and determined in accordance with 87683
procedures established in rules adopted under section ~~5123.1610~~ 87684
5123.1611 of the Revised Code, the director of developmental 87685
disabilities may issue an adjudication order requiring that one of 87686
the following actions be taken against a person or government 87687
entity seeking or holding a supported living certificate: 87688

(1) Refusal to issue or renew a supported living certificate; 87689

(2) Revocation of a supported living certificate;	87690
(3) Suspension of a supported living certificate holder's	87691
authority to do either or both of the following:	87692
(a) Continue to provide supported living to one or more	87693
individuals from one or more counties who receive supported living	87694
from the certificate holder at the time the director takes the	87695
action;	87696
(b) Begin to provide supported living to one or more	87697
individuals from one or more counties who do not receive supported	87698
living from the certificate holder at the time the director takes	87699
the action.	87700
(B) The following constitute good cause for taking action	87701
under division (A) of this section against a person or government	87702
entity seeking or holding a supported living certificate:	87703
(1) The person or government entity's failure to meet or	87704
continue to meet the applicable certification standards	87705
established in rules adopted under section ~~5123.1610~~ <u>5123.1611</u> of	87706
the Revised Code;	87707
(2) The person or government entity violates section 5123.165	87708
of the Revised Code;	87709
(3) The person or government entity's failure to satisfy the	87710
requirements of section 5123.081 or 5123.52 of the Revised Code;	87711
(4) Misfeasance;	87712
(5) Malfeasance;	87713
(6) Nonfeasance;	87714
(7) Confirmed abuse or neglect;	87715
(8) Financial irresponsibility;	87716
(9) Other conduct the director determines is or would be	87717
injurious to individuals who receive or would receive supported	87718

living from the person or government entity. 87719

(C) Except as provided in division (D) of this section, the 87720
director shall issue an adjudication order under division (A) of 87721
this section in accordance with Chapter 119. of the Revised Code. 87722

(D)(1) The director may issue an order requiring that action 87723
specified in division (A)(3) of this section be taken before a 87724
provider is provided notice and an opportunity for a hearing if 87725
all of the following are the case: 87726

(a) The director determines such action is warranted by the 87727
provider's failure to continue to meet the applicable 87728
certification standards; 87729

(b) The director determines that the failure either 87730
represents a pattern of serious noncompliance or creates a 87731
substantial risk to the health or safety of an individual who 87732
receives or would receive supported living from the provider; 87733

(c) If the order will suspend the provider's authority to 87734
continue to provide supported living to an individual who receives 87735
supported living from the provider at the time the director issues 87736
the order, both of the following are the case: 87737

(i) The director makes the individual, or the individual's 87738
guardian, aware of the director's determination under division 87739
(D)(1)(b) of this section and the individual or guardian does not 87740
select another provider. 87741

(ii) A county board of developmental disabilities has filed a 87742
complaint with a probate court under section 5126.33 of the 87743
Revised Code that includes facts describing the nature of abuse or 87744
neglect that the individual has suffered due to the provider's 87745
actions that are the basis for the director making the 87746
determination under division (D)(1)(b) of this section and the 87747
probate court does not issue an order authorizing the county board 87748
to arrange services for the individual pursuant to an 87749

individualized service plan developed for the individual under 87750
section 5126.31 of the Revised Code. 87751

(2) If the director issues an order under division (D)(1) of 87752
this section, sections 119.091 to 119.13 of the Revised Code and 87753
all of the following apply: 87754

(a) The director shall send the provider notice of the order 87755
by registered mail, return receipt requested, not later than 87756
twenty-four hours after issuing the order and shall include in the 87757
notice the reasons for the order, the citation to the law or rule 87758
directly involved, and a statement that the provider will be 87759
afforded a hearing if the provider requests it within ten days of 87760
the time of receiving the notice. 87761

(b) If the provider requests a hearing within the required 87762
time and the provider has provided the director the provider's 87763
current address, the director shall immediately set, and notify 87764
the provider of, the date, time, and place for the hearing. 87765

(c) The date of the hearing shall be not later than thirty 87766
days after the director receives the provider's timely request for 87767
the hearing. 87768

(d) The hearing shall be conducted in accordance with section 87769
119.09 of the Revised Code, except for all of the following: 87770

(i) The hearing shall continue uninterrupted until its close, 87771
except for weekends, legal holidays, and other interruptions the 87772
provider and director agree to. 87773

(ii) If the director appoints a referee or examiner to 87774
conduct the hearing, the referee or examiner, not later than ten 87775
days after the date the referee or examiner receives a transcript 87776
of the testimony and evidence presented at the hearing or, if the 87777
referee or examiner does not receive the transcript or no such 87778
transcript is made, the date that the referee or examiner closes 87779
the record of the hearing, shall submit to the director a written 87780

report setting forth the referee or examiner's findings of fact 87781
and conclusions of law and a recommendation of the action the 87782
director should take. 87783

(iii) The provider may, not later than five days after the 87784
date the director, in accordance with section 119.09 of the 87785
Revised Code, sends the provider or the provider's attorney or 87786
other representative of record a copy of the referee or examiner's 87787
report and recommendation, file with the director written 87788
objections to the report and recommendation. 87789

(iv) The director shall approve, modify, or disapprove the 87790
referee or examiner's report and recommendation not earlier than 87791
six days, and not later than fifteen days, after the date the 87792
director, in accordance with section 119.09 of the Revised Code, 87793
sends a copy of the report and recommendation to the provider or 87794
the provider's attorney or other representative of record. 87795

(3) The director may lift an order issued under division 87796
(D)(1) of this section even though a hearing regarding the order 87797
is occurring or pending if the director determines that the 87798
provider has taken action eliminating the good cause for issuing 87799
the order. The hearing shall proceed unless the provider withdraws 87800
the request for the hearing in a written letter to the director. 87801

(4) The director shall lift an order issued under division 87802
(D)(1) of this section if both of the following are the case: 87803

(a) The provider provides the director a plan of compliance 87804
the director determines is acceptable. 87805

(b) The director determines that the provider has implemented 87806
the plan of compliance correctly. 87807

Sec. 5123.167. If the director of developmental disabilities 87808
issues an adjudication order under section 5123.166 of the Revised 87809
Code refusing to issue a supported living certificate to a person 87810

or government entity ~~or, refusing~~ to renew a person or government 87811
entity's supported living certificate, ~~or revoking the person or~~ 87812
~~government entity's supported living certificate,~~ neither the 87813
person or government entity nor a related party of the person or 87814
government entity may apply for another supported living 87815
certificate earlier than the date that is ~~one year~~ five years 87816
after the date the order is issued. If a person or government 87817
entity's authority to provide medicaid-funded supported living is 87818
revoked or renewal of the authority is refused pursuant to section 87819
5123.1610 of the Revised Code, neither the person or government 87820
entity nor a related party of the person or government entity may 87821
apply for authority to provide medicaid-funded supported living 87822
again earlier than the date this is five years after the date the 87823
authority is revoked or expired. 87824

~~If the director issues an adjudication order under that~~ 87825
~~section revoking a person or government entity's supported living~~ 87826
~~certificate, neither the person or government entity nor a related~~ 87827
~~party of the person or government entity may apply for another~~ 87828
~~supported living certificate earlier than the date that is five~~ 87829
~~years after the date the order is issued.~~ 87830

Sec. 5123.169. (A) The director of developmental disabilities 87831
shall not issue a supported living certificate to an applicant or 87832
renew an applicant's supported living certificate if either of the 87833
following applies: 87834

(1) The applicant fails to comply with division (C)(2) of 87835
this section; 87836

(2) Except as provided in rules adopted under section 87837
~~5123.1610~~ 5123.1611 of the Revised Code, the applicant is found by 87838
a criminal records check required by this section to have been 87839
convicted of, pleaded guilty to, or been found eligible for 87840
intervention in lieu of conviction for a disqualifying offense. 87841

(B) Before issuing a supported living certificate to an 87842
applicant or renewing an applicant's supported living certificate, 87843
the director shall require the applicant to submit a statement 87844
with the applicant's signature attesting that the applicant has 87845
not been convicted of, pleaded guilty to, or been found eligible 87846
for intervention in lieu of conviction for a disqualifying 87847
offense. The director also shall require the applicant to sign an 87848
agreement under which the applicant agrees to notify the director 87849
within fourteen calendar days if, while holding a supported living 87850
certificate, the applicant is formally charged with, is convicted 87851
of, pleads guilty to, or is found eligible for intervention in 87852
lieu of conviction for a disqualifying offense. The agreement 87853
shall provide that the applicant's failure to provide the 87854
notification may result in action being taken by the director 87855
against the applicant under section 5123.166 of the Revised Code. 87856

(C)(1) As a condition of receiving a supported living 87857
certificate or having a supported living certificate renewed, an 87858
applicant shall request the superintendent of the bureau of 87859
criminal identification and investigation to conduct a criminal 87860
records check of the applicant. If an applicant does not present 87861
proof to the director that the applicant has been a resident of 87862
this state for the five-year period immediately prior to the date 87863
that the applicant applies for issuance or renewal of the 87864
supported living certificate, the director shall require the 87865
applicant to request that the superintendent obtain information 87866
from the federal bureau of investigation as a part of the criminal 87867
records check. If the applicant presents proof to the director 87868
that the applicant has been a resident of this state for that 87869
five-year period, the director may require the applicant to 87870
request that the superintendent include information from the 87871
federal bureau of investigation in the criminal records check. For 87872
purposes of this division, an applicant may provide proof of 87873
residency in this state by presenting, with a notarized statement 87874

asserting that the applicant has been a resident of this state for 87875
that five-year period, a valid driver's license, notification of 87876
registration as an elector, a copy of an officially filed federal 87877
or state tax form identifying the applicant's permanent residence, 87878
or any other document the director considers acceptable. 87879

(2) Each applicant shall do all of the following: 87880

(a) Obtain a copy of the form prescribed pursuant to division 87881
(C)(1) of section 109.572 of the Revised Code and a standard 87882
impression sheet prescribed pursuant to division (C)(2) of section 87883
109.572 of the Revised Code; 87884

(b) Complete the form and provide the applicant's fingerprint 87885
impressions on the standard impression sheet; 87886

(c) Forward the completed form and standard impression sheet 87887
to the superintendent at the time the criminal records check is 87888
requested; 87889

(d) Instruct the superintendent to submit the completed 87890
report of the criminal records check directly to the director; 87891

(e) Pay to the bureau of criminal identification and 87892
investigation the fee prescribed pursuant to division (C)(3) of 87893
section 109.572 of the Revised Code for each criminal records 87894
check of the applicant requested and conducted pursuant to this 87895
section. 87896

(D) The director may request any other state or federal 87897
agency to supply the director with a written report regarding the 87898
criminal record of an applicant. The director may consider the 87899
reports when determining whether to issue a supported living 87900
certificate to the applicant or to renew an applicant's supported 87901
living certificate. 87902

(E) An applicant who seeks to be an independent provider or 87903
is an independent provider seeking renewal of the applicant's 87904

supported living certificate shall obtain the applicant's driving 87905
record from the bureau of motor vehicles and provide a copy of the 87906
record to the director if the supported living that the applicant 87907
will provide involves transporting individuals with mental 87908
retardation or developmental disabilities. The director may 87909
consider the applicant's driving record when determining whether 87910
to issue the applicant a supported living certificate or to renew 87911
the applicant's supported living certificate. 87912

(F)(1) A report obtained pursuant to this section is not a 87913
public record for purposes of section 149.43 of the Revised Code 87914
and shall not be made available to any person, other than the 87915
following: 87916

(a) The applicant who is the subject of the report or the 87917
applicant's representative; 87918

(b) The director or the director's representative; 87919

(c) Any court, hearing officer, or other necessary individual 87920
involved in a case dealing with any of the following: 87921

(i) The denial of a supported living certificate or refusal 87922
to renew a supported living certificate; 87923

(ii) The denial, suspension, or revocation of a certificate 87924
under section 5123.45 of the Revised Code; 87925

(iii) A civil or criminal action regarding the medicaid 87926
program. 87927

(2) An applicant for whom the director has obtained reports 87928
under this section may submit a written request to the director to 87929
have copies of the reports sent to any person or state or local 87930
government entity. The applicant shall specify in the request the 87931
person or entities to which the copies are to be sent. On 87932
receiving the request, the director shall send copies of the 87933
reports to the persons or entities specified. 87934

(3) The director may request that a person or state or local government entity send copies to the director of any report regarding a records check or criminal records check that the person or entity possesses, if the director obtains the written consent of the individual who is the subject of the report.

(4) The director shall provide each applicant with a copy of any report obtained about the applicant under this section.

Sec. 5123.1610. (A) Both of the following apply if the department of medicaid, pursuant to section 5164.38 of the Revised Code, terminates or refuses to revalidate a provider agreement that authorizes a person or government entity to provide supported living under the medicaid program:

(1) In the case of a terminated provider agreement, the person or government entity's authority to provide medicaid-funded supported living under a supported living certificate is automatically revoked on the date that the provider agreement is terminated.

(2) In the case of a provider agreement that expires because the department of medicaid refuses to revalidate it, the person or government entity's authority to provide medicaid-funded supported living under a supported living certificate is automatically revoked on the date that the provider agreement expires, unless the expiration date of the provider agreement is the same as the expiration date of the supported living certificate, in which case the director of developmental disabilities shall refuse to renew the person or government entity's authority to provide medicaid-funded supported living under the certificate.

(B) The director of developmental disabilities is not required to issue an adjudication order in accordance with Chapter 119. of the Revised Code to do either of the following pursuant to this section:

<u>(1) Revoke a person or government entity's authority to</u>	87966
<u>provide medicaid-funded supported living;</u>	87967
<u>(2) Refuse to renew a person or government entity's authority</u>	87968
<u>to provide medicaid-funded supported living.</u>	87969
<u>(C) This section does not affect a person or government</u>	87970
<u>entity's authority to provide nonmedicaid-funded supported living</u>	87971
<u>under a supported living certificate.</u>	87972
 Sec. ~~5123.1610~~ 5123.1611. The director of developmental	87973
disabilities shall adopt rules under Chapter 119. of the Revised	87974
Code establishing all of the following:	87975
 (A) The extent to which a county board of developmental	87976
disabilities may provide supported living;	87977
 (B) The application process for obtaining a supported living	87978
certificate under section 5123.161 of the Revised Code;	87979
 (C) The certification standards a person or government entity	87980
must meet to obtain a supported living certificate to provide	87981
supported living;	87982
 (D) The certification fee for a supported living certificate,	87983
which shall be deposited into the program fee fund created under	87984
section 5123.033 of the Revised Code;	87985
 (E) The period of time a supported living certificate is	87986
valid;	87987
 (F) The process for renewing a supported living certificate	87988
under section 5123.164 of the Revised Code;	87989
 (G) The renewal fee for a supported living certificate, which	87990
shall be deposited into the program fee fund created under section	87991
5123.033 of the Revised Code;	87992
 (H) Procedures for conducting surveys under section 5123.162	87993
of the Revised Code;	87994

(I) Procedures for determining whether there is good cause to 87995
take action under section 5123.166 of the Revised Code against a 87996
person or government entity seeking or holding a supported living 87997
certificate; 87998

(J) Circumstances under which the director may issue a 87999
supported living certificate to an applicant or renew an 88000
applicant's supported living certificate if the applicant is found 88001
by a criminal records check required by section 5123.169 of the 88002
Revised Code to have been convicted of, pleaded guilty to, or been 88003
found eligible for intervention in lieu of conviction for a 88004
disqualifying offense but meets standards in regard to 88005
rehabilitation set by the director. 88006

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of 88007
the Revised Code: 88008

(1) "Independent living arrangement" means an arrangement in 88009
which a mentally retarded or developmentally disabled person 88010
resides in an individualized setting chosen by the person or the 88011
person's guardian, which is not dedicated principally to the 88012
provision of residential services for mentally retarded or 88013
developmentally disabled persons, and for which no financial 88014
support is received for rendering such service from any 88015
governmental agency by a provider of residential services. 88016

(2) "Licensee" means the person or government agency that has 88017
applied for a license to operate a residential facility and to 88018
which the license was issued under this section. 88019

(3) "Political subdivision" means a municipal corporation, 88020
county, or township. 88021

(4) "Related party" has the same meaning as in section 88022
5123.16 of the Revised Code except that "provider" as used in the 88023
definition of "related party" means a person or government entity 88024

that held or applied for a license to operate a residential 88025
facility, rather than a person or government entity certified to 88026
provide supported living. 88027

(5)(a) Except as provided in division (A)(5)(b) of this 88028
section, "residential facility" means a home or facility, 88029
including an ICF/IID, in which an individual with mental 88030
retardation or a developmental disability resides. 88031

(b) "Residential facility" does not mean any of the 88032
following: 88033

(i) The home of a relative or legal guardian in which an 88034
individual with mental retardation or a developmental disability 88035
resides; 88036

(ii) A respite care home certified under section 5126.05 of 88037
the Revised Code; 88038

(iii) A county home or district home operated pursuant to 88039
Chapter 5155. of the Revised Code; 88040

(iv) A dwelling in which the only residents with mental 88041
retardation or developmental disabilities are in independent 88042
living arrangements or are being provided supported living. 88043

(B) Every person or government agency desiring to operate a 88044
residential facility shall apply for licensure of the facility to 88045
the director of developmental disabilities unless the residential 88046
facility is subject to section 3721.02, 5103.03, 5119.33, or 88047
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 88048
Code. 88049

(C) Subject to section 5123.196 of the Revised Code, the 88050
director of developmental disabilities shall license the operation 88051
of residential facilities. An initial license shall be issued for 88052
a period that does not exceed one year, unless the director denies 88053
the license under division (D) of this section. A license shall be 88054

renewed for a period that does not exceed three years, unless the 88055
director refuses to renew the license under division (D) of this 88056
section. The director, when issuing or renewing a license, shall 88057
specify the period for which the license is being issued or 88058
renewed. A license remains valid for the length of the licensing 88059
period specified by the director, unless the license is 88060
terminated, revoked, or voluntarily surrendered. 88061

(D) If it is determined that an applicant or licensee is not 88062
in compliance with a provision of this chapter that applies to 88063
residential facilities or the rules adopted under such a 88064
provision, the director may deny issuance of a license, refuse to 88065
renew a license, terminate a license, revoke a license, issue an 88066
order for the suspension of admissions to a facility, issue an 88067
order for the placement of a monitor at a facility, issue an order 88068
for the immediate removal of residents, or take any other action 88069
the director considers necessary consistent with the director's 88070
authority under this chapter regarding residential facilities. In 88071
the director's selection and administration of the sanction to be 88072
imposed, all of the following apply: 88073

(1) The director may deny, refuse to renew, or revoke a 88074
license, if the director determines that the applicant or licensee 88075
has demonstrated a pattern of serious noncompliance or that a 88076
violation creates a substantial risk to the health and safety of 88077
residents of a residential facility. 88078

(2) The director may terminate a license if more than twelve 88079
consecutive months have elapsed since the residential facility was 88080
last occupied by a resident or a notice required by division 88081
~~(K)~~(J) of this section is not given. 88082

(3) The director may issue an order for the suspension of 88083
admissions to a facility for any violation that may result in 88084
sanctions under division (D)(1) of this section and for any other 88085
violation specified in rules adopted under division ~~(H)~~(G)(2) of 88086

this section. If the suspension of admissions is imposed for a 88087
violation that may result in sanctions under division (D)(1) of 88088
this section, the director may impose the suspension before 88089
providing an opportunity for an adjudication under Chapter 119. of 88090
the Revised Code. The director shall lift an order for the 88091
suspension of admissions when the director determines that the 88092
violation that formed the basis for the order has been corrected. 88093

(4) The director may order the placement of a monitor at a 88094
residential facility for any violation specified in rules adopted 88095
under division ~~(H)~~(G)(2) of this section. The director shall lift 88096
the order when the director determines that the violation that 88097
formed the basis for the order has been corrected. 88098

~~(5) If the director determines that two or more residential 88099
facilities owned or operated by the same person or government 88100
entity are not being operated in compliance with a provision of 88101
this chapter that applies to residential facilities or the rules 88102
adopted under such a provision, and the director's findings are 88103
based on the same or a substantially similar action, practice, 88104
circumstance, or incident that creates a substantial risk to the 88105
health and safety of the residents, the director shall conduct a 88106
survey as soon as practicable at each residential facility owned 88107
or operated by that person or government entity. The director may 88108
take any action authorized by this section with respect to any 88109
facility found to be operating in violation of a provision of this 88110
chapter that applies to residential facilities or the rules 88111
adopted under such a provision. 88112~~

~~(6) When the director initiates license revocation 88113
proceedings, no opportunity for submitting a plan of correction 88114
shall be given. The director shall notify the licensee by letter 88115
of the initiation of the proceedings. The letter shall list the 88116
deficiencies of the residential facility and inform the licensee 88117
that no plan of correction will be accepted. The director shall 88118~~

also send a copy of the letter to the county board of 88119
developmental disabilities. The Except in the case of a licensee 88120
that is an ICF/IID, the county board shall send a copy of the 88121
letter to each of the following: 88122

(a) Each resident who receives services from the licensee; 88123

(b) The guardian of each resident who receives services from 88124
the licensee if the resident has a guardian; 88125

(c) The parent or guardian of each resident who receives 88126
services from the licensee if the resident is a minor. 88127

~~(7)~~(6) Pursuant to rules which shall be adopted in accordance 88128
with Chapter 119. of the Revised Code, the director may order the 88129
immediate removal of residents from a residential facility 88130
whenever conditions at the facility present an immediate danger of 88131
physical or psychological harm to the residents. 88132

~~(8)~~(7) In determining whether a residential facility is being 88133
operated in compliance with a provision of this chapter that 88134
applies to residential facilities or the rules adopted under such 88135
a provision, or whether conditions at a residential facility 88136
present an immediate danger of physical or psychological harm to 88137
the residents, the director may rely on information obtained by a 88138
county board of developmental disabilities or other governmental 88139
agencies. 88140

~~(9)~~(8) In proceedings initiated to deny, refuse to renew, or 88141
revoke licenses, the director may deny, refuse to renew, or revoke 88142
a license regardless of whether some or all of the deficiencies 88143
that prompted the proceedings have been corrected at the time of 88144
the hearing. 88145

(E) ~~The director shall establish a program under which public~~ 88146
~~notification may be made when the director has initiated license~~ 88147
~~revocation proceedings or has issued an order for the suspension~~ 88148
~~of admissions, placement of a monitor, or removal of residents.~~ 88149

~~The director shall adopt rules in accordance with Chapter 119. of 88150
the Revised Code to implement this division. The rules shall 88151
establish the procedures by which the public notification will be 88152
made and specify the circumstances for which the notification must 88153
be made. The rules shall require that public notification be made 88154
if the director has taken action against the facility in the 88155
eighteen-month period immediately preceding the director's latest 88156
action against the facility and the latest action is being taken 88157
for the same or a substantially similar violation of a provision 88158
of this chapter that applies to residential facilities or the 88159
rules adopted under such a provision. The rules shall specify a 88160
method for removing or amending the public notification if the 88161
director's action is found to have been unjustified or the 88162
violation at the residential facility has been corrected. 88163~~

~~(F)~~(1) Except as provided in division ~~(F)~~(E)(2) of this 88164
section, appeals from proceedings initiated to impose a sanction 88165
under division (D) of this section shall be conducted in 88166
accordance with Chapter 119. of the Revised Code. 88167

(2) Appeals from proceedings initiated to order the 88168
suspension of admissions to a facility shall be conducted in 88169
accordance with Chapter 119. of the Revised Code, unless the order 88170
was issued before providing an opportunity for an adjudication, in 88171
which case all of the following apply: 88172

(a) The licensee may request a hearing not later than ten 88173
days after receiving the notice specified in section 119.07 of the 88174
Revised Code. 88175

(b) If a timely request for a hearing that includes the 88176
licensee's current address is made, the hearing shall commence not 88177
later than thirty days after the department receives the request. 88178

(c) After commencing, the hearing shall continue 88179
uninterrupted, except for Saturdays, Sundays, and legal holidays, 88180

unless other interruptions are agreed to by the licensee and the 88181
director. 88182

(d) If the hearing is conducted by a hearing examiner, the 88183
hearing examiner shall file a report and recommendations not later 88184
than ten days after the last of the following: 88185

(i) The close of the hearing; 88186

(ii) If a transcript of the proceedings is ordered, the 88187
hearing examiner receives the transcript; 88188

(iii) If post-hearing briefs are timely filed, the hearing 88189
examiner receives the briefs. 88190

(e) A copy of the written report and recommendation of the 88191
hearing examiner shall be sent, by certified mail, to the licensee 88192
and the licensee's attorney, if applicable, not later than five 88193
days after the report is filed. 88194

(f) Not later than five days after the hearing examiner files 88195
the report and recommendations, the licensee may file objections 88196
to the report and recommendations. 88197

(g) Not later than fifteen days after the hearing examiner 88198
files the report and recommendations, the director shall issue an 88199
order approving, modifying, or disapproving the report and 88200
recommendations. 88201

(h) Notwithstanding the pendency of the hearing, the director 88202
shall lift the order for the suspension of admissions when the 88203
director determines that the violation that formed the basis for 88204
the order has been corrected. 88205

~~(G)~~(F) Neither a person or government agency whose 88206
application for a license to operate a residential facility is 88207
denied nor a related party of the person or government agency may 88208
apply for a license to operate a residential facility before the 88209
date that is ~~one year~~ five years after the date of the denial. 88210

Neither a licensee whose residential facility license is revoked 88211
nor a related party of the licensee may apply for a residential 88212
facility license before the date that is five years after the date 88213
of the revocation. 88214

~~(H)~~(G) In accordance with Chapter 119. of the Revised Code, 88215
the director shall adopt and may amend and rescind rules for 88216
licensing and regulating the operation of residential facilities. 88217
The rules for residential facilities that are ICFs/IID may differ 88218
from those for other residential facilities. The rules shall 88219
establish and specify the following: 88220

(1) Procedures and criteria for issuing and renewing 88221
licenses, including procedures and criteria for determining the 88222
length of the licensing period that the director must specify for 88223
each license when it is issued or renewed; 88224

(2) Procedures and criteria for denying, refusing to renew, 88225
terminating, and revoking licenses and for ordering the suspension 88226
of admissions to a facility, placement of a monitor at a facility, 88227
and the immediate removal of residents from a facility; 88228

(3) Fees for issuing and renewing licenses, which shall be 88229
deposited into the program fee fund created under section 5123.033 88230
of the Revised Code; 88231

(4) Procedures for surveying residential facilities; 88232

(5) ~~Requirements for the training of residential facility~~ 88233
~~personnel;~~ 88234

~~(6)~~ Classifications for the various types of residential 88235
facilities; 88236

~~(7) Certification procedures for licensees and management~~ 88237
~~contractors that the director determines are necessary to ensure~~ 88238
~~that they have the skills and qualifications to properly operate~~ 88239
~~or manage residential facilities;~~ 88240

~~(8)~~(6) The maximum number of persons who may be served in a particular type of residential facility; 88241 88242

~~(9)~~(7) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities; 88243 88244

~~(10)~~(8) Other standards for the operation of residential facilities and the services provided at residential facilities; 88245 88246

~~(11)~~(9) Procedures for waiving any provision of any rule adopted under this section. 88247 88248

~~(I)~~(H)(1) Before issuing a license, the director shall conduct a survey of the residential facility for which application is made. The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. The director may assign to a county board of developmental disabilities or the department of health the responsibility to conduct any survey or inspection under this section. 88249 88250 88251 88252 88253 88254 88255 88256 88257 88258 88259

(2) In conducting surveys, the director shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director in conducting the survey. 88260 88261 88262 88263 88264 88265 88266 88267

(3) Following each survey, the director shall provide the licensee with a report listing the date of the survey, any citations issued as a result of the survey, and the statutes or rules that purportedly have been violated and are the bases of the 88268 88269 88270 88271

citations. The director shall also do both of the following: 88272

(a) Specify a date by which the licensee may appeal any of 88273
the citations; 88274

(b) When appropriate, specify a timetable within which the 88275
licensee must submit a plan of correction describing how the 88276
problems specified in the citations will be corrected and, the 88277
date by which the licensee anticipates the problems will be 88278
corrected. 88279

(4) If the director initiates a proceeding to revoke a 88280
license, the director shall include the report required by 88281
division ~~(I)~~(H)(3) of this section with the notice of the proposed 88282
revocation the director sends to the licensee. In this 88283
circumstance, the licensee may not submit a plan of correction. 88284

(5) After a plan of correction is submitted, the director 88285
shall approve or disapprove the plan. If the plan of correction is 88286
approved, a copy of the approved plan shall be provided, not later 88287
than five business days after it is approved, to any person or 88288
government entity who requests it and made available on the 88289
internet web site maintained by the department of developmental 88290
disabilities. If the plan of correction is not approved and the 88291
director initiates a proceeding to revoke the license, a copy of 88292
the survey report shall be provided to any person or government 88293
entity that requests it and shall be made available on the 88294
internet web site maintained by the department. 88295

(6) The director shall initiate disciplinary action against 88296
any department employee who notifies or causes the notification to 88297
any unauthorized person of an unannounced survey of a residential 88298
facility by an authorized representative of the department. 88299

~~(J)~~(I) In addition to any other information which may be 88300
required of applicants for a license pursuant to this section, the 88301
director shall require each applicant to provide a copy of an 88302

approved plan for a proposed residential facility pursuant to 88303
section 5123.042 of the Revised Code. This division does not apply 88304
to renewal of a license or to an applicant for an initial or 88305
modified license who meets the requirements of section 5123.197 of 88306
the Revised Code. 88307

~~(K)~~(J)(1) A licensee shall notify the owner of the building 88308
in which the licensee's residential facility is located of any 88309
significant change in the identity of the licensee or management 88310
contractor before the effective date of the change if the licensee 88311
is not the owner of the building. 88312

(2) Pursuant to rules, which shall be adopted in accordance 88313
with Chapter 119. of the Revised Code, the director may require 88314
notification to the department of any significant change in the 88315
ownership of a residential facility or in the identity of the 88316
licensee or management contractor. If the director determines that 88317
a significant change of ownership is proposed, the director shall 88318
consider the proposed change to be an application for development 88319
by a new operator pursuant to section 5123.042 of the Revised Code 88320
and shall advise the applicant within sixty days of the 88321
notification that the current license shall continue in effect or 88322
a new license will be required pursuant to this section. If the 88323
director requires a new license, the director shall permit the 88324
facility to continue to operate under the current license until 88325
the new license is issued, unless the current license is revoked, 88326
refused to be renewed, or terminated in accordance with Chapter 88327
119. of the Revised Code. 88328

(3) A licensee shall transfer to the new licensee or 88329
management contractor all records related to the residents of the 88330
facility following any significant change in the identity of the 88331
licensee or management contractor. 88332

~~(L)~~(K) A county board of developmental disabilities and any 88333
interested person may file complaints alleging violations of 88334

statute or department rule relating to residential facilities with 88335
the department. All complaints shall ~~be in writing and shall~~ state 88336
the facts constituting the basis of the allegation. The department 88337
shall not reveal the source of any complaint unless the 88338
complainant agrees in writing to waive the right to 88339
confidentiality or until so ordered by a court of competent 88340
jurisdiction. 88341

The department shall adopt rules in accordance with Chapter 88342
119. of the Revised Code establishing procedures for the receipt, 88343
referral, investigation, and disposition of complaints filed with 88344
the department under this division. 88345

~~(M) The department shall establish procedures for the 88346
notification of interested parties of the transfer or interim care 88347
of residents from residential facilities that are closing or are 88348
losing their license. 88349~~

~~(N)~~(L) Before issuing a license under this section to a 88350
residential facility that will accommodate at any time more than 88351
one mentally retarded or developmentally disabled individual, the 88352
director shall, by first class mail, notify the following: 88353

(1) If the facility will be located in a municipal 88354
corporation, the clerk of the legislative authority of the 88355
municipal corporation; 88356

(2) If the facility will be located in unincorporated 88357
territory, the clerk of the appropriate board of county 88358
commissioners and the fiscal officer of the appropriate board of 88359
township trustees. 88360

The director shall not issue the license for ten days after 88361
mailing the notice, excluding Saturdays, Sundays, and legal 88362
holidays, in order to give the notified local officials time in 88363
which to comment on the proposed issuance. 88364

Any legislative authority of a municipal corporation, board 88365

of county commissioners, or board of township trustees that 88366
receives notice under this division of the proposed issuance of a 88367
license for a residential facility may comment on it in writing to 88368
the director within ten days after the director mailed the notice, 88369
excluding Saturdays, Sundays, and legal holidays. If the director 88370
receives written comments from any notified officials within the 88371
specified time, the director shall make written findings 88372
concerning the comments and the director's decision on the 88373
issuance of the license. If the director does not receive written 88374
comments from any notified local officials within the specified 88375
time, the director shall continue the process for issuance of the 88376
license. 88377

~~(O)~~(M) Any person may operate a licensed residential facility 88378
that provides room and board, personal care, habilitation 88379
services, and supervision in a family setting for at least six but 88380
not more than eight persons with mental retardation or a 88381
developmental disability as a permitted use in any residential 88382
district or zone, including any single-family residential district 88383
or zone, of any political subdivision. These residential 88384
facilities may be required to comply with area, height, yard, and 88385
architectural compatibility requirements that are uniformly 88386
imposed upon all single-family residences within the district or 88387
zone. 88388

~~(P)~~(N) Any person may operate a licensed residential facility 88389
that provides room and board, personal care, habilitation 88390
services, and supervision in a family setting for at least nine 88391
but not more than sixteen persons with mental retardation or a 88392
developmental disability as a permitted use in any multiple-family 88393
residential district or zone of any political subdivision, except 88394
that a political subdivision that has enacted a zoning ordinance 88395
or resolution establishing planned unit development districts may 88396
exclude these residential facilities from those districts, and a 88397

political subdivision that has enacted a zoning ordinance or 88398
resolution may regulate these residential facilities in 88399
multiple-family residential districts or zones as a conditionally 88400
permitted use or special exception, in either case, under 88401
reasonable and specific standards and conditions set out in the 88402
zoning ordinance or resolution to: 88403

(1) Require the architectural design and site layout of the 88404
residential facility and the location, nature, and height of any 88405
walls, screens, and fences to be compatible with adjoining land 88406
uses and the residential character of the neighborhood; 88407

(2) Require compliance with yard, parking, and sign 88408
regulation; 88409

(3) Limit excessive concentration of these residential 88410
facilities. 88411

~~(Q)~~(O) This section does not prohibit a political subdivision 88412
from applying to residential facilities nondiscriminatory 88413
regulations requiring compliance with health, fire, and safety 88414
regulations and building standards and regulations. 88415

~~(R)~~(P) Divisions ~~(O)~~ and ~~(P)~~(M) and (N) of this section are 88416
not applicable to municipal corporations that had in effect on 88417
June 15, 1977, an ordinance specifically permitting in residential 88418
zones licensed residential facilities by means of permitted uses, 88419
conditional uses, or special exception, so long as such ordinance 88420
remains in effect without any substantive modification. 88421

~~(S)~~(Q)(1) The director may issue an interim license to 88422
operate a residential facility to an applicant for a license under 88423
this section if either of the following is the case: 88424

(a) The director determines that an emergency exists 88425
requiring immediate placement of persons in a residential 88426
facility, that insufficient licensed beds are available, and that 88427
the residential facility is likely to receive a permanent license 88428

under this section within thirty days after issuance of the 88429
interim license. 88430

(b) The director determines that the issuance of an interim 88431
license is necessary to meet a temporary need for a residential 88432
facility. 88433

(2) To be eligible to receive an interim license, an 88434
applicant must meet the same criteria that must be met to receive 88435
a permanent license under this section, except for any differing 88436
procedures and time frames that may apply to issuance of a 88437
permanent license. 88438

(3) An interim license shall be valid for thirty days and may 88439
be renewed by the director for a period not to exceed one hundred 88440
~~fifty~~ eighty days. 88441

(4) The director shall adopt rules in accordance with Chapter 88442
119. of the Revised Code as the director considers necessary to 88443
administer the issuance of interim licenses. 88444

~~(T)~~(R) Notwithstanding rules adopted pursuant to this section 88445
establishing the maximum number of persons who may be served in a 88446
particular type of residential facility, a residential facility 88447
shall be permitted to serve the same number of persons being 88448
served by the facility on the effective date of the rules or the 88449
number of persons for which the facility is authorized pursuant to 88450
a current application for a certificate of need with a letter of 88451
support from the department of developmental disabilities and 88452
which is in the review process prior to April 4, 1986. 88453

This division does not preclude the department from 88454
suspending new admissions to a residential facility pursuant to a 88455
written order issued under section 5124.70 of the Revised Code. 88456

~~(U)~~(S) The director may enter at any time, for purposes of 88457
investigation, any home, facility, or other structure that has 88458
been reported to the director or that the director has reasonable 88459

cause to believe is being operated as a residential facility 88460
without a license issued under this section. 88461

The director may petition the court of common pleas of the 88462
county in which an unlicensed residential facility is located for 88463
an order enjoining the person or governmental agency operating the 88464
facility from continuing to operate without a license. The court 88465
may grant the injunction on a showing that the person or 88466
governmental agency named in the petition is operating a 88467
residential facility without a license. The court may grant the 88468
injunction, regardless of whether the residential facility meets 88469
the requirements for receiving a license under this section. 88470

Sec. 5123.196. (A) Except as provided in division (E) of this 88471
section, the director of developmental disabilities shall not 88472
issue a license under section 5123.19 of the Revised Code on or 88473
after July 1, 2003, if issuance will result in there being more 88474
beds in all residential facilities licensed under that section 88475
than is permitted under division (B) of this section. 88476

(B) The maximum number of beds for the purpose of division 88477
(A) of this section shall not exceed ten thousand eight hundred 88478
thirty-eight minus, except as provided in division (C) of this 88479
section, both of the following: 88480

(1) The number of such beds that cease to be residential 88481
facility beds on or after July 1, 2003, because a residential 88482
facility license is revoked, terminated, or not renewed for any 88483
reason or is surrendered in accordance with section 5123.19 of the 88484
Revised Code; 88485

(2) The number of such beds for which a licensee voluntarily 88486
converts to use for supported living on or after July 1, 2003. 88487

(C) The director is not required to reduce the maximum number 88488
of beds pursuant to division (B) of this section by a bed that 88489

ceases to be a residential facility bed if the director determines 88490
that the bed is needed to provide services to an individual with 88491
mental retardation or a developmental disability who resided in 88492
the residential facility in which the bed was located. 88493

(D) The director shall maintain an up-to-date written record 88494
of the maximum number of residential facility beds provided for by 88495
division (B) of this section. 88496

(E) The director may issue an interim license under division 88497
(S)(Q) of section 5123.19 of the Revised Code and issue, pursuant 88498
to rules adopted under division (H)(11)(G)(9) of that section, a 88499
waiver allowing a residential facility to admit more residents 88500
than the facility is licensed to admit regardless of whether the 88501
interim license or waiver will result in there being more beds in 88502
all residential facilities licensed under that section than is 88503
permitted under division (B) of this section. 88504

Sec. 5123.198. (A) As used in this section, "date of the 88505
commitment" means the date that an individual specified in 88506
division (B) of this section begins to reside in a state-operated 88507
ICF/IID after being committed to the ICF/IID pursuant to sections 88508
5123.71 to 5123.76 of the Revised Code. 88509

(B) Except as provided in division (C) of this section, 88510
whenever a resident of a residential facility is committed to a 88511
state-operated ICF/IID pursuant to sections 5123.71 to 5123.76 of 88512
the Revised Code, the department of developmental disabilities, 88513
pursuant to an adjudication order issued in accordance with 88514
Chapter 119. of the Revised Code, shall reduce by one the number 88515
of residents for which the residential facility in which the 88516
resident resided is licensed. 88517

(C) The department shall not reduce under division (B) of 88518
this section the number of residents for which a residential 88519
facility is licensed if any of the following are the case: 88520

(1) The resident of the residential facility who is committed 88521
to a state-operated ICF/IID resided in the residential facility 88522
because of the closure, on or after June 26, 2003, of another 88523
state-operated ICF/IID; 88524

(2) The residential facility admits within ninety days of the 88525
date of the commitment an individual who resides on the date of 88526
the commitment in a state-operated ICF/IID or another residential 88527
facility; 88528

(3) The department fails to do either of the following within 88529
ninety days of the date of the commitment: 88530

(a) Identify an individual to whom all of the following 88531
applies: 88532

(i) Resides on the date of the commitment in a state-operated 88533
ICF/IID or another residential facility; 88534

(ii) Has indicated to the department an interest in 88535
relocating to the residential facility or has a parent or guardian 88536
who has indicated to the department an interest for the individual 88537
to relocate to the residential facility; 88538

(iii) The department determines the individual has needs that 88539
the residential facility can meet. 88540

(b) Provide the residential facility with information about 88541
the individual identified under division (C)(2)(a) of this section 88542
that the residential facility needs in order to determine whether 88543
the facility can meet the individual's needs. 88544

(4) If the department completes the actions specified in 88545
divisions (C)(3)(a) and (b) of this section not later than ninety 88546
days after the date of the commitment and except as provided in 88547
division (D) of this section, the residential facility does all of 88548
the following not later than ninety days after the date of the 88549
commitment: 88550

(a) Evaluates the information provided by the department; 88551

(b) Assesses the identified individual's needs; 88552

(c) Determines that the residential facility cannot meet the 88553
identified individual's needs. 88554

(5) If the department completes the actions specified in 88555
divisions (C)(3)(a) and (b) of this section not later than ninety 88556
days after the date of the commitment and the residential facility 88557
determines that the residential facility can meet the identified 88558
individual's needs, the individual, or a parent or guardian of the 88559
individual, refuses placement in the residential facility. 88560

(D) The department may reduce under division (B) of this 88561
section the number of residents for which a residential facility 88562
is licensed even though the residential facility completes the 88563
actions specified in division (C)(4) of this section not later 88564
than ninety days after the date of the commitment if all of the 88565
following are the case: 88566

(1) The department disagrees with the residential facility's 88567
determination that the residential facility cannot meet the 88568
identified individual's needs. 88569

(2) The department issues a written decision pursuant to the 88570
uniform procedures for admissions, transfers, and discharges 88571
established by rules adopted under division ~~(H)(9)(G)(7)~~ of 88572
section 5123.19 of the Revised Code that the residential facility 88573
should admit the identified individual. 88574

(3) After the department issues the written decision 88575
specified in division (D)(2) of this section, the residential 88576
facility refuses to admit the identified individual. 88577

(E) A residential facility that admits, refuses to admit, 88578
transfers, or discharges a resident under this section shall 88579
comply with the uniform procedures for admissions, transfers, and 88580

discharges established by rules adopted under division 88581
(H)(9)(G)(7) of section 5123.19 of the Revised Code. 88582

Sec. 5123.376. (A) As used in this section: 88583

(1) "Medicaid-certified capacity" has the same meaning as in 88584
section 5124.01 of the Revised Code. 88585

(2) "Residential facility" has the same meaning as in section 88586
5123.19 of the Revised Code. 88587

(B)(1) The director of developmental disabilities may change 88588
the terms of an agreement entered into with a county board of 88589
developmental disabilities or private, nonprofit agency pursuant 88590
to section 5123.36 of the Revised Code or other statutory 88591
authority in effect before July 1, 1980, regarding the 88592
construction, acquisition, or renovation of a residential facility 88593
if all of the following apply: 88594

(a) The agreement was entered into during the period 88595
beginning January 1, 1975, and ending December 31, 1984. 88596

(b) The agreement requires the county board or private, 88597
nonprofit agency to use the residential facility as a residential 88598
facility for at least forty years. 88599

(c) The residential facility is an ICF/IID and, before the 88600
conversion specified in division (B)(1)(d) of this section, the 88601
ICF/IID had a medicaid-certified capacity of at least sixteen. 88602

(d) The residential facility's operator converted at least 88603
fifty per cent of its medicaid-certified beds from providing 88604
ICF/IID services to providing home and community-based services in 88605
accordance with section 5124.60 or 5124.61 of the Revised Code. 88606

(e) The county board or private, nonprofit agency applies to 88607
the director for the change in the agreement's terms. 88608

(2) The terms of an agreement that may be changed pursuant to 88609

division (B)(1) of this section include terms regarding the length 88610
of time the residential facility must be used as a residential 88611
facility. 88612

(C) The director may authorize a county board or nonprofit, 88613
private agency not to repay the amount of an outstanding balance 88614
otherwise owed pursuant to an agreement entered into pursuant to 88615
section 5123.36 of the Revised Code or other statutory authority 88616
in effect before July 1, 1980, regarding the construction, 88617
acquisition, or renovation of a residential facility if all of the 88618
following apply: 88619

(1) The agreement was entered into during the period 88620
beginning January 1, 1975, and ending December 31, 1984. 88621

(2) The agreement requires the county board or private, 88622
nonprofit agency to use the residential facility as a residential 88623
facility for at least forty years. 88624

(3) Before the conversion specified in division (C)(4) of 88625
this section, the residential facility was an ICF/IID with a 88626
medicaid-certified capacity of at least sixteen. 88627

(4) The residential facility's operator converted all of its 88628
medicaid-certified beds from providing ICF/IID services to 88629
providing home and community-based services in accordance with 88630
section 5124.60 or 5124.61 of the Revised Code. 88631

(5) The county board or private, nonprofit agency applies to 88632
the director for forgiveness of the outstanding balance. 88633

Sec. 5123.621. It is the intent of the general assembly that 88634
all individuals being served on the effective date of this section 88635
through the array of adult day services that exists on that date, 88636
including services delivered in a sheltered workshop, be fully 88637
informed of any new home and community-based services and their 88638
option to receive those services. It is also the intent of the 88639

general assembly that those individuals be permitted to continue 88640
receiving services in a variety of settings as long as those 88641
settings offer opportunities for community integration as 88642
described in their individual service plans. 88643

Sec. 5123.86. (A) Except as provided in divisions (C), (D), 88644
and (E), ~~and (F)~~ of this section, the chief medical officer shall 88645
provide all information, including expected physical and medical 88646
consequences, necessary to enable any resident of an institution 88647
for the mentally retarded to give a fully informed, intelligent, 88648
and knowing consent if any of the following procedures are 88649
proposed: 88650

(1) Surgery; 88651

(2) ~~Convulsive therapy;~~ 88652

~~(3) Major aversive interventions;~~ 88653

~~(4) Sterilization;~~ 88654

~~(5)(3) Experimental procedures;~~ 88655

~~(6) Any unusual or hazardous treatment procedures.~~ 88656

(B) No resident shall be subjected to ~~any of the procedures~~ 88657
~~listed in division (A)(4), (5), or (6) of this section~~ 88658
sterilization without the resident's informed consent. 88659

(C) If a resident is physically or mentally unable to receive 88660
the information required for surgery or an experimental procedure 88661
under division (A)~~(1)~~ of this section, or has been adjudicated 88662
incompetent, the information may be provided to the resident's 88663
natural or court-appointed guardian, including an agency providing 88664
guardianship services under contract with the department of 88665
developmental disabilities under sections 5123.55 to 5123.59 of 88666
the Revised Code, ~~who~~. The guardian may give the informed, 88667
intelligent, and knowing written consent for surgery or the 88668

~~experimental procedure. Consent for surgery shall not be provided~~ 88669
~~by a guardian who is an officer or employee of the department of~~ 88670
~~mental health and addiction services or the department of~~ 88671
~~developmental disabilities.~~ 88672

If a resident is physically or mentally unable to receive the 88673
information required for surgery or an experimental procedure 88674
under division (A)(1) of this section and has no guardian, then 88675
the information, the recommendation of the chief medical officer, 88676
and the concurring judgment of a licensed physician who is not a 88677
full-time employee of the state may be provided to the court in 88678
the county in which the institution is located, ~~which.~~ The court 88679
may approve the surgery or experimental procedure. Before 88680
approving the surgery or experimental procedure, the court shall 88681
notify the Ohio protection and advocacy system created by section 88682
5123.60 of the Revised Code, and shall notify the resident of the 88683
resident's rights to consult with counsel, to have counsel 88684
appointed by the court if the resident is indigent, and to contest 88685
the recommendation of the chief medical officer. 88686

(D) If, in the judgment of two licensed physicians, delay in 88687
obtaining consent for surgery would create a grave danger to the 88688
health of a resident, emergency surgery may be performed without 88689
the consent of the resident if the necessary information is 88690
provided to the resident's guardian, including an agency providing 88691
guardianship services under contract with the department of 88692
developmental disabilities under sections 5123.55 to 5123.59 of 88693
the Revised Code, or to the resident's spouse or next of kin to 88694
enable that person or agency to give an informed, intelligent, and 88695
knowing written consent. 88696

If the guardian, spouse, or next of kin cannot be contacted 88697
through exercise of reasonable diligence, or if the guardian, 88698
spouse, or next of kin is contacted, but refuses to consent, then 88699
the emergency surgery may be performed upon the written 88700

authorization of the chief medical officer and after court 88701
approval has been obtained. However, if delay in obtaining court 88702
approval would create a grave danger to the life of the resident, 88703
the chief medical officer may authorize surgery, in writing, 88704
without court approval. If the surgery is authorized without court 88705
approval, the chief medical officer who made the authorization and 88706
the physician who performed the surgery shall each execute an 88707
affidavit describing the circumstances constituting the emergency 88708
and warranting the surgery and the circumstances warranting their 88709
not obtaining prior court approval. The affidavit shall be filed 88710
with the court with which the request for prior approval would 88711
have been filed within five court days after the surgery, and a 88712
copy of the affidavit shall be placed in the resident's file and 88713
shall be given to the guardian, spouse, or next of kin of the 88714
resident, to the hospital at which the surgery was performed, and 88715
to the Ohio protection and advocacy system created by section 88716
5123.60 of the Revised Code. 88717

~~(E)(1) If it is the judgment of two licensed physicians, as 88718
described in division (E)(2) of this section, that a medical 88719
emergency exists and delay in obtaining convulsive therapy creates 88720
a grave danger to the life of a resident who is both mentally 88721
retarded and mentally ill, convulsive therapy may be administered 88722
without the consent of the resident if the resident is physically 88723
or mentally unable to receive the information required for 88724
convulsive therapy and if the necessary information is provided to 88725
the resident's natural or court-appointed guardian, including an 88726
agency providing guardianship services under contract with the 88727
department of developmental disabilities under sections 5123.55 to 88728
5123.59 of the Revised Code, or to the resident's spouse or next 88729
of kin to enable that person or agency to give an informed, 88730
intelligent, and knowing written consent. If neither the 88731
resident's guardian, spouse, nor next of kin can be contacted 88732
through exercise of reasonable diligence, or if the guardian, 88733~~

~~spouse, or next of kin is contacted, but refuses to consent, then 88734~~
~~convulsive therapy may be performed upon the written authorization 88735~~
~~of the chief medical officer and after court approval has been 88736~~
~~obtained. 88737~~

~~(2) The two licensed physicians referred to in division 88738~~
~~(E)(1) of this section shall not be associated with each other in 88739~~
~~the practice of medicine or surgery by means of a partnership or 88740~~
~~corporate arrangement, other business arrangement, or employment. 88741~~
~~At least one of the physicians shall be a psychiatrist as defined 88742~~
~~in division (E) of section 5122.01 of the Revised Code. 88743~~

~~(F) Major aversive interventions shall not be used unless a 88744~~
~~resident continues to engage in behavior destructive to self or 88745~~
~~others after other forms of therapy have been attempted. Major 88746~~
~~aversive interventions shall not be applied to a voluntary 88747~~
~~resident without the informed, intelligent, and knowing written 88748~~
~~consent of the resident or the resident's guardian, including an 88749~~
~~agency providing guardianship services under contract with the 88750~~
~~department of developmental disabilities under sections 5123.55 to 88751~~
~~5123.59 of the Revised Code. 88752~~

~~(6)(1) This chapter does not authorize any form of compulsory 88753~~
~~medical or psychiatric treatment of any resident who is being 88754~~
~~treated by spiritual means through prayer alone in accordance with 88755~~
~~a recognized religious method of healing. 88756~~

~~(2) For purposes of this section, "convulsive therapy" does 88757~~
~~not include defibrillation. 88758~~

Sec. 5124.101. (A) The provider of an ICF/IID in peer group 1 88759
or peer group 2 that becomes a downsized ICF/IID or partially 88760
converted ICF/IID on or after July 1, 2013, or becomes a new 88761
ICF/IID on or after that date, may file with the department of 88762
developmental disabilities a cost report covering the period 88763
specified in division (B) of this section if the following applies 88764

to the ICF/IID: 88765

(1) In the case of an ICF/IID that becomes a downsized 88766
ICF/IID or partially converted ICF/IID, the ICF/IID has either of 88767
the following on the day it becomes a downsized ICF/IID or 88768
partially converted ICF/IID: 88769

(a) A medicaid-certified capacity that is at least ten per 88770
cent less than its medicaid-certified capacity on the day 88771
immediately preceding the day it becomes a downsized ICF/IID or 88772
partially converted ICF/IID; 88773

(b) At least five fewer beds certified as ICF/IID beds than 88774
it has on the day immediately preceding the day it becomes a 88775
downsized ICF/IID or partially converted ICF/IID. 88776

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 88777
a downsized ICF/IID and the downsized ICF/IID has either of the 88778
following on the day it becomes a downsized ICF/IID: 88779

(a) A medicaid-certified capacity that is at least ten per 88780
cent less than its medicaid-certified capacity on the day 88781
immediately preceding the day it becomes a downsized ICF/IID; 88782

(b) At least five fewer beds certified as ICF/IID beds than 88783
it has on the day immediately preceding the day it becomes a 88784
downsized ICF/IID. 88785

(B) A cost report filed under division (A) of this section 88786
shall cover the period that begins and ends as follows: 88787

(1) In the case of an ICF/IID that becomes a downsized 88788
ICF/IID or partially converted ICF/IID: 88789

(a) The period begins with the day that the ICF/IID becomes a 88790
downsized ICF/IID or partially converted ICF/IID. 88791

(b) The period ends on the last day of the last month of the 88792
first three full months of operation as a downsized ICF/IID or 88793

partially converted ICF/IID. 88794

(2) In the case of a new ICF/IID: 88795

(a) The period begins with the day that the provider 88796
agreement for the ICF/IID takes effect. 88797

(b) The period ends on the last day of the last month of the 88798
first three full months that the provider agreement is in effect. 88799

(C) The department shall refuse to accept a cost report filed 88800
under division (A) of this section if either of the following 88801
apply: 88802

(1) Except as provided in division (E) of section 5124.10 of 88803
the Revised Code, the provider fails to file the cost report with 88804
the department not later than ninety days after the last day of 88805
the period the cost report covers; 88806

(2) The cost report is incomplete or inadequate. 88807

(D) If the department accepts a cost report filed under 88808
division (A) of this section, the department shall use that cost 88809
report, rather than the cost report that otherwise would be used 88810
pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the 88811
Revised Code, to determine the ICF/IID's medicaid payment rate in 88812
accordance with this chapter for ICF/IID services the ICF/IID 88813
provides during the period that begins and ends as follows: 88814

(1) The period begins on the following: 88815

(a) In the case of an ICF/IID that becomes a downsized 88816
ICF/IID or partially converted ICF/IID: 88817

(i) The day that the ICF/IID becomes a downsized ICF/IID or 88818
partially converted ICF/IID if that day is the first day of a 88819
month; 88820

(ii) The first day of the month immediately following the 88821
month that the ICF/IID becomes a downsized ICF/IID or partially 88822
converted ICF/IID if division (D)(1)(a)(i) of this section does 88823

not apply. 88824

(b) In the case of a new ICF/IID, the day that the ICF/IID's 88825
provider agreement takes effect. 88826

(2) The period ends on the last day of the fiscal year that 88827
immediately precedes the fiscal year for which the ICF/IID begins 88828
to be paid a rate determined using a cost report that division (E) 88829
of this section requires be filed in accordance with division (A) 88830
of section 5124.10 of the Revised Code. 88831

(E)(1) If the department accepts a cost report filed under 88832
division (A) of this section for an ICF/IID that becomes a 88833
downsized ICF/IID or partially converted ICF/IID on or before the 88834
first day of October of a calendar year, or for a new ICF/IID that 88835
has a provider agreement that takes effect on or before that date, 88836
the provider also shall file a cost report for the ICF/IID in 88837
accordance with division (A) of section 5124.10 of the Revised 88838
Code for the portion of that calendar year that the ICF/IID 88839
operated as a downsized ICF/IID or partially converted ICF/IID or, 88840
in the case of a new ICF/IID, for the portion that the provider 88841
agreement was in effect. 88842

(2) If the department accepts a cost report filed under 88843
division (A) of this section for an ICF/IID that becomes a 88844
downsized ICF/IID or partially converted ICF/IID after the first 88845
day of October of a calendar year, or for a new ICF/IID that has a 88846
provider agreement that takes effect ~~on or~~ after that date, the 88847
provider is not required to file a cost report for that calendar 88848
year in accordance with division (A) of section 5124.10 of the 88849
Revised Code. The provider shall file a cost report for the 88850
ICF/IID in accordance with division (A) of section 5124.10 of the 88851
Revised Code for the immediately following calendar year. 88852

(F) If the department accepts a cost report filed under 88853
division (A) of this section, the following modifications shall be 88854

made for the purpose of determining the medicaid payment rate for 88855
ICF/IID services the ICF/IID provides during the period specified 88856
in division (D) of this section: 88857

(1) In place of the annual average case mix score otherwise 88858
used in determining the ICF/IID's per medicaid day payment rate 88859
for direct care costs under division (A) of section 5124.19 of the 88860
Revised Code, the ICF/IID's case mix score in effect on the last 88861
day of the calendar quarter that ends during the period the cost 88862
report covers (or, if more than one calendar quarter ends during 88863
that period, the last of those calendar quarters) shall be used to 88864
determine the ICF/IID's per medicaid day payment rate for direct 88865
care costs. 88866

(2) If the ICF/IID becomes a downsized ICF/IID or partially 88867
converted ICF/IID: 88868

(a) The ICF/IID shall not be subject to the limit on the 88869
costs of ownership per diem payment rate specified in divisions 88870
(B) and (C) of section 5124.17 of the Revised Code. 88871

(b) The ICF/IID shall not be subject to the limit on the 88872
payment rate for per diem capitalized costs of nonextensive 88873
renovations specified in division (E)(1) of section 5124.17 of the 88874
Revised Code. 88875

(c) The ICF/IID shall be subject to the limit on the total 88876
payment rate for costs of ownership, capitalized costs of 88877
nonextensive renovations, and the efficiency incentive specified 88878
in division (H) of section 5124.17 of the Revised Code regardless 88879
of whether the ICF/IID is in peer group 1 or peer group 2. 88880

Sec. 5124.15. (A) Except as otherwise provided by section 88881
5124.101 of the Revised Code, sections 5124.151 to ~~5124.154~~ 88882
5124.155 of the Revised Code, and divisions (B) and (C) of this 88883
section, the total per medicaid day payment rate that the 88884

department of developmental disabilities shall pay to an ICF/IID 88885
provider for ICF/IID services the provider's ICF/IID provides 88886
during a fiscal year shall equal the sum of all of the following: 88887

(1) The per medicaid day payment rate for capital costs 88888
determined for the ICF/IID under section 5124.17 of the Revised 88889
Code; 88890

(2) The per medicaid day payment rate for direct care costs 88891
determined for the ICF/IID under section 5124.19 of the Revised 88892
Code; 88893

(3) The per medicaid day payment rate for indirect care costs 88894
determined for the ICF/IID under section 5124.21 of the Revised 88895
Code; 88896

(4) The per medicaid day payment rate for other protected 88897
costs determined for the ICF/IID under section 5124.23 of the 88898
Revised Code. 88899

(B) The total per medicaid day payment rate for an ICF/IID in 88900
peer group 3 shall not exceed the average total per medicaid day 88901
payment rate in effect on July 1, 2013, for developmental centers. 88902

(C) The department shall adjust the total rate otherwise 88903
determined under division (A) of this section as directed by the 88904
general assembly through the enactment of law governing medicaid 88905
payments to ICF/IID providers. 88906

(D) In addition to paying an ICF/IID provider the total rate 88907
determined for the provider's ICF/IID under divisions (A), (B), 88908
and (C) of this section for a fiscal year, the department, in 88909
accordance with section 5124.25 of the Revised Code, may pay the 88910
provider a rate add-on for pediatric ventilator-dependent outlier 88911
ICF/IID services if the rate add-on is to be paid under that 88912
section and the department approves the provider's application for 88913
the rate add-on. The rate add-on is not to be part of the 88914

ICF/IID's total rate. 88915

Sec. 5124.155. The total per medicaid day payment rate for 88916
ICF/IID services an ICF/IID in peer group 1 provides to a medicaid 88917
recipient who is admitted as a resident to the ICF/IID on or after 88918
July 1, 2015, and is placed in the chronic behaviors and typical 88919
adaptive needs classification or the typical adaptive needs and 88920
non-significant behaviors classification established for the 88921
grouper methodology prescribed in rules authorized by section 88922
5124.192 of the Revised Code shall be the lesser of the following: 88923

(A) The rate determined for the ICF/IID under section 5124.15 88924
of the Revised Code; 88925

(B) The following rate: 88926

(1) \$206.90 for ICF/IID services the ICF/IID provides to a 88927
medicaid recipient in the chronic behaviors and typical adaptive 88928
needs classification; 88929

(2) \$174.88 for ICF/IID services the ICF/IID provides to a 88930
medicaid recipient in the typical adaptive needs and 88931
non-significant behaviors classification. 88932

Sec. 5124.33. No medicaid payment shall be made to an ICF/IID 88933
provider for the day a medicaid recipient is discharged from the 88934
ICF/IID, unless the recipient is discharged from the ICF/IID 88935
because all of the beds in the ICF/IID are converted from 88936
providing ICF/IID services to providing home and community-based 88937
services pursuant to section 5124.60 or 5124.61 of the Revised 88938
Code. 88939

Sec. 5124.60. (A) For the purpose of increasing the number of 88940
slots available for home and community-based services, the 88941
operator of an ICF/IID may convert some or all of the beds in the 88942
ICF/IID from providing ICF/IID services to providing home and 88943

community-based services if all of the following requirements are met: 88944
88945

(1) The operator provides the directors of health and developmental disabilities at least ninety days' notice of the operator's intent to make the conversion. 88946
88947
88948

(2) The operator complies with the requirements of sections 5124.50 to 5124.53 of the Revised Code regarding a voluntary termination if those requirements are applicable. 88949
88950
88951

(3) If the operator intends to convert all of the ICF/IID's beds, the operator notifies each of the ICF/IID's residents that the ICF/IID is to cease providing ICF/IID services and inform each resident that the resident may do either of the following: 88952
88953
88954
88955

(a) Continue to receive ICF/IID services by transferring to another ICF/IID that is willing and able to accept the resident if the resident continues to qualify for ICF/IID services; 88956
88957
88958

(b) Begin to receive home and community-based services instead of ICF/IID services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident. 88959
88960
88961
88962
88963

(4) If the operator intends to convert some but not all of the ICF/IID's beds, the operator notifies each of the ICF/IID's residents that the ICF/IID is to convert some of its beds from providing ICF/IID services to providing home and community-based services and inform each resident that the resident may do either of the following: 88964
88965
88966
88967
88968
88969

(a) Continue to receive ICF/IID services from any ICF/IID that is willing and able to provide the services to the resident if the resident continues to qualify for ICF/IID services; 88970
88971
88972

(b) Begin to receive home and community-based services 88973

instead of ICF/IID services from any provider of home and 88974
community-based services that is willing and able to provide the 88975
services to the resident if the resident is eligible for the 88976
services and a slot for the services is available to the resident. 88977

(5) The operator meets the requirements for providing home 88978
and community-based services, including the following: 88979

(a) Such requirements applicable to a residential facility if 88980
the operator maintains the facility's license as a residential 88981
facility; 88982

(b) Such requirements applicable to a facility that is not 88983
licensed as a residential facility if the operator surrenders the 88984
facility's license as a residential facility under section 5123.19 88985
of the Revised Code. 88986

(6) The director of developmental disabilities approves the 88987
conversion. 88988

(B) A decision by the director of developmental disabilities 88989
to approve or refuse to approve a proposed conversion of beds is 88990
final. In making a decision, the director shall consider all of 88991
the following: 88992

(1) The fiscal impact on the ICF/IID if some but not all of 88993
the beds are converted; 88994

(2) The fiscal impact on the medicaid program; 88995

(3) The availability of home and community-based services. 88996

(C) The notice provided to the directors under division 88997
(A)(1) of this section shall specify whether some or all of the 88998
ICF/IID's beds are to be converted. If some but not all of the 88999
beds are to be converted, the notice shall specify how many of the 89000
ICF/IID's beds are to be converted and how many of the beds are to 89001
continue to provide ICF/IID services. The notice to the director 89002
of developmental disabilities shall specify whether the operator 89003

wishes to surrender the ICF/IID's license as a residential 89004
facility under section 5123.19 of the Revised Code. 89005

(D)(1) If the director of developmental disabilities approves 89006
a conversion under division (B) of this section, the director of 89007
health shall do the following: 89008

(a) Terminate the ICF/IID's medicaid certification if the 89009
notice specifies that all of the ICF/IID's beds are to be 89010
converted; 89011

(b) Reduce the ICF/IID's medicaid-certified capacity by the 89012
number of beds being converted if the notice specifies that some 89013
but not all of the beds are to be converted. 89014

(2) The director of health shall notify the medicaid director 89015
of the termination or reduction. On receipt of the notice, the 89016
medicaid director shall do the following: 89017

(a) Terminate the operator's medicaid provider agreement that 89018
authorizes the operator to provide ICF/IID services at the ICF/IID 89019
if the ICF/IID's certification was terminated; 89020

(b) Amend the operator's medicaid provider agreement to 89021
reflect the ICF/IID's reduced medicaid-certified capacity if the 89022
ICF/IID's medicaid-certified capacity is reduced. 89023

~~(3) In the case of action taken under division (D)(2)(a) of~~ 89024
~~this section, the operator~~ The medicaid director ~~is not entitled~~ 89025
~~to notice or a hearing under~~ required to conduct an adjudication 89026
~~in accordance with~~ Chapter 119. of the Revised Code ~~before the~~ 89027
~~medicaid director terminates the medicaid provider agreement when~~ 89028
taking action under division (D)(2) of this section. 89029

Sec. 5124.61. (A) For the purpose of increasing the number of 89030
slots available for home and community-based services, a person 89031
who acquires, through a request for proposals issued by the 89032
director of developmental disabilities, an ICF/IID for which a 89033

residential facility license was previously surrendered or revoked 89034
may convert some or all of the ICF/IID's beds from providing 89035
ICF/IID services to providing home and community-based services if 89036
all of the following requirements are met: 89037

(1) The person provides the directors of health and 89038
developmental disabilities and medicaid director at least ninety 89039
days' notice of the person's intent to make the conversion. 89040

(2) The person complies with the requirements of sections 89041
5124.50 to 5124.53 of the Revised Code regarding a voluntary 89042
termination if those requirements are applicable. 89043

(3) If the person intends to convert all of the ICF/IID's 89044
beds, the person notifies each of the ICF/IID's residents that the 89045
ICF/IID is to cease providing ICF/IID services and informs each 89046
resident that the resident may do either of the following: 89047

(a) Continue to receive ICF/IID services by transferring to 89048
another ICF/IID willing and able to accept the resident if the 89049
resident continues to qualify for ICF/IID services; 89050

(b) Begin to receive home and community-based services 89051
instead of ICF/IID services from any provider of home and 89052
community-based services that is willing and able to provide the 89053
services to the resident if the resident is eligible for the 89054
services and a slot for the services is available to the resident. 89055

(4) If the person intends to convert some but not all of the 89056
ICF/IID's beds, the person notifies each of the ICF/IID's 89057
residents that the ICF/IID is to convert some of its beds from 89058
providing ICF/IID services to providing home and community-based 89059
services and inform each resident that the resident may do either 89060
of the following: 89061

(a) Continue to receive ICF/IID services from any that is 89062
willing and able to provide the services to the resident if the 89063

resident continues to qualify for ICF/IID services; 89064

(b) Begin to receive home and community-based services 89065
instead of ICF/IID services from any provider of home and 89066
community-based services that is willing and able to provide the 89067
services to the resident if the resident is eligible for the 89068
services and a slot for the services is available to the resident. 89069

(5) The person meets the requirements for providing home and 89070
community-based services at a residential facility. 89071

(B) The notice provided to the directors under division 89072
(A)(1) of this section shall specify whether some or all of the 89073
ICF/IID's beds are to be converted. If some but not all of the 89074
beds are to be converted, the notice shall specify how many of the 89075
ICF/IID's beds are to be converted and how many of the beds are to 89076
continue to provide ICF/IID services. 89077

(C) On receipt of a notice under division (A)(1) of this 89078
section, the director of health shall do the following: 89079

(1) Terminate the ICF/IID's medicaid certification if the 89080
notice specifies that all of the facility's beds are to be 89081
converted; 89082

(2) Reduce the ICF/IID's medicaid-certified capacity by the 89083
number of beds being converted if the notice specifies that some 89084
but not all of the beds are to be converted. 89085

(D) The director of health shall notify the medicaid director 89086
of the termination or reduction under division (C) of this 89087
section. On receipt of the director of health's notice, the 89088
medicaid director shall do the following: 89089

(1) Terminate the person's medicaid provider agreement that 89090
authorizes the person to provide ICF/IID services at the ICF/IID 89091
if the ICF/IID's medicaid certification was terminated; 89092

(2) Amend the person's medicaid provider agreement to reflect 89093

the ICF/IID's reduced medicaid-certified capacity if the ICF/IID's
medicaid-certified capacity is reduced.

~~The person medicaid director is not entitled required to
notice or a hearing under conduct an adjudication in accordance
with Chapter 119. of the Revised Code before the medicaid director
terminates or amends the medicaid provider agreement when taking
action under division (D)(1) or (2) of this section.~~

Sec. 5124.67. (A)(1) The department of developmental
disabilities shall strive to achieve, not later than July 1, 2018,
the following statewide reductions in ICF/IID beds:

(a) At least five hundred beds in ICFs/IID that, before
becoming downsized ICFs/IID, have sixteen or more beds;

(b) At least five hundred beds in ICFs/IID with any number of
beds that convert some or all of their beds from providing ICF/IID
services to providing home and community-based services pursuant
to section 5124.60 or 5124.61 of the Revised Code.

(2) The department shall strive to achieve a reduction of at
least one thousand two hundred ICF/IID beds through a combination
of the methods specified in divisions (A)(1)(a) and (b) of this
section.

(3) The department shall strive to achieve the reductions
specified in division (A)(1)(b) of this section in accordance with
the following interim time frames:

(a) At least two hundred twenty-five ICF/IID beds converted
by June 30, 2016;

(b) At least one hundred twenty-five additional ICF/IID beds
converted by June 30, 2017, for a total of at least three hundred
fifty beds converted by that date.

(B) In its efforts to achieve the reductions under division
(A) of this section, the department shall collaborate with the

Ohio association of county boards serving people with 89124
developmental disabilities, the Ohio provider resource 89125
association, the Ohio centers for intellectual disabilities formed 89126
by the Ohio health care association, and the values and faith 89127
alliance. The collaboration efforts may include the following: 89128

(1) Identifying ICFs/IID that may reduce the number of their 89129
beds to help achieve the reductions under division (A) of this 89130
section; 89131

(2) Encouraging ICF/IID providers to reduce the number of 89132
their ICFs/IID's beds; 89133

~~(3) Establishing interim time frames for making progress in~~ 89134
~~achieving the reductions;~~ 89135

~~(4)~~ Creating incentives for, and removing impediments to, the 89136
reductions; 89137

~~(5)~~~~(4)~~ In the case of ICF/IID beds that are converted to 89138
providing home and community-based services, developing a 89139
mechanism to compensate providers for beds that permanently cease 89140
to provide ICF/IID services. 89141

(C) The department shall meet not less than twice each year 89142
with the organizations specified in division (B) of this section 89143
to do all of the following: 89144

(1) Review the progress being made in achieving the 89145
reductions under division (A) of this section; 89146

(2) Prepare written reports on the progress; 89147

(3) Identify additional measures needed to achieve the 89148
reductions. 89149

Sec. 5124.68. (A)(1) Except as provided in division (D) of 89150
this section, an ICF/IID in peer group 1 shall not admit an 89151
individual as a resident unless all of the following apply: 89152

(a) The provider of the ICF/IID provides written notice about 89153
the individual's potential admission, and all information about 89154
the individual in the provider's possession, to the county board 89155
of developmental disabilities serving the county in which the 89156
individual resides at the time the notice is provided. 89157

(b) The county board has provided to the individual and 89158
department of developmental disabilities a copy of the findings 89159
the county board makes pursuant to division (B) of this section; 89160

(c) Not later than seven business days after the provider 89161
provides the county board the notice required by division 89162
(A)(1)(a) of this section, the department determines that the 89163
individual chooses to receive ICF/IID services from the ICF/IID 89164
after being fully informed of all available alternatives. 89165

(2) For the purpose of division (A)(1)(a) of this section, 89166
the provider of an ICF/IID in peer group 1 may provide a county 89167
board written notices about multiple individuals' potential 89168
admissions to the ICF/IID at the same time. 89169

(B) Not later than five business days after a county board 89170
receives notice from the provider of an ICF/IID in peer group 1 89171
about an individual seeking admission to the ICF/IID, the county 89172
board shall do both of the following: 89173

(1) Using the information included in the notification and 89174
the additional information, if any, the department specifies 89175
pursuant to division (C) of this section, evaluate the individual 89176
and counsel the individual about both of the following: 89177

(a) The nature, extent, and timing of the services that the 89178
individual needs; 89179

(b) The least restrictive environment in which the individual 89180
could receive the needed services. 89181

(2) Using the form prescribed under division (C) of this 89182

section, make findings about the individual based on the 89183
evaluation and counseling and provide a copy of the findings to 89184
the individual and the department. 89185

(C) The department shall prescribe the form to be used for 89186
the purpose of making findings pursuant to division (B)(2) of this 89187
section. The department may specify additional information that a 89188
county board is to use when evaluating and counseling individuals 89189
under division (B)(1) of this section. 89190

(D) Division (A) of this section does not apply to an 89191
individual seeking admission to an ICF/IID in peer group 1 if any 89192
of the following is the case: 89193

(1) The individual is a medicaid recipient receiving ICF/IID 89194
services on the date immediately preceding the date the individual 89195
is admitted to the ICF/IID. 89196

(2) The individual is a medicaid recipient returning to the 89197
ICF/IID following a temporary absence for which the ICF/IID is 89198
paid to reserve a bed for the individual pursuant to section 89199
5124.34 of the Revised Code or during which the individual 89200
received rehabilitation services in another health care setting. 89201

(3) The requirements of divisions (A)(1)(a) and (b) of this 89202
section are satisfied but the department fails to make the 89203
determination required by division (A)(1)(c) of this section 89204
before the deadline specified in that division. 89205

Sec. 5124.69. (A) The department of developmental 89206
disabilities shall develop and make available to all ICFs/IID a 89207
written pamphlet that describes all of the items and services 89208
covered by medicaid as ICF/IID services and as home and 89209
community-based services. The department shall develop the 89210
pamphlet in consultation with persons and organizations interested 89211
in matters pertaining to individuals eligible for ICF/IID services 89212

and home and community-based services. 89213

(B) Each ICF/IID provider shall provide the pamphlet to the 89214
residents of the ICF/IID who receive ICF/IID services, and the 89215
guardians of such residents, and shall discuss the items and 89216
services described in the pamphlet with those residents and their 89217
guardians, as follows: 89218

(1) At least annually; 89219

(2) Any time such a resident, or resident's guardian, 89220
requests to receive the pamphlet and to discuss the items and 89221
services described in the pamphlet; 89222

(3) Any time such a resident, or resident's guardian, 89223
expresses to the provider an interest in home and community-based 89224
services. 89225

(C) If a resident of an ICF/IID who receives ICF/IID 89226
services, or the resident's guardian, indicates to the ICF/IID 89227
provider an interest in enrolling the resident in a medicaid 89228
waiver component providing home and community-based services, the 89229
provider shall refer the resident or guardian to the county board 89230
of developmental disabilities serving the county in which the 89231
resident would reside while enrolled in a medicaid waiver 89232
component. 89233

(D) Not later than thirty days after a county board is 89234
contacted by an ICF/IID resident or resident's guardian who was 89235
referred to the county board pursuant to division (C) of this 89236
section, the county board, notwithstanding a waiting list for the 89237
component established pursuant to section 5126.042 of the Revised 89238
Code, shall enroll the resident in the component if all of the 89239
following apply: 89240

(1) The resident is eligible and chooses to enroll in the 89241
component. 89242

(2) The component has an available slot. 89243

(3) The director of developmental disabilities determines 89244
that the department has the funds necessary to pay the nonfederal 89245
share of the medicaid expenditures for the home and 89246
community-based services provided to the resident under the 89247
component. 89248

Sec. 5124.70. (A) This section does not apply to either of 89249
the following: 89250

(1) An ICF/IID to which both of the following apply: 89251

(a) On or before January 1, 2015, the ICF/IID became a 89252
downsized ICF/IID or partially converted ICF/IID. 89253

(b) On January 1, 2015, the ICF/IID's medicaid-certified 89254
capacity was at least twenty per cent less than the greatest 89255
medicaid-certified capacity it had before it became a downsized 89256
ICF/IID or partially converted ICF/IID. 89257

(2) An ICF/IID's sleeping room in which more than two 89258
residents reside if both of the following apply: 89259

(a) All of the residents of the sleeping room are under 89260
twenty-one years of age. 89261

(b) The parents or guardians of all of the residents of the 89262
sleeping room consent to the residents residing in a sleeping room 89263
with more than two residents. 89264

(B) Except as provided in divisions (G) and (H) of this 89265
section, an ICF/IID provider shall not permit more than two 89266
residents to reside in the same sleeping room. 89267

(C)(1) If, on the effective date of this section, more than 89268
two residents of an ICF/IID reside in the same sleeping room, the 89269
ICF/IID provider shall submit to the department of developmental 89270
disabilities for its review a plan to come into compliance with 89271

division (B) of this section. The provider shall submit the plan 89272
not later than December 31, 2015. 89273

(2) The plan shall include all of the following: 89274

(a) The date by which not more than two residents will reside 89275
in the same sleeping room, which shall be not later than June 30, 89276
2025; 89277

(b) Detailed descriptions of the actions the ICF/IID provider 89278
will take to come into compliance with division (B) of this 89279
section, which shall include becoming either a downsized ICF/IID 89280
or a partially converted ICF/IID; 89281

(c) The ICF/IID's projected medicaid-certified capacity for 89282
each year covered by the plan, which must demonstrate that the 89283
provider will make regular progress toward coming into compliance 89284
with division (B) of this section; 89285

(d) A discharge planning process that includes providing 89286
information to residents regarding home and community-based 89287
services; 89288

(e) Additional interim steps the provider will take to 89289
demonstrate that the provider is making regular progress toward 89290
coming into compliance with division (B) of this section. 89291

(3) The plan shall not include the creation of a new ICF/IID 89292
that has a medicaid-certified capacity that is greater than six 89293
unless the department determines that a new ICF/IID would need a 89294
larger medicaid-certified capacity to be financially viable. If 89295
the department determines that a new ICF/IID would need a larger 89296
medicaid-certified capacity to be financially viable, the plan may 89297
include the creation of a new ICF/IID that has a 89298
medicaid-certified capacity that is greater than six but not 89299
greater than eight. 89300

(D) The department shall review each plan submitted under 89301

division (C) of this section and decide whether to approve the 89302
plan. In making this decision, the department shall consider both 89303
of the following: 89304

(1) Whether the plan conforms to the requirements of division 89305
(C) of this section; 89306

(2) The feasibility of completing the implementation as 89307
described in the plan. 89308

(E) If the department approves an ICF/IID provider's plan 89309
under division (D) of this section, the provider shall submit to 89310
the department annual reports regarding the plan's implementation. 89311

(F) The department may issue a written order to an ICF/IID 89312
provider that suspends new admissions to the ICF/IID if both of 89313
the following apply: 89314

(1) The department has approved the provider's plan under 89315
division (D) of this section. 89316

(2) The provider fails to do either of the following: 89317

(a) Submit to the department an annual report required by 89318
division (E) of this section; 89319

(b) Meet, to the department's satisfaction, the projected 89320
medicaid-certified capacity for the ICF/IID for a year as 89321
specified in the plan and the failure is due to factors within the 89322
provider's control. 89323

(G)(1) Before January 1, 2016, an ICF/IID provider may permit 89324
more than two residents to reside in the same sleeping room if 89325
more than two residents resided in the same sleeping room on the 89326
effective date of this section. 89327

(2) On and after January 1, 2016, an ICF/IID provider may 89328
permit more than two residents to reside in the same sleeping room 89329
only if all of the following apply: 89330

(a) More than two residents resided in the same sleeping room 89331

<u>on the effective date of this section.</u>	89332
<u>(b) The provider has submitted a plan in accordance with</u>	89333
<u>division (C) of this section.</u>	89334
<u>(c) Either of the following applies:</u>	89335
<u>(i) The department has approved and the provider complies</u>	89336
<u>with the plan.</u>	89337
<u>(ii) The department has not decided whether to approve the</u>	89338
<u>plan.</u>	89339
<u>(H) The department shall waive application of division (B) of</u>	89340
<u>this section for an ICF/IID's sleeping room in which more than two</u>	89341
<u>residents reside on June 30, 2025, if both of the following apply:</u>	89342
<u>(1) The same residents have continuously resided in the</u>	89343
<u>sleeping room since the effective date of this section;</u>	89344
<u>(2) The department determines that at least three of these</u>	89345
<u>residents want to continue to reside together in the sleeping</u>	89346
<u>room.</u>	89347
Sec. 5126.042. (A) As used in this section, "emergency	89348
status" means a status that an individual with mental retardation	89349
or developmental disabilities has when the individual is at risk	89350
of substantial self-harm or substantial harm to others if action	89351
is not taken within thirty days. An "emergency status" may include	89352
a status resulting from one or more of the following situations:	89353
(1) Loss of present residence for any reason, including legal	89354
action;	89355
(2) Loss of present caretaker for any reason, including	89356
serious illness of the caretaker, change in the caretaker's	89357
status, or inability of the caretaker to perform effectively for	89358
the individual;	89359
(3) Abuse, neglect, or exploitation of the individual;	89360

(4) Health and safety conditions that pose a serious risk to the individual or others of immediate harm or death;

(5) Change in the emotional or physical condition of the individual that necessitates substantial accommodation that cannot be reasonably provided by the individual's existing caretaker.

(B) If a county board of developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request non-medicaid programs or services, it shall establish one or more waiting lists for the non-medicaid programs or services in accordance with its plan developed under section 5126.04 of the Revised Code. The board may establish priorities for making placements on its waiting lists established under this division. Any such priorities shall be consistent with the board's plan and applicable law.

(C) If a county board determines that available resources are insufficient to meet the needs of all individuals who request home and community-based services, it shall establish a waiting list for the services. An individual's date of placement on the waiting list shall be the date a request is made to the board for the individual to receive the home and community-based services. The board shall provide for an individual who has an emergency status to receive priority status on the waiting list. The board shall also provide for an individual to whom any of the following apply to receive priority status on the waiting list in accordance with rules adopted under division (E) of this section:

(1) The individual is receiving supported living, family support services, or adult services for which no federal financial participation is received under the medicaid program;

(2) The individual's primary caregiver is at least sixty years of age;

(3) The individual has intensive needs as determined in

accordance with rules adopted under division (E) of this section; 89392

(4) The individual resides in an ICF/IID, as defined in 89393
section 5124.01 of the Revised Code; 89394

(5) The individual resides in a nursing facility, as defined 89395
in section 5165.01 of the Revised Code. 89396

(D) If two or more individuals on a waiting list established 89397
under division (C) of this section ~~for home and community-based~~ 89398
~~services~~ have priority for the services pursuant to that division 89399
~~(C)(1), (2), or (3) of this section~~, a county board shall use 89400
criteria specified in rules adopted under division (E) of this 89401
section in determining the order in which the individuals with 89402
priority will be offered the services. An individual who has 89403
priority for home and community-based services because the 89404
individual has an emergency status has priority for the services 89405
over all other individuals on the waiting list who do not have 89406
emergency status. 89407

(E) The department of developmental disabilities shall adopt 89408
rules in accordance with Chapter 119. of the Revised Code 89409
governing waiting lists established under division (C) of this 89410
section. The rules shall include procedures to be followed to 89411
ensure that the due process rights of individuals placed on 89412
waiting lists are not violated. As part of the rules adopted under 89413
this division, the department shall adopt rules establishing 89414
criteria a county board shall use under division (D) of this 89415
section in determining the order in which individuals with 89416
priority for home and community-based services pursuant to 89417
division (C)~~(1), (2), or (3)~~ of this section will be offered the 89418
services. 89419

(F) The following shall take precedence over the applicable 89420
provisions of this section: 89421

(1) Medicaid rules and regulations; 89422

(2) Any specific requirements that may be contained within a 89423
medicaid state plan amendment or waiver program that a county 89424
board has authority to administer or with respect to which it has 89425
authority to provide services, programs, or supports. 89426

Sec. 5126.0510. (A) Except as otherwise provided in an 89427
agreement entered into under section 5123.048 of the Revised Code 89428
and subject to divisions (B), (C), ~~and (D)~~, and (E) of this 89429
section, a county board of developmental disabilities shall pay 89430
the nonfederal share of medicaid expenditures for the following 89431
home and community-based services provided to an individual with 89432
mental retardation or other developmental disability who the 89433
county board determines under section 5126.041 of the Revised Code 89434
is eligible for county board services: 89435

(1) Home and community-based services provided by the county 89436
board to such an individual; 89437

(2) Home and community-based services provided by a provider 89438
other than the county board to such an individual who is enrolled 89439
as of June 30, 2007, in the medicaid waiver component under which 89440
the services are provided; 89441

(3) Home and community-based services provided by a provider 89442
other than the county board to such an individual who, pursuant to 89443
a request the county board makes, enrolls in the medicaid waiver 89444
component under which the services are provided after June 30, 89445
2007; 89446

(4) Home and community-based services provided by a provider 89447
other than the county board to such an individual for whom there 89448
is in effect an agreement entered into under division ~~(E)~~(F) of 89449
this section between the county board and director of 89450
developmental disabilities. 89451

(B) In the case of medicaid expenditures for home and 89452

community-based services for which division (A)(2) of this section 89453
requires a county board to pay the nonfederal share, the following 89454
shall apply to such services provided during fiscal year 2008 89455
under the individual options medicaid waiver component: 89456

(1) The county board shall pay no less than the total amount 89457
the county board paid as the nonfederal share for home and 89458
community-based services provided in fiscal year 2007 under the 89459
individual options medicaid waiver component; 89460

(2) The county board shall pay no more than the sum of the 89461
following: 89462

(a) The total amount the county board paid as the nonfederal 89463
share for home and community-based services provided in fiscal 89464
year 2007 under the individual options medicaid waiver component; 89465

(b) An amount equal to one per cent of the total amount the 89466
department of developmental disabilities and county board paid as 89467
the nonfederal share for home and community-based services 89468
provided in fiscal year 2007 under the individual options medicaid 89469
waiver component to individuals the county board determined under 89470
section 5126.041 of the Revised Code are eligible for county board 89471
services. 89472

(C) A county board is not required to pay the nonfederal 89473
share of home and community-based services provided after June 30, 89474
2008, that the county board is otherwise required by division 89475
(A)(2) of this section to pay if the department of developmental 89476
disabilities fails to comply with division (A) of section 89477
5123.0416 of the Revised Code. 89478

(D) A county board is not required to pay the nonfederal 89479
share of home and community-based services that the county board 89480
is otherwise required by division (A)(3) of this section to pay if 89481
both of the following apply: 89482

(1) The services are provided to an individual who enrolls in 89483

the medicaid waiver component under which the services are 89484
provided as the result of an order issued following a state 89485
~~hearing, administrative~~ an appeal, made under section 5160.31 of 89486
the Revised Code or an appeal of the order to a court of common 89487
~~pleas made under section 5101.35 of the Revised Code;~~ 89488

(2) There are more individuals who are eligible for services 89489
from the county board enrolled in home and community-based 89490
services than is required by section 5126.0512 of the Revised 89491
Code. 89492

(E) A county board is not required to pay the nonfederal 89493
share of home and community-based services that the county board 89494
is otherwise required by division (A) of this section to pay if 89495
the services are provided to an individual who enrolls, pursuant 89496
to division (D) of section 5124.69 of the Revised Code, in the 89497
medicaid waiver component under which the services are provided. 89498

(F) A county board may enter into an agreement with the 89499
director of developmental disabilities under which the county 89500
board agrees to pay the nonfederal share of medicaid expenditures 89501
for one or more home and community-based services that the county 89502
board is not otherwise required by division (A)(1), (2), or (3) of 89503
this section to pay and that are provided to an individual the 89504
county board determines under section 5126.041 of the Revised Code 89505
is eligible for county board services. The agreement shall specify 89506
which home and community-based services the agreement covers. The 89507
county board shall pay the nonfederal share of medicaid 89508
expenditures for the home and community-based services that the 89509
agreement covers as long as the agreement is in effect. 89510

Sec. 5126.15. (A) A county board of developmental 89511
disabilities shall provide service and support administration to 89512
each individual three years of age or older who is eligible for 89513
service and support administration if the individual requests, or 89514

a person on the individual's behalf requests, service and support 89515
administration. A board shall provide service and support 89516
administration to each individual receiving home and 89517
community-based services. A board may provide, in accordance with 89518
the service coordination requirements of 34 C.F.R. 303.23, service 89519
and support administration to an individual under three years of 89520
age eligible for early intervention services under 34 C.F.R. part 89521
303. A board may provide service and support administration to an 89522
individual who is not eligible for other services of the board. 89523
Service and support administration shall be provided in accordance 89524
with rules adopted under section 5126.08 of the Revised Code. 89525

A board may provide service and support administration by 89526
directly employing service and support administrators or by 89527
contracting with entities for the performance of service and 89528
support administration. Individuals employed or under contract as 89529
service and support administrators shall not be in the same 89530
collective bargaining unit as employees who perform duties that 89531
are not administrative. 89532

~~Individuals employed by a board as service~~ A service and 89533
~~support administrators~~ administrator shall ~~not be assigned~~ 89534
~~responsibilities for implementing other services for individuals~~ 89535
~~and perform only the duties specified in division (B) of this~~ 89536
~~section. While employed by or under contract with a board, a~~ 89537
~~service and support administrator~~ shall ~~not~~ neither be employed by 89538
or serve in a decision-making or policy-making capacity for any 89539
other entity that provides programs or services to individuals 89540
with mental retardation or developmental disabilities nor provide 89541
programs or services to individuals with mental retardation or 89542
developmental disabilities through self-employment. ~~An individual~~ 89543
~~employed as a conditional status service and support administrator~~ 89544
~~shall perform the duties of service and support administration~~ 89545
~~only under the supervision of a management employee who is a~~ 89546

~~service and support administration supervisor.~~ 89547

(B) ~~The individuals employed by or under contract with a~~ 89548
~~board to provide service and support administration~~ A service and 89549
support administrator shall do all of the following: 89550

(1) Establish an individual's eligibility for the services of 89551
the county board of developmental disabilities; 89552

(2) Assess individual needs for services; 89553

(3) Develop individual service plans with the active 89554
participation of the individual to be served, other persons 89555
selected by the individual, and, when applicable, the provider 89556
selected by the individual, and recommend the plans for approval 89557
by the department of developmental disabilities when services 89558
included in the plans are funded through medicaid; 89559

(4) Establish budgets for services based on the individual's 89560
assessed needs and preferred ways of meeting those needs; 89561

(5) Assist individuals in making selections from among the 89562
providers they have chosen; 89563

(6) Ensure that services are effectively coordinated and 89564
provided by appropriate providers; 89565

(7) Establish and implement an ongoing system of monitoring 89566
the implementation of individual service plans to achieve 89567
consistent implementation and the desired outcomes for the 89568
individual; 89569

(8) Perform quality assurance reviews as a distinct function 89570
of service and support administration; 89571

(9) Incorporate the results of quality assurance reviews and 89572
identified trends and patterns of unusual incidents and major 89573
unusual incidents into amendments of an individual's service plan 89574
for the purpose of improving and enhancing the quality and 89575
appropriateness of services rendered to the individual. 89576

Sec. 5126.201. ~~(A)~~ A person may be employed by or under 89577
contract with a county board of developmental disabilities as a 89578
conditional status service and support administrator only if 89579
either of the following is true: 89580

~~(A)(1)~~ The person has at least an appropriate associate 89581
degree; 89582

~~(B)(2)~~ The person meets both of the following requirements: 89583

~~(1)(a)~~ The person was employed by the county board and 89584
performed service and support administration duties on June 30, 89585
2005; 89586

~~(2)(b)~~ The person holds a high school diploma or a general 89587
educational development certificate of high school equivalence. 89588

(B) A conditional status service and support administrator 89589
shall perform the duties of service and support administration, as 89590
specified in division (B) of section 5126.15 of the Revised Code, 89591
only under the supervision of a management employee who is a 89592
service and support administration supervisor. 89593

Sec. 5139.02. (A)(1) As used in this section, "managing 89594
officer" means a deputy director, an assistant deputy director, a 89595
superintendent, a regional administrator, a deputy superintendent, 89596
or the superintendent of schools of the department of youth 89597
services, a member of the release authority, the chief of staff to 89598
the release authority, and the victims administrator of the office 89599
of victim services. 89600

(2) Each division established by the director of youth 89601
services shall consist of managing officers and other employees, 89602
including those employed in institutions and regions as necessary 89603
to perform the functions assigned to them. The director or 89604
appropriate deputy director or managing officer of the department 89605
shall supervise the work of each division and determine general 89606

policies governing the exercise of powers vested in the department 89607
and assigned to each division. The appropriate managing officer or 89608
deputy director is responsible to the director for the 89609
organization, direction, and supervision of the work of the 89610
division or unit and for the exercise of the powers and the 89611
performance of the duties of the department assigned to it and, 89612
with the director's approval, may establish bureaus or other 89613
administrative units within the department. 89614

(B) The director shall appoint all managing officers, who 89615
shall be in the unclassified civil service. The director may 89616
appoint a person who holds a certified position in the classified 89617
service within the department to a position as a managing officer 89618
within the department. A person appointed pursuant to this 89619
division to a position as a managing officer shall retain the 89620
right to resume the position and status held by the person in the 89621
classified service immediately prior to the person's appointment 89622
as managing officer, regardless of the number of positions the 89623
person held in the unclassified service. A managing officer's 89624
right to resume a position in the classified service may only be 89625
exercised when the director demotes the managing officer to a pay 89626
range lower than the managing officer's current pay range or 89627
revokes the managing officer's appointment to the position of 89628
managing officer. A person who holds a position in the classified 89629
service and who is appointed to the position of managing officer 89630
on or after January 1, 2016, shall have the right to resume a 89631
position in the classified service under this division only within 89632
five years after the effective date of the person's appointment as 89633
managing officer. A managing officer forfeits the right to resume 89634
a position in the classified service when the managing officer is 89635
removed from the position of managing officer due to incompetence, 89636
inefficiency, dishonesty, drunkenness, immoral conduct, 89637
insubordination, discourteous treatment of the public, neglect of 89638
duty, violation of this chapter or Chapter 124. of the Revised 89639

Code, the rules of the director of youth services or the director 89640
of administrative services, any other failure of good behavior, 89641
any other acts of misfeasance, malfeasance, or nonfeasance in 89642
office, or conviction of a felony. A managing officer also 89643
forfeits the right to resume a position in the classified service 89644
upon transfer to a different agency. 89645

Reinstatement to a position in the classified service shall 89646
be to the position held in the classified service immediately 89647
prior to appointment as managing officer, or to another position 89648
certified by the director of administrative services as being 89649
substantially equal to that position. If the position the person 89650
previously held in the classified service immediately prior to 89651
appointment as a managing officer has been placed in the 89652
unclassified service or is otherwise unavailable, the person shall 89653
be appointed to a position in the classified service within the 89654
department that the director of administrative services certifies 89655
is comparable in compensation to the position the person 89656
previously held in the classified service. Service as a managing 89657
officer shall be counted as service in the position in the 89658
classified service held by the person immediately prior to the 89659
person's appointment as a managing officer. If a person is 89660
reinstated to a position in the classified service under this 89661
division, the person shall be returned to the pay range and step 89662
to which the person had been assigned at the time of the 89663
appointment as managing officer. Longevity, where applicable, 89664
shall be calculated pursuant to the provisions of section 124.181 89665
of the Revised Code. 89666

(C) Each person appointed as a managing officer shall have 89667
received special training and shall have experience in the type of 89668
work that the person's division is required to perform. Each 89669
managing officer, under the supervision of the director, has 89670
entire charge of the division, institution, unit, or region for 89671

which the managing officer is appointed and, with the director's 89672
approval, shall appoint necessary employees and may remove them 89673
for cause. 89674

(D) The director may designate one or more deputy directors 89675
to sign any personnel actions on the director's behalf. The 89676
director shall make a designation in a writing signed by the 89677
director, and the designation shall remain in effect until the 89678
director revokes or supersedes it with a new designation. 89679

Sec. 5139.03. (A) The department of youth services shall 89680
control and manage all state institutions or facilities 89681
established or created for the training or rehabilitation of 89682
delinquent children committed to the department, except where the 89683
control and management of an institution or facility is vested by 89684
law in another agency. The department shall employ, in addition to 89685
other personnel authorized under Chapter 5139. of the Revised 89686
Code, sufficient personnel to maintain food service and buildings 89687
and grounds operations. 89688

(B) The department of youth services shall, insofar as 89689
practicable, purchase foods and other commodities incident to food 89690
service operations from the department of mental health and 89691
addiction services. The department of youth services may enter 89692
into agreements with the department of mental health and addiction 89693
services providing for assistance and consultation in the 89694
construction of, or major modifications to, capital facilities of 89695
the department of youth services. 89696

(C) The directors of mental health and addiction services and 89697
of youth services shall enter into written agreements to implement 89698
this section. Such directors may, from time to time, amend any 89699
agreements entered into under this section for the purposes of 89700
making more efficient use of personnel, taking advantage of 89701
economies in quantity purchasing, or for any other purpose which 89702

is mutually advantageous to both the department of youth services 89703
and the department of mental health and addiction services. 89704

~~The department of youth services may transfer any of its 89705
excess or surplus supplies to a community corrections facility. 89706
These supplies shall remain the property of the department for a 89707
period of five years from the date of the transfer. After the 89708
five-year period, the supplies shall become the property of the 89709
facility. 89710~~

Sec. 5139.50. (A) The release authority of the department of 89711
youth services is hereby created as a bureau in the department. 89712
The release authority shall consist of a minimum of three, but not 89713
more than five, members who are appointed by the director of youth 89714
services and who have the qualifications specified in division (B) 89715
of this section. The members of the release authority shall devote 89716
their full time to the duties of the release authority and shall 89717
neither seek nor hold other public office. The members shall be in 89718
the unclassified civil service. 89719

(B) A person appointed as a member of the release authority 89720
shall have a bachelor's degree from an accredited college or 89721
university or equivalent relevant experience and shall have the 89722
skills, training, or experience necessary to analyze issues of 89723
law, administration, and public policy. The membership of the 89724
release authority shall represent, insofar as practicable, the 89725
diversity found in the children in the legal custody of the 89726
department of youth services. 89727

In appointing the ~~five~~ members, the director shall ensure 89728
that the appointments include all of the following: 89729

(1) At least ~~four members~~ one member who ~~have~~ has five or 89730
more years of experience in criminal justice, juvenile justice, or 89731
an equivalent relevant profession; 89732

(2) At least one member who has experience in victim services 89733
or advocacy or who has been a victim of a crime or is a family 89734
member of a victim; 89735

(3) At least one member who has experience in direct care 89736
services to delinquent children. 89737

(C) ~~The initial appointments of members of the release~~ 89738
~~authority shall be for a term of six years for the chairperson and~~ 89739
~~one member, a term of four years for two members, and a term of~~ 89740
~~two years for one member. Thereafter, members shall be appointed~~ 89741
~~for six-year terms until the effective date of this amendment,~~ 89742
~~after which members~~ Members shall be appointed for four-year 89743
terms. At the conclusion of a term, a member shall hold office 89744
until the appointment and qualification of the member's successor. 89745
The director shall fill a vacancy occurring before the expiration 89746
of a term for the remainder of that term and, if a member is on 89747
extended leave or disability status for more than thirty work 89748
days, may appoint an interim member to fulfill the duties of that 89749
member. A member may be reappointed. A member may be removed for 89750
good cause by the director. 89751

(D) The director of youth services shall designate as 89752
chairperson of the release authority one of the members who has 89753
experience in criminal justice, juvenile justice, or an equivalent 89754
relevant profession. The chairperson shall be a managing officer 89755
of the department, shall supervise the members of the board and 89756
the other staff in the bureau, and shall perform all duties and 89757
functions necessary to ensure that the release authority 89758
discharges its responsibilities. The chairperson shall serve as 89759
the official spokesperson for the release authority. 89760

(E) The release authority shall do all of the following: 89761

(1) Serve as the final and sole authority for making 89762
decisions, in the interests of public safety and the children 89763

involved, regarding the release and discharge of all children 89764
committed to the legal custody of the department of youth 89765
services, except children placed by a juvenile court on judicial 89766
release to court supervision or on judicial release to department 89767
of youth services supervision, children who have not completed a 89768
prescribed minimum period of time or prescribed period of time in 89769
a secure facility, or children who are required to remain in a 89770
secure facility until they attain twenty-one years of age; 89771

(2) Establish written policies and procedures for conducting 89772
reviews of the status for all youth in the custody of the 89773
department, setting or modifying dates of release and discharge, 89774
specifying the duration, terms, and conditions of release to be 89775
carried out in supervised release subject to the addition of 89776
additional consistent terms and conditions by a court in 89777
accordance with section 5139.51 of the Revised Code, and giving a 89778
child notice of all reviews; 89779

(3) Maintain records of its official actions, decisions, 89780
orders, and hearing summaries and make the records accessible in 89781
accordance with division (D) of section 5139.05 of the Revised 89782
Code; 89783

(4) Cooperate with public and private agencies, communities, 89784
private groups, and individuals for the development and 89785
improvement of its services; 89786

(5) Collect, develop, and maintain statistical information 89787
regarding its services and decisions; 89788

(6) Submit to the director an annual report that includes a 89789
description of the operations of the release authority, an 89790
evaluation of its effectiveness, recommendations for statutory, 89791
budgetary, or other changes necessary to improve its 89792
effectiveness, and any other information required by the director. 89793

(F) The release authority may do any of the following: 89794

(1) Conduct inquiries, investigations, and reviews and hold 89795
hearings and other proceedings necessary to properly discharge its 89796
responsibilities; 89797

(2) Issue subpoenas, enforceable in a court of law, to compel 89798
a person to appear, give testimony, or produce documentary 89799
information or other tangible items relating to a matter under 89800
inquiry, investigation, review, or hearing; 89801

(3) Administer oaths and receive testimony of persons under 89802
oath; 89803

(4) Request assistance, services, and information from a 89804
public agency to enable the authority to discharge its 89805
responsibilities and receive the assistance, services, and 89806
information from the public agency in a reasonable period of time; 89807

(5) Request from a public agency or any other entity that 89808
provides or has provided services to a child committed to the 89809
department's legal custody information to enable the release 89810
authority to properly discharge its responsibilities with respect 89811
to that child and receive the information from the public agency 89812
or other entity in a reasonable period of time. 89813

(G) The release authority may delegate responsibilities to 89814
hearing officers or other designated staff under the release 89815
authority's auspices. However, the release authority shall not 89816
delegate its authority to make final decisions regarding policy or 89817
the release of a child. 89818

The release authority shall adopt a written policy and 89819
procedures governing appeals of its release and discharge 89820
decisions. 89821

(H) The legal staff of the department of youth services shall 89822
provide assistance to the release authority in the formulation of 89823
policy and in its handling of individual cases. 89824

Sec. 5147.07. No articles or supplies manufactured under 89825
~~sections 5147.01 this section or sections 5147.12 to 5147.26~~ 89826
5147.22 of the Revised Code by the labor of convicts of state 89827
correctional institutions shall be purchased from any other source 89828
for the state or its institutions unless the department of 89829
administrative services, in consultation with the department of 89830
rehabilitation and correction ~~first certifies, on requisition~~ 89831
~~made,~~ determines that the articles or supplies cannot be furnished 89832
and issues a waiver under section 125.035 of the Revised Code. 89833

Sec. 5160.37. (A) A medical assistance recipient's enrollment 89834
in a medical assistance program gives an automatic right of 89835
recovery to the department of medicaid and a county department of 89836
job and family services against the liability of a third party for 89837
the cost of medical assistance paid on behalf of the recipient. 89838
When an action or claim is brought against a third party by a 89839
medical assistance recipient, any payment, settlement or 89840
compromise of the action or claim, or any court award or judgment, 89841
is subject to the recovery right of the department of medicaid or 89842
county department. Except in the case of a medical assistance 89843
recipient who receives medical assistance through a medicaid 89844
managed care organization, the department's or county department's 89845
claim shall not exceed the amount of medical assistance paid by 89846
the department or county department on behalf of the recipient. A 89847
payment, settlement, compromise, judgment, or award that excludes 89848
the cost of medical assistance paid for by the department or 89849
county department shall not preclude a department from enforcing 89850
its rights under this section. 89851

(B) In the case of a medical assistance recipient who 89852
receives medical assistance through a medicaid managed care 89853
organization, the amount of the department's or county 89854
department's claim shall be the amount the medicaid managed care 89855

organization pays for medical assistance rendered to the 89856
recipient, even if that amount is more than the amount the 89857
department or county department pays to the medicaid managed care 89858
organization for the recipient's medical assistance. 89859

(C) A medical assistance recipient, and the recipient's 89860
attorney, if any, shall cooperate with the departments. In 89861
furtherance of this requirement, the medical assistance recipient, 89862
or the recipient's attorney, if any, shall, not later than thirty 89863
days after initiating informal recovery activity or filing a legal 89864
recovery action against a third party, provide written notice of 89865
the activity or action to the department of medicaid or county 89866
department if it has paid for medical assistance under a medical 89867
assistance program. 89868

(D) The written notice that must be given under division (C) 89869
of this section shall disclose the identity and address of any 89870
third party against whom the medical assistance recipient has or 89871
may have a right of recovery. 89872

(E) No settlement, compromise, judgment, or award or any 89873
recovery in any action or claim by a medical assistance recipient 89874
where the department or county department has a right of recovery 89875
shall be made final without first giving the department or county 89876
department written notice as described in division (C) of this 89877
section and a reasonable opportunity to perfect its rights of 89878
recovery. If the department or county department is not given the 89879
appropriate written notice, the medical assistance recipient and, 89880
if there is one, the recipient's attorney, are liable to reimburse 89881
the department or county department for the recovery received to 89882
the extent of medical assistance payments made by the department 89883
or county department. 89884

(F) The department or county department shall be permitted to 89885
enforce its recovery rights against the third party even though it 89886
accepted prior payments in discharge of its rights under this 89887

section if, at the time the department or county department 89888
received such payments, it was not aware that additional medical 89889
expenses had been incurred but had not yet been paid by the 89890
department or county department. The third party becomes liable to 89891
the department or county department as soon as the third party is 89892
notified in writing of the valid claims for recovery under this 89893
section. 89894

(G)(1) Subject to division (G)(2) of this section, the right 89895
of recovery of the department or county department does not apply 89896
to that portion of any judgment, award, settlement, or compromise 89897
of a claim, to the extent of attorneys' fees, costs, or other 89898
expenses incurred by a medical assistance recipient in securing 89899
the judgment, award, settlement, or compromise, or to the extent 89900
of medical, surgical, and hospital expenses paid by such recipient 89901
from the recipient's own resources. 89902

(2) Reasonable attorneys' fees, not to exceed one-third of 89903
the total judgment, award, settlement, or compromise, plus costs 89904
and other expenses incurred by the medical assistance recipient in 89905
securing the judgment, award, settlement, or compromise, shall 89906
first be deducted from the total judgment, award, settlement, or 89907
compromise. After fees, costs, and other expenses are deducted 89908
from the total judgment, award, settlement, or compromise, there 89909
shall be a rebuttable presumption that the department of medicaid 89910
or county department shall receive no less than one-half of the 89911
remaining amount, or the actual amount of medical assistance paid, 89912
whichever is less. A party may rebut the presumption in accordance 89913
with division (L)(1) or (2) of this section, as applicable. 89914

(H) A right of recovery created by this section may be 89915
enforced separately or jointly by the department of medicaid or 89916
county department. To enforce its recovery rights, the department 89917
or county department may do any of the following: 89918

(1) Intervene or join in any action or proceeding brought by 89919

the medical assistance recipient or on the recipient's behalf 89920
against any third party who may be liable for the cost of medical 89921
assistance paid; 89922

(2) Institute and pursue legal proceedings against any third 89923
party who may be liable for the cost of medical assistance paid; 89924

(3) Initiate legal proceedings in conjunction with any 89925
injured, diseased, or disabled medical assistance recipient or the 89926
recipient's attorney or representative. 89927

(I) A medical assistance recipient shall not assess attorney 89928
fees, costs, or other expenses against the department of medicaid 89929
or a county department when the department or county department 89930
enforces its right of recovery created by this section. 89931

(J) The right of recovery given to the department under this 89932
section includes payments made by a third party under contract 89933
with a person having a duty to support. 89934

(K) The department of medicaid may assign to a medical 89935
assistance provider the right of recovery given to the department 89936
under this section with respect to any claim for which the 89937
department has notified the provider that the department intends 89938
to recoup the department's prior payment for the claim. 89939

(L)(1) Prior to any payment to the department or a county 89940
department pursuant to the department's or county department's 89941
right of recovery under this section, a party that desires to 89942
rebut the presumption in division (G) of this section shall submit 89943
to the department or county department a request for a hearing in 89944
accordance with the procedure the department establishes in rules 89945
required by division (O) of this section. The amount sought by the 89946
department or county department shall be held in escrow or in an 89947
interest on lawyers' trust account until the hearing examiner 89948
renders a decision or the case is otherwise concluded. A party 89949
successfully rebuts the presumption by a showing of clear and 89950

convincing evidence that a different allocation is warranted. 89951

(2) A medical assistance recipient who has repaid money, on 89952
or after September 29, 2007, to the department or a county 89953
department pursuant to the department's or county department's 89954
right of recovery under this section, section 5160.38 of the 89955
Revised Code, or former section 5101.58 or 5101.59 of the Revised 89956
Code may request a hearing to rebut the presumption in division 89957
(G) of this section. The request shall be made in accordance with 89958
the procedure the department establishes for this purpose in rules 89959
required by division (O) of this section. It must be made not 89960
later than one hundred eighty days after the effective date of 89961
this amendment or ninety days after the payment is made, whichever 89962
is later. A party successfully rebuts the presumption by a showing 89963
of clear and convincing evidence that a different allocation is 89964
warranted. 89965

(3) With respect to a hearing requested under division (L)(1) 89966
or (2) of this section, all of the following are the case: 89967

(a) The hearing examiner may consider, but is not bound by 89968
the allocation of, medical expenses specified in a settlement 89969
agreement between the medical assistance recipient and the 89970
relevant third party; 89971

(b) The department or county department may raise affirmative 89972
defenses during the hearing, including the existence of a prior 89973
settlement with the medical assistance recipient, the doctrine of 89974
accord and satisfaction, or the common law principle of res 89975
judicata; 89976

(c) If the parties agree, live testimony shall not be 89977
presented at the hearing; 89978

(d) The hearing may be governed by rules adopted under 89979
section 5160.02 of the Revised Code. If such rules are adopted, 89980
Chapter 119. of the Revised Code applies to the hearing only to 89981

the extent specified in those rules; 89982

(e) The hearing examiner's decision is binding on the 89983
department or county department and the medical assistance 89984
recipient unless the decision is reversed or modified on appeal to 89985
the medicaid director as described in division (M) of this 89986
section. 89987

(M)(1) A medical assistance recipient who disagrees with a 89988
hearing examiner's decision under division (L) of this section may 89989
file an administrative appeal with the medicaid director in 89990
accordance with the procedure the department establishes for this 89991
purpose in rules required by division (O) of this section. A 89992
hearing is not required during the administrative appeal, but the 89993
director or the director's designee shall review the hearing 89994
examiner's decision and any prior relevant administrative action. 89995
After the review, the director or the director's designee shall 89996
affirm, modify, remand, or reverse the hearing decision. A 89997
decision made under this division is final and binding on the 89998
department or county department and the medical assistance 89999
recipient unless it is reversed or modified on appeal to a court 90000
of common pleas as described in division (N) of this section. 90001

(2) An administrative appeal may be governed by rules adopted 90002
under section 5160.02 of the Revised Code. If such rules are 90003
adopted, Chapter 119. of the Revised Code applies to an 90004
administrative appeal only to the extent specified in those rules. 90005

(N) A party to an administrative appeal described in division 90006
(M) of this section may file an appeal with a court of common 90007
pleas in accordance with section 119.12 of the Revised Code. 90008

(O) The medicaid director shall adopt rules under section 90009
5160.02 of the Revised Code as necessary to implement this 90010
section, including rules establishing procedures a party may use 90011
to request a hearing under division (L)(1) or (2) of this section 90012

or an administrative appeal under division (M)(1) of this section. 90013
The rules shall be adopted in accordance with Chapter 119. of the 90014
Revised Code. 90015

(P) Divisions (L) to (N) of this section are remedial in 90016
nature and shall be liberally construed by the courts of this 90017
state in accordance with section 1.11 of the Revised Code. Those 90018
divisions specify the sole remedy available to a party who claims 90019
the department or a county department has received or is to 90020
receive more money than entitled to receive under this section, 90021
section 5160.38 of the Revised Code, or former section 5101.58 or 90022
5101.59 of the Revised Code. 90023

Sec. 5160.401. (A) A payment made by a third party under 90024
division (A)(4) of section 5160.40 of the Revised Code on a claim 90025
for payment of a medical item or service provided to a medical 90026
assistance recipient is final on the date that is two years after 90027
the payment was made to the department of medicaid or the 90028
applicable medicaid managed care organization. After a claim is 90029
final, the claim is subject to adjustment only if an action for 90030
recovery of an overpayment was commenced under division (B) of 90031
this section before the date the claim became final and the 90032
recovery is agreed to by the department or medicaid managed care 90033
organization under division (C) of this section. 90034

(B) If a third party determines that it overpaid a claim for 90035
payment, the third party may seek to recover all or part of the 90036
overpayment by filing a notice of its intent to seek recovery with 90037
the department or medicaid managed care organization, as 90038
applicable. The notice of recovery must be filed in writing before 90039
the date the payment is final. The notice must specify all of the 90040
following: 90041

(1) The full name of the medical assistance recipient who 90042
received the medical item or service that is the subject of the 90043

<u>claim;</u>	90044
<u>(2) The date or dates on which the medical item or service</u>	90045
<u>was provided;</u>	90046
<u>(3) The amount allegedly overpaid and the amount the third</u>	90047
<u>party seeks to recover;</u>	90048
<u>(4) The claim number and any other number the department or</u>	90049
<u>medicaid managed care organization has assigned to the claim;</u>	90050
<u>(5) The third party's rationale for seeking recovery;</u>	90051
<u>(6) The date the third party made the payment and the method</u>	90052
<u>of payment used;</u>	90053
<u>(7) If payment was made by check, the check number;</u>	90054
<u>(8) Whether the third party would prefer to receive the</u>	90055
<u>amount being sought by obtaining a payment from the department or</u>	90056
<u>medicaid managed care organization, either by check or electronic</u>	90057
<u>means, or by offsetting the amount from a future payment to be</u>	90058
<u>made to the department or medicaid managed care organization.</u>	90059
<u>(C) If the department or appropriate medicaid managed care</u>	90060
<u>organization determines that a notice of recovery was filed before</u>	90061
<u>the claim for payment is final and agrees to the amount sought by</u>	90062
<u>the third party, the department or medicaid managed care</u>	90063
<u>organization, as applicable, shall notify the third party in</u>	90064
<u>writing of its determination and agreement. Recovery of the amount</u>	90065
<u>shall proceed in accordance with the method specified by the third</u>	90066
<u>party pursuant to division (B)(8) of this section.</u>	90067
 Sec. 5162.01. (A) As used in the Revised Code:	90068
 (1) "Medicaid" and "medicaid program" mean the program of	90069
medical assistance established by Title XIX of the "Social	90070
Security Act," 42 U.S.C. 1396 et seq., including any medical	90071
assistance provided under the medicaid state plan or a federal	90072

medicaid waiver granted by the United States secretary of health 90073
and human services. 90074

(2) "Medicare" and "medicare program" mean the federal health 90075
insurance program established by Title XVIII of the "Social 90076
Security Act," 42 U.S.C. 1395 et seq. 90077

(B) As used in this chapter: 90078

(1) "Dual eligible individual" has the same meaning as in 90079
section 5160.01 of the Revised Code. 90080

(2) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 90081

(3) "Federal financial participation" has the same meaning as 90082
in section 5160.01 of the Revised Code. 90083

(4) "Federal poverty line" means the official poverty line 90084
defined by the United States office of management and budget based 90085
on the most recent data available from the United States bureau of 90086
the census and revised by the United States secretary of health 90087
and human services pursuant to the "Omnibus Budget Reconciliation 90088
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 90089

(5) "Healthy start component" means the component of the 90090
medicaid program that covers pregnant women and children and is 90091
identified in rules adopted under section 5162.02 of the Revised 90092
Code as the healthy start component. 90093

(6) "Home and community-based services" means services 90094
provided under a home and community-based services medicaid waiver 90095
component. 90096

(7) "Home and community-based services medicaid waiver 90097
component" has the same meaning as in section 5166.01 of the 90098
Revised Code. 90099

(8) "ICF/IID" has the same meaning as in section 5124.01 of 90100
the Revised Code. 90101

(9) "Medicaid managed care organization" has the same meaning 90102

as in section 5167.01 of the Revised Code. 90103

(10) "Medicaid provider" has the same meaning as in section 90104
5164.01 of the Revised Code. 90105

(11) "Medicaid services" has the same meaning as in section 90106
5164.01 of the Revised Code. 90107

(12) "Medicaid waiver component" has the same meaning as in 90108
section 5166.01 of the Revised Code; 90109

(13) "Nursing facility" and "nursing facility services" have 90110
the same meanings as in section 5165.01 of the Revised Code. 90111

~~(13)~~(14) "Political subdivision" means a municipal 90112
corporation, township, county, school district, or other body 90113
corporate and politic responsible for governmental activities only 90114
in a geographical area smaller than that of the state. 90115

~~(14)~~(15) "Prescribed drug" has the same meaning as in section 90116
5164.01 of the Revised Code. 90117

~~(15)~~(16) "Provider agreement" has the same meaning as in 90118
section 5164.01 of the Revised Code. 90119

~~(16)~~(17) "Qualified medicaid school provider" means the board 90120
of education of a city, local, or exempted village school 90121
district, the governing authority of a community school 90122
established under Chapter 3314. of the Revised Code, the state 90123
school for the deaf, and the state school for the blind to which 90124
both of the following apply: 90125

(a) It holds a valid provider agreement. 90126

(b) It meets all other conditions for participation in the 90127
medicaid school component of the medicaid program established in 90128
rules authorized by section 5162.364 of the Revised Code. 90129

~~(17)~~(18) "State agency" means every organized body, office, 90130
or agency, other than the department of medicaid, established by 90131
the laws of the state for the exercise of any function of state 90132

government. 90133

~~(18)~~(19) "Vendor offset" means a reduction of a medicaid 90134
payment to a medicaid provider to correct a previous, incorrect 90135
medicaid payment to that provider. 90136

Sec. 5162.11. (A) The department of medicaid shall enter into 90137
an agreement with the department of administrative services for 90138
the department of administrative services to contract through 90139
competitive selection pursuant to section 125.07 of the Revised 90140
Code with a vendor to perform an assessment of the data collection 90141
and data warehouse functions of the medicaid data warehouse 90142
system, including the ability to link the data sets of all 90143
agencies serving medicaid recipients. 90144

The assessment of the data system shall include functions 90145
related to fraud and abuse detection, program management and 90146
budgeting, and performance measurement capabilities of all 90147
agencies serving medicaid recipients, including the departments of 90148
aging, health, job and family services, medicaid, mental health 90149
and addiction services, and developmental disabilities. 90150

A qualified vendor with whom the department of administrative 90151
services contracts to assess the data system shall also assist the 90152
medicaid agencies in the definition of the requirements for an 90153
enhanced data system or a new data system and assist the 90154
department of administrative services in the preparation of a 90155
request for proposals to enhance or develop a data system. 90156

(B) Based on the assessment performed pursuant to division 90157
(A) of this section, the department of administrative services 90158
shall seek a qualified vendor through competitive selection 90159
pursuant to ~~section 125.07~~ Chapter 125. of the Revised Code to 90160
develop or enhance a data collection and data warehouse system for 90161
the department of medicaid and all agencies serving medicaid 90162
recipients. 90163

The department of medicaid shall seek enhanced federal 90164
financial participation for ninety per cent of the funds required 90165
to establish or enhance the data system. The department of 90166
administrative services shall not award a contract for 90167
establishing or enhancing the data system until the department of 90168
medicaid receives approval from the United States secretary of 90169
health and human services for the ninety per cent federal 90170
financial participation. 90171

Sec. 5162.12. (A) The medicaid director ~~may~~ shall enter into 90172
a contract with one or more persons to receive and process, on the 90173
director's behalf, requests for medicaid recipient or claims 90174
payment data, data from reports of audits conducted under section 90175
5165.109 of the Revised Code, or extracts or analyses of any of 90176
the foregoing data made by persons who intend to use the items 90177
prepared pursuant to the requests for commercial or academic 90178
purposes. 90179

(B) At a minimum, a contract entered into under this section 90180
shall do both of the following: 90181

(1) Authorize the contracting person to engage in the 90182
activities described in division (A) of this section for 90183
compensation, which must be stated as a percentage of the fees 90184
paid by persons who are provided the items; 90185

(2) ~~Specify the schedule of fees~~ Require the contracting 90186
person ~~is to charge for the items~~ an item prepared pursuant to a 90187
request a fee in an amount equal to one hundred two per cent of 90188
the cost the department of medicaid incurs in making the data used 90189
to prepare the item available to the contracting person. 90190

(C) Except as required by federal or state law and subject to 90191
division (E) of this section, both of the following conditions 90192
apply with respect to a request for data described in division (A) 90193
of this section: 90194

(1) The request shall be made through a person who has 90195
entered into a contract with the medicaid director under this 90196
section. 90197

(2) An item prepared pursuant to the request may be provided 90198
to the department of medicaid and is confidential and not subject 90199
to disclosure under section 149.43 or 1347.08 of the Revised Code. 90200

(D) The medicaid director shall use fees the director 90201
receives pursuant to a contract entered into under this section to 90202
pay obligations specified in contracts entered under this section. 90203
Any money remaining after the obligations are paid shall be 90204
deposited in the health care services administration fund created 90205
under section 5162.54 of the Revised Code. 90206

(E) This section does not apply to requests for medicaid 90207
recipient or claims payment data, data from reports of audits 90208
conducted under section 5165.109 of the Revised Code, or extracts 90209
or analyses of any of the foregoing data that are for any of the 90210
following purposes: 90211

(1) Treatment of medicaid recipients; 90212

(2) Payment of medicaid claims; 90213

(3) Establishment or management of medicaid third party 90214
liability pursuant to sections 5160.35 to 5160.43 of the Revised 90215
Code; 90216

(4) Compliance with the terms of an agreement the medicaid 90217
director enters into for purposes of administering the medicaid 90218
program; 90219

(5) Compliance with an operating protocol the executive 90220
director of the office of health transformation or the executive 90221
director's designee adopts under division (D) of section 191.06 of 90222
the Revised Code. 90223

Sec. 5162.13. (A) On or before the first day of January of 90224

each year, the department of medicaid shall complete a report on 90225
the effectiveness of the medicaid program in meeting the health 90226
care needs of low-income pregnant women, infants, and children. 90227
The report shall include all of the following: ~~the~~ 90228

(1) The estimated number of pregnant women, infants, and 90229
children eligible for the program; ~~the~~ 90230

(2) The actual number of eligible persons enrolled in the 90231
program; ~~the~~ 90232

(3) The actual number of enrolled pregnant women categorized 90233
by estimated gestational age at time of enrollment; 90234

(4) The number of prenatal, postpartum, and child health 90235
visits; ~~a~~ 90236

(5) The rates at which enrolled pregnant women receive 90237
addiction or mental health services, progesterone therapy, and any 90238
other service specified by the department; 90239

(6) A report on birth outcomes, including a comparison of 90240
low-birthweight births and infant mortality rates of medicaid 90241
recipients with the general female child-bearing and infant 90242
population in this state; ~~and a~~ 90243

(7) A comparison of the prenatal, delivery, and child health 90244
costs of the program with such costs of similar programs in other 90245
states, where available. 90246

(B) The department shall submit the report to the general 90247
assembly in accordance with section 101.68 of the Revised Code and 90248
to the joint medicaid oversight committee. The department also 90249
shall make the report available to the public. 90250

Sec. 5162.36. ~~(A)-(B)~~ The medicaid director shall create, in 90251
accordance with sections 5162.36 to ~~5162.364~~ 5162.365 of the 90252
Revised Code, the medicaid school component of the medicaid 90253
program. 90254

Sec. 5162.361. A qualified medicaid school provider 90255
participating in the medicaid school component of the medicaid 90256
program may submit a claim to the department of medicaid for 90257
federal financial participation for providing, in schools, 90258
services covered by the medicaid school component to medicaid 90259
recipients who are eligible for the services. No qualified 90260
medicaid school provider may submit such a claim before the 90261
provider incurs the cost of providing the service. 90262

The claim shall include certification of the qualified 90263
medicaid school provider's expenditures for the service. The 90264
certification shall show that the money the qualified medicaid 90265
school provider used for the expenditures was nonfederal money the 90266
provider may legally use for providing the service and that the 90267
amount of the expenditures was sufficient to pay the full cost of 90268
the service. 90269

Except as otherwise provided in sections 5162.36 to ~~5162.364~~ 90270
5162.365 of the Revised Code ~~and rules authorized by sections~~ 90271
~~5162.363 and 5162.364 of the Revised Code~~, a qualified medicaid 90272
school provider is subject to all conditions of participation in 90273
the medicaid program that generally apply to providers of goods 90274
and services under the medicaid program, including conditions 90275
regarding claims, audits, and recovery of overpayments. 90276

Sec. 5162.363. The department of medicaid shall enter into an 90277
interagency agreement with the department of education under 90278
section 5162.35 of the Revised Code that provides for the 90279
department of education to administer the medicaid school 90280
component of the medicaid program other than the aspects of the 90281
component that sections 5162.36 to ~~5162.364~~ 5162.365 of the 90282
Revised Code require the department of medicaid to administer. The 90283
interagency agreement may include a provision that provides for 90284
the department of education to pay to the department of medicaid 90285

the nonfederal share of a portion of the administrative expenses 90286
the department of medicaid incurs in administering the aspects of 90287
the component that the department of medicaid administers. 90288

To the extent authorized by rules authorized by section 90289
5162.021 of the Revised Code, the department of education shall 90290
~~establish, in adopt~~ rules ~~adopted under section 5162.02 of the~~ 90291
~~Revised Code,~~ establishing a process by which qualified medicaid 90292
school providers participating in the medicaid school component 90293
pay to the department of education the nonfederal share of the 90294
department's expenses incurred in administering the component. The 90295
rules shall be adopted in accordance with Chapter 119. of the 90296
Revised Code. 90297

Sec. 5162.365. (A) A qualified medicaid school provider is 90298
solely responsible for timely repaying any overpayment that the 90299
provider receives under the medicaid school component of the 90300
medicaid program and that is discovered by a federal or state 90301
audit. This is the case regardless of whether the audit's finding 90302
identifies the provider, department of medicaid, or department of 90303
education as being responsible for the overpayment. 90304

(B) The department of medicaid shall not do any of the 90305
following regarding an overpayment for which a qualified medicaid 90306
school provider is responsible for repaying: 90307

(1) Make a payment to the federal government to meet or delay 90308
the provider's repayment obligation; 90309

(2) Assume the provider's repayment obligation; 90310

(3) Forgive the provider's repayment obligation. 90311

(C) Each qualified medicaid school provider shall indemnify 90312
and hold harmless the department of medicaid for any cost or 90313
penalty resulting from a federal or state audit finding that a 90314
claim submitted by the provider under section 5162.361 of the 90315

Revised Code did not comply with a federal or state requirement 90316
applicable to the claim, including a requirement of a medicaid 90317
waiver component. 90318

Sec. 5163.03. (A) Subject to section 5163.05 of the Revised 90319
Code, the medicaid program shall cover all mandatory eligibility 90320
groups. 90321

(B) The medicaid program shall cover all of the optional 90322
eligibility groups that state statutes require the medicaid 90323
program to cover. 90324

(C) The medicaid program may cover any of the optional 90325
eligibility groups to which either of the following applies: 90326

(1) State statutes expressly permit the medicaid program to 90327
cover the optional eligibility group. 90328

(2) ~~State statutes do not address whether~~ Except as provided 90329
in division (D)(1) of this section, the medicaid program ~~may cover~~ 90330
covers the optional eligibility group on the effective date of 90331
this amendment. 90332

(D) The medicaid program shall not cover any optional 90333
eligibility group ~~that state~~ to which either of the following 90334
applies: 90335

(1) State statutes expressly prohibit the medicaid program 90336
from covering the optional eligibility group. 90337

(2) State statutes do not address whether the medicaid 90338
program may cover the optional eligibility group. 90339

Sec. 5163.04. The income eligibility threshold for an 90340
optional eligibility group shall be the following: 90341

(A) The percentage of the federal poverty line specified in 90342
state statute for the group; 90343

(B) If the income eligibility threshold for the group is not 90344
specified in state statute, a percentage of the federal poverty 90345
line not exceeding the percentage of the federal poverty line 90346
that, on the effective date of this section, is the group's income 90347
eligibility threshold. 90348

Sec. 5163.06. The medicaid program shall cover all of the 90349
following optional eligibility groups: 90350

(A) The group consisting of children placed with adoptive 90351
parents who are specified in the "Social Security Act," section 90352
1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII); 90353

(B) Subject to section 5163.061 of the Revised Code, the 90354
group consisting of women during pregnancy and the sixty-day 90355
period beginning on the last day of the pregnancy, infants, and 90356
children who are specified in the "Social Security Act," section 90357
1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX); 90358

(C) Subject to sections 5163.09 to 5163.098 of the Revised 90359
Code, the group consisting of employed individuals with 90360
disabilities who are specified in the "Social Security Act," 90361
section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV); 90362

(D) Subject to sections 5163.09 to 5163.098 of the Revised 90363
Code, the group consisting of employed individuals with medically 90364
improved disabilities who are specified in the "Social Security 90365
Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 90366
1396a(a)(10)(A)(ii)(XVI); 90367

(E) The group consisting of independent foster care 90368
adolescents who are specified in the "Social Security Act," 90369
section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 90370
1396a(a)(10)(A)(ii)(XVII); 90371

(F) The group consisting of women in need of treatment for 90372
breast or cervical cancer who are specified in the "Social 90373

Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 90374
1396a(a)(10)(A)(ii)(XVIII); 90375

~~(G) The group consisting of nonpregnant individuals who may 90376~~
~~receive family planning services and supplies and are specified in 90377~~
~~the "Social Security Act," section 1902(a)(10)(A)(ii)(XXI), 42 90378~~
~~U.S.C. 1396a(a)(10)(A)(ii)(XXI). 90379~~

Sec. 5163.21. (A)(1) This section applies only to either of 90380
the following: 90381

(a) Initial eligibility determinations for the medicaid 90382
program; 90383

(b) An appeal from an initial eligibility determination 90384
pursuant to section 5160.31 of the Revised Code. 90385

(2)(a) Except as provided in division (A)(2)(b) of this 90386
section, this section shall not be used by a court to determine 90387
the effect of a trust on an individual's initial eligibility for 90388
the medicaid program. 90389

(b) The prohibition in division (A)(2)(a) of this section 90390
does not apply to an appeal described in division (A)(1)(b) of 90391
this section. 90392

(B) As used in this section: 90393

(1) "Trust" means any arrangement in which a grantor 90394
transfers real or personal property to a trust with the intention 90395
that it be held, managed, or administered by at least one trustee 90396
for the benefit of the grantor or beneficiaries. "Trust" includes 90397
any legal instrument or device similar to a trust. 90398

(2) "Legal instrument or device similar to a trust" includes, 90399
but is not limited to, escrow accounts, investment accounts, 90400
partnerships, contracts, and other similar arrangements that are 90401
not called trusts under state law but are similar to a trust and 90402
to which all of the following apply: 90403

(a) The property in the trust is held, managed, retained, or administered by a trustee.	90404 90405
(b) The trustee has an equitable, legal, or fiduciary duty to hold, manage, retain, or administer the property for the benefit of the beneficiary.	90406 90407 90408
(c) The trustee holds identifiable property for the beneficiary.	90409 90410
(3) "Grantor" is a person who creates a trust, including all of the following:	90411 90412
(a) An individual;	90413
(b) An individual's spouse;	90414
(c) A person, including a court or administrative body, with legal authority to act in place of or on behalf of an individual or an individual's spouse;	90415 90416 90417
(d) A person, including a court or administrative body, that acts at the direction or on request of an individual or the individual's spouse.	90418 90419 90420
(4) "Beneficiary" is a person or persons, including a grantor, who benefits in some way from a trust.	90421 90422
(5) "Trustee" is a person who manages a trust's principal and income for the benefit of the beneficiaries.	90423 90424
(6) "Person" has the same meaning as in section 1.59 of the Revised Code and includes an individual, corporation, business trust, estate, trust, partnership, and association.	90425 90426 90427
(7) "Applicant" is an individual who applies for medicaid or the individual's spouse.	90428 90429
(8) "Recipient" is an individual who receives medicaid or the individual's spouse.	90430 90431
(9) "Revocable trust" is a trust that can be revoked by the	90432

grantor or the beneficiary, including all of the following, even 90433
if the terms of the trust state that it is irrevocable: 90434

(a) A trust that provides that the trust can be terminated 90435
only by a court; 90436

(b) A trust that terminates on the happening of an event, but 90437
only if the event occurs at the direction or control of the 90438
grantor, beneficiary, or trustee. 90439

(10) "Irrevocable trust" is a trust that cannot be revoked by 90440
the grantor or terminated by a court and that terminates only on 90441
the occurrence of an event outside of the control or direction of 90442
the beneficiary or grantor. 90443

(11) "Payment" is any disbursement from the principal or income 90444
of the trust, including actual cash, noncash or property 90445
disbursements, or the right to use and occupy real property. 90446

(12) "Payments to or for the benefit of the applicant or 90447
recipient" is a payment to any person resulting in a direct or 90448
indirect benefit to the applicant or recipient. 90449

(13) "Testamentary trust" is a trust that is established by a 90450
will and does not take effect until after the death of the person 90451
who created the trust. 90452

(14) "Home" means a home described in section 1613(a)(1) of 90453
the "Social Security Act," 42 U.S.C. 1382b(a)(1). 90454

(C)(1) If an applicant or recipient is a beneficiary of a 90455
trust, the applicant or recipient shall submit a complete copy of 90456
the trust instrument to the county department of job and family 90457
services and the department of medicaid. A copy shall be 90458
considered complete if it contains all pages of the trust 90459
instrument and all schedules, attachments, and accounting 90460
statements referenced in or associated with the trust. The copy is 90461
confidential and is not subject to disclosure under section 149.43 90462

of the Revised Code. 90463

(2) On receipt of a copy of a trust instrument or otherwise 90464
determining that an applicant or recipient is a beneficiary of a 90465
trust, the county department of job and family services shall 90466
determine what type of trust it is and shall treat the trust in 90467
accordance with the appropriate provisions of this section and 90468
rules adopted under section 5163.02 of the Revised Code governing 90469
trusts. The county department of job and family services may 90470
determine that any of the following is the case regarding the 90471
trust or portion of the trust: 90472

(a) It is a resource available to the applicant or recipient; 90473

(b) It contains income available to the applicant or 90474
recipient; 90475

(c) Divisions (C)(2)(a) and (b) of this section are both 90476
applicable; 90477

(d) Neither division (C)(2)(a) nor (b) of this section is 90478
applicable. 90479

(3) Except as provided in division (F) of this section, a 90480
trust or portion of a trust that is a resource available to the 90481
applicant or recipient or contains income available to the 90482
applicant or recipient shall be counted for purposes of 90483
determining medicaid eligibility. 90484

(D)(1) A trust or legal instrument or device similar to a 90485
trust shall be considered a medicaid qualifying trust if all of 90486
the following apply: 90487

(a) The trust was established on or prior to August 10, 1993. 90488

(b) The trust was not established by a will. 90489

(c) The trust was established by an applicant or recipient. 90490

(d) The applicant or recipient is or may become the 90491
beneficiary of all or part of the trust. 90492

(e) Payment from the trust is determined by one or more trustees who are permitted to exercise any discretion with respect to the distribution to the applicant or recipient.

(2) If a trust meets the requirement of division (D)(1) of this section, the amount of the trust that is considered by the county department of job and family services to be a resource available to the applicant or recipient shall be the maximum amount of payments permitted under the terms of the trust to be distributed to the applicant or recipient, assuming the full exercise of discretion by the trustee or trustees. The maximum amount shall include only amounts that are permitted to be distributed but are not distributed from either the income or principal of the trust.

(3) Amounts that are actually distributed from a medicaid qualifying trust to a beneficiary for any purpose shall be treated in accordance with rules adopted under section 5163.02 of the Revised Code governing income.

(4) Availability of a medicaid qualifying trust shall be considered without regard to any of the following:

(a) Whether or not the trust is irrevocable or was established for purposes other than to enable a grantor to qualify for medicaid;

(b) Whether or not the trustee actually exercises discretion.

(5) If any real or personal property is transferred to a medicaid qualifying trust that is not distributable to the applicant or recipient, the transfer shall be considered an improper disposition of assets and shall be subject to section 5163.30 of the Revised Code and rules to implement that section adopted under section 5163.02 of the Revised Code.

(6) The baseline date for the look-back period for disposition of assets involving a medicaid qualifying trust shall

be the date on which the applicant or recipient is both 90524
institutionalized and first applies for medicaid. 90525

(E)(1) A trust or legal instrument or device similar to a 90526
trust shall be considered a self-settled trust if all of the 90527
following apply: 90528

(a) The trust was established on or after August 11, 1993. 90529

(b) The trust was not established by a will. 90530

(c) The trust was established by an applicant or recipient, 90531
spouse of an applicant or recipient, or a person, including a 90532
court or administrative body, with legal authority to act in place 90533
of or on behalf of an applicant, recipient, or spouse, or acting 90534
at the direction or on request of an applicant, recipient, or 90535
spouse. 90536

~~(2) A trust that meets the requirements of division (E)(1) of~~ 90537
~~this section and is (a) Except as provided in division (E)(2)(b)~~ 90538
~~of this section,~~ a revocable self-settled trust shall be treated 90539
by the county department of job and family services as follows: 90540

~~(a)(i)~~ The corpus of the trust shall be considered a resource 90541
available to the applicant or recipient. 90542

~~(b)(ii)~~ Payments from the trust to or for the benefit of the 90543
applicant or recipient shall be considered unearned income of the 90544
applicant or recipient. 90545

~~(c)(iii)~~ Any other payments from the trust shall be 90546
considered an improper disposition of assets and shall be subject 90547
to section 5163.30 of the Revised Code and rules to implement that 90548
section adopted under section 5163.02 of the Revised Code. 90549

(b) The home of an applicant or recipient held in a revocable 90550
self-settled trust is not subject to division (E)(2)(a) of this 90551
section, is not a resource available to the applicant or recipient 90552
as described in division (C)(2)(a) of this section, and shall be 90553

excluded from the computation of spousal share determined pursuant 90554
to section 1924(c) of the "Social Security Act," 42 U.S.C. 90555
1396r-5(c). 90556

(c) A transfer of an applicant's or recipient's home from a 90557
revocable self-settled trust to the applicant or recipient or that 90558
individual's spouse shall not be considered an improper 90559
disposition of assets or a disposal of assets for less than fair 90560
market value for which a period of medicaid ineligibility may be 90561
imposed under section 5163.30 of the Revised Code. 90562

~~(3) A trust that meets the requirements of division (E)(1) of~~ 90563
~~this section and is an~~ An irrevocable self-settled trust shall be 90564
treated by the county department of job and family services as 90565
follows: 90566

(a) If there are any circumstances under which payment from 90567
the trust could be made to or for the benefit of the applicant or 90568
recipient, including a payment that can be made only in the 90569
future, the portion from which payments could be made shall be 90570
considered a resource available to the applicant or recipient. The 90571
county department of job and family services shall not take into 90572
account when payments can be made. 90573

(b) Any payment that is actually made to or for the benefit 90574
of the applicant or recipient from either the corpus or income 90575
shall be considered unearned income. 90576

(c) If a payment is made to someone other than to the 90577
applicant or recipient and the payment is not for the benefit of 90578
the applicant or recipient, the payment shall be considered an 90579
improper disposition of assets and shall be subject to section 90580
5163.30 of the Revised Code and rules to implement that section 90581
adopted under section 5163.02 of the Revised Code. 90582

(d) The date of the disposition shall be the later of the 90583
date of establishment of the trust or the date of the occurrence 90584

of the event. 90585

(e) When determining the value of the disposed asset under 90586
this provision, the value of the trust shall be its value on the 90587
date payment to the applicant or recipient was foreclosed. 90588

(f) Any income earned or other resources added subsequent to 90589
the foreclosure date shall be added to the total value of the 90590
trust. 90591

(g) Any payments to or for the benefit of the applicant or 90592
recipient after the foreclosure date but prior to the application 90593
date shall be subtracted from the total value. Any other payments 90594
shall not be subtracted from the value. 90595

(h) Any addition of assets after the foreclosure date shall 90596
be considered a separate disposition. 90597

(4) If a trust is funded with assets of another person or 90598
persons in addition to assets of the applicant or recipient, the 90599
applicable provisions of this section and rules adopted under 90600
section 5163.02 of the Revised Code governing trusts shall apply 90601
only to the portion of the trust attributable to the applicant or 90602
recipient. 90603

(5) The availability of a self-settled trust shall be 90604
considered without regard to any of the following: 90605

(a) The purpose for which the trust is established; 90606

(b) Whether the trustees have exercised or may exercise 90607
discretion under the trust; 90608

(c) Any restrictions on when or whether distributions may be 90609
made from the trust; 90610

(d) Any restrictions on the use of distributions from the 90611
trust. 90612

(6) The baseline date for the look-back period for 90613
dispositions of assets involving a self-settled trust shall be the 90614

date on which the applicant or recipient is both institutionalized 90615
and first applies for medicaid. 90616

(F) The principal or income from any of the following shall 90617
not be a resource available to the applicant or recipient: 90618

(1)(a) A special needs trust that meets all of the following 90619
requirements: 90620

(i) The trust contains assets of an applicant or recipient 90621
under sixty-five years of age and may contain the assets of other 90622
individuals. 90623

(ii) The applicant or recipient is disabled as defined in 90624
rules adopted under section 5163.02 of the Revised Code. 90625

(iii) The trust is established for the benefit of the 90626
applicant or recipient by a parent, grandparent, legal guardian, 90627
or a court. 90628

(iv) The trust requires that on the death of the applicant or 90629
recipient the state will receive all amounts remaining in the 90630
trust up to an amount equal to the total amount of medicaid 90631
payments made on behalf of the applicant or recipient. 90632

(b) If a special needs trust meets the requirements of 90633
division (F)(1)(a) of this section and has been established for a 90634
disabled applicant or recipient under sixty-five years of age, the 90635
exemption for the trust granted pursuant to division (F) of this 90636
section shall continue after the disabled applicant or recipient 90637
becomes sixty-five years of age if the applicant or recipient 90638
continues to be disabled as defined in rules adopted under section 90639
5163.02 of the Revised Code. Except for income earned by the 90640
trust, the grantor shall not add to or otherwise augment the trust 90641
after the applicant or recipient attains sixty-five years of age. 90642
An addition or augmentation of the trust by the applicant or 90643
recipient with the applicant's own assets after the applicant or 90644
recipient attains sixty-five years of age shall be treated as an 90645

improper disposition of assets. 90646

(c) Cash distributions to the applicant or recipient shall be 90647
counted as unearned income. All other distributions from the trust 90648
shall be treated as provided in rules adopted under section 90649
5163.02 of the Revised Code governing in-kind income. 90650

(d) Transfers of assets to a special needs trust shall not be 90651
treated as an improper transfer of resources. An asset held prior 90652
to the transfer to the trust shall be considered as a resource 90653
available to the applicant or recipient, income available to the 90654
applicant or recipient, or both a resource and income available to 90655
the individual. 90656

(2)(a) A qualifying income trust that meets all of the 90657
following requirements: 90658

(i) The trust is composed only of pension, social security, 90659
and other income to the applicant or recipient, including 90660
accumulated interest in the trust. 90661

(ii) The income is received by the individual and the right 90662
to receive the income is not assigned or transferred to the trust. 90663

(iii) The trust requires that on the death of the applicant 90664
or recipient the state will receive all amounts remaining in the 90665
trust up to an amount equal to the total amount of medicaid 90666
payments made on behalf of the applicant or recipient. 90667

(b) No resources shall be used to establish or augment the 90668
trust. 90669

(c) If an applicant or recipient has irrevocably transferred 90670
or assigned the applicant's or recipient's right to receive income 90671
to the trust, the trust shall not be considered a qualifying 90672
income trust by the county department of job and family services. 90673

(d) Income placed in a qualifying income trust shall not be 90674
counted in determining an applicant's or recipient's eligibility 90675

for medicaid. The recipient of the funds may place any income 90676
directly into a qualifying income trust without those funds 90677
adversely affecting the applicant's or recipient's eligibility for 90678
medicaid. Income generated by the trust that remains in the trust 90679
shall not be considered as income to the applicant or recipient. 90680

(e) All income placed in a qualifying income trust shall be 90681
combined with any income available to the individual that is not 90682
placed in the trust to arrive at a base income figure to be used 90683
for spend down calculations. 90684

(f) The base income figure shall be used for post-eligibility 90685
deductions, including personal needs allowance, monthly income 90686
allowance, family allowance, and medical expenses not subject to 90687
third party payment. Any income remaining shall be used toward 90688
payment of patient liability. Payments made from a qualifying 90689
income trust shall not be combined with the base income figure for 90690
post-eligibility calculations. 90691

(g) The base income figure shall be used when determining the 90692
spend down budget for the applicant or recipient. Any income 90693
remaining after allowable deductions are permitted as provided 90694
under rules adopted under section 5163.02 of the Revised Code 90695
shall be considered the applicant's or recipient's spend down 90696
liability. 90697

(3)(a) A pooled trust that meets all of the following 90698
requirements: 90699

(i) The trust contains the assets of the applicant or 90700
recipient of any age who is disabled as defined in rules adopted 90701
under section 5163.02 of the Revised Code. 90702

(ii) The trust is established and managed by a nonprofit 90703
organization. 90704

(iii) A separate account is maintained for each beneficiary 90705
of the trust but, for purposes of investment and management of 90706

funds, the trust pools the funds in these accounts. 90707

(iv) Accounts in the trust are established by the applicant 90708
or recipient, the applicant's or recipient's parent, grandparent, 90709
or legal guardian, or a court solely for the benefit of 90710
individuals who are disabled. 90711

(v) The trust requires that, to the extent that any amounts 90712
remaining in the beneficiary's account on the death of the 90713
beneficiary are not retained by the trust, the trust pay to the 90714
state the amounts remaining in the trust up to an amount equal to 90715
the total amount of medicaid payments made on behalf of the 90716
beneficiary. 90717

(b) Cash distributions to the applicant or recipient shall be 90718
counted as unearned income. All other distributions from the trust 90719
shall be treated as provided in rules adopted under section 90720
5163.02 of the Revised Code governing in-kind income. 90721

(c) Transfers of assets to a pooled trust shall not be 90722
treated as an improper disposition of assets. An asset held prior 90723
to the transfer to the trust shall be considered as a resource 90724
available to the applicant or recipient, income available to the 90725
applicant or recipient, or both a resource and income available to 90726
the applicant or recipient. 90727

(4) A supplemental services trust that meets the requirements 90728
of section 5815.28 of the Revised Code and to which all of the 90729
following apply: 90730

(a) A person may establish a supplemental services trust 90731
pursuant to section 5815.28 of the Revised Code only for another 90732
person who is eligible to receive services through one of the 90733
following agencies: 90734

(i) The department of developmental disabilities; 90735

(ii) A county board of developmental disabilities; 90736

(iii) The department of mental health and addiction services; 90737

(iv) A board of alcohol, drug addiction, and mental health 90738
services. 90739

(b) A county department of job and family services shall not 90740
determine eligibility for another agency's program. An applicant 90741
or recipient shall do one of the following: 90742

(i) Provide documentation from one of the agencies listed in 90743
division (F)(4)(a) of this section that establishes that the 90744
applicant or recipient was determined to be eligible for services 90745
from the agency at the time of the creation of the trust; 90746

(ii) Provide an order from a court of competent jurisdiction 90747
that states that the applicant or recipient was eligible for 90748
services from one of the agencies listed in division (F)(4)(a) of 90749
this section at the time of the creation of the trust. 90750

(c) At the time the trust is created, the trust principal 90751
does not exceed the maximum amount permitted. The maximum amount 90752
permitted in calendar year 2006 is two hundred twenty-two thousand 90753
dollars. Each year thereafter, the maximum amount permitted is the 90754
prior year's amount plus two thousand dollars. 90755

(d) A county department of job and family services shall 90756
review the trust to determine whether it complies with the 90757
provisions of section 5815.28 of the Revised Code. 90758

(e) Payments from supplemental services trusts shall be 90759
exempt as long as the payments are for supplemental services as 90760
defined in rules adopted under section 5163.02 of the Revised 90761
Code. All supplemental services shall be purchased by the trustee 90762
and shall not be purchased through direct cash payments to the 90763
beneficiary. 90764

(f) If a trust is represented as a supplemental services 90765
trust and a county department of job and family services 90766

determines that the trust does not meet the requirements provided 90767
in division (F)(4) of this section and section 5815.28 of the 90768
Revised Code, the county department of job and family services 90769
shall not consider it an exempt trust. 90770

(G)(1) A trust or legal instrument or device similar to a 90771
trust shall be considered a trust established by an individual for 90772
the benefit of the applicant or recipient if all of the following 90773
apply: 90774

(a) The trust is created by a person other than the applicant 90775
or recipient. 90776

(b) The trust names the applicant or recipient as a 90777
beneficiary. 90778

(c) The trust is funded with assets or property in which the 90779
applicant or recipient has never held an ownership interest prior 90780
to the establishment of the trust. 90781

(2) Any portion of a trust that meets the requirements of 90782
division (G)(1) of this section shall be a resource available to 90783
the applicant or recipient only if the trust permits the trustee 90784
to expend principal, corpus, or assets of the trust for the 90785
applicant's or recipient's medical care, care, comfort, 90786
maintenance, health, welfare, general well being, or any 90787
combination of these purposes. 90788

(3) A trust that meets the requirements of division (G)(1) of 90789
this section shall be considered a resource available to the 90790
applicant or recipient even if the trust contains any of the 90791
following types of provisions: 90792

(a) A provision that prohibits the trustee from making 90793
payments that would supplant or replace medicaid or other public 90794
assistance; 90795

(b) A provision that prohibits the trustee from making 90796

payments that would impact or have an effect on the applicant's or 90797
recipient's right, ability, or opportunity to receive medicaid or 90798
other public assistance; 90799

(c) A provision that attempts to prevent the trust or its 90800
corpus or principal from being a resource available to the 90801
applicant or recipient. 90802

(4) A trust that meets the requirements of division (G)(1) of 90803
this section shall not be counted as a resource available to the 90804
applicant or recipient if at least one of the following 90805
circumstances applies: 90806

(a) If a trust contains a clear statement requiring the 90807
trustee to preserve a portion of the trust for another beneficiary 90808
or remainderman, that portion of the trust shall not be counted as 90809
a resource available to the applicant or recipient. Terms of a 90810
trust that grant discretion to preserve a portion of the trust 90811
shall not qualify as a clear statement requiring the trustee to 90812
preserve a portion of the trust. 90813

(b) If a trust contains a clear statement requiring the 90814
trustee to use a portion of the trust for a purpose other than 90815
medical care, care, comfort, maintenance, welfare, or general well 90816
being of the applicant or recipient, that portion of the trust 90817
shall not be counted as a resource available to the applicant or 90818
recipient. Terms of a trust that grant discretion to limit the use 90819
of a portion of the trust shall not qualify as a clear statement 90820
requiring the trustee to use a portion of the trust for a 90821
particular purpose. 90822

(c) If a trust contains a clear statement limiting the 90823
trustee to making fixed periodic payments, the trust shall not be 90824
counted as a resource available to the applicant or recipient and 90825
payments shall be treated in accordance with rules adopted under 90826
section 5163.02 of the Revised Code governing income. Terms of a 90827

trust that grant discretion to limit payments shall not qualify as 90828
a clear statement requiring the trustee to make fixed periodic 90829
payments. 90830

(d) If a trust contains a clear statement that requires the 90831
trustee to terminate the trust if it is counted as a resource 90832
available to the applicant or recipient, the trust shall not be 90833
counted as such. Terms of a trust that grant discretion to 90834
terminate the trust do not qualify as a clear statement requiring 90835
the trustee to terminate the trust. 90836

(e) If a person obtains a judgment from a court of competent 90837
jurisdiction that expressly prevents the trustee from using part 90838
or all of the trust for the medical care, care, comfort, 90839
maintenance, welfare, or general well being of the applicant or 90840
recipient, the trust or that portion of the trust subject to the 90841
court order shall not be counted as a resource available to the 90842
applicant or recipient. 90843

(f) If a trust is specifically exempt from being counted as a 90844
resource available to the applicant or recipient by a provision of 90845
the Revised Code, rules, or federal law, the trust shall not be 90846
counted as such. 90847

(g) If an applicant or recipient presents a final judgment 90848
from a court demonstrating that the applicant or recipient was 90849
unsuccessful in a civil action against the trustee to compel 90850
payments from the trust, the trust shall not be counted as a 90851
resource available to the applicant or recipient. 90852

(h) If an applicant or recipient presents a final judgment 90853
from a court demonstrating that in a civil action against the 90854
trustee the applicant or recipient was only able to compel limited 90855
or periodic payments, the trust shall not be counted as a resource 90856
available to the applicant or recipient and payments shall be 90857
treated in accordance with rules adopted under section 5163.02 of 90858

the Revised Code governing income. 90859

(i) If an applicant or recipient provides written 90860
documentation showing that the cost of a civil action brought to 90861
compel payments from the trust would be cost prohibitive, the 90862
trust shall not be counted as a resource available to the 90863
applicant or recipient. 90864

(5) Any actual payments to the applicant or recipient from a 90865
trust that meet the requirements of division (G)(1) of this 90866
section, including trusts that are not counted as a resource 90867
available to the applicant or recipient, shall be treated as 90868
provided in rules adopted under section 5163.02 of the Revised 90869
Code governing income. Payments to any person other than the 90870
applicant or recipient shall not be considered income to the 90871
applicant or recipient. Payments from the trust to a person other 90872
than the applicant or recipient shall not be considered an 90873
improper disposition of assets. 90874

Sec. 5163.30. (A) As used in this section: 90875

(1) "Assets" include all of an individual's income and 90876
resources and those of the individual's spouse, including any 90877
income or resources the individual or spouse is entitled to but 90878
does not receive because of action by any of the following: 90879

(a) The individual or spouse; 90880

(b) A person or government entity, including a court or 90881
administrative agency, with legal authority to act in place of or 90882
on behalf of the individual or spouse; 90883

(c) A person or government entity, including a court or 90884
administrative agency, acting at the direction or on the request 90885
of the individual or spouse. 90886

(2) "Home and community-based services" means home and 90887
community-based services furnished under a medicaid waiver granted 90888

by the United States secretary of health and human services under 90889
the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 90890
1396n(c) or (d). 90891

(3) "Institutionalized individual" means a resident of a 90892
nursing facility, an inpatient in a medical institution for whom a 90893
payment is made based on a level of care provided in a nursing 90894
facility, or an individual described in the "Social Security Act," 90895
section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI). 90896

(4) "Look-back date" means the date that is a number of 90897
months specified in rules adopted under section 5163.02 of the 90898
Revised Code immediately before either of the following: 90899

(a) The date an individual becomes an institutionalized 90900
individual if the individual is eligible for medicaid on that 90901
date; 90902

(b) The date an individual applies for medicaid while an 90903
institutionalized individual. 90904

(5) "Nursing facility equivalent services" means services 90905
that are covered by the medicaid program, equivalent to nursing 90906
facility services, provided by an institution that provides the 90907
same level of care as a nursing facility, and provided to an 90908
inpatient of the institution who is a medicaid recipient eligible 90909
for medicaid-covered nursing facility equivalent services. 90910

(6) "Undue hardship" means being deprived of either of the 90911
following: 90912

(a) Medical care such that an individual's health or life is 90913
endangered; 90914

(b) Food, clothing, shelter, or other necessities of life. 90915

(B) Except as provided in division (C) of this section and 90916
rules adopted under section 5163.02 of the Revised Code, an 90917
institutionalized individual is ineligible for nursing facility 90918

services, nursing facility equivalent services, and home and 90919
community-based services if the individual or individual's spouse 90920
disposes of assets for less than fair market value on or after the 90921
look-back date. The institutionalized individual's ineligibility 90922
shall begin on a date determined in accordance with rules adopted 90923
under section 5163.02 of the Revised Code and shall continue for a 90924
number of months determined in accordance with such rules. 90925

(C)(1) An institutionalized individual may be granted a 90926
waiver of all or a portion of the period of ineligibility to which 90927
the individual would otherwise be subjected under division (B) of 90928
this section if the ineligibility would cause an undue hardship 90929
for the individual. ~~Am~~ 90930

(2) ~~An~~ institutionalized individual shall be granted a waiver 90931
of all or a portion of the period of ineligibility if the 90932
administrator of the nursing facility in which the individual 90933
resides has notified the individual of a proposed transfer or 90934
discharge under section 3721.16 of the Revised Code due to failure 90935
to pay for the care the nursing facility has provided to the 90936
individual, the individual or the individual's sponsor requests a 90937
hearing on the proposed transfer or discharge in accordance with 90938
section 3721.161 of the Revised Code, and the transfer or 90939
discharge is upheld by a final determination that is not subject 90940
to further appeal. ~~Waivers~~ 90941

(3) An institutionalized individual may be granted a waiver 90942
of all of the period of ineligibility if all of the assets that 90943
were disposed of for less than fair market value are returned to 90944
the individual or individual's spouse or if the individual or 90945
individual's spouse receives cash or other personal or real 90946
property that equals the difference between what the individual or 90947
individual's spouse received for the assets and the fair market 90948
value of the assets. Except as provided in division (C)(1) or (2) 90949
of this section, no waiver of any part of the period of 90950

ineligibility shall be granted if the amount the individual or 90951
individual's spouse receives is less than the difference between 90952
what the individual or individual's spouse received for the assets 90953
and the fair market value of the assets. 90954

(4) Waivers shall be granted in accordance with rules adopted 90955
under section 5163.02 of the Revised Code. 90956

(D) To secure compliance with this section, the medicaid 90957
director may require an individual, as a condition of initial or 90958
continued eligibility for medicaid, to provide documentation of 90959
the individual's assets up to five years before the date the 90960
individual becomes an institutionalized individual if the 90961
individual is eligible for medicaid on that date or the date the 90962
individual applies for medicaid while an institutionalized 90963
individual. Documentation may include tax returns, records from 90964
financial institutions, and real property records. 90965

Sec. 5163.33. (A) In determining the amount of income that a 90966
medicaid recipient must apply monthly toward payment of the cost 90967
of care in a nursing facility or ICF/IID, a county department of 90968
job and family services shall deduct from the recipient's monthly 90969
income a monthly personal needs allowance in accordance with the 90970
"Social Security Act," section 1902(q), 42 U.S.C. 1396a(q). 90971

(B) In the case of a resident of a nursing facility, the 90972
monthly personal needs allowance shall be ~~as follows:~~ 90973

~~(1) Prior to January 1, 2014, not less than forty dollars for~~ 90974
~~an individual resident and not less than eighty dollars for a~~ 90975
~~married couple if both spouses are residents of a nursing facility~~ 90976
~~and their incomes are considered available to each other in~~ 90977
~~determining eligibility;~~ 90978

~~(2) For calendar year 2014, not less than forty-five dollars~~ 90979
~~for an individual resident and not less than ninety dollars for a~~ 90980

~~married couple if both spouses are residents of a nursing facility~~ 90981
~~and their incomes are considered available to each other in~~ 90982
~~determining eligibility;~~ 90983

~~(3) For calendar year 2015 and each calendar year thereafter,~~ 90984
not less than fifty dollars for an individual resident and not 90985
less than one hundred dollars for a married couple if both spouses 90986
are residents of a nursing facility and their incomes are 90987
considered available to each other in determining eligibility. 90988

(C) In the case of a resident of an ICF/IID, the monthly 90989
personal needs allowance shall be as follows: 90990

(1) Prior to January 1, 2016, forty dollars unless the 90991
resident has earned income, in which case the monthly personal 90992
needs allowance shall be determined by the department of medicaid, 90993
or the department's designee, but shall not exceed one hundred 90994
five dollars; 90995

(2) For calendar year 2016 and each calendar year thereafter, 90996
not less than fifty dollars for an individual resident and not 90997
less than one hundred dollars for a married couple if both spouses 90998
are residents of an ICF/IID and their incomes are considered 90999
available to each other in determining eligibility. 91000

Sec. 5164.01. As used in this chapter: 91001

(A) "Adjudication" has the same meaning as in section 119.01 91002
of the Revised Code. 91003

(B) "Early and periodic screening, diagnostic, and treatment 91004
services" has the same meaning as in the "Social Security Act," 91005
section 1905(r), 42 U.S.C. 1396d(r). 91006

~~(B)~~(C) "Federal financial participation" has the same meaning 91007
as in section 5160.01 of the Revised Code. 91008

~~(C)~~(D) "Healthcheck" means the component of the medicaid 91009
program that provides early and periodic screening, diagnostic, 91010

and treatment services. 91011

~~(D)~~(E) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 91012
91013
91014

~~(E)~~(F) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 91015
91016

~~(F)~~(G) "ICDS participant" means a dual eligible individual who participates in the integrated care delivery system. 91017
91018

~~(G)~~(H) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 91019
91020

~~(H)~~(I) "Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code. 91021
91022
91023

~~(I)~~(J) "Mandatory services" means the health care services and items that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program. 91024
91025
91026
91027

~~(J)~~(K) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 91028
91029

~~(K)~~(L) "Medicaid provider" means a person or government entity with a valid provider agreement to provide medicaid services to medicaid recipients. To the extent appropriate in the context, "medicaid provider" includes a person or government entity applying for a provider agreement, a former medicaid provider, or both. 91030
91031
91032
91033
91034
91035

~~(L)~~(M) "Medicaid services" means either or both of the following: 91036
91037

(1) Mandatory services; 91038

(2) Optional services that the medicaid program covers. 91039

~~(M)~~ (N) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 91040
91041

~~(N)~~ (O) "Optional services" means the health care services and items that may be covered by the medicaid state plan or a federal medicaid waiver and for which the medicaid program receives federal financial participation. 91042
91043
91044
91045

~~(O)~~ (P) "Prescribed drug" has the same meaning as in 42 C.F.R. 440.120. 91046
91047

~~(P)~~ (Q) "Provider agreement" means an agreement to which all of the following apply: 91048
91049

(1) It is between a medicaid provider and the department of medicaid; 91050
91051

(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients; 91052
91053

(3) It complies with 42 C.F.R. 431.107(b). 91054

~~(Q)~~ (R) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code. 91055
91056

Sec. 5164.38. (A) As used in this section: 91057

(1) ~~"Adjudication" has the same meaning as in division (D) of section 119.01 of the Revised Code.~~ 91058
91059

~~(2)~~ "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code. 91060
91061

~~(3)~~ (2) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code. 91062
91063
91064
91065

(B) This section does not apply to either of the following: 91066

(1) Any action taken or decision made by the department of 91067

medicaid with respect to entering into or refusing to enter into a 91068
contract with a managed care organization pursuant to section 91069
5167.10 of the Revised Code; 91070

(2) Any action taken by the department under division (D)(2) 91071
of section 5124.60, division (D)(1) or (2) of section 5124.61, or 91072
sections 5165.60 to 5165.89 of the Revised Code. 91073

(C) Except as provided in division (E) of this section and 91074
section 5164.58 of the Revised Code, the department shall do any 91075
of the following by issuing an order pursuant to an adjudication 91076
conducted in accordance with Chapter 119. of the Revised Code: 91077

(1) Refuse to enter into a provider agreement with a medicaid 91078
provider; 91079

(2) Refuse to revalidate a medicaid provider's provider 91080
agreement; 91081

(3) Suspend or terminate a medicaid provider's provider 91082
agreement; 91083

(4) Take any action based upon a final fiscal audit of a 91084
medicaid provider. 91085

(D) Any party who is adversely affected by the issuance of an 91086
adjudication order under division (C) of this section may appeal 91087
to the court of common pleas of Franklin county in accordance with 91088
section 119.12 of the Revised Code. 91089

(E) The department is not required to comply with division 91090
(C)(1), (2), or (3) of this section whenever any of the following 91091
occur: 91092

(1) The terms of a provider agreement require the medicaid 91093
provider to hold a license, permit, or certificate or maintain a 91094
certification issued by an official, board, commission, 91095
department, division, bureau, or other agency of state or federal 91096
government other than the department of medicaid, and the license, 91097

permit, certificate, or certification has been denied, revoked, 91098
not renewed, suspended, or otherwise limited. 91099

(2) The terms of a provider agreement require the medicaid 91100
provider to hold a license, permit, or certificate or maintain 91101
certification issued by an official, board, commission, 91102
department, division, bureau, or other agency of state or federal 91103
government other than the department of medicaid, and the provider 91104
has not obtained the license, permit, certificate, or 91105
certification. 91106

(3) The medicaid provider's application for a provider 91107
agreement is denied, or the provider's provider agreement is 91108
terminated or not revalidated, because of or pursuant to any of 91109
the following: 91110

(a) The termination, refusal to renew, or denial of a 91111
license, permit, certificate, or certification by an official, 91112
board, commission, department, division, bureau, or other agency 91113
of this state other than the department of medicaid, 91114
notwithstanding the fact that the provider may hold a license, 91115
permit, certificate, or certification from an official, board, 91116
commission, department, division, bureau, or other agency of 91117
another state; 91118

(b) Division (D) or (E) of section 5164.35 of the Revised 91119
Code; 91120

(c) The provider's termination, suspension, or exclusion from 91121
the medicare program or from another state's medicaid program and, 91122
in either case, the termination, suspension, or exclusion is 91123
binding on the provider's participation in the medicaid program in 91124
this state; 91125

(d) The provider's pleading guilty to or being convicted of a 91126
criminal activity materially related to either the medicare or 91127
medicaid program; 91128

(e) The provider or its owner, officer, authorized agent, 91129
associate, manager, or employee having been convicted of one of 91130
the offenses that caused the provider's provider agreement to be 91131
suspended pursuant to section 5164.36 of the Revised Code; 91132

(f) The provider's failure to provide the department the 91133
national provider identifier assigned the provider by the national 91134
provider system pursuant to 45 C.F.R. 162.408. 91135

(4) The medicaid provider's application for a provider 91136
agreement is denied, or the provider's provider agreement is 91137
terminated or suspended, as a result of action by the United 91138
States department of health and human services and that action is 91139
binding on the provider's medicaid participation. 91140

(5) Pursuant to either section 5164.36 or 5164.37 of the 91141
Revised Code, the medicaid provider's provider agreement is 91142
suspended and payments to the provider are suspended pending 91143
indictment of the provider. 91144

(6) The medicaid provider's application for a provider 91145
agreement is denied because the provider's application was not 91146
complete; 91147

(7) The medicaid provider's provider agreement is converted 91148
under section 5164.32 of the Revised Code from a provider 91149
agreement that is not time-limited to a provider agreement that is 91150
time-limited. 91151

(8) Unless the medicaid provider is a nursing facility or 91152
ICF/IID, the provider's provider agreement is not revalidated 91153
pursuant to division (B)(1) of section 5164.32 of the Revised 91154
Code. 91155

(9) The medicaid provider's provider agreement is suspended, 91156
terminated, or not revalidated because of either of the following: 91157

(a) Any reason authorized or required by one or more of the 91158

following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 91159
455.450; 91160

(b) The provider has not billed or otherwise submitted a 91161
medicaid claim for two years or longer. 91162

(F) In the case of a medicaid provider described in division 91163
(E)(3)(f), (6), (7), or (9)(b) of this section, the department may 91164
take its action by sending a notice explaining the action to the 91165
provider. The notice shall be sent to the medicaid provider's 91166
address on record with the department. The notice may be sent by 91167
regular mail. 91168

(G) The department may withhold payments for medicaid 91169
services rendered by a medicaid provider during the pendency of 91170
proceedings initiated under division (C)(1), (2), or (3) of this 91171
section. If the proceedings are initiated under division (C)(4) of 91172
this section, the department may withhold payments only to the 91173
extent that they equal amounts determined in a final fiscal audit 91174
as being due the state. This division does not apply if the 91175
department fails to comply with section 119.07 of the Revised 91176
Code, requests a continuance of the hearing, or does not issue a 91177
decision within thirty days after the hearing is completed. This 91178
division does not apply to nursing facilities and ICFs/IID. 91179

Sec. 5164.57. (A) ~~As used in this section, "adjudication" has~~ 91180
~~the same meaning as in section 119.01 of the Revised Code.~~ 91181

~~(B)~~(1) Except as provided in division ~~(B)~~(A)(2) of this 91182
section, the department of medicaid may recover a medicaid payment 91183
or portion of a payment made to a medicaid provider to which the 91184
provider is not entitled if the department notifies the provider 91185
of the overpayment during the five-year period immediately 91186
following the end of the state fiscal year in which the 91187
overpayment was made. 91188

(2) In the case of a hospital medicaid provider, if the 91189
department determines as a result of a medicare or medicaid cost 91190
report settlement that the provider received an amount under the 91191
medicaid program to which the provider is not entitled, the 91192
department may recover the overpayment if the department notifies 91193
the provider of the overpayment during the later of the following: 91194

(a) The five-year period immediately following the end of the 91195
state fiscal year in which the overpayment was made; 91196

(b) The one-year period immediately following the date the 91197
department receives from the United States centers for medicare 91198
and medicaid services a completed, audited, medicare cost report 91199
for the provider that applies to the state fiscal year in which 91200
the overpayment was made. 91201

~~(C)~~(B) Among the overpayments that may be recovered under 91202
this section are the following: 91203

(1) Payment for a medicaid service, or a day of service, not 91204
rendered; 91205

(2) Payment for a day of service at a full per diem rate that 91206
should have been paid at a percentage of the full per diem rate; 91207

(3) Payment for a medicaid service, or day of service, that 91208
was paid by, or partially paid by, a third party, as defined in 91209
section 5160.35 of the Revised Code, and the third party's payment 91210
or partial payment was not offset against the amount paid by the 91211
medicaid program to reduce or eliminate the amount that was paid 91212
by the medicaid program; 91213

(4) Payment when a medicaid recipient's responsibility for 91214
payment was understated and resulted in an overpayment to the 91215
provider. 91216

~~(D)~~(C) The department may recover an overpayment under this 91217
section prior to or after any of the following: 91218

(1) Adjudication of a final fiscal audit that section 5164.38 91219
of the Revised Code requires to be conducted in accordance with 91220
Chapter 119. of the Revised Code; 91221

(2) Adjudication of a finding under any other provision of 91222
state statutes governing the medicaid program or the rules adopted 91223
under those statutes; 91224

(3) Expiration of the time to issue a final fiscal audit that 91225
section 5164.38 of the Revised Code requires to be conducted in 91226
accordance with Chapter 119. of the Revised Code; 91227

(4) Expiration of the time to issue a finding under any other 91228
provision of state statutes governing the medicaid program or the 91229
rules adopted under those statutes. 91230

~~(E)-(D)~~(1) Subject to division ~~(E)-(D)~~(2) of this section, the 91231
recovery of an overpayment under this section does not preclude 91232
the department from subsequently doing the following: 91233

(a) Issuing a final fiscal audit in accordance with Chapter 91234
119. of the Revised Code, as required under section 5164.38 of the 91235
Revised Code; 91236

(b) Issuing a finding under any other provision of state 91237
statutes governing the medicaid program or the rules adopted under 91238
those statutes. 91239

(2) A final fiscal audit or finding issued subsequent to the 91240
recovery of an overpayment under this section shall be reduced by 91241
the amount of the prior recovery, as appropriate. 91242

~~(F)-(E)~~ Nothing in this section limits the department's 91243
authority to recover overpayments pursuant to any other provision 91244
of the Revised Code. 91245

Sec. 5164.78. The medicaid payment rate for medical 91246
transportation services shall include a component that pays for 91247
providers' fuel costs. The department of medicaid shall revise the 91248

rate for the fuel component each month. The rate for the fuel 91249
component for a month shall be at least five per cent higher than 91250
the national average for fuel prices for the immediately preceding 91251
month as reported by the United States energy information 91252
administration. 91253

Sec. 5164.912. A medical transportation provider may submit a 91254
claim to the medicaid program for a medical transportation service 91255
provided to an ICDS participant without the medicare program first 91256
denying the claim if the medicaid program is responsible for 91257
paying the claim instead of the medicare program. 91258

Sec. 5165.15. ~~(A)~~ Except as otherwise provided by sections 91259
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 91260
per medicaid day payment rate that the department of medicaid 91261
shall pay a nursing facility provider for nursing facility 91262
services the provider's nursing facility provides during a fiscal 91263
year shall ~~equal~~ be determined as follows: 91264

(A) Determine the sum of all of the following: 91265

(1) The per medicaid day payment rate for ancillary and 91266
support costs determined for the nursing facility under section 91267
5165.16 of the Revised Code; 91268

(2) The per medicaid day payment rate for capital costs 91269
determined for the nursing facility under section 5165.17 of the 91270
Revised Code; 91271

(3) The per medicaid day payment rate for direct care costs 91272
determined for the nursing facility under section 5165.19 of the 91273
Revised Code; 91274

(4) The per medicaid day payment rate for tax costs 91275
determined for the nursing facility under section 5165.21 of the 91276
Revised Code; 91277

(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code; 91278
91279
91280

~~(6) The quality incentive payment paid to the nursing facility under section 5165.25 of the Revised Code~~ Sixteen dollars and forty-four cents. 91281
91282
91283

~~(B) In addition to paying a nursing facility provider the nursing facility's total rate determined under division (A) of this section for a fiscal year, the department shall pay the provider a quality bonus under section 5165.26 of the Revised Code for that fiscal year if the provider's nursing facility is a qualifying nursing facility, as defined in that section, for that fiscal year. The quality bonus shall not be part of the total rate~~ 91284
91285
91286
91287
91288
91289
91290
From the sum determined under division (A) of this section, 91291
subtract one dollar and seventy-nine cents. 91292

(C) To the difference determined under division (B) of this section, add the per medicaid day quality payment rate determined for the nursing facility under section 5165.25 of the Revised Code. 91293
91294
91295
91296

Sec. 5165.151. (A) The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be the initial rate for nursing facility services provided by a new nursing facility. Instead, the initial total per medicaid day payment rate for nursing facility services provided by a new nursing facility shall be determined in the following manner: 91297
91298
91299
91300
91301
91302

(1) The initial rate for ancillary and support costs shall be the rate for the new nursing facility's peer group determined under division (D) of section 5165.16 of the Revised Code. 91303
91304
91305

(2) The initial rate for capital costs shall be the rate for the new nursing facility's peer group determined under division 91306
91307

(D) of section 5165.17 of the Revised Code; 91308

(3) The initial rate for direct care costs shall be the 91309
product of the cost per case-mix unit determined under division 91310
(D) of section 5165.19 of the Revised Code for the new nursing 91311
facility's peer group and the new nursing facility's case-mix 91312
score determined under division (B) of this section. 91313

(4) The initial rate for tax costs shall be the median rate 91314
for tax costs for the new nursing facility's peer group in which 91315
the nursing facility is placed under division (C) of section 91316
5165.16 of the Revised Code. 91317

(5) The quality ~~incentive~~ payment shall be the mean quality 91318
payment ~~made to~~ rate determined for nursing facilities under 91319
section 5165.25 of the Revised Code. 91320

(6) Fourteen dollars and sixty-five cents shall be added to 91321
the sum of the rates and payment specified in divisions (A)(1) to 91322
(5) of this section. 91323

(B) For the purpose of division (A)(3) of this section, a new 91324
nursing facility's case-mix score shall be the following: 91325

(1) Unless the new nursing facility replaces an existing 91326
nursing facility that participated in the medicaid program 91327
immediately before the new nursing facility begins participating 91328
in the medicaid program, the median annual average case-mix score 91329
for the new nursing facility's peer group; 91330

(2) If the nursing facility replaces an existing nursing 91331
facility that participated in the medicaid program immediately 91332
before the new nursing facility begins participating in the 91333
medicaid program, the semiannual case-mix score most recently 91334
determined under section 5165.192 of the Revised Code for the 91335
replaced nursing facility as adjusted, if necessary, to reflect 91336
any difference in the number of beds in the replaced and new 91337
nursing facilities. 91338

(C) Subject to division (D) of this section, the department shall adjust the rates established under division (A) of this section effective the first day of July, to reflect new rate calculations for all nursing facilities under this chapter.

(D) If a rate for direct care costs is determined under this section for a new nursing facility using the median annual average case-mix score for the new nursing facility's peer group, the rate shall be redetermined to reflect the new nursing facility's actual semiannual average case-mix score determined under section 5165.192 of the Revised Code after the new nursing facility submits its first two quarterly assessment data that qualify for use in calculating a case-mix score in accordance with rules authorized by section 5165.192 of the Revised Code. If the new nursing facility's quarterly submissions do not qualify for use in calculating a case-mix score, the department shall continue to use the median annual average case-mix score for the new nursing facility's peer group in lieu of the new nursing facility's semiannual case-mix score until the new nursing facility submits two consecutive quarterly assessment data that qualify for use in calculating a case-mix score.

Sec. 5165.152. The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be paid for nursing facility services provided to low resource utilization residents. Instead, the total rate for such nursing facility services shall be ~~one~~ the following:

(A) One hundred ~~thirty~~ fifteen dollars per medicaid day if the department of medicaid is satisfied that the nursing facility's provider is cooperating with the long-term care ombudsman program in efforts to help the nursing facility's low resource utilization residents receive the services that are most appropriate for such residents' level of care needs;

(B) Ninety-one dollars and seventy cents per medicaid day if 91370
division (A) of this section does not apply to the nursing 91371
facility. 91372

Sec. 5165.157. (A) The medicaid director ~~may~~ shall establish 91373
an alternative purchasing model for nursing facility services 91374
provided by designated discrete units of nursing facilities to 91375
medicaid recipients with specialized health care needs. ~~If the~~ 91376
~~alternative purchasing model is established, the~~ The director 91377
shall do all of the following with regard to the model: 91378

(1) Establish criteria that a discrete unit of a nursing 91379
facility must meet to be designated as a unit that, under the 91380
alternative purchasing model, may admit and provide nursing 91381
facility services to medicaid recipients with specialized health 91382
care needs; 91383

(2) Specify the health care conditions that medicaid 91384
recipients must have to have specialized health care needs, which 91385
may include dependency on a ventilator, severe traumatic brain 91386
injury, the need to be admitted to a long-term acute care hospital 91387
or rehabilitation hospital if not for nursing facility services, 91388
and other serious health care conditions; 91389

(3) For each fiscal year, set the total per medicaid day 91390
payment rate for nursing facility services provided under the 91391
alternative purchasing model at either of the following: 91392

(a) Sixty per cent of the statewide average of the total per 91393
medicaid day payment rate for long-term acute care hospital 91394
services as of the first day of the fiscal year; 91395

(b) Another amount determined in accordance with an 91396
alternative methodology that includes improved health outcomes as 91397
a factor in determining the payment rate; 91398

(4) Require, to the extent the director considers necessary, 91399

a medicaid recipient to obtain prior authorization for admission 91400
to a long-term acute care hospital or rehabilitation hospital as a 91401
condition of medicaid payment for long-term acute care hospital or 91402
rehabilitation hospital services. 91403

(B) The criteria established under division (A)(1) of this 91404
section shall provide for a discrete unit of a nursing facility to 91405
be excluded from the alternative purchasing model if the unit is 91406
paid for nursing facility services in accordance with section 91407
5165.153, 5165.154, or 5165.156 of the Revised Code. The criteria 91408
may require the provider of a nursing facility that has a discrete 91409
unit designated for participation in the alternative purchasing 91410
model to report health outcome measurement data to the department 91411
of medicaid. 91412

(C) A discrete unit of a nursing facility that provides 91413
nursing facility services to medicaid recipients with specialized 91414
health care needs under the alternative purchasing model shall be 91415
paid for those services in accordance with division (A)(3) of this 91416
section instead of the total per medicaid day payment rate 91417
determined under section 5165.15, 5165.153, 5165.154, or 5165.156 91418
of the Revised Code. 91419

Sec. 5165.16. (A) As used in this section: 91420

(1) "Applicable calendar year" means the following: 91421

(a) For the purpose of the department of medicaid's initial 91422
determination under division (D) of this section of each peer 91423
group's rate for ancillary and support costs, calendar year 2003; 91424

(b) For the purpose of the department's rebasings, the 91425
calendar year the department selects. 91426

(2) "Rebasing" means a redetermination under division (D) of 91427
this section of each peer group's rate for ancillary and support 91428
costs using information from cost reports for an applicable 91429

calendar year that is later than the applicable calendar year used 91430
for the previous determination of such rates. 91431

(B) The department of medicaid shall determine each nursing 91432
facility's per medicaid day payment rate for ancillary and support 91433
costs. A nursing facility's rate shall be the rate determined 91434
under division (D) of this section for the nursing facility's peer 91435
group. However, for the period beginning October 1, 2013, and 91436
ending on the first day of the first rebasing, the rate for a 91437
nursing facility located in Mahoning or Stark county shall be the 91438
rate determined for the following: 91439

(1) If the nursing facility has fewer than one hundred beds, 91440
the nursing facilities in peer group three; 91441

(2) If the nursing facility has one hundred or more beds, the 91442
nursing facilities in peer group four. 91443

(C) For the purpose of determining nursing facilities' rates 91444
for ancillary and support costs, the department shall establish 91445
six peer groups. 91446

(1) Until the first rebasing occurs, the peer groups shall be 91447
composed as follows: 91448

(a) Each nursing facility located in any of the following 91449
counties shall be placed in peer group one or two: Brown, Butler, 91450
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 91451
located in any of those counties that has fewer than one hundred 91452
beds shall be placed in peer group one. Each nursing facility 91453
located in any of those counties that has one hundred or more beds 91454
shall be placed in peer group two. 91455

(b) Each nursing facility located in any of the following 91456
counties shall be placed in peer group three or four: Ashtabula, 91457
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 91458
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 91459
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 91460

Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 91461
Union, and Wood. Each nursing facility located in any of those 91462
counties that has fewer than one hundred beds shall be placed in 91463
peer group three. Each nursing facility located in any of those 91464
counties that has one hundred or more beds shall be placed in peer 91465
group four. 91466

(c) Each nursing facility located in any of the following 91467
counties shall be placed in peer group five or six: Adams, Allen, 91468
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 91469
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 91470
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 91471
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 91472
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 91473
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 91474
Washington, Wayne, Williams, and Wyandot. Each nursing facility 91475
located in any of those counties that has fewer than one hundred 91476
beds shall be placed in peer group five. Each nursing facility 91477
located in any of those counties that has one hundred or more beds 91478
shall be placed in peer group six. 91479

(2) Beginning with the first rebasing, the peer groups shall 91480
be composed as they are under division (C)(1) of this section 91481
except as follows: 91482

(a) Each nursing facility that has fewer than one hundred 91483
beds and is located in Allen, Mahoning or Stark, or Trumbull 91484
county shall be placed in peer group three rather than peer group 91485
five. 91486

(b) Each nursing facility that has one hundred or more beds 91487
and is located in Allen, Mahoning or Stark, or Trumbull county 91488
shall be placed in peer group four rather than peer group six. 91489

(D)(1) The department shall determine the rate for ancillary 91490
and support costs for each peer group established under division 91491

(C) of this section. The department is not required to conduct a 91492
rebasings more than once every ten years. Except as necessary to 91493
implement the amendments made to this section by Am. Sub. H.B. 153 91494
and Sub. H.B. 303, both of the 129th general assembly, the rate 91495
for ancillary and support costs determined under this division for 91496
a peer group shall be used for subsequent years until the 91497
department conducts a rebasing. To determine a peer group's rate 91498
for ancillary and support costs, the department shall do all of 91499
the following: 91500

(a) Subject to division (D)(2) of this section, determine the 91501
rate for ancillary and support costs for each nursing facility in 91502
the peer group for the applicable calendar year by using the 91503
greater of the nursing facility's actual inpatient days for the 91504
applicable calendar year or the inpatient days the nursing 91505
facility would have had for the applicable calendar year if its 91506
occupancy rate had been ninety per cent; 91507

(b) Subject to division (D)(3) of this section, identify 91508
which nursing facility in the peer group is at the twenty-fifth 91509
percentile of the rate for ancillary and support costs for the 91510
applicable calendar year determined under division (D)(1)(a) of 91511
this section; 91512

(c) Multiply the rate for ancillary and support costs 91513
determined under division (D)(1)(a) of this section for the 91514
nursing facility identified under division (D)(1)(b) of this 91515
section by the rate of inflation for the eighteen-month period 91516
beginning on the first day of July of the applicable calendar year 91517
and ending the last day of December of the calendar year 91518
immediately following the applicable calendar year using the 91519
following: 91520

(i) Until the first rebasing occurs, the consumer price index 91521
for all items for all urban consumers for the north central 91522
region, published by the United States bureau of labor statistics, 91523

as that index existed on July 1, 2005; 91524

(ii) Effective with the first rebasing and except as provided 91525
in division (D)(1)(c)(iii) of this section, the consumer price 91526
index for all items for all urban consumers for the midwest 91527
region, published by the United States bureau of labor statistics; 91528

(iii) If the United States bureau of labor statistics ceases 91529
to publish the index specified in division (D)(1)(c)(ii) of this 91530
section, the index the bureau subsequently publishes that covers 91531
urban consumers' prices for items for the region that includes 91532
this state. 91533

(d) Until the first rebasing occurs, increase the amount 91534
calculated under division (D)(1)(c) of this section by five and 91535
eight hundredths per cent. 91536

(2) For the purpose of determining a nursing facility's 91537
occupancy rate under division (D)(1)(a) of this section, the 91538
department shall include any beds that the nursing facility 91539
removes from its medicaid-certified capacity unless the nursing 91540
facility also removes the beds from its licensed bed capacity. 91541

(3) In making the identification under division (D)(1)(b) of 91542
this section, the department shall exclude both of the following: 91543

(a) Nursing facilities that participated in the medicaid 91544
program under the same provider for less than twelve months in the 91545
applicable calendar year; 91546

(b) Nursing facilities whose ancillary and support costs are 91547
more than one standard deviation from the mean desk-reviewed, 91548
actual, allowable, per diem ancillary and support cost for all 91549
nursing facilities in the nursing facility's peer group for the 91550
applicable calendar year. 91551

(4) The department shall not redetermine a peer group's rate 91552
for ancillary and support costs under this division based on 91553

additional information that it receives after the rate is 91554
determined. The department shall redetermine a peer group's rate 91555
for ancillary and support costs only if the department made an 91556
error in determining the rate based on information available to 91557
the department at the time of the original determination. 91558

Sec. 5165.17. (A) As used in this section: 91559

(1) "Applicable calendar year" means the following: 91560

(a) For the purpose of the department of medicaid's initial 91561
determination under division (D) of this section of each peer 91562
group's rate for capital costs, calendar year 2003; 91563

(b) For the purpose of the department's rebasings, the 91564
calendar year the department selects. 91565

(2) "Rebasing" means a redetermination under division (D) of 91566
this section of each peer group's rate for capital costs using 91567
information from cost reports for an applicable calendar year that 91568
is later than the applicable calendar year used for the previous 91569
determination of such rates. 91570

(B) The department of medicaid shall determine each nursing 91571
facility's per medicaid day payment rate for capital costs. A 91572
nursing facility's rate shall be the rate determined under 91573
division (D) of this section. However, for the period beginning 91574
October 1, 2013, and ending on the first day of the first 91575
rebasings, the rate for a nursing facility located in Mahoning or 91576
Stark county shall be the rate determined for the following: 91577

(1) If the nursing facility has fewer than one hundred beds, 91578
the nursing facilities in peer group three; 91579

(2) If the nursing facility has one hundred or more beds, the 91580
nursing facilities in peer group four. 91581

(C) For the purpose of determining nursing facilities' rates 91582
for capital costs, the department shall establish six peer groups. 91583

(1) Until the first rebasing occurs, the peer groups shall be 91584
composed as follows: 91585

(a) Each nursing facility located in any of the following 91586
counties shall be placed in peer group one or two: Brown, Butler, 91587
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 91588
located in any of those counties that has fewer than one hundred 91589
beds shall be placed in peer group one. Each nursing facility 91590
located in any of those counties that has one hundred or more beds 91591
shall be placed in peer group two. 91592

(b) Each nursing facility located in any of the following 91593
counties shall be placed in peer group three or four: Ashtabula, 91594
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 91595
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 91596
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 91597
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 91598
Union, and Wood. Each nursing facility located in any of those 91599
counties that has fewer than one hundred beds shall be placed in 91600
peer group three. Each nursing facility located in any of those 91601
counties that has one hundred or more beds shall be placed in peer 91602
group four. 91603

(c) Each nursing facility located in any of the following 91604
counties shall be placed in peer group five or six: Adams, Allen, 91605
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 91606
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 91607
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 91608
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 91609
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 91610
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 91611
Washington, Wayne, Williams, and Wyandot. Each nursing facility 91612
located in any of those counties that has fewer than one hundred 91613
beds shall be placed in peer group five. Each nursing facility 91614
located in any of those counties that has one hundred or more beds 91615

shall be placed in peer group six. 91616

(2) Beginning with the first rebasing, the peer groups shall 91617
be composed as they are under division (C)(1) of this section 91618
except as follows: 91619

(a) Each nursing facility that has fewer than one hundred 91620
beds and is located in Allen, Mahoning or Stark, or Trumbull 91621
county shall be placed in peer group three rather than peer group 91622
five. 91623

(b) Each nursing facility that has one hundred or more beds 91624
and is located in Allen, Mahoning or Stark, or Trumbull county 91625
shall be placed in peer group four rather than peer group six. 91626

(D)(1) The department shall determine the rate for capital 91627
costs for each peer group established under division (C) of this 91628
section. The department is not required to conduct a rebasing more 91629
than once every ten years. Except as necessary to implement the 91630
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 91631
303, both of the 129th general assembly, the rate for capital 91632
costs determined under this division for a peer group shall be 91633
used for subsequent years until the department conducts a 91634
rebasing. To determine a peer group's rate for capital costs, the 91635
department shall do both of the following: 91636

(a) Determine the rate for capital costs for the nursing 91637
facility in the peer group that is at the twenty-fifth percentile 91638
of the rate for capital costs for the applicable calendar year; 91639

(b) Until the first rebasing occurs, increase the amount 91640
calculated under division (D)(1)(a) of this section by five and 91641
eight hundredths per cent. 91642

(2) To identify the nursing facility in a peer group that is 91643
at the twenty-fifth percentile of the rate for capital costs for 91644
the applicable calendar year, the department shall do both of the 91645
following: 91646

(a) Subject to division (D)(3) of this section, use the greater of each nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been one hundred per cent;

(b) Exclude both of the following:

(i) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(ii) Nursing facilities whose capital costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem capital cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

(3) For the purpose of determining a nursing facility's occupancy rate under division (D)(2)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity after June 30, 2005, unless the nursing facility also removes the beds from its licensed bed capacity.

(4) The department shall not redetermine a peer group's rate for capital costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for capital costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

(E) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight-line method over a period designated in rules adopted under section 5165.02 of the Revised Code, consistent with the

guidelines of the American hospital association, or over a 91678
different period approved by the department. Any rules authorized 91679
by this division that specify useful lives of buildings, 91680
components, or equipment apply only to assets acquired on or after 91681
July 1, 1993. Depreciation for costs paid or reimbursed by any 91682
government agency shall not be included in capital costs unless 91683
that part of the payment under this chapter is used to reimburse 91684
the government agency. 91685

(F) The capital cost basis of nursing facility assets shall 91686
be determined in the following manner: 91687

(1) Except as provided in division (F)(3) of this section, 91688
for purposes of calculating the rates to be paid for facilities 91689
with dates of licensure on or before June 30, 1993, the capital 91690
cost basis of each asset shall be equal to the desk-reviewed, 91691
actual, allowable, capital cost basis that is listed on the 91692
facility's cost report for the calendar year preceding the fiscal 91693
year during which the rate will be paid. 91694

(2) For facilities with dates of licensure after June 30, 91695
1993, the capital cost basis shall be determined in accordance 91696
with the principles of the medicare program, except as otherwise 91697
provided in this chapter. 91698

(3) Except as provided in division (F)(4) of this section, if 91699
a provider transfers an interest in a facility to another provider 91700
after June 30, 1993, there shall be no increase in the capital 91701
cost basis of the asset if the providers are related parties or 91702
the provider to which the interest is transferred authorizes the 91703
provider that transferred the interest to continue to operate the 91704
facility under a lease, management agreement, or other 91705
arrangement. If the previous sentence does not prohibit the 91706
adjustment of the capital cost basis under this division, the 91707
basis of the asset shall be adjusted by one-half of the change in 91708
the consumer price index for all items for all urban consumers, as 91709

published by the United States bureau of labor statistics, during 91710
the time that the transferor held the asset. 91711

(4) If a provider transfers an interest in a facility to 91712
another provider who is a related party, the capital cost basis of 91713
the asset shall be adjusted as specified in division (F)(3) of 91714
this section if all of the following conditions are met: 91715

(a) The related party is a relative of owner; 91716

(b) Except as provided in division (F)(4)(c)(ii) of this 91717
section, the provider making the transfer retains no ownership 91718
interest in the facility; 91719

(c) The department determines that the transfer is an arm's 91720
length transaction pursuant to rules adopted under section 5165.02 91721
of the Revised Code. The rules shall provide that a transfer is an 91722
arm's length transaction if all of the following apply: 91723

(i) Once the transfer goes into effect, the provider that 91724
made the transfer has no direct or indirect interest in the 91725
provider that acquires the facility or the facility itself, 91726
including interest as an owner, officer, director, employee, 91727
independent contractor, or consultant, but excluding interest as a 91728
creditor. 91729

(ii) The provider that made the transfer does not reacquire 91730
an interest in the facility except through the exercise of a 91731
creditor's rights in the event of a default. If the provider 91732
reacquires an interest in the facility in this manner, the 91733
department shall treat the facility as if the transfer never 91734
occurred when the department calculates its reimbursement rates 91735
for capital costs. 91736

(iii) The transfer satisfies any other criteria specified in 91737
the rules. 91738

(d) Except in the case of hardship caused by a catastrophic 91739

event, as determined by the department, or in the case of a 91740
provider making the transfer who is at least sixty-five years of 91741
age, not less than twenty years have elapsed since, for the same 91742
facility, the capital cost basis was adjusted most recently under 91743
division (F)(4) of this section or actual, allowable capital costs 91744
was determined most recently under division (G)(9) of this 91745
section. 91746

(G) As used in this division: 91747

"Imputed interest" means the lesser of the prime rate plus 91748
two per cent or ten per cent. 91749

"Lease expense" means lease payments in the case of an 91750
operating lease and depreciation expense and interest expense in 91751
the case of a capital lease. 91752

"New lease" means a lease, to a different lessee, of a 91753
nursing facility that previously was operated under a lease. 91754

(1) Subject to division (B) of this section, for a lease of a 91755
facility that was effective on May 27, 1992, the entire lease 91756
expense is an actual, allowable capital cost during the term of 91757
the existing lease. The entire lease expense also is an actual, 91758
allowable capital cost if a lease in existence on May 27, 1992, is 91759
renewed under either of the following circumstances: 91760

(a) The renewal is pursuant to a renewal option that was in 91761
existence on May 27, 1992; 91762

(b) The renewal is for the same lease payment amount and 91763
between the same parties as the lease in existence on May 27, 91764
1992. 91765

(2) Subject to division (B) of this section, for a lease of a 91766
facility that was in existence but not operated under a lease on 91767
May 27, 1992, actual, allowable capital costs shall include the 91768
lesser of the annual lease expense or the annual depreciation 91769

expense and imputed interest expense that would be calculated at 91770
the inception of the lease using the lessor's entire historical 91771
capital asset cost basis, adjusted by one-half of the change in 91772
the consumer price index for all items for all urban consumers, as 91773
published by the United States bureau of labor statistics, during 91774
the time the lessor held each asset until the beginning of the 91775
lease. 91776

(3) Subject to division (B) of this section, for a lease of a 91777
facility with a date of licensure on or after May 27, 1992, that 91778
is initially operated under a lease, actual, allowable capital 91779
costs shall include the annual lease expense if there was a 91780
substantial commitment of money for construction of the facility 91781
after December 22, 1992, and before July 1, 1993. If there was not 91782
a substantial commitment of money after December 22, 1992, and 91783
before July 1, 1993, actual, allowable capital costs shall include 91784
the lesser of the annual lease expense or the sum of the 91785
following: 91786

(a) The annual depreciation expense that would be calculated 91787
at the inception of the lease using the lessor's entire historical 91788
capital asset cost basis; 91789

(b) The greater of the lessor's actual annual amortization of 91790
financing costs and interest expense at the inception of the lease 91791
or the imputed interest expense calculated at the inception of the 91792
lease using seventy per cent of the lessor's historical capital 91793
asset cost basis. 91794

(4) Subject to division (B) of this section, for a lease of a 91795
facility with a date of licensure on or after May 27, 1992, that 91796
was not initially operated under a lease and has been in existence 91797
for ten years, actual, allowable capital costs shall include the 91798
lesser of the annual lease expense or the annual depreciation 91799
expense and imputed interest expense that would be calculated at 91800
the inception of the lease using the entire historical capital 91801

asset cost basis of one-half of the change in the consumer price 91802
index for all items for all urban consumers, as published by the 91803
United States bureau of labor statistics, during the time the 91804
lessor held each asset until the beginning of the lease. 91805

(5) Subject to division (B) of this section, for a new lease 91806
of a facility that was operated under a lease on May 27, 1992, 91807
actual, allowable capital costs shall include the lesser of the 91808
annual new lease expense or the annual old lease payment. If the 91809
old lease was in effect for ten years or longer, the old lease 91810
payment from the beginning of the old lease shall be adjusted by 91811
one-half of the change in the consumer price index for all items 91812
for all urban consumers, as published by the United States bureau 91813
of labor statistics, from the beginning of the old lease to the 91814
beginning of the new lease. 91815

(6) Subject to division (B) of this section, for a new lease 91816
of a facility that was not in existence or that was in existence 91817
but not operated under a lease on May 27, 1992, actual, allowable 91818
capital costs shall include the lesser of annual new lease expense 91819
or the annual amount calculated for the old lease under division 91820
(G)(2), (3), (4), or (6) of this section, as applicable. If the 91821
old lease was in effect for ten years or longer, the lessor's 91822
historical capital asset cost basis shall be, for purposes of 91823
calculating the annual amount under division (G)(2), (3), (4), or 91824
(6) of this section, adjusted by one-half of the change in the 91825
consumer price index for all items for all urban consumers, as 91826
published by the United States bureau of labor statistics, from 91827
the beginning of the old lease to the beginning of the new lease. 91828

In the case of a lease under division (G)(3) of this section 91829
of a facility for which a substantial commitment of money was made 91830
after December 22, 1992, and before July 1, 1993, the old lease 91831
payment shall be adjusted for the purpose of determining the 91832
annual amount. 91833

(7) For any revision of a lease described in division (G)(1), 91834
(2), (3), (4), (5), or (6) of this section, or for any subsequent 91835
lease of a facility operated under such a lease, other than 91836
execution of a new lease, the portion of actual, allowable capital 91837
costs attributable to the lease shall be the same as before the 91838
revision or subsequent lease. 91839

(8) Except as provided in division (G)(9) of this section, if 91840
a provider leases an interest in a facility to another provider 91841
who is a related party or previously operated the facility, the 91842
related party's or previous operator's actual, allowable capital 91843
costs shall include the lesser of the annual lease expense or the 91844
reasonable cost to the lessor. 91845

(9) If a provider leases an interest in a facility to another 91846
provider who is a related party, regardless of the date of the 91847
lease, the related party's actual, allowable capital costs shall 91848
include the annual lease expense, subject to the limitations 91849
specified in divisions (G)(1) to (7) of this section, if all of 91850
the following conditions are met: 91851

(a) The related party is a relative of owner; 91852

(b) If the lessor retains an ownership interest, it is, 91853
except as provided in division (G)(9)(c)(ii) of this section, in 91854
only the real property and any improvements on the real property; 91855

(c) The department determines that the lease is an arm's 91856
length transaction pursuant to rules adopted under section 5165.02 91857
of the Revised Code. The rules shall provide that a lease is an 91858
arm's length transaction if all of the following apply: 91859

(i) Once the lease goes into effect, the lessor has no direct 91860
or indirect interest in the lessee or, except as provided in 91861
division (G)(9)(b) of this section, the facility itself, including 91862
interest as an owner, officer, director, employee, independent 91863
contractor, or consultant, but excluding interest as a lessor. 91864

(ii) The lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility as if the lease never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The lease satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (F)(4) of this section or actual, allowable capital costs were determined most recently under division (G)(9) of this section.

(10) This division does not apply to leases of specific items of equipment.

Sec. 5165.19. (A) As used in this section:

(1) "Applicable calendar year" means the following:

(a) For the purpose of the department of medicaid's initial determination under division (D) of this section of each peer group's cost per case-mix unit, calendar year 2003;

(b) For the purpose of the department's rebasings, the calendar year the department selects.

(2) "Rebasing" means a redetermination under division (D) of this section of each peer group's cost per case-mix unit using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such costs.

(B) Semiannually, the department of medicaid shall determine

each nursing facility's per medicaid day payment rate for direct 91895
care costs by multiplying the facility's semiannual case-mix score 91896
determined under section 5165.192 of the Revised Code by the cost 91897
per case-mix unit determined under division (D) of this section 91898
for the facility's peer group. However, for the period beginning 91899
October 1, 2013, and ending on the first day of the first 91900
rebasings, the rate for a nursing facility located in Mahoning or 91901
Stark county shall be determined semiannually by multiplying the 91902
facility's semiannual case-mix score determined under section 91903
5165.192 of the Revised Code by the cost per case-mix unit 91904
determined under division (D) of this section for the nursing 91905
facilities in peer group two. 91906

(C) For the purpose of determining nursing facilities' rates 91907
for direct care costs, the department shall establish three peer 91908
groups. 91909

(1) Until the first rebasing occurs, the peer groups shall be 91910
composed as follows: 91911

(a) Each nursing facility located in any of the following 91912
counties shall be placed in peer group one: Brown, Butler, 91913
Clermont, Clinton, Hamilton, and Warren. 91914

(b) Each nursing facility located in any of the following 91915
counties shall be placed in peer group two: Ashtabula, Champaign, 91916
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 91917
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 91918
Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 91919
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 91920
and Wood. 91921

(c) Each nursing facility located in any of the following 91922
counties shall be placed in peer group three: Adams, Allen, 91923
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 91924
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 91925

Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 91926
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 91927
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 91928
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 91929
Washington, Wayne, Williams, and Wyandot. 91930

(2) Beginning with the first rebasing, the peer groups shall 91931
be composed as they are under division (C)(1) of this section 91932
except that each nursing facility located in Allen, Mahoning or, 91933
Stark, or Trumbull county shall be placed in peer group two rather 91934
than peer group three. 91935

(D)(1) The department shall determine a cost per case-mix 91936
unit for each peer group established under division (C) of this 91937
section. The department is not required to conduct a rebasing more 91938
than once every ten years. Except as necessary to implement the 91939
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 91940
303, both of the 129th general assembly, and H.B. 59 of the 130th 91941
general assembly, the cost per case-mix unit determined under this 91942
division for a peer group shall be used for subsequent years until 91943
the department conducts a rebasing. To determine a peer group's 91944
cost per case-mix unit, the department shall do all of the 91945
following: 91946

(a) Determine the cost per case-mix unit for each nursing 91947
facility in the peer group for the applicable calendar year by 91948
dividing each facility's desk-reviewed, actual, allowable, per 91949
diem direct care costs for the applicable calendar year by the 91950
facility's annual average case-mix score determined under section 91951
5165.192 of the Revised Code for the applicable calendar year; 91952

(b) Subject to division (D)(2) of this section, identify 91953
which nursing facility in the peer group is at the twenty-fifth 91954
percentile of the cost per case-mix units determined under 91955
division (D)(1)(a) of this section; 91956

- (c) Calculate the amount that is two per cent above the cost per case-mix unit determined under division (D)(1)(a) of this section for the nursing facility identified under division (D)(1)(b) of this section; 91957
91958
91959
91960
- (d) Using the index specified in division (D)(3) of this section, multiply the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year by the amount calculated under division (D)(1)(c) of this section; 91961
91962
91963
91964
91965
91966
- (e) Add the following to the amount calculated under division (D)(1)(d) of this section: 91967
91968
- (i) Until the earlier of January 1, 2014, or when the first rebasing occurs, one dollar and eighty-eight cents; 91969
91970
- (ii) Unless the first rebasing occurs before January 1, 2014, beginning January 1, 2014, and until the first rebasing occurs, eighty-six cents. 91971
91972
91973
- (f) Until the first rebasing occurs, increase the amount calculated under division (D)(1)(e) of this section by five and eight hundredths per cent. 91974
91975
91976
- (2) In making the identification under division (D)(1)(b) of this section, the department shall exclude both of the following: 91977
91978
- (a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year; 91979
91980
91981
- (b) Nursing facilities whose cost per case-mix unit is more than one standard deviation from the mean cost per case-mix unit for all nursing facilities in the nursing facility's peer group for the applicable calendar year. 91982
91983
91984
91985
- (3) The following index shall be used for the purpose of the 91986

calculation made under division (D)(1)(d) of this section: 91987

(a) Until the first rebasing occurs, the employment cost 91988
index for total compensation, health services component, published 91989
by the United States bureau of labor statistics, as the index 91990
existed on July 1, 2005; 91991

(b) Effective with the first rebasing and except as provided 91992
in division (D)(3)(c) of this section, the employment cost index 91993
for total compensation, nursing and residential care facilities 91994
occupational group, published by the United States bureau of labor 91995
statistics; 91996

(c) If the United States bureau of labor statistics ceases to 91997
publish the index specified in division (D)(3)(b) of this section, 91998
the index the bureau subsequently publishes that covers nursing 91999
facilities' staff costs. 92000

(4) The department shall not redetermine a peer group's cost 92001
per case-mix unit under this division based on additional 92002
information that it receives after the peer group's per case-mix 92003
unit is determined. The department shall redetermine a peer 92004
group's cost per case-mix unit only if it made an error in 92005
determining the peer group's cost per case-mix unit based on 92006
information available to the department at the time of the 92007
original determination. 92008

Sec. 5165.192. (A)(1) Except as provided in division (B) of 92009
this section and in accordance with the process specified in rules 92010
authorized by this section, the department of medicaid shall do 92011
all of the following: 92012

(a) Every quarter, determine the following two case-mix 92013
scores for each nursing facility: 92014

(i) A quarterly case-mix score that includes each resident 92015
who is a medicaid recipient and is not a low resource utilization 92016

resident; 92017

(ii) A quarterly case-mix score that includes each resident 92018
regardless of payment source. 92019

(b) Every six months, determine a semiannual average case-mix 92020
score for each nursing facility by using the quarterly case-mix 92021
scores determined for the nursing facility pursuant to division 92022
(A)(1)(a)(i) of this section; 92023

(c) After the end of each calendar year, determine an annual 92024
average case-mix score for each nursing facility by using the 92025
quarterly case-mix scores determined for the nursing facility 92026
pursuant to division (A)(1)(a)(ii) of this section. 92027

(2) When determining case-mix scores under division (A)(1) of 92028
this section, the department shall use all of the following: 92029

(a) Data from a resident assessment instrument specified in 92030
rules authorized by section 5165.191 of the Revised Code; 92031

(b) Except as provided in rules authorized by this section, 92032
the case-mix values established by the United States department of 92033
health and human services; 92034

(c) Except as modified in rules authorized by this section, 92035
the grouper methodology ~~used on June 30, 1999, designated~~ by the 92036
United States department of health and human services ~~for~~ 92037
~~prospective payment of skilled nursing facilities under the~~ 92038
~~medicare program as the resource utilization group (RUG)-IV, 48~~ 92039
~~group model.~~ 92040

(B)(1) Subject to division (B)(2) of this section, the 92041
department, for one or more months of a calendar quarter, may 92042
assign to a nursing facility a case-mix score that is five per 92043
cent less than the nursing facility's case-mix score for the 92044
immediately preceding calendar quarter if any of the following 92045
apply: 92046

(a) The provider does not timely submit complete and accurate
resident assessment data necessary to determine the nursing
facility's case-mix score for the calendar quarter;

(b) The nursing facility was subject to an exception review
under section 5165.193 of the Revised Code for the immediately
preceding calendar quarter;

(c) The nursing facility was assigned a case-mix score for
the immediately preceding calendar quarter.

(2) Before assigning a case-mix score to a nursing facility
due to the submission of incorrect resident assessment data, the
department shall permit the provider to correct the data. The
department may assign the case-mix score if the provider fails to
submit the corrected resident assessment data not later than the
earlier of the forty-fifth day after the end of the calendar
quarter to which the data pertains or the deadline for submission
of such corrections established by regulations adopted by the
United States department of health and human services under Title
XVIII and Title XIX.

(3) If, for more than six months in a calendar year, a
provider is paid a rate determined for a nursing facility using a
case-mix score assigned to the nursing facility under division
(B)(1) of this section, the department may assign the nursing
facility a cost per case-mix unit that is five per cent less than
the nursing facility's actual or assigned cost per case-mix unit
for the immediately preceding calendar year. The department may
use the assigned cost per case-mix unit, instead of determining
the nursing facility's actual cost per case-mix unit in accordance
with section 5165.19 of the Revised Code, to establish the nursing
facility's rate for direct care costs for the fiscal year
immediately following the calendar year for which the cost per
case-mix unit is assigned.

(4) The department shall take action under division (B)(1), 92078
(2), or (3) of this section only in accordance with rules 92079
authorized by this section. The department shall not take an 92080
action that affects rates for prior payment periods except in 92081
accordance with sections 5165.41 and 5165.42 of the Revised Code. 92082

(C) The medicaid director shall adopt rules under section 92083
5165.02 of the Revised Code as necessary to implement this 92084
section. 92085

(1) The rules shall do all of the following: 92086

(a) Specify the process for determining the semiannual and 92087
annual average case-mix scores for nursing facilities; 92088

(b) Adjust the case-mix values specified in division 92089
(A)(2)(b) of this section to reflect changes in relative wage 92090
differentials that are specific to this state; 92091

(c) Express all of those case-mix values in numeric terms 92092
that are different from the terms specified by the United States 92093
department of health and human services but that do not alter the 92094
relationship of the case-mix values to one another; 92095

(d) Modify the grouper methodology specified in division 92096
(A)(2)(c) of this section as follows: 92097

(i) Establish a different hierarchy for assigning residents 92098
to case-mix categories under the methodology; 92099

(ii) Prohibit the use of the index maximizer element of the 92100
methodology; 92101

(iii) Incorporate changes to the methodology the United 92102
States department of health and human services makes after June 92103
30, 1999; 92104

(iv) Make other changes the department determines are 92105
necessary. 92106

(e) Establish procedures under which resident assessment data 92107

shall be reviewed for accuracy and providers shall be notified of 92108
any data that requires correction; 92109

(f) Establish procedures for providers to correct resident 92110
assessment data and specify a reasonable period of time by which 92111
providers shall submit the corrections. The procedures may limit 92112
the content of corrections in the manner required by regulations 92113
adopted by the United States department of health and human 92114
services under Title XVIII and Title XIX. 92115

(g) Specify when and how the department will assign case-mix 92116
scores or costs per case-mix unit to a nursing facility under 92117
division (B) of this section if information necessary to calculate 92118
the nursing facility's case-mix score is not provided or corrected 92119
in accordance with the procedures established by the rules. 92120

(2) Notwithstanding any other provision of this chapter, the 92121
rules may provide for the exclusion of case-mix scores assigned to 92122
a nursing facility under division (B) of this section from the 92123
determination of the nursing facility's semiannual or annual 92124
average case-mix score and the cost per case-mix unit for the 92125
nursing facility's peer group. 92126

Sec. 5165.23. (A) Each fiscal year, the department of 92127
medicaid shall determine the critical access incentive payment for 92128
each nursing facility that qualifies as a critical access nursing 92129
facility. To qualify as a critical access nursing facility for a 92130
fiscal year, a nursing facility must meet all of the following 92131
requirements: 92132

(1) The nursing facility must be located in an area that, on 92133
December 31, 2011, was designated an empowerment zone under the 92134
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 92135

(2) The nursing facility must have an occupancy rate of at 92136
least eighty-five per cent as of the last day of the calendar year 92137

immediately preceding the fiscal year. 92138

(3) The nursing facility must have a medicaid utilization 92139
rate of at least sixty-five per cent as of the last day of the 92140
calendar year immediately preceding the fiscal year. 92141

~~(4) The nursing facility must have been awarded at least five 92142
points for meeting accountability measures under section 5165.25 92143
of the Revised Code for the fiscal year and at least one of the 92144
five points must have been awarded for meeting the accountability 92145
measures identified in divisions (C)(9), (10), (11), (12), and 92146
(14) of section 5165.25 of the Revised Code. 92147~~

(B) A critical access nursing facility's critical access 92148
incentive payment for a fiscal year shall equal five per cent of 92149
the portion of the nursing facility's total per medicaid day 92150
payment rate for the fiscal year that is the sum of the rates ~~and~~ 92151
~~payment~~ identified in divisions (A)(1) to (4) ~~and (6)~~ of section 92152
5165.15 of the Revised Code. 92153

Sec. 5165.25. (A) As used in this section: 92154

(1) "Long-stay resident" means an individual who has resided 92155
in a nursing facility for at least one hundred one days. 92156

(2) "Measurement period" means the following: 92157

(a) For fiscal year 2017, the period beginning July 1, 2015, 92158
and ending December 31, 2015; 92159

(b) For each subsequent fiscal year, the calendar year 92160
immediately preceding the fiscal year. 92161

(3) "Nurse aide" has the same meaning as in section 3721.21 92162
of the Revised Code. 92163

(4) "Short-stay resident" means a nursing facility resident 92164
who is not a long-stay resident. 92165

(B)(1) Using all of the funds made available for a fiscal 92166

year by the rate reductions under division (B) of section 5165.15 92167
of the Revised Code, the department of medicaid shall determine a 92168
per medicaid day quality payment rate to be paid for that fiscal 92169
year to each nursing facility that meets at least one of the 92170
quality indicators specified in division (B)(2) of this section 92171
for the measurement period. The largest quality payment rate for a 92172
fiscal year shall be paid to nursing facilities that meet all of 92173
the quality indicators for the measurement period. 92174

(2) The following are the quality indicators to be used for 92175
the purpose of division (B)(1) of this section: 92176

(a) Not more than the target percentage of the nursing 92177
facility's short-stay residents had new or worsened pressure 92178
ulcers and not more than the target percentage of long-stay 92179
residents at high risk for pressure ulcers had pressure ulcers. 92180

(b) Not more than the target percentage of the nursing 92181
facility's short-stay residents newly received an antipsychotic 92182
medication and not more than the target percentage of the nursing 92183
facility's long-stay residents received an antipsychotic 92184
medication. 92185

(c) The number of the nursing facility's residents who had 92186
avoidable inpatient hospital admissions did not exceed the target 92187
rate. 92188

(d) The nursing facility's employee retention rate is at 92189
least the target rate. 92190

(e) The nursing facility utilized the nursing home version of 92191
the preferences for everyday living inventory for all of its 92192
residents. 92193

(3) The department shall specify the target percentage for 92194
the purpose of divisions (B)(2)(a) and (b) of this section. The 92195
amount specified for division (B)(2)(a) of this section may differ 92196
from the amount specified for division (B)(2)(b) of this section 92197

and the amount specified for short-stay residents may differ from 92198
the amount specified for long-stay residents. The department also 92199
shall specify the target rate for the purpose of division 92200
(B)(2)(c) of this section and the target rate for the purpose of 92201
division (B)(2)(d) of this section. 92202

(C) If a nursing facility undergoes a change of operator 92203
during a fiscal year, the per medicaid day quality payment rate to 92204
be paid to the entering operator for nursing facility services 92205
that the nursing facility provides during the period beginning on 92206
the effective date of the change of operator and ending on the 92207
last day of the fiscal year shall be the same amount as the per 92208
medicaid day quality payment rate that was in effect on the day 92209
immediately preceding the effective date of the change of operator 92210
and paid to the nursing facility's exiting operator. For the 92211
immediately following fiscal year, the per medicaid day quality 92212
payment rate shall be the following: 92213

(1) If the effective date of the change of operator is on or 92214
before the first day of October of the calendar year immediately 92215
preceding the fiscal year, the amount determined for the nursing 92216
facility in accordance with division (B) of this section for the 92217
fiscal year; 92218

(2) If the effective date of the change of operator is after 92219
the first day of October of the calendar year immediately 92220
preceding the fiscal year, the mean per medicaid day quality 92221
payment rate for all nursing facilities for the fiscal year. 92222

Sec. 5166.01. As used in this chapter: 92223

"209(b) option" means the option described in section 1902(f) 92224
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 92225
medicaid program's eligibility requirements for aged, blind, and 92226
disabled individuals are more restrictive than the eligibility 92227
requirements for the supplemental security income program. 92228

"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision.

"Care management system" means the system established under section 5167.03 of the Revised Code.

"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.

"Hospital" has the same meaning as in section 3727.01 of the Revised Code.

"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.

"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.

"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.

"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.

"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital

services, nursing facility services, or ICF/IID services if not 92259
for a home and community-based services medicaid waiver component. 92260

"Medicaid buy-in for workers with disabilities program" has 92261
the same meaning as in section 5163.01 of the Revised Code. 92262

"Medicaid services" has the same meaning as in section 92263
5164.01 of the Revised Code. 92264

"Medicaid waiver component" means a component of the medicaid 92265
program authorized by a waiver granted by the United States 92266
department of health and human services under the "Social Security 92267
Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid 92268
waiver component" does not include a care management system 92269
established under section 5167.03 of the Revised Code. 92270

"Nursing facility" and "nursing facility services" have the 92271
same meanings as in section 5165.01 of the Revised Code. 92272

"Ohio home care waiver program" means the home and 92273
community-based services medicaid waiver component that is known 92274
as Ohio home care and was created pursuant to section 5166.11 of 92275
the Revised Code. 92276

"Ohio transitions II aging carve-out program" means the home 92277
and community-based services medicaid waiver component that is 92278
known as Ohio transitions II aging carve-out and was created 92279
pursuant to section 5166.11 of the Revised Code. 92280

"Provider agreement" has the same meaning as in section 92281
5164.01 of the Revised Code. 92282

"Residential treatment facility" means a residential facility 92283
licensed by the department of mental health and addiction services 92284
under section 5119.34 of the Revised Code, or an institution 92285
certified by the department of job and family services under 92286
section 5103.03 of the Revised Code, that serves children and 92287
either has more than sixteen beds or is part of a campus of 92288

multiple facilities or institutions that, combined, have a total 92289
of more than sixteen beds. 92290

"Skilled nursing facility" has the same meaning as in section 92291
5165.01 of the Revised Code. 92292

"Unified long-term services and support medicaid waiver 92293
component" means the medicaid waiver component authorized by 92294
section 5166.14 of the Revised Code. 92295

Sec. 5166.16. (A) As used in this section and section 92296
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 92297
component" means all of the following: 92298

(1) The medicaid-funded component of the PASSPORT program, 92299
unless it is terminated pursuant to division (C) of section 173.52 92300
of the Revised Code; 92301

(2) The choices program, unless it is terminated pursuant to 92302
division (B) of section 173.53 of the Revised Code; 92303

(3) The medicaid-funded component of the assisted living 92304
program, unless it is terminated pursuant to division (C) of 92305
section 173.54 of the Revised Code; 92306

(4) The Ohio home care waiver program, unless it is 92307
terminated pursuant to section 5166.12 of the Revised Code; 92308

(5) The Ohio transitions II aging carve-out program, unless 92309
it is terminated pursuant to section 5166.13 of the Revised Code. 92310

(B) The medicaid director may create a home and 92311
community-based services medicaid waiver component as part of the 92312
integrated care delivery system. If the ICDS medicaid waiver 92313
component is created, both of the following apply: 92314

(1) The department of medicaid shall administer it; 92315

(2) When it begins to accept enrollments, no ICDS participant 92316
who is eligible for the ICDS medicaid waiver component shall be 92317

enrolled in an ODA or MCD medicaid waiver component regardless of 92318
whether the participant prefers to remain or be enrolled in an ODA 92319
or MCD medicaid waiver component. 92320

(C) A dual eligible individual who is eligible for an ODA or 92321
MCD medicaid waiver component may enroll in the component before 92322
the individual becomes an ICDS participant. The dual eligible 92323
individual shall disenroll from the ODA or MCD medicaid waiver 92324
component and enroll in the ICDS medicaid waiver component once 92325
the individual becomes an ICDS participant and it is possible to 92326
enroll the individual in the ICDS medicaid waiver component. The 92327
disenrollment from the ODA or MCD medicaid waiver component and 92328
enrollment into the ICDS medicaid waiver component shall occur 92329
regardless of whether the individual prefers to remain enrolled in 92330
the ODA or MCD medicaid waiver component. 92331

(D) An ICDS participant's disenrollment from an ODA or MCD 92332
medicaid waiver component and enrollment in the ICDS medicaid 92333
waiver component resulting from division (B)(2) or (C) of this 92334
section shall be accomplished without a disruption in the 92335
participant's services under the components. 92336

Sec. 5166.161. The department of medicaid shall ensure that 92337
each ICDS participant who is a survivor of the Holocaust that 92338
occurred in Europe during World War II receives, while enrolled in 92339
the ICDS medicaid waiver component, home and community-based 92340
services of the type and in at least the amount, duration, and 92341
scope that the participant is assessed to need and would have 92342
received if the participant were enrolled in an ODA or MCD 92343
medicaid waiver component. 92344

Sec. 5166.24. A medicaid waiver component that the department 92345
of developmental disabilities administers under section 5166.21 of 92346
the Revised Code shall continue to cover adult day services 92347

provided by sheltered workshops if the component covers those 92348
services on the effective date of this section. 92349

A sheltered workshop with a provider agreement to provide 92350
adult day services available under a medicaid waiver component 92351
administered by the department of developmental disabilities shall 92352
not decrease the number of medicaid recipients it is willing and 92353
able to serve. 92354

Sec. 5166.32. If the department of medicaid terminates the 92355
209(b) option, the department shall establish a medicaid waiver 92356
component under which an individual who has cystic fibrosis and is 92357
enrolled in the program for medically handicapped children 92358
administered by the department of health under section 3701.023 of 92359
the Revised Code or the program the department of health 92360
administers pursuant to division (G) of that section may qualify 92361
for medicaid under the same type of spenddown process that is part 92362
of the 209(b) option. 92363

Sec. 5166.33. The department of medicaid shall establish a 92364
medicaid waiver component under which medicaid recipients who are 92365
married to each other retain eligibility for medicaid despite one 92366
of the recipients having earnings from employment that causes the 92367
recipients to have countable family income exceeding the income 92368
eligibility threshold for the eligibility group, or groups, under 92369
which the recipients qualify for medicaid if both of the following 92370
apply: 92371

(A) One of the recipients would qualify to participate in the 92372
medicaid buy-in for workers with disabilities program if not for a 92373
disability that, according to a physician's written evaluation, is 92374
too severe for the recipient to have earnings from employment or 92375
be an employed individual with a medically improved disability; 92376

(B) The other recipient's earnings from employment do not 92377

cause the recipients to have countable family income, determined 92378
in the same manner as income is determined for the medicaid buy-in 92379
for workers with disabilities program under section 5163.093 of 92380
the Revised Code, exceeding two hundred fifty per cent of the 92381
federal poverty line. 92382

Sec. 5166.40. (A) As used in sections 5166.40 to 5166.409 of 92383
the Revised Code: 92384

(1) "Adult" means an individual who is at least eighteen 92385
years of age. 92386

(2) "Buckeye account" means a modified health savings account 92387
established under section 5166.402 of the Revised Code. 92388

(3) "Contribution" means the amounts that an individual 92389
contributes to the individual's buckeye account and are 92390
contributed to the account on the individual's behalf under 92391
divisions (C) and (D) of section 5166.402 of the Revised Code. 92392
"Contribution" does not mean the portion of an individual's 92393
buckeye account that consists of medicaid funds deposited under 92394
division (B) of section 5166.402 of the Revised Code or section 92395
5166.404 of the Revised Code. 92396

(4) "Core portion" means the portion of a healthy Ohio 92397
program participant's buckeye account that consists of the 92398
following: 92399

(a) The amount of contributions to the account; 92400

(b) The amounts awarded to the account under divisions (C) 92401
and (D) of section 5166.404 of the Revised Code. 92402

(5) "Eligible employer-sponsored health plan" has the same 92403
meaning as in section 5000A(f)(2) of the "Internal Revenue Code of 92404
1986," 26 U.S.C. 5000A(f)(2). 92405

(6) "Healthy Ohio program" means the medicaid waiver 92406
component established under sections 5166.40 to 5166.409 of the 92407

Revised Code under which medicaid recipients specified in division 92408
(B) of this section enroll in comprehensive health plans and 92409
contribute to buckeye accounts. 92410

(7) "Healthy Ohio program debit swipe card" means a debit 92411
swipe card issued by a managed care organization to a healthy Ohio 92412
program participant under section 5166.403 of the Revised Code. 92413

(8) "Not-for-profit organization" means an organization that 92414
is exempt from federal income taxation under section 501(a) and 92415
(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a) 92416
and (c)(3). 92417

(9) "Ward of the state" means both of the following: an 92418
individual who is a ward, as defined in section 2111.01 of the 92419
Revised Code. 92420

(10) "Workforce development activity" and "workforce 92421
development agency" have the same meanings as in section 6301.01 92422
of the Revised Code. 92423

(B) The medicaid director shall establish a medicaid waiver 92424
component to be known as the healthy Ohio program. Each adult 92425
medicaid recipient, other than a ward of the state, determined to 92426
be eligible for medicaid on the basis of either of the following 92427
shall participate in the healthy Ohio program: 92428

(1) On the basis of being included in the category identified 92429
by the department of medicaid as covered families and children; 92430

(2) On the basis of being included in the eligibility group 92431
described in section 1902(a)(10)(A)(i)(VIII) of the "Social 92432
Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). 92433

(C) Except as provided in section 5166.406 of the Revised 92434
Code, a healthy Ohio program participant shall not receive 92435
medicaid services under the fee-for-service component of medicaid 92436
or participate in the care management system. 92437

Sec. 5166.401. A healthy Ohio program participant shall 92438
enroll in a comprehensive health plan offered by a managed care 92439
organization under contract with the department of medicaid. All 92440
of the following apply to the health plan: 92441

(A) It shall cover physician, hospital inpatient, hospital 92442
outpatient, pregnancy-related, mental health, pharmaceutical, 92443
laboratory, and other health care services the medicaid director 92444
determines necessary. 92445

(B) It shall not begin to pay for any services it covers 92446
until the amount of the noncore portion of the participant's 92447
buckeye account is zero. 92448

(C) It shall require copayments for services covered by the 92449
health plan, except that a participant's copayments shall be 92450
waived whenever the amount of the core portion of the 92451
participant's buckeye account is zero. 92452

(D) It shall have the following payout limits: 92453

(1) Three hundred thousand dollars per year; 92454

(2) One million dollars for a participant's lifetime. 92455

Sec. 5166.402. (A)(1) A buckeye account shall be established 92456
for each healthy Ohio program participant. Subject to division 92457
(A)(2) of this section, a participant's buckeye account shall 92458
consist of both of the following: 92459

(a) The medicaid funds deposited into the account under 92460
division (B) of this section and division (A) of section 5166.404 92461
of the Revised Code; 92462

(b) Contributions made by the participant and on the 92463
participant's behalf under divisions (C) and (D) of this section. 92464

(2) A buckeye account shall not have more than ten thousand 92465
dollars in it at one time. 92466

(B) Subject to division (A)(2) of this section, one thousand 92467
dollars of medicaid funds shall be deposited each year into the 92468
buckeye account of a healthy Ohio program participant. Except in 92469
the case of a participant who is not required to make 92470
contributions to the participant's buckeye account, the initial 92471
deposit of medicaid funds into a participant's buckeye account 92472
shall not occur until the initial contribution to the 92473
participant's account is made under division (C) or (D) of this 92474
section. 92475

(C)(1) Subject to divisions (A)(2), (D), and (F) of this 92476
section, a healthy Ohio program participant shall contribute each 92477
year to the participant's buckeye account the lesser of the 92478
following: 92479

(a) Two per cent of the participant's annual countable family 92480
income; 92481

(b) Ninety-nine dollars. 92482

(2) A participant's contributions to the participant's 92483
buckeye account may be made in monthly installments. A monthly 92484
installment payment shall be considered an initial contribution. 92485

(D)(1) Subject to division (D)(2) of this section, the 92486
following may make contributions to a healthy Ohio program 92487
participant's buckeye account on the participant's behalf: 92488

(a) The participant's employer, but only up to fifty per cent 92489
of the contributions the participant is required to make; 92490

(b) A not-for-profit organization, but only up to seventy- 92491
five per cent of the contributions the participant is required to 92492
make; 92493

(c) The managed care organization that offers the health plan 92494
in which the participant enrolls under the healthy Ohio program, 92495
but both of the following apply to such contributions: 92496

(i) They shall be used only to pay the costs for the 92497
participant to participate in a health-related incentive available 92498
under the health plan, such as completion of a risk assessment or 92499
participation in a smoking cessation program. 92500

(ii) They cannot reduce the amount the participant is 92501
required to contribute. 92502

(2) Contributions made on a participant's behalf under 92503
divisions (D)(1)(a) and (b) of this section shall be coordinated 92504
in a manner so that the participant makes at least twenty-five per 92505
cent of the contributions the participant is required to make. 92506

(E) Except in the case of a healthy Ohio program participant 92507
who is not required to make contributions to the participant's 92508
buckeye account, a participant shall not begin to receive benefits 92509
under the healthy Ohio program until the initial contribution to 92510
the participant's buckeye account is made under division (C) or 92511
(D) of this section. 92512

(F)(1) The following portion of the amount that remains in a 92513
healthy Ohio program participant's buckeye account at the end of a 92514
year shall carry forward in the account for the next year: 92515

(a) If the participant satisfies requirements regarding 92516
preventative health services established in rules authorized by 92517
section 5166.409 of the Revised Code, the entire amount; 92518

(b) If division (F)(1)(a) of this section does not apply, the 92519
amount representing the contributions to the account. 92520

(2) The amount of contributions that must be made to a 92521
participant's buckeye account for a year shall be reduced by the 92522
amount that is carried forward under division (F)(1) of this 92523
section. If the amount carried forward is at least the amount of 92524
contributions that division (C) of this section requires for that 92525
year, no contributions are required to be made for the participant 92526
that year. 92527

(G) A buckeye account shall be used only for the following: 92528

(1) To pay for the expenses for which a healthy Ohio program 92529
debit swipe card may be used as specified in division (A) of 92530
section 5166.403 of the Revised Code; 92531

(2) Other purposes authorized by rules adopted under section 92532
5166.409 of the Revised Code. 92533

(H) The department of medicaid shall provide for a healthy 92534
Ohio program participant to receive monthly statements showing the 92535
current amount in the participant's buckeye account and the 92536
previous month's expenditures from the account. The statement 92537
shall specify how much of the amount in the participant's buckeye 92538
account is the core portion and how much is the noncore portion. 92539
The department may arrange for the statements to be provided in an 92540
electronic format. 92541

Sec. 5166.403. (A) A managed care organization that offers 92542
the health plan in which a healthy Ohio program participant 92543
enrolls shall issue a debit swipe card to be used to pay only for 92544
the following: 92545

(1) Until the amount of the noncore portion of the 92546
participant's buckeye account is zero, the costs of health care 92547
services that are covered by the health plan and provided to the 92548
participant by a provider participating in the health plan; 92549

(2) The participant's copayments under division (C) of 92550
section 5166.401 of the Revised Code; 92551

(3) Subject to rules authorized by section 5166.409 of the 92552
Revised Code, the costs of health care services that are medically 92553
necessary for the participant but not covered by the health plan. 92554

(B)(1) A healthy Ohio program participant's debit swipe card 92555
shall be credited with one point for each of the following: 92556

(a) Each dollar of medicaid funds deposited into the 92557

participant's buckeye account under division (B) of section 92558
5166.402 of the Revised Code; 92559

(b) Each dollar contributed to the participant's buckeye 92560
account under divisions (C) and (D) of section 5166.402 of the 92561
Revised Code; 92562

(c) Each point awarded to the participant under section 92563
5166.404 of the Revised Code. 92564

(2) Each time a healthy Ohio program participant uses the 92565
participant's debit swipe card, the amount for which the card is 92566
used shall be deducted from the number of points on the card as 92567
follows: 92568

(a) If the card is used for the purpose specified in division 92569
(A)(1) of this section, the deduction shall come from the points 92570
representing the noncore portion of the participant's buckeye 92571
account. 92572

(b) If the card is used for the purpose specified in division 92573
(A)(2) or (3) of this section, the deduction shall come from the 92574
points representing the core portion of the participant's buckeye 92575
account. 92576

(C) A healthy Ohio program participant's debit swipe card 92577
shall do all of the following: 92578

(1) Verify the participant's eligibility for the healthy Ohio 92579
program; 92580

(2) Determine whether the service the participant seeks is 92581
covered under the health plan; 92582

(3) Determine whether the provider from which the participant 92583
seeks the service is a participating provider under the health 92584
plan; 92585

(4) Be linked to the participant's buckeye account in a 92586
manner that enables the participant to know at the point of 92587

service what will be deducted from the noncore portion and core 92588
portion of the participant's buckeye account for the service and 92589
how much will remain in each portion of the account after the 92590
deduction. 92591

Sec. 5166.404. (A) The medicaid director shall establish a 92592
system under which points are awarded in accordance with this 92593
section to healthy Ohio program debit swipe cards. One dollar of 92594
medicaid funds shall be deposited into a healthy Ohio program 92595
participant's buckeye account for each point awarded to the 92596
participant under this section. 92597

(B) The director shall provide a one-time award of twenty 92598
points to a healthy Ohio program participant who provides for the 92599
participant's contributions under division (C) of section 5166.402 92600
of the Revised Code to be made by electronic funds transfers from 92601
the participant's checking or savings account. Twenty points shall 92602
be deducted from the participant's card if the participant 92603
terminates the electronic funds transfers. 92604

(C) The director may award up to two hundred points annually 92605
to a healthy Ohio program participant who achieves health care 92606
goals. The points shall be awarded in accordance with the rules 92607
authorized by section 5166.409 of the Revised Code. A participant 92608
shall not be awarded more than two hundred points per year under 92609
this division regardless of the number of health care goals the 92610
participant achieves that year. 92611

(D) Up to one hundred points may be awarded annually to a 92612
healthy Ohio program participant by one or more primary care 92613
physicians who verify that the participant has satisfied health 92614
care benchmarks set by the physicians. A participant shall not be 92615
awarded more than one hundred points per year under this division 92616
regardless of how many primary care physicians award points to the 92617
participant that year and the number of points the primary care 92618

physicians award the participant that year. 92619

Sec. 5166.405. (A) A healthy Ohio program participant's 92620
participation in the program shall cease if any of the following 92621
applies: 92622

(1) Unless the participant is pregnant, a monthly installment 92623
payment to the participant's buckeye account is sixty days late. 92624

(2) The participant fails to submit documentation needed for 92625
a redetermination of the participant's eligibility for medicaid 92626
before the sixty-first day after the documentation is requested. 92627

(3) The participant becomes eligible for medicaid on a basis 92628
other than being included in the category identified by the 92629
department of medicaid as covered families and children or being 92630
included in the eligibility group described in section 92631
1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 92632
1396a(a)(10)(A)(i)(VIII). 92633

(4) The participant becomes a ward of the state. 92634

(5) The participant ceases to be eligible for medicaid. 92635

(6) The participant exhausts the annual or lifetime payout 92636
limit specified in division (D) of section 5166.401 of the Revised 92637
Code. 92638

(7) The participant requests that the participant's 92639
participation be terminated. 92640

(B) A healthy Ohio program participant who ceases to 92641
participate in the program under division (A)(1) or (2) of this 92642
section may not resume participation until the former participant 92643
pays the full amount of the monthly installment payment or submits 92644
the documentation needed for the former participant's medicaid 92645
eligibility redetermination. The former participant shall not be 92646
transferred to the fee-for-service component of medicaid or the 92647
care management system as a result of ceasing to participate in 92648

the healthy Ohio program under division (A)(1) or (2) of this 92649
section. 92650

(C) Except as provided in section 5166.407 of the Revised 92651
Code, a healthy Ohio program participant who ceases to participate 92652
in the program shall be provided the contributions that are in the 92653
participant's buckeye account at the time the participant ceases 92654
participation. 92655

Sec. 5166.406. If a healthy Ohio program participant exhausts 92656
the annual or lifetime payout limits specified in division (D) of 92657
section 5166.401 of the Revised Code, the participant shall be 92658
transferred to the fee-for-service component of medicaid or the 92659
care management system. A participant who exhausts the annual 92660
payout limit for a year shall resume participation in the healthy 92661
Ohio program at the beginning of the immediately following year if 92662
division (B) of section 5166.40 of the Revised Code continues to 92663
apply to the participant. 92664

Sec. 5166.407. (A) If a healthy Ohio program participant 92665
ceases to qualify for medicaid due to increased family countable 92666
income and purchases a health insurance policy or obtains health 92667
care coverage under an eligible employer-sponsored health plan, 92668
the amount remaining in the former participant's buckeye account 92669
shall be transferred to an account to be known as a bridge 92670
account. The amount so transferred may be used only to pay for the 92671
following: 92672

(1) If the former participant has purchased a health 92673
insurance policy, the former participant's costs in purchasing the 92674
policy and paying for the former participant's out-of-pocket 92675
expenses under the policy for health care services and 92676
prescription drugs covered by the policy; 92677

(2) If the former participant has obtained health care 92678

coverage under an eligible employer-sponsored health plan, the 92679
former participant's out-of-pocket expenses under the plan for 92680
health care services and prescription drugs covered by the plan. 92681

(B) Only the amount remaining in a former healthy Ohio 92682
program participant's buckeye account at the time the former 92683
participant ceased to participate in the healthy Ohio program 92684
shall be deposited into the bridge account. The bridge account 92685
shall be closed once the amount transferred to it under division 92686
(A) of this section is exhausted. 92687

(C) The medicaid director shall notify a former healthy Ohio 92688
program participant when a bridge account is established for the 92689
former participant under this section. 92690

Sec. 5166.408. Each county department of job and family 92691
services shall offer to refer to a workforce development agency 92692
each healthy Ohio program participant who resides in the county 92693
served by the county department and is either unemployed or 92694
employed for less than an average of twenty hours per week. The 92695
referral shall include information about the workforce development 92696
activities available from the workforce development agency. A 92697
participant may refuse to accept the referral and to participate 92698
in the workforce development activities without any affect on the 92699
participant's eligibility for, or participation in, the healthy 92700
Ohio program. 92701

Sec. 5166.409. The medicaid director shall adopt rules under 92702
section 5166.02 of the Revised Code to do all of the following: 92703

(A) For the purpose of division (F)(1)(a) of section 5166.402 92704
of the Revised Code, establish requirements regarding preventative 92705
health services for healthy Ohio program participants. The 92706
requirements may differ for participants of different ages and 92707
genders. 92708

(B) For the purpose of division (G)(2) of section 5166.402 of the Revised Code, authorize additional uses of a buckeye account and establish the means for using the account for those purposes. 92709 92710 92711

(C) For the purpose of division (A)(3) of section 5166.403 of the Revised Code, establish requirements for the use of a healthy Ohio program debit swipe card to pay for the costs of medically necessary health care services not covered by the health plan in which a healthy Ohio program participant enrolls. 92712 92713 92714 92715 92716

(D) For the purpose of division (C) of section 5166.404 of the Revised Code, establish a system under which the director may award points to healthy Ohio program participants who achieve health care goals. The rules shall specify the goals that qualify for points and the number of points each goal is worth. The number of points may vary for different goals. 92717 92718 92719 92720 92721 92722

(E) For the purpose of section 5166.407 of the Revised Code, establish procedures and requirements for the transfer of the amounts remaining in former healthy Ohio program participants' buckeye accounts to bridge accounts. 92723 92724 92725 92726

Sec. 5167.03. ~~(A)~~ As part of the medicaid program, the department of medicaid shall establish a care management system. The 92727 92728 92729

~~(B) The department shall implement the care management system in some or all counties and.~~ 92730 92731

The department shall designate the medicaid recipients who are required or permitted to participate in the system. Those who shall be required to participate in the system include medicaid recipients who receive cognitive behavioral therapy as described in division (A)(2) of section 5167.16 of the Revised Code. Except as provided in section 5166.406 of the Revised Code, no medicaid recipient participating in the healthy Ohio program established 92732 92733 92734 92735 92736 92737 92738

~~under section 5166.40 of the Revised Code shall participate in the~~ 92739
~~care management system. In the department's implementation of the~~ 92740
~~system and designation of participants, all of the following~~ 92741
~~apply:~~ 92742

~~(1) In the case of individuals who receive medicaid on the~~ 92743
~~basis of being included in the category identified by the~~ 92744
~~department as covered families and children, the department shall~~ 92745
~~implement the care management system in all counties. All~~ 92746
~~individuals included in the category shall be designated for~~ 92747
~~participation, except for individuals included in one or more of~~ 92748
~~the medicaid recipient groups specified in 42 C.F.R. 438.50(d).~~ 92749
~~The department shall ensure that all participants are enrolled in~~ 92750
~~medicaid managed care organizations that are health insuring~~ 92751
~~corporations.~~ 92752

~~(2) In the case of individuals who receive medicaid on the~~ 92753
~~basis of being aged, blind, or disabled, the department shall~~ 92754
~~implement the care management system in all counties. Except as~~ 92755
~~provided in division (C) of this section, all individuals included~~ 92756
~~in the category shall be designated for participation. The~~ 92757
~~department shall ensure that all participants are enrolled in~~ 92758
~~medicaid managed care organizations that are health insuring~~ 92759
~~corporations.~~ 92760

~~(3) Alcohol, drug addiction, and mental health services~~ 92761
~~covered by medicaid shall not be included in any component of the~~ 92762
~~care management system when the nonfederal share of the cost of~~ 92763
~~those services is provided by a board of alcohol, drug addiction,~~ 92764
~~and mental health services or a state agency other than the~~ 92765
~~department of medicaid, but the recipients of those services may~~ 92766
~~otherwise be designated for participation in the system.~~ 92767

~~(C)(1) In designating participants who receive medicaid on~~ 92768
~~the basis of being aged, blind, or disabled, the department shall~~ 92769
~~not include any of the following, except as provided under~~ 92770

~~division (C)(2) of this section:~~ 92771

~~(a) Individuals who are under twenty one years of age;~~ 92772

~~(b) Individuals who are institutionalized;~~ 92773

~~(c) Individuals who become eligible for medicaid by spending~~ 92774
~~down their income or resources to a level that meets the medicaid~~ 92775
~~program's financial eligibility requirements;~~ 92776

~~(d) Dual eligible individuals;~~ 92777

~~(e) Individuals to the extent that they are receiving~~ 92778
~~medicaid services through a medicaid waiver component.~~ 92779

~~(2) The department may designate any of the following~~ 92780
~~individuals who receive medicaid on the basis of being aged,~~ 92781
~~blind, or disabled as individuals who are permitted or required to~~ 92782
~~participate in the care management system:~~ 92783

~~(a) Individuals who are under twenty one years of age;~~ 92784

~~(b) Individuals who reside in a nursing facility;~~ 92785

~~(c) Individuals who, as an alternative to receiving nursing~~ 92786
~~facility services, are participating in a home and community-based~~ 92787
~~services medicaid waiver component;~~ 92788

~~(d) Dual eligible individuals.~~ 92789

~~(D) Subject to division (B) of this section, the~~ 92790

~~The department may do both of the following under the care~~ 92791
~~management system:~~ 92792

~~(1) Require require or permit participants in the system to~~ 92793
~~obtain health care services from providers designated by the~~ 92794
~~department;~~ 92795

~~(2) Require. The department may require or permit~~ 92796
~~participants in the system to obtain health care services through~~ 92797
~~medicaid managed care organizations.~~ 92798

Sec. 5167.04. (A) Subject to division (B) of this section, 92799
the department of medicaid shall include alcohol, drug addiction, 92800
and mental health services covered by medicaid in the care 92801
management system established under section 5167.03 of the Revised 92802
Code. 92803

(B) All of the following apply to the manner in which 92804
division (A) of this section is implemented: 92805

(1) The department shall begin to include the services in the 92806
system not later than January 1, 2018. 92807

(2) Before January 1, 2018, any proposal by the department to 92808
include all or part of the services in all or part of the system 92809
is subject to review by the joint medicaid oversight committee 92810
under division (B) of section 103.42 of the Revised Code. The 92811
department may implement the proposal only if the committee 92812
approves the proposal. 92813

(3) On and after January 1, 2018, any proposal by the 92814
department to include all or part of the services in all or part 92815
of the system is subject to monitoring by the committee under 92816
division (A) or (C) of section 103.42 of the Revised Code, but 92817
approval by the committee is no longer required before the 92818
proposal may be implemented. 92819

Sec. 5167.15. (A) As used in this section: 92820

(1) "Certified community health worker" has the same meaning 92821
as in section 4723.01 of the Revised Code. 92822

(2) "Community health worker services" means the services 92823
described in section 4723.81 of the Revised Code. 92824

(3) "Qualified community hub" means a community-based agency 92825
that meets both of the following criteria: 92826

(a) Uses the pathways community HUB model developed by the 92827

community health access project in this state for the purposes of 92828
coordinating two or more care coordination agencies and ensuring 92829
that the agencies use pathways to connect at-risk individuals to 92830
physical health, behavioral health, social, and employment 92831
services; 92832

(b) Demonstrates to the medicaid director that it fully or 92833
substantially complies with the pathways community HUB 92834
certification standards developed by the rockville institute by 92835
submitting to the director a copy of a document from that 92836
institute stating that the community hub satisfies the standards 92837
or has shown substantial progress toward satisfying the standards. 92838

(B)(1) Subject to divisions (B)(3) and (C) of this section, a 92839
medicaid managed care organization shall provide to a medicaid 92840
recipient who meets the criteria in division (B)(2) of this 92841
section, or arrange for such recipient to receive, both of the 92842
following types of services provided by a certified community 92843
health worker: 92844

(a) Community health worker services; 92845

(b) Other services that are not community health worker 92846
services but are performed for the purpose of ensuring that the 92847
medicaid recipient is linked to employment services, housing, 92848
educational services, social services, or medically necessary 92849
physical and behavioral health services. 92850

(2) A medicaid recipient qualifies to receive the services 92851
specified in division (B)(1) of this section if the medicaid 92852
recipient is pregnant or capable of becoming pregnant, resides in 92853
a community specified in rules adopted under section 3701.142 of 92854
the Revised Code, has been recommended to receive the services by 92855
a physician or another licensed health professional specified in 92856
rules adopted under that section, and is enrolled in the medicaid 92857
managed care organization providing or arranging for the services. 92858

(3) The services described in division (B)(1) of this section 92859
must promote and facilitate healthy behaviors specified in rules 92860
adopted under section 3701.142 of the Revised Code across the 92861
following life course stages: preconception, prenatal, postpartum, 92862
and interconception. 92863

(C) A medicaid recipient who is to receive the services 92864
described in division (B)(1) of this section and who resides in a 92865
region served by a qualified community hub shall receive the 92866
services only from that community hub. 92867

Sec. 5167.16. (A) As used in this section: 92868

(1) "Help me grow program" means the program established by 92869
the department of health pursuant to section 3701.61 of the 92870
Revised Code. 92871

(2) "Targeted case management" has the same meaning as in 42 92872
C.F.R. 440.169(b). 92873

(B) A medicaid managed care organization shall provide to a 92874
medicaid recipient who meets the criteria in division (C) of this 92875
section, or arrange for such recipient to receive, both of the 92876
following types of services: 92877

(1) Home visits, which shall include depression screenings, 92878
for which federal financial participation is available under the 92879
targeted care management benefit; 92880

(2) Cognitive behavioral therapy, provided by a community 92881
mental health services provider, that is determined to be 92882
medically necessary through a depression screening conducted as 92883
part of a home visit. 92884

(C) A medicaid recipient qualifies to receive the services 92885
specified in division (B) of this section if the medicaid 92886
recipient is enrolled in the help me grow program, enrolled in the 92887
medicaid managed care organization providing or arranging for the 92888

services, and is either pregnant or the birth mother of an infant 92889
or toddler under three years of age. 92890

(D) If requested by a medicaid recipient eligible for the 92891
cognitive behavioral therapy covered under division (B)(2) of this 92892
section, the therapy shall be provided in the recipient's home. 92893
The medicaid managed care organization shall inform the medicaid 92894
recipient of the right to make the request and how to make it. 92895

Sec. 5167.17. When contracting under section 5167.10 of the 92896
Revised Code with a managed care organization that is a health 92897
insuring corporation, the department of medicaid shall require the 92898
health insuring corporation to provide enhanced care management 92899
services for pregnant women and women capable of becoming pregnant 92900
in the communities specified in rules adopted under section 92901
3701.142 of the Revised Code. The contract shall specify that the 92902
services are to be provided in a manner intended to decrease the 92903
incidence of prematurity, low birth weight, and infant mortality, 92904
as well as improve the overall health status of women capable of 92905
becoming pregnant for the purpose of ensuring optimal future birth 92906
outcomes. 92907

Sec. 5167.32. Not later than July 1, 2016, the department of 92908
medicaid shall implement strategies to improve the integrity of 92909
the care management system, including strategies to do both of the 92910
following: 92911

(A) Increase the department's oversight of medicaid managed 92912
care organizations; 92913

(B) Provide incentives for identifying fraud, waste, and 92914
abuse in the care management system. 92915

Sec. 5167.33. (A) Not later than July 1, 2018, each medicaid 92916
managed care organization shall implement strategies that base 92917

payments to providers on the value received from the providers' 92918
services, including their success in reducing waste in the 92919
provision of the services. Not later than July 1, 2020, each 92920
medicaid managed care organization shall ensure that at least 92921
fifty per cent of the aggregate net payments it makes to providers 92922
are based on the value received from the providers' services. 92923

The department of medicaid may measure a medicaid managed 92924
care organization's compliance with this section based on the 92925
actions of the organization, the providers in the organization's 92926
provider panel, the organization's subcontractors, or any 92927
combination of the organization, providers, and subcontractors. 92928

(B) The medicaid director shall adopt rules under section 92929
5167.02 of the Revised Code as necessary to implement this 92930
section, including rules that specify how all of the following are 92931
to be determined: 92932

(1) The value received from a provider's services; 92933

(2) A provider's success in reducing waste in the provision 92934
of services; 92935

(3) The percentage of a medicaid managed care organization's 92936
aggregate net payments to providers that are based on the value 92937
received from the providers' services. 92938

Sec. 5168.01. As used in sections 5168.01 to 5168.14 of the 92939
Revised Code: 92940

(A) "Bad debt," "charity care," "courtesy care," and 92941
"contractual allowances" have the same meanings given these terms 92942
in regulations adopted under Title XVIII of the "Social Security 92943
Act," 42 U.S.C. 1395 et seq. 92944

(B) "Cost reporting period" means the twelve-month period 92945
used by a hospital in reporting costs for purposes of Title XVIII 92946

of the "Social Security Act," 42 U.S.C. 1395 et seq. 92947

(C) "Disproportionate share hospital" means a hospital that 92948
meets the definition of a disproportionate share hospital in rules 92949
adopted under section 5168.02 of the Revised Code. 92950

(D) "Federal poverty line" means the official poverty line 92951
defined by the United States office of management and budget based 92952
on the most recent data available from the United States bureau of 92953
the census and revised by the United States secretary of health 92954
and human services pursuant to the "Omnibus Budget Reconciliation 92955
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 92956

(E) "Governmental hospital" means a county hospital with more 92957
than five hundred registered beds or a state-owned and -operated 92958
hospital with more than five hundred registered beds. 92959

(F)(1) "Hospital" means a nonfederal hospital to which either 92960
of the following applies: 92961

(a) The hospital is registered under section 3701.07 of the 92962
Revised Code as a general medical and surgical hospital or a 92963
pediatric general hospital, and provides inpatient hospital 92964
services, as defined in 42 C.F.R. 440.10; 92965

(b) The hospital is recognized under the medicare program as 92966
a cancer hospital and is exempt from the medicare prospective 92967
payment system. 92968

(2) "Hospital" does not include a hospital operated by a 92969
health insuring corporation that has been issued a certificate of 92970
authority under section 1751.05 of the Revised Code or a hospital 92971
that does not charge patients for services. 92972

(G) "Indigent care pool" means the sum of the following: 92973

(1) The total of assessments to be paid in a program year by 92974
all hospitals under section 5168.06 of the Revised Code, less the 92975
assessments deposited ~~into the legislative budget services fund~~ 92976

~~under section 5168.12 of the Revised Code and~~ into the health care 92977
services administration fund created under section 5162.54 of the 92978
Revised Code; 92979

(2) The total amount of intergovernmental transfers required 92980
to be made in the same program year by governmental hospitals 92981
under section 5168.07 of the Revised Code, less the amount of 92982
transfers deposited ~~into the legislative budget services fund~~ 92983
~~under section 5168.12 of the Revised Code and~~ into the health care 92984
services administration fund created under section 5162.54 of the 92985
Revised Code; 92986

(3) The total amount of federal matching funds that will be 92987
made available in the same program year as a result of funds 92988
distributed by the department of medicaid to hospitals under 92989
section 5168.09 of the Revised Code. 92990

(H) "Intergovernmental transfer" means any transfer of money 92991
by a governmental hospital under section 5168.07 of the Revised 92992
Code. 92993

(I) "Medicaid services" has the same meaning as in section 92994
5164.01 of the Revised Code. 92995

(J) "Program year" means a period beginning the first day of 92996
October, or a later date designated in rules adopted under section 92997
5168.02 of the Revised Code, and ending the thirtieth day of 92998
September, or an earlier date designated in rules adopted under 92999
that section. 93000

(K) "Registered beds" means the total number of hospital beds 93001
registered with the department of health, as reported in the most 93002
recent "directory of registered hospitals" published by the 93003
department of health. 93004

(L) "Third-party payer" means any person or government entity 93005
that may be liable by law or contract to make payment to or on 93006
behalf of an individual for health care services. "Third-party 93007

payer" does not include a hospital. 93008

(M) "Total facility costs" means the total costs for all 93009
services rendered to all patients, including the direct, indirect, 93010
and overhead cost to the hospital of all services, supplies, 93011
equipment, and capital related to the care of patients, regardless 93012
of whether patients are enrolled in a health insuring corporation, 93013
excluding costs associated with providing skilled nursing services 93014
in distinct-part nursing facility units, as shown on the 93015
hospital's cost report filed under section 5168.05 of the Revised 93016
Code. Effective October 1, 1993, if rules adopted under section 93017
5168.02 of the Revised Code so provide, "total facility costs" may 93018
exclude costs associated with providing care to recipients of any 93019
of the governmental programs listed in division (B) of that 93020
section. 93021

(N) "Uncompensated care" means bad debt and charity care. 93022

Sec. 5168.06. (A) For the purpose of distributing funds to 93023
hospitals under the medicaid program pursuant to sections 5168.01 93024
to 5168.14 of the Revised Code and depositing funds ~~into the~~ 93025
~~legislative budget services fund under section 5168.12 of the~~ 93026
~~Revised Code and~~ into the health care services administration fund 93027
created under section 5162.54 of the Revised Code, there is hereby 93028
imposed an assessment on all hospitals. Each hospital's assessment 93029
shall be based on total facility costs. All hospitals shall be 93030
assessed according to the rate or rates established each program 93031
year in rules adopted under section 5168.02 of the Revised Code. 93032
The department shall assess all hospitals uniformly and in a 93033
manner consistent with federal statutes and regulations. During 93034
any program year, the department shall not assess any hospital 93035
more than two per cent of the hospital's total facility costs. 93036

The department shall establish an assessment rate or rates 93037
each program year that will do both of the following: 93038

(1) Yield funds that, when combined with intergovernmental 93039
transfers and federal matching funds, will produce a program of 93040
sufficient size to pay a substantial portion of the indigent care 93041
provided by hospitals; 93042

(2) Yield funds that, when combined with intergovernmental 93043
transfers and federal matching funds, will produce amounts for 93044
distribution to disproportionate share hospitals that do not 93045
exceed, in the aggregate, the limits prescribed by the United 93046
States health care financing administration under the "Social 93047
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 93048

(B)(1) Except as provided in division (B)(3) of this section, 93049
each hospital shall pay its assessment in periodic installments in 93050
accordance with a schedule established in rules adopted under 93051
section 5168.02 of the Revised Code. 93052

(2) The installments shall be equal in amount, unless either 93053
of the following applies: 93054

(a) The department makes adjustments during a program year 93055
under division (D) of section 5168.08 of the Revised Code in the 93056
total amount of hospitals' assessments; 93057

(b) The medicaid director determines that adjustments in the 93058
amounts of installments are necessary for the administration of 93059
sections 5168.01 to 5168.14 of the Revised Code and that unequal 93060
installments will not create cash flow difficulties for hospitals. 93061

(3) The director may adopt rules under section 5168.02 of the 93062
Revised Code establishing alternate schedules for hospitals to pay 93063
assessments under this section in order to reduce hospitals' cash 93064
flow difficulties. 93065

Sec. 5168.07. (A) The department of medicaid may require 93066
governmental hospitals to make intergovernmental transfers each 93067
program year for the purpose of distributing funds to hospitals 93068

under the medicaid program pursuant to sections 5168.01 to 5168.14 93069
of the Revised Code and depositing funds ~~into the legislative~~ 93070
~~budget services fund under section 5168.12 of the Revised Code and~~ 93071
into the health care services administration fund created under 93072
section 5162.54 of the Revised Code. The department shall not 93073
require transfers in an amount that, when combined with hospital 93074
assessments paid under section 5168.06 of the Revised Code and 93075
federal matching funds, produce amounts for distribution to 93076
disproportionate share hospitals that, in the aggregate, exceed 93077
limits prescribed by the United States health care financing 93078
administration under the "Social Security Act," section 1923(f), 93079
42 U.S.C. 1396r-4(f). 93080

(B) Before or during each program year, the department shall 93081
notify each governmental hospital of the amount of the 93082
intergovernmental transfer it is required to make during the 93083
program year. Each governmental hospital shall make 93084
intergovernmental transfers as required by the department under 93085
this section in periodic installments, executed by electronic fund 93086
transfer, in accordance with a schedule established in rules 93087
adopted under section 5168.02 of the Revised Code. 93088

Sec. 5168.10. Except for moneys deposited into ~~the~~ 93089
~~legislative budget services fund under section 5168.12 of the~~ 93090
~~Revised Code and~~ the health care services administration fund 93091
created under section 5162.54 of the Revised Code, the department 93092
of medicaid shall not use money paid to the department under 93093
sections 5168.06 and 5168.07 of the Revised Code or money that the 93094
department pays to hospitals under section 5168.09 of the Revised 93095
Code to replace any funds appropriated by the general assembly for 93096
the medicaid program. 93097

Sec. 5168.11. (A) Except as provided in section ~~5168.12~~ 93098
5162.54 of the Revised Code, all payments of assessments by 93099

hospitals under section 5168.06 of the Revised Code and all 93100
intergovernmental transfers under section 5168.07 of the Revised 93101
Code shall be deposited in the state treasury to the credit of the 93102
hospital care assurance program fund, hereby created. All 93103
investment earnings of the hospital care assurance program fund 93104
shall be credited to the fund. The department of medicaid shall 93105
maintain records that show the amount of money in the hospital 93106
care assurance program fund at any time that has been paid by each 93107
hospital and the amount of any investment earnings on that amount. 93108
All moneys credited to the hospital care assurance program fund 93109
shall be used solely to make payments to hospitals under division 93110
(D) of this section and section 5168.09 of the Revised Code. 93111

(B) All federal matching funds received as a result of the 93112
department distributing funds from the hospital care assurance 93113
program fund to hospitals under section 5168.09 of the Revised 93114
Code shall be credited to the health care - federal fund created 93115
under section 5162.50 of the Revised Code. 93116

(C) All distributions of funds to hospitals under section 93117
5168.09 of the Revised Code are conditional on: 93118

(1) Expiration of the time for appeals under section 5168.08 93119
of the Revised Code without the filing of an appeal, or on court 93120
determinations, in the event of appeals, that the hospital is 93121
entitled to the funds; 93122

(2) The sum of the following being sufficient to distribute 93123
the funds after the final determination of any appeals: 93124

(a) The available money in the hospital care assurance 93125
program fund; 93126

(b) The available portion of the money in the health care - 93127
federal fund that is credited to that fund pursuant to division 93128
(B) of this section. 93129

(3) The hospital's compliance with section 5168.14 of the 93130

Revised Code. 93131

(D) If an audit conducted by the department of the amounts of 93132
payments made and funds received by hospitals under sections 93133
5168.06, 5168.07, and 5168.09 of the Revised Code identifies 93134
amounts that, due to errors by the department, a hospital should 93135
not have been required to pay but did pay, should have been 93136
required to pay but did not pay, should not have received but did 93137
receive, or should have received but did not receive, the 93138
department shall: 93139

(1) Make payments to any hospital that the audit reveals paid 93140
amounts it should not have been required to pay or did not receive 93141
amounts it should have received; 93142

(2) Take action to recover from a hospital any amounts that 93143
the audit reveals it should have been required to pay but did not 93144
pay or that it should not have received but did receive. 93145

Payments made under division (D)(1) of this section shall be 93146
made from the hospital care assurance program fund. Amounts 93147
recovered under division (D)(2) of this section shall be deposited 93148
to the credit of that fund. Any hospital may appeal the amount the 93149
hospital is to be paid under division (D)(1) or the amount that is 93150
to be recovered from the hospital under division (D)(2) of this 93151
section to the court of common pleas of Franklin county. 93152

~~Sec. 5168.23. Unless rules adopted under section 5168.26 of~~ 93153
~~the Revised Code establish a different payment schedule, each~~ Each 93154
hospital shall pay the amount it is assessed under section 5168.21 93155
of the Revised Code in accordance with ~~the following~~ a payment 93156
schedule. 93157

~~(A) Twenty-eight per cent of a hospital's assessment is due~~ 93158
~~on the last business day of October of each assessment program~~ 93159
~~year.~~ 93160

~~(B) Thirty one per cent of a hospital's assessment is due on 93161
the last business day of February of each assessment program year. 93162~~

~~(C) Forty one per cent of a hospital's assessment is due on 93163
the last business day of May of each assessment program year the 93164
department of medicaid shall establish for each assessment program 93165
year. The department shall consult with the Ohio hospital 93166
association before establishing the payment schedule for any 93167
assessment program year. The department shall include the payment 93168
schedule in each preliminary determination notice the department 93169
mails to hospitals under division (A) of section 5168.22 of the 93170
Revised Code. 93171~~

Sec. 5168.26. (A) The medicaid director shall adopt rules in 93172
accordance with Chapter 119. of the Revised Code as necessary to 93173
implement sections 5168.20 to 5168.28 of the Revised Code, 93174
including rules that specify the percentage of hospitals' total 93175
facility costs to be used in calculating hospitals' assessments 93176
under section 5168.21 of the Revised Code. 93177

(B) The rules adopted under this section may do the 93178
following: 93179

(1) Provide that a hospital's total facility costs for the 93180
purpose of the assessment under section 5168.21 of the Revised 93181
Code exclude any of the following: 93182

(a) A hospital's costs associated with providing care to 93183
recipients of any of the following: 93184

(i) The medicaid program; 93185

(ii) The medicare program; 93186

(iii) The disability financial assistance program established 93187
under Chapter 5115. of the Revised Code; 93188

(iv) The program for medically handicapped children 93189
established under section 3701.023 of the Revised Code; 93190

(v) Services provided under the maternal and child health 93191
services block grant established under Title V of the "Social 93192
Security Act," 42 U.S.C. 701 et seq. 93193

(b) Any other category of hospital costs the director deems 93194
appropriate under federal law and regulations governing the 93195
medicaid program. 93196

(2) Subject to division (C) of this section, provide for the 93197
percentage of hospitals' total facility costs used in calculating 93198
hospitals' assessments to vary for different hospitals; 93199

~~(3) To reduce hospitals' cash flow difficulties, establish a 93200
schedule for hospitals to pay their assessments that is different 93201
from the schedule established under section 5168.23 of the Revised 93202
Code. 93203~~

(C) Before adopting rules authorized by division (B)(2) of 93204
this section that establish varied percentages to be used in 93205
calculating hospitals' assessments, the director shall obtain a 93206
waiver from the United States secretary of health and human 93207
services under the "Social Security Act," section 1903(w)(3)(E), 93208
42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause 93209
the assessments to not be imposed uniformly. 93210

Sec. 5168.40. As used in sections 5168.40 to 5168.56 of the 93211
Revised Code: 93212

(A) "Bed surrender" means the following: 93213

(1) In the case of a nursing home, the removal of a bed from 93214
a nursing home's licensed capacity in a manner that reduces the 93215
total licensed capacity of all nursing homes and makes it 93216
impossible for the bed to ever be a part of any nursing home's 93217
licensed capacity; 93218

(2) In the case of a hospital, the removal of a hospital bed 93219
from registration under section 3701.07 of the Revised Code as a 93220

skilled nursing facility bed or long-term care bed in a manner 93221
that reduces the total number of hospital beds registered under 93222
that section as skilled nursing facility beds or long-term care 93223
beds and makes it impossible for the bed to ever be registered as 93224
a skilled nursing facility bed or long-term care bed. 93225

(B) "Change of operator" means an entering operator becoming 93226
the operator of a nursing home or hospital in the place of the 93227
exiting operator. 93228

(1) Actions that constitute a change of operator include the 93229
following: 93230

(a) A change in an exiting operator's form of legal 93231
organization, including the formation of a partnership or 93232
corporation from a sole proprietorship; 93233

(b) A transfer of all the exiting operator's ownership 93234
interest in the operation of the nursing home or hospital to the 93235
entering operator, regardless of whether ownership of any or all 93236
of the real property or personal property associated with the 93237
nursing home or hospital is also transferred; 93238

(c) A lease of the nursing home or hospital to the entering 93239
operator or the exiting operator's termination of the exiting 93240
operator's lease; 93241

(d) If the exiting operator is a partnership, dissolution of 93242
the partnership; 93243

(e) If the exiting operator is a partnership, a change in 93244
composition of the partnership unless both of the following apply: 93245

(i) The change in composition does not cause the 93246
partnership's dissolution under state law. 93247

(ii) The partners agree that the change in composition does 93248
not constitute a change in operator. 93249

(f) If the operator is a corporation, dissolution of the 93250

corporation, a merger of the corporation into another corporation 93251
that is the survivor of the merger, or a consolidation of one or 93252
more other corporations to form a new corporation. 93253

(2) The following, alone, do not constitute a change of 93254
operator: 93255

(a) A contract for an entity to manage a nursing home or 93256
hospital as the operator's agent, subject to the operator's 93257
approval of daily operating and management decisions; 93258

(b) A change of ownership, lease, or termination of a lease 93259
of real property or personal property associated with a nursing 93260
home or hospital if an entering operator does not become the 93261
operator in place of an exiting operator; 93262

(c) If the operator is a corporation, a change of one or more 93263
members of the corporation's governing body or transfer of 93264
ownership of one or more shares of the corporation's stock, if the 93265
same corporation continues to be the operator. 93266

(C) "Effective date of a change of operator" means the day an 93267
entering operator becomes the operator of a nursing home or 93268
hospital. 93269

(D) "Entering operator" means the person or government entity 93270
that will become the operator of a nursing home or hospital on the 93271
effective date of a change of operator. 93272

(E) "Exiting operator" means an operator that will cease to 93273
be the operator of a nursing home or hospital on the effective 93274
date of a change of operator. 93275

(F) "Franchise permit fee rate" means the rate determined in 93276
accordance with section 5168.41 of the Revised Code. 93277

(G) "Hospital" has the same meaning as in section 3727.01 of 93278
the Revised Code. 93279

(H) "Hospital long-term care unit" means any distinct part of 93280

a hospital in which any of the following beds are located: 93281

(1) Beds registered pursuant to section 3701.07 of the 93282
Revised Code as skilled nursing facility beds or long-term care 93283
beds; 93284

(2) Beds licensed as nursing home beds under section 3721.02 93285
or 3721.09 of the Revised Code. 93286

(I) "Indirect guarantee percentage" means the percentage 93287
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 93288
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 93289
whether a class of providers is indirectly held harmless for any 93290
portion of the costs of a broad-based health-care-related tax. If 93291
the indirect guarantee percentage changes during a fiscal year, 93292
the indirect guarantee percentage is the following: 93293

(1) For the part of the fiscal year before the change takes 93294
effect, the percentage in effect before the change; 93295

(2) For the part of the fiscal year beginning with the date 93296
the indirect guarantee percentage changes, the new percentage. 93297

(J) "Medicaid days" and "nursing facility" have the same 93298
meanings as in section 5165.01 of the Revised Code. 93299

(K)(1) "Nursing home" means all of the following: 93300

(a) A nursing home licensed under section 3721.02 or 3721.09 93301
of the Revised Code, including any part of a home for the aging 93302
licensed as a nursing home; 93303

(b) A facility or part of a facility, other than a hospital, 93304
that is certified as a skilled nursing facility under Title XVIII; 93305

(c) A nursing facility, other than a portion of a hospital 93306
certified as a nursing facility. 93307

(2) "Nursing home" does not include either of the following: 93308

(a) A county home, county nursing home, or district home 93309

operated pursuant to Chapter 5155. of the Revised Code; 93310

(b) A nursing home maintained and operated by the department 93311
of veterans services under section 5907.01 of the Revised Code. 93312

(L) "Operator" means the person or government entity 93313
responsible for the daily operating and management decisions for a 93314
nursing home or hospital. 93315

(M) "Title XIX" means Title XIX of the "Social Security Act," 93316
42 U.S.C. 1396 et seq. 93317

(N) "Title XVIII" means Title XVIII of the "Social Security 93318
Act," 42 U.S.C. 1395 et seq. 93319

Sec. 5168.44. If the United States secretary of health and 93320
human services approves the waiver sought under section 5168.43 of 93321
the Revised Code, the department of medicaid shall, for each 93322
nursing home and hospital that qualifies for a reduction of its 93323
franchise permit fee rate under the waiver, reduce the franchise 93324
permit fee rate in accordance with the terms of the waiver. For 93325
purposes of the first fiscal year during which the waiver takes 93326
effect, the department shall determine the amount of the reduction 93327
not later than the effective date of the waiver and shall mail to 93328
each nursing home and hospital qualifying for the reduction notice 93329
of the reduction not later than the last day of the first month of 93330
the quarter that begins after the United States secretary approves 93331
the waiver. For purposes of subsequent fiscal years, the 93332
department shall make such determinations and ~~mail such notices~~ 93333
notify the nursing homes and hospitals in accordance with section 93334
5168.47 of the Revised Code. 93335

Sec. 5168.45. (A) If the United States secretary of health 93336
and human services approves the waiver sought under section 93337
5168.43 of the Revised Code, the department of medicaid may do 93338
both of the following regarding the franchise permit fee assessed 93339

under section 5168.42 of the Revised Code: 93340

(1) Determine how much money the franchise permit fee would 93341
have raised in a fiscal year if not for the waiver; 93342

(2) For each nursing home and hospital subject to the 93343
franchise permit fee, other than a nursing home or hospital that 93344
has its franchise permit fee rate reduced under section 5168.44 of 93345
the Revised Code, uniformly increase the amount of the franchise 93346
permit fee rate for a fiscal year to an amount that will have the 93347
franchise permit fee raise an amount of money that does not exceed 93348
the amount determined under division (A)(1) of this section for 93349
that fiscal year. 93350

(B) If the department increases the franchise permit fee rate 93351
in accordance with division (A) of this section for the first 93352
fiscal year during which the waiver takes effect, the department 93353
shall determine the amount of the increase not later than the 93354
effective date of the waiver and shall mail to each nursing home 93355
and hospital subject to the increase notice of the increase not 93356
later than the last day of the first month of the quarter that 93357
begins after the United States secretary approves the waiver. If 93358
the department increases the franchise permit fee rate in 93359
accordance with division (A) of this section for a subsequent 93360
fiscal year, the department shall make such determinations and 93361
~~mail such notices~~ notify the nursing homes and hospitals in 93362
accordance with section 5168.47 of the Revised Code. 93363

Sec. 5168.47. (A) Not later than the fifteenth day of 93364
September of each year, the department of medicaid shall determine 93365
the annual franchise permit fee for each nursing home and hospital 93366
in accordance with section 5168.42 of the Revised Code and any 93367
adjustments made in accordance with sections 5168.44 and 5168.45 93368
of the Revised Code. 93369

(B) Not later than the first day of October of each year, the department shall ~~mail to~~ notify, electronically or by United States postal service, each nursing home and hospital ~~notice~~ of the amount of the franchise permit fee that has been determined for the nursing home or hospital.

(C) Subject to section 5168.48 of the Revised Code, each nursing home and hospital shall pay its fee under section 5168.42 of the Revised Code, as adjusted in accordance with sections 5168.44 and 5168.45 of the Revised Code, to the department in four installment payments not later than forty-five days after the last day of each October, December, March, and June.

Sec. 5168.48. (A) Not later than the last day of February of each year, the department of medicaid shall redetermine each nursing home's and hospital's franchise permit fee if one or more bed surrenders occur during the period beginning on the first day of May of the preceding calendar year and ending on the first day of January of the calendar year in which the redetermination is made.

(B) In redetermining nursing homes' and hospitals' franchise permit fees under this section, the department shall do both of the following:

(1) Provide for the redetermination to be conducted in a manner consistent with the terms of the waiver sought under section 5168.43 of the Revised Code;

(2) Recalculate each nursing home's and hospital's franchise permit fee in accordance with division (A) or (B) of section 5168.42 of the Revised Code with the following changes:

(a) In the case of a nursing home or hospital for which one or more bed surrenders occurred during the period beginning on the first day of May of the preceding calendar year and ending on the

first day of January of the calendar year in which the 93400
redetermination is made, the number of beds included in the 93401
calculation for the purpose of division (A)(1) or (B)(1) of 93402
section 5168.42 of the Revised Code shall exclude the beds for 93403
which bed surrenders occurred during that period. 93404

(b) The number of days used in the calculation under division 93405
(A)(2) or (B)(2) of section 5168.42 of the Revised Code shall be 93406
the number of days in the first half of the calendar year in which 93407
the redetermination is made. 93408

(c) The franchise permit fee rate shall reflect adjustments 93409
made under sections 5168.44 and 5168.45 of the Revised Code. 93410

(C) Not later than the first day of March of each year, the 93411
department shall ~~mail to~~ notify, electronically or by United 93412
States postal service, each nursing home and hospital ~~notice~~ of 93413
the amount of its redetermined franchise permit fee. 93414

(D) Each nursing home and hospital shall pay its redetermined 93415
fee to the department in two installment payments not later than 93416
forty-five days after the last day of March and June of the 93417
calendar year in which the redetermination is made. 93418

Sec. 5168.49. If a nursing home or hospital undergoes a 93419
change of operator during a fiscal year, the responsibility for 93420
paying the franchise permit fee that was determined for the 93421
nursing home or hospital under section 5168.47 of the Revised 93422
Code, or redetermined for the nursing home or hospital under 93423
section 5168.48 of the Revised Code, for that fiscal year shall be 93424
divided proportionally. The exiting operator shall be responsible 93425
for paying the amount of the fee that is for the part of the 93426
fiscal year that ends on the day before the effective date of the 93427
change of operator. The entering operator shall be responsible for 93428
paying the amount of the fee that is for the part of the fiscal 93429
year that begins on the effective date of the change of operator. 93430

The department of medicaid is not required to ~~mail a notice to~~ 93431
notify the entering operator regarding the amount of that fiscal 93432
year's fee for which the entering operator is responsible. 93433

Sec. 5168.53. (A) A nursing home or hospital may appeal the 93434
fee assessed under section 5168.42 of the Revised Code, as 93435
adjusted under section 5168.44 or 5168.45 of the Revised Code, and 93436
redetermined under section 5168.48 of the Revised Code solely on 93437
the grounds that the department of medicaid committed a material 93438
error in determining or redetermining the amount of the fee. A 93439
request for an appeal must be received by the department not later 93440
than fifteen days after the date the department ~~mails~~ notifies the 93441
~~notice nursing home or hospital~~ of the fee and must include 93442
written materials setting forth the basis for the appeal. 93443

(B) If a nursing home or hospital submits a request for an 93444
appeal within the time required under division (A) of this 93445
section, the department shall hold a public hearing in Columbus 93446
not later than thirty days after the date the department receives 93447
the request for an appeal. The department shall, not later than 93448
ten days before the date of the hearing, ~~mail a notice~~ notify, 93449
electronically or by United States postal service, the nursing 93450
home or hospital of the date, time, and place of the hearing ~~to~~ 93451
~~the nursing home or hospital~~. The department may hear all the 93452
requested appeals in one public hearing. 93453

(C) On the basis of the evidence presented at the hearing or 93454
any other evidence submitted by the nursing home or hospital, the 93455
department may adjust a fee. The department's decision is final. 93456

Sec. 5168.60. As used in sections 5168.60 to 5168.71 of the 93457
Revised Code: 93458

(A) "Franchise permit fee rate" means the following: 93459

(1) For fiscal year ~~2014~~ 2016, eighteen dollars and 93460
~~twenty-four~~ seven cents; 93461

(2) For fiscal year ~~2015~~ 2017 and each fiscal year 93462
thereafter, eighteen dollars and ~~seventeen~~ two cents. 93463

(B) "Indirect guarantee percentage" means the percentage 93464
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 93465
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 93466
whether a class of providers is indirectly held harmless for any 93467
portion of the costs of a broad-based health-care-related tax. If 93468
the indirect guarantee percentage changes during a fiscal year, 93469
the indirect guarantee percentage is the following: 93470

(1) For the part of the fiscal year before the change takes 93471
effect, the percentage in effect before the change; 93472

(2) For the part of the fiscal year beginning with the date 93473
the indirect guarantee percentage changes, the new percentage. 93474

(C) "ICF/IID" has the same meaning as in section 5124.01 of 93475
the Revised Code. 93476

(D) "Medicaid-certified capacity" has the same meaning as in 93477
section 5124.01 of the Revised Code. 93478

(E) "Provider agreement" has the same meaning as in section 93479
5124.01 of the Revised Code. 93480

Sec. 5168.63. (A) Not later than the fifteenth day of August 93481
of each year, the department of developmental disabilities shall 93482
determine the annual franchise permit fee for each ICF/IID in 93483
accordance with section 5168.61 of the Revised Code. 93484

(B) Not later than the first day of September of each year, 93485
the department shall ~~mail to~~ notify, electronically or by United 93486
States postal service, each ICF/IID ~~notice~~ of the amount of the 93487
franchise permit fee the ICF/IID has been assessed under section 93488
5168.61 of the Revised Code. 93489

(C) Subject to section 5168.64 of the Revised Code, each 93490
ICF/IID shall pay its fee under section 5168.61 of the Revised 93491
Code to the department in quarterly installment payments not later 93492
than forty-five days after the last day of each September, 93493
December, March, and June. 93494

Sec. 5168.64. (A) If the operator of an ICF/IID converts, 93495
pursuant to section 5124.60 or 5124.61 of the Revised Code, all of 93496
the ICF/IID's beds to providing home and community-based services 93497
and the operator's provider agreement for the ICF/IID is 93498
terminated as a consequence, the department of developmental 93499
disabilities shall terminate the ICF/IID's franchise permit fee 93500
effective on the first day of the quarter immediately following 93501
the quarter in which the conversion takes place. 93502

(B)(1) If, during the period beginning on the first day of 93503
May of a calendar year and ending on the first day of January of 93504
the immediately following calendar year, the operator of an 93505
ICF/IID converts, pursuant to section 5124.60 or 5164.61 of the 93506
Revised Code, one or more some but not all of the ICF/IID's beds 93507
to providing home and community-based services and the ICF/IID's 93508
medicaid-certified capacity is reduced as a consequence, the 93509
department of developmental disabilities shall do the following: 93510

~~(1) If the ICF/IID's medicaid certification is terminated~~ 93511
~~because of the conversion, terminate the ICF/IID's franchise~~ 93512
~~permit fee effective on the first day of the quarter immediately~~ 93513
~~following the quarter in which the department receives the notice~~ 93514
~~of the conversion from the director of health;~~ 93515

~~(2) If the ICF/IID's medicaid-certified capacity is reduced~~ 93516
~~because of the conversion, redetermine the ICF/IID's franchise~~ 93517
~~permit fee in accordance with division (B) of this section for the~~ 93518
~~second half of the fiscal year for which the fee is assessed.~~ 93519

~~(B)(1) assessed.~~ To redetermine an the ICF/IID's franchise 93520

permit fee, the department shall multiply the franchise permit fee 93521
rate by the product of the following: 93522

(a) The ICF/IID's medicaid-certified capacity as of the date 93523
the conversion takes effect; 93524

(b) The number of days in the second half of the fiscal year 93525
for which the redetermination is made. 93526

(2) The ICF/IID shall pay its franchise permit fee as 93527
redetermined under division (B)(1) of this section in installment 93528
payments not later than forty-five days after the last day of 93529
March and June of the fiscal year for which the redetermination is 93530
made. 93531

Sec. 5168.67. (A) An ICF/IID may appeal the franchise permit 93532
fee imposed under section 5168.61 of the Revised Code solely on 93533
the grounds that the department of developmental disabilities 93534
committed a material error in determining the amount of the fee. A 93535
request for an appeal must be received by the department not later 93536
than fifteen days after the date the department ~~mails~~ notifies the 93537
~~notice~~ ICF/IID of the fee and must include written materials 93538
setting forth the basis for the appeal. 93539

(B) If an ICF/IID submits a request for an appeal within the 93540
time required under division (A) of this section, the department 93541
shall hold a public hearing in Columbus not later than thirty days 93542
after the date the department receives the request for an appeal. 93543
The department shall, not later than ten days before the date of 93544
the hearing, ~~mail a notice~~ notify, electronically or by United 93545
States postal service, the ICF/IID of the date, time, and place of 93546
the hearing ~~to the ICF/IID~~. The department may hear all requested 93547
appeals in one public hearing. 93548

(C) On the basis of the evidence presented at the hearing or 93549
any other evidence submitted by the ICF/IID, the department may 93550

adjust a fee. The department's decision is final. 93551

Sec. 5301.68. An owner of land may grant a conservation 93552
easement to the department of natural resources, a park district 93553
created under Chapter 1545. of the Revised Code, a township park 93554
district created under section 511.18 of the Revised Code, a 93555
conservancy district created under Chapter 6101. of the Revised 93556
Code, a soil and water conservation district created under Chapter 93557
~~1515-~~ 940. of the Revised Code, a regional water and sewer 93558
district created under Chapter 6119. of the Revised Code, a 93559
county, a township, a municipal corporation, or a charitable 93560
organization that is authorized to hold conservation easements by 93561
division (B) of section 5301.69 of the Revised Code, in the form 93562
of articles of dedication, easement, covenant, restriction, or 93563
condition. An owner of land also may grant an agricultural 93564
easement to the director of agriculture; to a municipal 93565
corporation, county, township, or soil and water conservation 93566
district; or to a charitable organization described in division 93567
(B) of section 5301.69 of the Revised Code. An owner of land may 93568
grant an agricultural easement only on land that is valued for 93569
purposes of real property taxation at its current value for 93570
agricultural use under section 5713.31 of the Revised Code or that 93571
constitutes a homestead when the easement is granted. 93572

All conservation easements and agricultural easements shall 93573
be executed and recorded in the same manner as other instruments 93574
conveying interests in land. 93575

Sec. 5301.69. (A) The director of natural resources, the 93576
board of park commissioners of a park district created under 93577
Chapter 1545. of the Revised Code, the board of park commissioners 93578
of a township park district created under section 511.18 of the 93579
Revised Code, the board of directors of a conservancy district 93580
created under Chapter 6101. of the Revised Code, the board of 93581

supervisors of a soil and water conservation district created 93582
under Chapter ~~1515~~, 940, of the Revised Code, the board of 93583
trustees of a regional water and sewer district created under 93584
Chapter 6119. of the Revised Code, the board of county 93585
commissioners of a county, the board of township trustees of a 93586
township, or the legislative authority of a municipal corporation 93587
may acquire conservation easements in the name of the state, the 93588
district, or the county, township, or municipal corporation in the 93589
same manner as other interests in land may be acquired under 93590
section 307.02, 307.18, 505.10, 505.261, 511.23, 717.01, 940.06, 93591
1501.01, ~~1515.08~~, 1545.11, 6101.15, or 6119.111 of the Revised 93592
Code. Each officer, board, or authority acquiring a conservation 93593
easement shall name an appropriate administrative officer, 93594
department, or division to supervise and enforce the easement. 93595

(B) A charitable organization may acquire and hold 93596
conservation easements if it is exempt from federal taxation under 93597
subsection 501(a) and is described in subsection 501(c) of the 93598
"Internal Revenue Code of 1954," 68A Stat. 3, 26 U.S.C. 1, as 93599
amended, and organized for any of the following purposes: the 93600
preservation of land areas for public outdoor recreation or 93601
education, or scenic enjoyment; the preservation of historically 93602
important land areas or structures; or the protection of natural 93603
environmental systems. Such a charitable organization also may 93604
acquire and hold agricultural easements subject to the limitation 93605
that it may do so only on land that is valued for purposes of real 93606
property taxation at its current value for agricultural use under 93607
section 5713.31 of the Revised Code or that constitutes a 93608
homestead when the easement is granted. 93609

Sec. 5501.73. (A) After selecting a solicited or unsolicited 93610
proposal for a public-private initiative, the department of 93611
transportation shall enter into a public-private agreement for a 93612
transportation facility with the selected private entity or any 93613

configuration of private entities. An affected jurisdiction may be 93614
a party to a public-private agreement entered into by the 93615
department and a selected private entity or combination of private 93616
entities. 93617

(B)(1) A public-private agreement under this section shall 93618
provide for all of the following: 93619

~~(1)~~(a) Planning, acquisition, financing, development, design, 93620
construction, reconstruction, replacement, improvement, 93621
maintenance, management, repair, leasing, or operation of a 93622
transportation facility; 93623

~~(2)~~(b) Term of the public-private agreement; 93624

~~(3)~~(c) Type of property interest, if any, the private entity 93625
will have in the transportation facility; 93626

~~(4)~~(d) A specific plan to ensure proper maintenance of the 93627
transportation facility throughout the term of the agreement and a 93628
return of the facility to the department, if applicable, in good 93629
condition and repair; 93630

~~(5)~~(e) Whether user fees, administrative fees, or other 93631
charges will be collected for use of the transportation facility 93632
in accordance with sections 5531.11 to 5531.18 of the Revised Code 93633
and the basis by which such user fees, administrative fees, or 93634
other charges shall be determined and modified; 93635

~~(6)~~(f) Compliance with applicable federal, state, and local 93636
laws; 93637

~~(7)~~(g) Grounds for termination of the public-private 93638
agreement by the department or operator; 93639

~~(8)~~(h) Disposition of the facility upon completion of the 93640
agreement; 93641

~~(9)~~(i) Procedures for amendment of the agreement; 93642

~~(10)~~ A (j) If the agreement contains a construction services component, a contract performance bond executed by a surety authorized by the department of insurance to write surety bonds in an amount specified by the director of transportation, conditioned upon the private entity or contractor performing the construction services portion of the work in accordance with the agreed upon terms, within the time prescribed, ~~and in conformance with any other such terms and conditions as are specified by the director;~~

~~(11)~~ A (k) If the agreement contains a construction services component, a payment bond executed by a surety authorized by the department of insurance to write surety bonds in an amount specified by the director, conditioned upon the payment for all labor, work performed, and materials furnished in connection with the agreement and any other such terms and conditions as are specified by the director construction services portion of the work.

(2) As used in divisions (B)(1)(j) and (k), "construction services" means design-build, construction, reconstruction, replacement, improvement, or repair services.

(C) A public-private agreement under this section may provide for any of the following:

(1) Review and approval by the department of the operator's plans for the development and operation of the transportation facility;

(2) Inspection by the department of construction of or improvements to the transportation facility;

(3) Maintenance by the operator of a policy of liability insurance or self-insurance;

(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department;

(5) Filing by the operator, on a periodic basis, of traffic reports in a form acceptable to the department;	93674 93675
(6) Financing obligations of the operator and the department;	93676
(7) Apportionment of expenses between the operator and the department;	93677 93678
(8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility;	93679 93680 93681
(9) Rights and remedies available in the event of default or delay;	93682 93683
(10) Terms and conditions of indemnification of the operator by the department;	93684 93685
(11) Assignment, subcontracting, or other delegation of responsibilities of the operator or the department under the agreement to third parties, including other private entities and other state agencies;	93686 93687 93688 93689
(12) Sale or lease to the operator of private property related to the transportation facility;	93690 93691
(13) Traffic enforcement and other policing issues, including any reimbursement by the private entity for such services.	93692 93693
(D)(1) The director of transportation may include in any public-private agreement under sections 5501.70 to 5501.83 of the Revised Code a provision authorizing a binding dispute resolution method for any controversy subsequently arising out of the contract. The binding dispute resolution method may proceed only upon agreement of all parties to the controversy. If all parties do not agree to proceed to a binding dispute resolution, a party having a claim against the department shall exhaust its administrative remedies specified in the public-private agreement prior to filing any action against the department in the court of	93694 93695 93696 93697 93698 93699 93700 93701 93702 93703

claims. 93704

No appeal from the determination of a technical expert lies 93705
to any court, except that the court of common pleas of Franklin 93706
County may issue an order vacating such a determination upon the 93707
application of any party to the binding dispute resolution if any 93708
of the following applies: 93709

(a) The determination was procured by corruption, fraud, or 93710
undue means. 93711

(b) There was evidence of partiality or corruption on the 93712
part of the technical expert. 93713

(c) The technical expert was guilty of misconduct in refusing 93714
to postpone the hearing, upon sufficient cause shown, or in 93715
refusing to hear evidence pertinent and material to the 93716
controversy, or of any other misbehavior by which the rights of 93717
any party have been prejudiced. 93718

(2) As used in this division, "binding dispute resolution" 93719
means a binding determination after review by a technical expert 93720
of all relevant items, which may include documents, and by 93721
interviewing appropriate personnel and visiting the project site 93722
involved in the controversy. "Binding dispute resolution" does not 93723
involve representation by legal counsel or advocacy by any person 93724
on behalf of any party to the controversy. 93725

(E) No public-private agreement entered into under this 93726
section shall be construed to transfer to a private entity the 93727
director's authority to appropriate property under Chapters 163., 93728
5501., and 5519. of the Revised Code. 93729

(F) Money collected by the department pursuant to an 93730
agreement entered into under this section shall be deposited into 93731
the state treasury to the credit of the highway operating fund 93732
unless the agreement is related to a toll project under sections 93733
5531.11 to 5531.18 of the Revised Code, in which case the money 93734

shall be deposited as specified in the agreement. 93735

(G) Chapter 5525. of the Revised Code does not apply to 93736
public-private agreements under sections 5501.70 to 5501.83 of the 93737
Revised Code. 93738

Sec. 5502.132. There is hereby created in the state treasury 93739
the Ohio investigative unit fund. The fund shall consist of any 93740
nonfederal money received by the investigative unit of the 93741
department of public safety that is not otherwise required to be 93742
deposited into another fund under any provision of the Revised 93743
Code. The director of public safety shall use the money in the 93744
fund to pay the expenses of administering the law relative to the 93745
powers and duties of the investigative unit. All investment 93746
earnings shall be retained by the fund. 93747

Sec. 5505.068. (A) As used in this section and in section 93748
5505.0610 of the Revised Code: 93749

(1) "Agent" means a dealer, as defined in section 1707.01 of 93750
the Revised Code, who is licensed under sections 1707.01 to 93751
1707.45 of the Revised Code or under comparable laws of another 93752
state or of the United States. 93753

(2) "Minority business enterprise" has the same meaning as in 93754
section 122.71 of the Revised Code. 93755

(3) "Ohio-qualified agent" means an agent designated as such 93756
by the state highway patrol retirement board. 93757

(4) "Ohio-qualified investment manager" means an investment 93758
manager designated as such by the state highway patrol retirement 93759
board. 93760

(5) "Principal place of business" means an office in which 93761
the agent regularly provides securities or investment advisory 93762
services and solicits, meets with, or otherwise communicates with 93763

clients. 93764

(B) The state highway patrol retirement board shall, for the 93765
purposes of this section, designate an agent as an Ohio-qualified 93766
agent if the agent meets all of the following requirements: 93767

(1) The agent is subject to taxation under Chapter 5725., 93768
5726., 5733., 5747., or 5751. of the Revised Code. 93769

(2) The agent is authorized to conduct business in this 93770
state; 93771

(3) The agent maintains a principal place of business in this 93772
state and employs at least five residents of this state. 93773

(C) The state highway patrol retirement board shall adopt and 93774
implement a written policy to establish criteria and procedures 93775
used to select agents to execute securities transactions on behalf 93776
of the retirement system. The policy shall address each of the 93777
following: 93778

(1) Commissions charged by the agent, both in the aggregate 93779
and on a per share basis; 93780

(2) The execution speed and trade settlement capabilities of 93781
the agent; 93782

(3) The responsiveness, reliability, and integrity of the 93783
agent; 93784

(4) The nature and value of research provided by the agent; 93785

(5) Any special capabilities of the agent. 93786

(D)(1) The board shall, at least annually, establish a policy 93787
with the goal to increase utilization by the board of 93788
Ohio-qualified agents for the execution of domestic equity and 93789
fixed income trades on behalf of the retirement system, when an 93790
Ohio-qualified agent offers quality, services, and safety 93791
comparable to other agents otherwise available to the board and 93792
meets the criteria established under division (C) of this section. 93793

(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.

(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.

~~(E) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:~~

~~(1) The name of each agent designated as an Ohio-qualified agent under this section;~~

~~(2) The name of each agent that executes securities transactions on behalf of the board;~~

~~(3) The amount of equity and fixed income trades that are executed by Ohio-qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~

~~(4) The compensation paid to Ohio-qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;~~

~~(5) The amount of equity and fixed income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~

~~(6) Any other information requested by the Ohio retirement study council regarding the board's use of agents.~~

Sec. 5505.0610. (A) The state highway patrol retirement board shall, for the purposes of this section, designate an investment

manager as an Ohio-qualified investment manager if the investment 93824
manager meets all of the following requirements: 93825

(1) The investment manager is subject to taxation under 93826
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 93827

(2) The investment manager meets one of the following 93828
requirements: 93829

(a) Has its corporate headquarters or principal place of 93830
business in this state; 93831

(b) Employs at least five hundred individuals in this state; 93832

(c) Has a principal place of business in this state and 93833
employs at least twenty residents of this state. 93834

(B)(1) The board shall, at least annually, establish a policy 93835
with the goal to increase utilization by the board of 93836
Ohio-qualified investment managers, when an Ohio-qualified 93837
investment manager offers quality, services, and safety comparable 93838
to other investment managers otherwise available to the board. The 93839
policy shall also provide for the following: 93840

(a) A process whereby the board can develop a list of 93841
Ohio-qualified investment managers and their investment products; 93842

(b) A process whereby the board can give public notice to 93843
Ohio-qualified investment managers of the board's search for an 93844
investment manager that includes the board's search criteria. 93845

(2) The board shall determine whether an investment manager 93846
is an Ohio-qualified investment manager and whether the investment 93847
manager offers quality, services, and safety comparable to other 93848
investment managers otherwise available to the board. The board's 93849
determination shall be final. 93850

~~(C) The board shall, at least annually, submit to the Ohio 93851
retirement study council a report containing the following 93852~~

~~information:~~ 93853

~~(1) The name of each investment manager designated as an~~ 93854
~~Ohio-qualified investment manager under this section;~~ 93855

~~(2) The name of each investment manager with which the board~~ 93856
~~contracts;~~ 93857

~~(3) The amount of assets managed by Ohio-qualified investment~~ 93858
~~managers, expressed as a percentage of the total assets held by~~ 93859
~~the retirement system and as a percentage of assets managed by~~ 93860
~~investment managers with which the board has contracted;~~ 93861

~~(4) The compensation paid to Ohio-qualified investment~~ 93862
~~managers, expressed as a percentage of total compensation paid to~~ 93863
~~all investment managers with which the board has contracted;~~ 93864

~~(5) Any other information requested by the Ohio retirement~~ 93865
~~study council regarding the board's use of investment managers.~~ 93866

Sec. 5505.22. The right of any individual to a pension, or to 93867
the return of accumulated contributions, payable as provided under 93868
this chapter, and all moneys and investments of the state highway 93869
patrol retirement system and income from moneys or investments are 93870
exempt from any state tax, except the tax imposed by section 93871
5747.02 of the Revised Code, and are exempt from any county, 93872
municipal, or other local tax, except income taxes imposed 93873
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 93874
Code, and, except as provided in sections 3105.171, 3105.65, 93875
~~3115.32~~ 3115.501, 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 93876
5505.26, 5505.262, and 5505.263 of the Revised Code, shall not be 93877
subject to execution, garnishment, attachment, the operation of 93878
bankruptcy or insolvency laws, or any other process of law 93879
whatsoever, and shall be unassignable except as specifically 93880
provided in this chapter. 93881

Sec. 5505.261. (A) As used in this section, "alternate 93882

payee," "benefit," "lump sum payment," "participant," and "public 93883
retirement program" have the same meanings as in section 3105.80 93884
of the Revised Code. 93885

(B) On receipt of an order issued under section 3105.171 or 93886
3105.65 of the Revised Code, the state highway patrol retirement 93887
system shall determine whether the order meets the requirements of 93888
sections 3105.80 to 3105.90 of the Revised Code. The system shall 93889
retain in the participant's record an order the system determines 93890
meets the requirements. Not later than sixty days after receipt, 93891
the system shall return to the court that issued the order any 93892
order the system determines does not meet the requirements. 93893

(C) The system shall comply with an order retained under 93894
division (B) of this section at either of the following times as 93895
appropriate: 93896

(1) If the participant has applied for or is receiving a 93897
benefit or has applied for but not yet received a lump sum 93898
payment, as soon as practicable; 93899

(2) If the participant has not applied for a benefit or lump 93900
sum payment, on application by the participant for a benefit or 93901
lump sum payment. 93902

(D) If the system transfers a participant's service credit or 93903
contributions made by or on behalf of a participant to a public 93904
retirement program that is not named in the order, the system 93905
shall do both of the following: 93906

(1) Notify the court that issued the order by sending the 93907
court a copy of the order and the name and address of the public 93908
retirement program to which the transfer was made. 93909

(2) Send a copy of the order to the public retirement program 93910
to which the transfer was made. 93911

(E) If it receives a participant's service credit or 93912

contributions and a copy of an order as provided in division (D) 93913
of this section, the system shall administer the order as if it 93914
were the public retirement program named in the order. 93915

(F) If a participant's benefit or lump sum payment is or will 93916
be subject to more than one order described in section 3105.81 of 93917
the Revised Code or to an order described in section 3105.81 of 93918
the Revised Code and a withholding order under section 3111.23 or 93919
3113.21 of the Revised Code, the system shall, after determining 93920
that the amounts that are or will be withheld will cause the 93921
benefit or lump sum payment to fall below the limits described in 93922
section 3105.85 of the Revised Code, do all of the following: 93923

(1) Establish, in accordance with division (G) of this 93924
section and subject to the limits described in section 3105.85 of 93925
the Revised Code, the priority in which the orders are or will be 93926
paid by the retirement system in accordance with division (G) of 93927
this section; 93928

(2) Reduce the amount paid to an alternate payee based on the 93929
priority established under division (F)(1) of this section; 93930

(3) Notify, by regular mail, a participant and alternate 93931
payee of any action taken under this division. 93932

(G) A withholding or deduction notice issued under section 93933
3111.23 or 3113.21 of the Revised Code or an order described in 93934
section ~~3115.32~~ 3115.501 of the Revised Code has priority over all 93935
other orders and shall be complied with in accordance with child 93936
support enforcement laws. All other orders are entitled to 93937
priority in order of earliest retention by the system. The system 93938
is not to retain an order that provides for the division of 93939
property unless the order is filed in a court with jurisdiction in 93940
this state. 93941

(H) The system is not liable in civil damages for loss 93942
resulting from any action or failure to act in compliance with 93943

this section. 93944

Sec. 5513.01. (A) The director of transportation shall make 93945
all purchases of machinery, materials, supplies, or other articles 93946
in the manner provided in this section. In all cases except those 93947
in which the director provides written authorization for purchases 93948
by district deputy directors of transportation, the director shall 93949
make all such purchases at the central office of the department of 93950
transportation in Columbus. Before making any purchase at that 93951
office, the director, as provided in this section, shall give 93952
notice to bidders of the director's intention to purchase. Where 93953
the expenditure does not exceed the amount applicable to the 93954
purchase of supplies specified in division ~~(B)~~(A) of section 93955
125.05 of the Revised Code, ~~as adjusted pursuant to division (D)~~
~~of that section,~~ the director shall give such notice as the 93957
director considers proper, or the director may make the purchase 93958
without notice. Where the expenditure exceeds the amount 93959
applicable to the purchase of supplies specified in division 93960
~~(B)~~(A) of section 125.05 of the Revised Code, ~~as adjusted pursuant~~
~~to division (D) of that section,~~ the director shall give notice by 93962
posting for not less than ten days a written, typed, or printed 93963
invitation to bidders on a bulletin board. The director shall 93964
locate the notice in a place in the offices assigned to the 93965
department and open to the public during business hours. 93966

Producers or distributors of any product may notify the 93967
director, in writing, of the class of articles for the furnishing 93968
of which they desire to bid and their post-office addresses. In 93969
that circumstance, the director shall mail copies of all 93970
invitations to bidders relating to the purchase of such articles 93971
to such persons by regular first class mail at least ten days 93972
prior to the time fixed for taking bids. The director also may 93973
mail copies of all invitations to bidders to news agencies or 93974
other agencies or organizations distributing information of this 93975

character. Requests for invitations are not valid and do not 93976
require action by the director unless renewed by the director, 93977
either annually or after such shorter period as the director may 93978
prescribe by a general rule. 93979

The director shall include in an invitation to bidders a 93980
brief statement of the general character of the article that it is 93981
intended to purchase, the approximate quantity desired, and a 93982
statement of the time and place where bids will be received, and 93983
may relate to and describe as many different articles as the 93984
director thinks proper, it being the intent and purpose of this 93985
section to authorize the inclusion in a single invitation of as 93986
many different articles as the director desires to invite bids 93987
upon at any given time. The director shall give invitations issued 93988
during each calendar year consecutive numbers, and ensure that the 93989
number assigned to each invitation appears on all copies thereof. 93990
In all cases where notice is required by this section, the 93991
director shall require sealed bids, on forms prescribed and 93992
furnished by the director. The director shall not permit the 93993
modification of bids after they have been opened. 93994

(B) The director may permit a state agency, the Ohio turnpike 93995
and infrastructure commission, any political subdivision, and any 93996
state university or college to participate in contracts into which 93997
the director has entered for the purchase of machinery, materials, 93998
supplies, or other articles. The turnpike and infrastructure 93999
commission and any political subdivision or state university or 94000
college desiring to participate in such purchase contracts shall 94001
file with the director a certified copy of the bylaws or rules of 94002
the turnpike and infrastructure commission or the ordinance or 94003
resolution of the legislative authority, board of trustees, or 94004
other governing board requesting authorization to participate in 94005
such contracts and agreeing to be bound by such terms and 94006
conditions as the director prescribes. Purchases made by a state 94007

agency, the turnpike and infrastructure commission, political 94008
subdivisions, or state universities or colleges under this 94009
division are exempt from any competitive bidding required by law 94010
for the purchase of machinery, materials, supplies, or other 94011
articles. 94012

(C) As used in this section: 94013

(1) "Political subdivision" means any county, township, 94014
municipal corporation, conservancy district, township park 94015
district, park district created under Chapter 1545. of the Revised 94016
Code, port authority, regional transit authority, regional airport 94017
authority, regional water and sewer district, county transit 94018
board, school district as defined in section 5513.04 of the 94019
Revised Code, regional planning commission formed under section 94020
713.21 of the Revised Code, regional council of government formed 94021
under section 167.01 of the Revised Code, or other association of 94022
local governments established pursuant to an agreement under 94023
sections 307.14 to 307.19 of the Revised Code. 94024

(2) "State university or college" has the same meaning as in 94025
division (A)(1) of section 3345.32 of the Revised Code. 94026

(3) "Ohio turnpike and infrastructure commission" means the 94027
commission created by section 5537.02 of the Revised Code. 94028

(4) "State agency" means every organized body, office, board, 94029
authority, commission, or agency established by the laws of the 94030
state for the exercise of any governmental or quasi-governmental 94031
function of state government, regardless of the funding source for 94032
that entity, other than any state institution of higher education, 94033
the office of the governor, lieutenant governor, auditor of state, 94034
treasurer of state, secretary of state, or attorney general, the 94035
general assembly, the courts or any judicial agency, or any state 94036
retirement system or retirement program established by or 94037
referenced in the Revised Code. 94038

Sec. 5537.05. (A) The Ohio turnpike and infrastructure 94039
commission may construct grade separations at intersections of any 94040
turnpike project with public roads and railroads, and change and 94041
adjust the lines and grades of those roads and railroads, and of 94042
public utility facilities, which change and adjustment of lines 94043
and grades of those roads shall be subject to the approval of the 94044
governmental agency having jurisdiction over the road, so as to 94045
accommodate them to the design of the grade separation. The cost 94046
of the grade separation and any damage incurred in changing and 94047
adjusting the lines and grades of roads, railroads, and public 94048
utility facilities shall be ascertained and paid by the commission 94049
as a part of the cost of the turnpike project or from revenues or 94050
state taxes. 94051

(1) If the commission finds it necessary to change the 94052
location of any portion of any public road, railroad, or public 94053
utility facility, it shall cause the same to be reconstructed at 94054
the location the governmental agency having jurisdiction over such 94055
road, railroad, or public utility facility considers most 94056
favorable. The construction shall be of substantially the same 94057
type and in as good condition as the original road, railroad, or 94058
public utility facility. The cost of the reconstruction, 94059
relocation, or removal and any damage incurred in changing the 94060
location shall be ascertained and paid by the commission as a part 94061
of the cost of the turnpike project or from revenues or state 94062
taxes. 94063

(2) The commission may petition the board of county 94064
commissioners of the county in which is situated any public road 94065
or part thereof affected by the location therein of any turnpike 94066
project, for the vacation or relocation of the road or any part 94067
thereof, in the same manner and with the same force and effect as 94068
is given to the director of transportation pursuant to sections 94069
5553.04 to 5553.11 of the Revised Code. 94070

(B) The commission and its authorized agents and employees, 94071
after proper notice, may enter upon any lands, waters, and 94072
premises in the state for the purpose of making surveys, 94073
soundings, drillings, and examinations that are necessary or 94074
proper for the purposes of this chapter, and the entry shall not 94075
be deemed a trespass, nor shall an entry for those purposes be 94076
deemed an entry under any appropriation proceedings which may then 94077
be pending, provided that before entering upon the premises of any 94078
railroad notice shall be given to the superintendent of the 94079
railroad involved at least five days in advance of entry, and 94080
provided that no survey, sounding, drilling, and examination shall 94081
be made between the rails or so close to a railroad track as would 94082
render the track unusable. The commission shall make reimbursement 94083
for any actual damage resulting to such lands, waters, and 94084
premises and to private property located in, on, along, over, or 94085
under such lands, waters, and premises, as a result of such 94086
activities. The state, subject to the approval of the governor, 94087
hereby consents to the use of all lands owned by it, including 94088
lands lying under water, that are necessary or proper for the 94089
construction, maintenance, or operation of any turnpike project, 94090
provided adequate consideration is provided for the use. 94091

(C) The commission may make reasonable provisions or rules 94092
for the installation, construction, maintenance, repair, renewal, 94093
relocation, and removal of public utility facilities in, on, 94094
along, over, or under any turnpike project. Whenever the 94095
commission determines that it is necessary that any public utility 94096
facilities located in, on, along, over, or under any turnpike 94097
project should be relocated in or removed from the turnpike 94098
project, the public utility owning or operating the facilities 94099
shall relocate or remove them in accordance with the order of the 94100
commission. Except as otherwise provided in any license or other 94101
agreement with the commission, the cost and expenses of such 94102
relocation or removal, including the cost of installing the 94103

facilities in a new location, the cost of any lands, or any rights 94104
or interests in lands, and any other rights, acquired to 94105
accomplish the relocation or removal, shall be ascertained and 94106
paid by the commission as part of the cost of the turnpike project 94107
or from revenues of the Ohio turnpike system. In case of any such 94108
relocation or removal of facilities, the public utility owning or 94109
operating them and its successors or assigns may maintain and 94110
operate the facilities, with the necessary appurtenances, in the 94111
new location, for as long a period, and upon the same terms, as it 94112
had the right to maintain and operate the facilities in their 94113
former location. 94114

(D) The commission is subject to Chapters ~~1515.~~ 940., 6131., 94115
6133., 6135., and 6137. of the Revised Code and shall pay any 94116
assessments levied under those chapters for an improvement or 94117
maintenance of an improvement on land under the control or 94118
ownership of the commission. 94119

Sec. 5575.01. (A) In the maintenance and repair of roads, the 94120
board of township trustees may proceed either by contract or force 94121
account, but, unless the exemption specified in division (C) of 94122
this section applies, if the board wishes to proceed by force 94123
account, it first shall cause the county engineer to complete the 94124
force account assessment form developed by the auditor of state 94125
under section 117.16 of the Revised Code. Except as otherwise 94126
provided in sections 505.08 and 505.101 of the Revised Code, when 94127
the board proceeds by contract, the contract shall, if the amount 94128
involved exceeds ~~forty-five~~ ninety thousand dollars, be let by the 94129
board to the lowest responsible bidder after advertisement for 94130
bids once, not later than two weeks, prior to the date fixed for 94131
the letting of the contract, in a newspaper of general circulation 94132
within the township. If the amount involved is ~~forty-five~~ ninety 94133
thousand dollars or less, a contract may be let without 94134
competitive bidding, or the work may be done by force account. 94135

Such a contract shall be performed under the supervision of a 94136
member of the board or the township road superintendent. 94137

(B) Before undertaking the construction or reconstruction of 94138
a township road, the board shall cause to be made by the county 94139
engineer an estimate of the cost of the work, which estimate shall 94140
include labor, material, freight, fuel, hauling, use of machinery 94141
and equipment, and all other items of cost. If the board finds it 94142
in the best interest of the public, it may, in lieu of 94143
constructing the road by contract, proceed to construct the road 94144
by force account. Except as otherwise provided under sections 94145
505.08 and 505.101 of the Revised Code, where the total estimated 94146
cost of the work exceeds ~~fifteen~~ thirty thousand dollars per mile, 94147
the board shall invite and receive competitive bids for furnishing 94148
all the labor, materials, and equipment and doing the work, as 94149
provided in section 5575.02 of the Revised Code, and shall 94150
consider and reject them before ordering the work done by force 94151
account. When such bids are received, considered, and rejected, 94152
and the work is done by force account, the work shall be performed 94153
in compliance with the plans and specifications upon which the 94154
bids were based. 94155

(C) Force account assessment forms are not required under 94156
division (A) of this section for road maintenance or repair 94157
projects of less than ~~fifteen~~ forty-five thousand dollars, or 94158
under division (B) of this section for road construction or 94159
reconstruction projects of less than ~~five~~ fifteen thousand dollars 94160
per mile. 94161

(D) All force account work under this section shall be done 94162
under the direction of a member of the board or the township road 94163
superintendent. 94164

Sec. 5703.057. (A) For the efficient administration of the 94165
taxes and fees administered by the tax commissioner, the 94166

commissioner may require that any person filing a tax document 94167
with the department of taxation provide identifying information, 94168
which may include the person's social security number, federal 94169
employer identification number, or other identification number 94170
requested by the commissioner, subject to section 5703.361 of the 94171
Revised Code. A person required by the commissioner to provide 94172
identifying information who has experienced any change with 94173
respect to that information shall notify the commissioner of the 94174
change prior to, or upon, filing the next tax document requiring 94175
such identifying information. 94176

(B) When transmitting or otherwise making use of a tax 94177
document that contains a person's social security number, the 94178
commissioner shall take all reasonable measures necessary to 94179
ensure that the number is not capable of being viewed by the 94180
general public, including, when necessary, masking the number so 94181
that it is not readily discernible by the general public. 94182

(C)(1) If the commissioner makes a request for identifying 94183
information and the commissioner does not receive valid 94184
identifying information within thirty days of making the request, 94185
the commissioner may impose a penalty upon the person to whom the 94186
request was directed of up to one hundred dollars. If, after the 94187
expiration of this thirty day period, the commissioner makes one 94188
or more subsequent requests for identifying information and the 94189
person to whom the subsequent request is directed fails to provide 94190
valid identifying information within thirty days of the 94191
commissioner's subsequent request, the commissioner may impose an 94192
additional penalty of up to two hundred dollars for each 94193
subsequent request not complied with in a timely fashion. 94194

(2) If a person required by the commissioner to provide 94195
identifying information does not notify the commissioner of a 94196
change with respect to that information as required under division 94197

(A) of this section within thirty days after filing the next tax 94198
document requiring such identifying information, the commissioner 94199
may impose a penalty of up to fifty dollars. 94200

(3) The penalties provided for under divisions (C)(1) and (2) 94201
of this section may be billed and assessed in the same manner as 94202
the tax or fee with respect to which the identifying information 94203
is sought and are in addition to any applicable criminal penalties 94204
described in division (D) of this section and any other penalties 94205
that may be imposed by the commissioner by law. 94206

(D) Section 5703.26 of the Revised Code applies with respect 94207
to false or fraudulent identifying information provided by a 94208
person to the commissioner under this section. 94209

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 94210
of this section, no agent of the department of taxation, except in 94211
the agent's report to the department or when called on to testify 94212
in any court or proceeding, shall divulge any information acquired 94213
by the agent as to the transactions, property, or business of any 94214
person while acting or claiming to act under orders of the 94215
department. Whoever violates this provision shall thereafter be 94216
disqualified from acting as an officer or employee or in any other 94217
capacity under appointment or employment of the department. 94218
94219

(B)(1) For purposes of an audit pursuant to section 117.15 of 94220
the Revised Code, or an audit of the department pursuant to 94221
Chapter 117. of the Revised Code, or an audit, pursuant to that 94222
chapter, the objective of which is to express an opinion on a 94223
financial report or statement prepared or issued pursuant to 94224
division (A)(7) or (9) of section 126.21 of the Revised Code, the 94225
officers and employees of the auditor of state charged with 94226
conducting the audit shall have access to and the right to examine 94227
any state tax returns and state tax return information in the 94228

possession of the department to the extent that the access and 94229
examination are necessary for purposes of the audit. Any 94230
information acquired as the result of that access and examination 94231
shall not be divulged for any purpose other than as required for 94232
the audit or unless the officers and employees are required to 94233
testify in a court or proceeding under compulsion of legal 94234
process. Whoever violates this provision shall thereafter be 94235
disqualified from acting as an officer or employee or in any other 94236
capacity under appointment or employment of the auditor of state. 94237

(2) For purposes of an internal audit pursuant to section 94238
126.45 of the Revised Code, the officers and employees of the 94239
office of internal audit in the office of budget and management 94240
charged with directing the internal audit shall have access to and 94241
the right to examine any state tax returns and state tax return 94242
information in the possession of the department to the extent that 94243
the access and examination are necessary for purposes of the 94244
internal audit. Any information acquired as the result of that 94245
access and examination shall not be divulged for any purpose other 94246
than as required for the internal audit or unless the officers and 94247
employees are required to testify in a court or proceeding under 94248
compulsion of legal process. Whoever violates this provision shall 94249
thereafter be disqualified from acting as an officer or employee 94250
or in any other capacity under appointment or employment of the 94251
office of internal audit. 94252

(3) As provided by section 6103(d)(2) of the Internal Revenue 94253
Code, any federal tax returns or federal tax information that the 94254
department has acquired from the internal revenue service, through 94255
federal and state statutory authority, may be disclosed to the 94256
auditor of state or the office of internal audit solely for 94257
purposes of an audit of the department. 94258

(4) For purposes of Chapter 3739. of the Revised Code, an 94259
agent of the department of taxation may share information with the 94260

division of state fire marshal that the agent finds during the 94261
course of an investigation. 94262

(C) Division (A) of this section does not prohibit any of the 94263
following: 94264

(1) Divulging information contained in applications, 94265
complaints, and related documents filed with the department under 94266
section 5715.27 of the Revised Code or in applications filed with 94267
the department under section 5715.39 of the Revised Code; 94268

(2) Providing information to the office of child support 94269
within the department of job and family services pursuant to 94270
section 3125.43 of the Revised Code; 94271

(3) Disclosing to the motor vehicle repair board any 94272
information in the possession of the department that is necessary 94273
for the board to verify the existence of an applicant's valid 94274
vendor's license and current state tax identification number under 94275
section 4775.07 of the Revised Code; 94276

(4) Providing information to the administrator of workers' 94277
compensation pursuant to sections 4123.271 and 4123.591 of the 94278
Revised Code; 94279

(5) Providing to the attorney general information the 94280
department obtains under division (J) of section 1346.01 of the 94281
Revised Code; 94282

(6) Permitting properly authorized officers, employees, or 94283
agents of a municipal corporation from inspecting reports or 94284
information pursuant to rules adopted under section 5745.16 of the 94285
Revised Code; 94286

(7) Providing information regarding the name, account number, 94287
or business address of a holder of a vendor's license issued 94288
pursuant to section 5739.17 of the Revised Code, a holder of a 94289
direct payment permit issued pursuant to section 5739.031 of the 94290

Revised Code, or a seller having a use tax account maintained	94291
pursuant to section 5741.17 of the Revised Code, or information	94292
regarding the active or inactive status of a vendor's license,	94293
direct payment permit, or seller's use tax account;	94294
(8) Releasing invoices or invoice information furnished under	94295
section 4301.433 of the Revised Code pursuant to that section;	94296
(9) Providing to a county auditor notices or documents	94297
concerning or affecting the taxable value of property in the	94298
county auditor's county. Unless authorized by law to disclose	94299
documents so provided, the county auditor shall not disclose such	94300
documents;	94301
(10) Providing to a county auditor sales or use tax return or	94302
audit information under section 333.06 of the Revised Code;	94303
(11) Subject to section 4301.441 of the Revised Code,	94304
disclosing to the appropriate state agency information in the	94305
possession of the department of taxation that is necessary to	94306
verify a permit holder's gallonage or noncompliance with taxes	94307
levied under Chapter 4301. or 4305. of the Revised Code;	94308
(12) Disclosing to the department of natural resources	94309
information in the possession of the department of taxation that	94310
is necessary for the department of taxation to verify the	94311
taxpayer's compliance with section 5749.02 of the Revised Code or	94312
to allow the department of natural resources to enforce Chapter	94313
1509. of the Revised Code;	94314
(13) Disclosing to the department of job and family services,	94315
industrial commission, and bureau of workers' compensation	94316
information in the possession of the department of taxation solely	94317
for the purpose of identifying employers that misclassify	94318
employees as independent contractors or that fail to properly	94319
report and pay employer tax liabilities. The department of	94320
taxation shall disclose only such information that is necessary to	94321

verify employer compliance with law administered by those 94322
agencies. 94323

(14) Disclosing to the Ohio casino control commission 94324
information in the possession of the department of taxation that 94325
is necessary to verify a casino operator's compliance with section 94326
5747.063 or 5753.02 of the Revised Code and sections related 94327
thereto; 94328

(15) Disclosing to the state lottery commission information 94329
in the possession of the department of taxation that is necessary 94330
to verify a lottery sales agent's compliance with section 5747.064 94331
of the Revised Code. 94332

(16) Disclosing to the development services agency 94333
information in the possession of the department of taxation that 94334
is necessary to ensure compliance with the laws of this state 94335
governing taxation and to verify information reported to the 94336
development services agency for the purpose of evaluating 94337
potential tax credits, grants, or loans. Such information shall 94338
not include information received from the internal revenue service 94339
the disclosure of which is prohibited by section 6103 of the 94340
Internal Revenue Code. No officer, employee, or agent of the 94341
development services agency shall disclose any information 94342
provided to the development services agency by the department of 94343
taxation under division (C)(16) of this section except when 94344
disclosure of the information is necessary for, and made solely 94345
for the purpose of facilitating, the evaluation of potential tax 94346
credits, grants, or loans. 94347

(17) Disclosing to the department of insurance information in 94348
the possession of the department of taxation that is necessary to 94349
ensure a taxpayer's compliance with the requirements with any tax 94350
credit administered by the development services agency and claimed 94351
by the taxpayer against any tax administered by the superintendent 94352
of insurance. No officer, employee, or agent of the department of 94353

insurance shall disclose any information provided to the 94354
department of insurance by the department of taxation under 94355
division (C)(17) of this section. 94356

Sec. 5703.36. If any company, firm, corporation, person, 94357
association, partnership, or public utility fails to make out and 94358
deliver to the tax commissioner any statement required by law, or 94359
to furnish the commissioner with any information requested, the 94360
commissioner shall ~~inform himself~~ become informed as best ~~he~~ the 94361
commissioner can on the matters necessary to be known in order to 94362
discharge ~~his~~ the commissioner's duties, subject to section 94363
5703.361 of the Revised Code. 94364

Sec. 5703.361. If the tax commissioner uses measures to 94365
reduce fraud by requiring a person to verify information about the 94366
person for the purpose of verifying the person's identity, the tax 94367
commissioner may not require a person to verify any information 94368
created or compiled more than five years preceding the current 94369
calendar year. 94370

Sec. 5703.85. On or before September 1, 2015, and on or 94371
before the first day of every third month thereafter, the tax 94372
commissioner shall prepare a report that includes all of the 94373
following information: 94374

(A) The number of inspections and investigations conducted 94375
during the preceding four months in relation to the enforcement of 94376
sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code; 94377

(B) The number of violations of sections 1333.11 to 1333.21 94378
and Chapter 5743. of the Revised Code found during the preceding 94379
four months, organized by the type of violation; 94380

(C) The number of prosecutions brought during the preceding 94381
four months in relation to violations of sections 1333.11 to 94382

<u>1333.21 and Chapter 5743. of the Revised Code;</u>	94383
<u>(D) The number of agents designated for enforcement of</u>	94384
<u>sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code</u>	94385
<u>during the preceding four months.</u>	94386
<u>The commissioner shall submit the report to the chairperson</u>	94387
<u>of the standing committee of each house of the general assembly</u>	94388
<u>which normally considers tax legislation.</u>	94389
 Sec. 5705.19. This section does not apply to school	94390
districts, county school financing districts, or lake facilities	94391
authorities.	94392
 The taxing authority of any subdivision at any time and in	94393
any year, by vote of two-thirds of all the members of the taxing	94394
authority, may declare by resolution and certify the resolution to	94395
the board of elections not less than ninety days before the	94396
election upon which it will be voted that the amount of taxes that	94397
may be raised within the ten-mill limitation will be insufficient	94398
to provide for the necessary requirements of the subdivision and	94399
that it is necessary to levy a tax in excess of that limitation	94400
for any of the following purposes:	94401
 (A) For current expenses of the subdivision, except that the	94402
total levy for current expenses of a detention facility district	94403
or district organized under section 2151.65 of the Revised Code	94404
shall not exceed two mills and that the total levy for current	94405
expenses of a combined district organized under sections 2151.65	94406
and 2152.41 of the Revised Code shall not exceed four mills;	94407
 (B) For the payment of debt charges on certain described	94408
bonds, notes, or certificates of indebtedness of the subdivision	94409
issued subsequent to January 1, 1925;	94410
 (C) For the debt charges on all bonds, notes, and	94411
certificates of indebtedness issued and authorized to be issued	94412

prior to January 1, 1925; 94413

(D) For a public library of, or supported by, the subdivision 94414
under whatever law organized or authorized to be supported; 94415

(E) For a municipal university, not to exceed two mills over 94416
the limitation of one mill prescribed in section 3349.13 of the 94417
Revised Code; 94418

(F) For the construction or acquisition of any specific 94419
permanent improvement or class of improvements that the taxing 94420
authority of the subdivision may include in a single bond issue; 94421

(G) For the general construction, reconstruction, 94422
resurfacing, and repair of streets, roads, and bridges in 94423
municipal corporations, counties, or townships; 94424

(H) For parks and recreational purposes; 94425

(I) For the purpose of providing and maintaining fire 94426
apparatus, appliances, buildings, or sites therefor, or sources of 94427
water supply and materials therefor, or the establishment and 94428
maintenance of lines of fire alarm telegraph, or the payment of 94429
firefighting companies or permanent, part-time, or volunteer 94430
firefighting, emergency medical service, administrative, or 94431
communications personnel to operate the same, including the 94432
payment of any employer contributions required for such personnel 94433
under section 145.48 or 742.34 of the Revised Code, or the 94434
purchase of ambulance equipment, or the provision of ambulance, 94435
paramedic, or other emergency medical services operated by a fire 94436
department or firefighting company; 94437

(J) For the purpose of providing and maintaining motor 94438
vehicles, communications, other equipment, buildings, and sites 94439
for such buildings used directly in the operation of a police 94440
department, or the payment of salaries of permanent or part-time 94441
police, communications, or administrative personnel to operate the 94442
same, including the payment of any employer contributions required 94443

for such personnel under section 145.48 or 742.33 of the Revised	94444
Code, or the payment of the costs incurred by townships as a	94445
result of contracts made with other political subdivisions in	94446
order to obtain police protection, or the provision of ambulance	94447
or emergency medical services operated by a police department;	94448
(K) For the maintenance and operation of a county home or	94449
detention facility;	94450
(L) For community mental retardation and developmental	94451
disabilities programs and services pursuant to Chapter 5126. of	94452
the Revised Code, except that the procedure for such levies shall	94453
be as provided in section 5705.222 of the Revised Code;	94454
(M) For regional planning;	94455
(N) For a county's share of the cost of maintaining and	94456
operating schools, district detention facilities, forestry camps,	94457
or other facilities, or any combination thereof, established under	94458
section 2151.65 or 2152.41 of the Revised Code or both of those	94459
sections;	94460
(O) For providing for flood defense, providing and	94461
maintaining a flood wall or pumps, and other purposes to prevent	94462
floods;	94463
(P) For maintaining and operating sewage disposal plants and	94464
facilities;	94465
(Q) For the purpose of purchasing, acquiring, constructing,	94466
enlarging, improving, equipping, repairing, maintaining, or	94467
operating, or any combination of the foregoing, a county transit	94468
system pursuant to sections 306.01 to 306.13 of the Revised Code,	94469
or of making any payment to a board of county commissioners	94470
operating a transit system or a county transit board pursuant to	94471
section 306.06 of the Revised Code;	94472
(R) For the subdivision's share of the cost of acquiring or	94473

constructing any schools, forestry camps, detention facilities, or	94474
other facilities, or any combination thereof, under section	94475
2151.65 or 2152.41 of the Revised Code or both of those sections;	94476
(S) For the prevention, control, and abatement of air	94477
pollution;	94478
(T) For maintaining and operating cemeteries;	94479
(U) For providing ambulance service, emergency medical	94480
service, or both;	94481
(V) For providing for the collection and disposal of garbage	94482
or refuse, including yard waste;	94483
(W) For the payment of the police officer employers'	94484
contribution or the firefighter employers' contribution required	94485
under sections 742.33 and 742.34 of the Revised Code;	94486
(X) For the construction and maintenance of a drainage	94487
improvement pursuant to section 6131.52 of the Revised Code;	94488
(Y) For providing or maintaining senior citizens services or	94489
facilities as authorized by section 307.694, 307.85, 505.70, or	94490
505.706 or division (EE) of section 717.01 of the Revised Code;	94491
(Z) For the provision and maintenance of zoological park	94492
services and facilities as authorized under section 307.76 of the	94493
Revised Code;	94494
(AA) For the maintenance and operation of a free public	94495
museum of art, science, or history;	94496
(BB) For the establishment and operation of a 9-1-1 system,	94497
as defined in section 128.01 of the Revised Code;	94498
(CC) For the purpose of acquiring, rehabilitating, or	94499
developing rail property or rail service. As used in this	94500
division, "rail property" and "rail service" have the same	94501
meanings as in section 4981.01 of the Revised Code. This division	94502
applies only to a county, township, or municipal corporation.	94503

(DD) For the purpose of acquiring property for, constructing, 94504
operating, and maintaining community centers as provided for in 94505
section 755.16 of the Revised Code; 94506

(EE) For the creation and operation of an office or joint 94507
office of economic development, for any economic development 94508
purpose of the office, and to otherwise provide for the 94509
establishment and operation of a program of economic development 94510
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 94511
the extent that the expenses of a county land reutilization 94512
corporation organized under Chapter 1724. of the Revised Code are 94513
found by the board of county commissioners to constitute the 94514
promotion of economic development, for the payment of such 94515
operations and expenses; 94516

(FF) For the purpose of acquiring, establishing, 94517
constructing, improving, equipping, maintaining, or operating, or 94518
any combination of the foregoing, a township airport, landing 94519
field, or other air navigation facility pursuant to section 505.15 94520
of the Revised Code; 94521

(GG) For the payment of costs incurred by a township as a 94522
result of a contract made with a county pursuant to section 94523
505.263 of the Revised Code in order to pay all or any part of the 94524
cost of constructing, maintaining, repairing, or operating a water 94525
supply improvement; 94526

(HH) For a board of township trustees to acquire, other than 94527
by appropriation, an ownership interest in land, water, or 94528
wetlands, or to restore or maintain land, water, or wetlands in 94529
which the board has an ownership interest, not for purposes of 94530
recreation, but for the purposes of protecting and preserving the 94531
natural, scenic, open, or wooded condition of the land, water, or 94532
wetlands against modification or encroachment resulting from 94533
occupation, development, or other use, which may be styled as 94534
protecting or preserving "greenspace" in the resolution, notice of 94535

election, or ballot form. Except as otherwise provided in this 94536
division, land is not acquired for purposes of recreation, even if 94537
the land is used for recreational purposes, so long as no 94538
building, structure, or fixture used for recreational purposes is 94539
permanently attached or affixed to the land. Except as otherwise 94540
provided in this division, land that previously has been acquired 94541
in a township for these greenspace purposes may subsequently be 94542
used for recreational purposes if the board of township trustees 94543
adopts a resolution approving that use and no building, structure, 94544
or fixture used for recreational purposes is permanently attached 94545
or affixed to the land. The authorization to use greenspace land 94546
for recreational use does not apply to land located in a township 94547
that had a population, at the time it passed its first greenspace 94548
levy, of more than thirty-eight thousand within a county that had 94549
a population, at that time, of at least eight hundred sixty 94550
thousand. 94551

(II) For the support by a county of a crime victim assistance 94552
program that is provided and maintained by a county agency or a 94553
private, nonprofit corporation or association under section 307.62 94554
of the Revised Code; 94555

(JJ) For any or all of the purposes set forth in divisions 94556
(I) and (J) of this section. This division applies only to a 94557
township. 94558

(KK) For a countywide public safety communications system 94559
under section 307.63 of the Revised Code. This division applies 94560
only to counties. 94561

(LL) For the support by a county of criminal justice services 94562
under section 307.45 of the Revised Code; 94563

(MM) For the purpose of maintaining and operating a jail or 94564
other detention facility as defined in section 2921.01 of the 94565
Revised Code; 94566

(NN) For purchasing, maintaining, or improving, or any 94567
combination of the foregoing, real estate on which to hold, and 94568
the operating expenses of, agricultural fairs operated by a county 94569
agricultural society or independent agricultural society under 94570
Chapter 1711. of the Revised Code. This division applies only to a 94571
county. 94572

(OO) For constructing, rehabilitating, repairing, or 94573
maintaining sidewalks, walkways, trails, bicycle pathways, or 94574
similar improvements, or acquiring ownership interests in land 94575
necessary for the foregoing improvements; 94576

(PP) For both of the purposes set forth in divisions (G) and 94577
(OO) of this section. 94578

(QQ) For both of the purposes set forth in divisions (H) and 94579
(HH) of this section. This division applies only to a township. 94580

(RR) For the legislative authority of a municipal 94581
corporation, board of county commissioners of a county, or board 94582
of township trustees of a township to acquire agricultural 94583
easements, as defined in section 5301.67 of the Revised Code, and 94584
to supervise and enforce the easements. 94585

(SS) For both of the purposes set forth in divisions (BB) and 94586
(KK) of this section. This division applies only to a county. 94587

(TT) For the maintenance and operation of a facility that is 94588
organized in whole or in part to promote the sciences and natural 94589
history under section 307.761 of the Revised Code. 94590

(UU) For the creation and operation of a county land 94591
reutilization corporation and for any programs or activities of 94592
the corporation found by the board of directors of the corporation 94593
to be consistent with the purposes for which the corporation is 94594
organized; 94595

(VV) For construction and maintenance of improvements and 94596

expenses of soil and water conservation district programs under 94597
Chapter 1515. of the Revised Code; 94598

(WW) For the OSU extension fund created under section 3335.35 94599
of the Revised Code for the purposes prescribed under section 94600
3335.36 of the Revised Code for the benefit of the citizens of a 94601
county. This division applies only to a county. 94602

(XX) For a municipal corporation that withdraws or proposes 94603
by resolution to withdraw from a regional transit authority under 94604
section 306.55 of the Revised Code to provide transportation 94605
services for the movement of persons within, from, or to the 94606
municipal corporation; 94607

(YY) For any combination of the purposes specified in 94608
divisions (NN), (VV), and (WW) of this section. This division 94609
applies only to a county. 94610

The resolution shall be confined to the purpose or purposes 94611
described in one division of this section, to which the revenue 94612
derived therefrom shall be applied. The existence in any other 94613
division of this section of authority to levy a tax for any part 94614
or all of the same purpose or purposes does not preclude the use 94615
of such revenues for any part of the purpose or purposes of the 94616
division under which the resolution is adopted. 94617

The resolution shall specify the amount of the increase in 94618
rate that it is necessary to levy, the purpose of that increase in 94619
rate, and the number of years during which the increase in rate 94620
shall be in effect, which may or may not include a levy upon the 94621
duplicate of the current year. The number of years may be any 94622
number not exceeding five, except as follows: 94623

(1) When the additional rate is for the payment of debt 94624
charges, the increased rate shall be for the life of the 94625
indebtedness. 94626

(2) When the additional rate is for any of the following, the 94627

increased rate shall be for a continuing period of time: 94628

(a) For the current expenses for a detention facility 94629
district, a district organized under section 2151.65 of the 94630
Revised Code, or a combined district organized under sections 94631
2151.65 and 2152.41 of the Revised Code; 94632

(b) For providing a county's share of the cost of maintaining 94633
and operating schools, district detention facilities, forestry 94634
camps, or other facilities, or any combination thereof, 94635
established under section 2151.65 or 2152.41 of the Revised Code 94636
or under both of those sections. 94637

(3) When the additional rate is for either of the following, 94638
the increased rate may be for a continuing period of time: 94639

(a) For the purposes set forth in division (I), (J), (U), or 94640
(KK) of this section; 94641

(b) For the maintenance and operation of a joint recreation 94642
district. 94643

(4) When the increase is for the purpose or purposes set 94644
forth in division (D), (G), (H), ~~(I)~~ (Z), (CC), or (PP) of this 94645
section, the tax levy may be for any specified number of years or 94646
for a continuing period of time, as set forth in the resolution. 94647

A levy for one of the purposes set forth in division (G), 94648
(I), (J), or (U) of this section may be reduced pursuant to 94649
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 94650
the purposes set forth in division (G), (I), (J), or (U) of this 94651
section may also be terminated or permanently reduced by the 94652
taxing authority if it adopts a resolution stating that the 94653
continuance of the levy is unnecessary and the levy shall be 94654
terminated or that the millage is excessive and the levy shall be 94655
decreased by a designated amount. 94656

A resolution of a detention facility district, a district 94657

organized under section 2151.65 of the Revised Code, or a combined 94658
district organized under both sections 2151.65 and 2152.41 of the 94659
Revised Code may include both current expenses and other purposes, 94660
provided that the resolution shall apportion the annual rate of 94661
levy between the current expenses and the other purpose or 94662
purposes. The apportionment need not be the same for each year of 94663
the levy, but the respective portions of the rate actually levied 94664
each year for the current expenses and the other purpose or 94665
purposes shall be limited by the apportionment. 94666

Whenever a board of county commissioners, acting either as 94667
the taxing authority of its county or as the taxing authority of a 94668
sewer district or subdistrict created under Chapter 6117. of the 94669
Revised Code, by resolution declares it necessary to levy a tax in 94670
excess of the ten-mill limitation for the purpose of constructing, 94671
improving, or extending sewage disposal plants or sewage systems, 94672
the tax may be in effect for any number of years not exceeding 94673
twenty, and the proceeds of the tax, notwithstanding the general 94674
provisions of this section, may be used to pay debt charges on any 94675
obligations issued and outstanding on behalf of the subdivision 94676
for the purposes enumerated in this paragraph, provided that any 94677
such obligations have been specifically described in the 94678
resolution. 94679

A resolution adopted by the legislative authority of a 94680
municipal corporation that is for the purpose in division (XX) of 94681
this section may be combined with the purpose provided in section 94682
306.55 of the Revised Code, by vote of two-thirds of all members 94683
of the legislative authority. The legislative authority may 94684
certify the resolution to the board of elections as a combined 94685
question. The question appearing on the ballot shall be as 94686
provided in section 5705.252 of the Revised Code. 94687

The resolution shall go into immediate effect upon its 94688
passage, and no publication of the resolution is necessary other 94689

than that provided for in the notice of election 94690

When the electors of a subdivision or, in the case of a 94691
qualifying library levy for the support of a library association 94692
or private corporation, the electors of the association library 94693
district, have approved a tax levy under this section, the taxing 94694
authority of the subdivision may anticipate a fraction of the 94695
proceeds of the levy and issue anticipation notes in accordance 94696
with section 5705.191 or 5705.193 of the Revised Code. 94697

Sec. 5705.194. The board of education of any city, local, 94698
exempted village, cooperative education, or joint vocational 94699
school district at any time may declare by resolution that the 94700
revenue that will be raised by all tax levies which the district 94701
is authorized to impose, when combined with state and federal 94702
revenues, will be insufficient to provide for the emergency 94703
requirements of the school district or to avoid an operating 94704
deficit, and that it is therefore necessary to levy an additional 94705
tax in excess of the ten-mill limitation. The resolution shall be 94706
confined to a single purpose and shall specify that purpose. If 94707
the levy is proposed to renew all or a portion of the proceeds 94708
derived from one or more existing levies imposed pursuant to this 94709
section, it shall be called a renewal levy and shall be so 94710
designated on the ballot. If two or more existing levies are to be 94711
included in a single renewal levy but are not scheduled to expire 94712
in the same year, the resolution shall specify that the existing 94713
levies to be renewed shall not be levied after the year preceding 94714
the year in which the renewal levy is first imposed. 94715
Notwithstanding the original purpose of any one or more existing 94716
levies that are to be in any single renewal levy, the purpose of 94717
the renewal levy may be either to avoid an operating deficit or to 94718
provide for the emergency requirements of the school district. The 94719
resolution shall further specify the amount of money it is 94720
necessary to raise for the specified purpose for each calendar 94721

year the millage is to be imposed; if a renewal levy, whether the 94722
levy is to renew all, or a portion of, the proceeds derived from 94723
one or more existing levies; and the number of years in which the 94724
millage is to be in effect, which may include a levy upon the 94725
current year's tax list. The number of years may be any number not 94726
exceeding ten. 94727

The question shall be submitted at a special election on a 94728
date specified in the resolution. The date shall not be earlier 94729
than eighty days after the adoption and certification of the 94730
resolution to the county auditor and shall be consistent with the 94731
requirements of section 3501.01 of the Revised Code. A resolution 94732
for a renewal levy shall not be placed on the ballot unless the 94733
question is submitted on a date on which a special election may be 94734
held under division (D) of section 3501.01 of the Revised Code, 94735
except for the first Tuesday after the first Monday in ~~February~~ 94736
~~and~~ August, during the last year the levy to be renewed may be 94737
extended on the real and public utility property tax list and 94738
duplicate, or at any election held in the ensuing year, except 94739
that if the resolution proposes renewing two or more existing 94740
levies, the question shall be submitted on the date of the general 94741
or primary election held during the last year at least one of the 94742
levies to be renewed may be extended on that list and duplicate, 94743
or at any election held during the ensuing year. For purposes of 94744
this section, a levy shall be considered to be an "existing levy" 94745
through the year following the last year it can be placed on the 94746
real and public utility property tax list and duplicate. 94747

The submission of questions to the electors under this 94748
section is subject to the limitation on the number of election 94749
dates established by section 5705.214 of the Revised Code. 94750

The resolution shall go into immediate effect upon its 94751
passage, and no publication of the resolution shall be necessary 94752
other than that provided for in the notice of election. A copy of 94753

the resolution shall immediately after its passing be certified to 94754
the county auditor of the proper county. Section 5705.195 of the 94755
Revised Code shall govern the arrangements for the submission of 94756
questions to the electors under this section and other matters 94757
concerning the election. Publication of notice of the election 94758
shall be made in one newspaper of general circulation in the 94759
county once a week for two consecutive weeks, or as provided in 94760
section 7.16 of the Revised Code, prior to the election. If the 94761
board of elections operates and maintains a web site, the board of 94762
elections shall post notice of the election on its web site for 94763
thirty days prior to the election. If a majority of the electors 94764
voting on the question submitted in an election vote in favor of 94765
the levy, the board of education of the school district may make 94766
the additional levy necessary to raise the amount specified in the 94767
resolution for the purpose stated in the resolution. The tax levy 94768
shall be included in the next tax budget that is certified to the 94769
county budget commission. 94770

After the approval of the levy and prior to the time when the 94771
first tax collection from the levy can be made, the board of 94772
education may anticipate a fraction of the proceeds of the levy 94773
and issue anticipation notes in an amount not exceeding the total 94774
estimated proceeds of the levy to be collected during the first 94775
year of the levy. 94776

The notes shall be issued as provided in section 133.24 of 94777
the Revised Code, shall have principal payments during each year 94778
after the year of their issuance over a period not to exceed five 94779
years, and may have principal payment in the year of their 94780
issuance. 94781

Sec. 5705.21. (A) At any time, the board of education of any 94782
city, local, exempted village, cooperative education, or joint 94783
vocational school district, by a vote of two-thirds of all its 94784

members, may declare by resolution that the amount of taxes that 94785
may be raised within the ten-mill limitation by levies on the 94786
current tax duplicate will be insufficient to provide an adequate 94787
amount for the necessary requirements of the school district, that 94788
it is necessary to levy a tax in excess of such limitation for one 94789
of the purposes specified in division (A), (D), (F), (H), or (DD) 94790
of section 5705.19 of the Revised Code, for general permanent 94791
improvements, for the purpose of operating a cultural center, for 94792
the purpose of providing for school safety and security, or for 94793
the purpose of providing education technology, and that the 94794
question of such additional tax levy shall be submitted to the 94795
electors of the school district at a special election on a day to 94796
be specified in the resolution. In the case of a qualifying 94797
library levy for the support of a library association or private 94798
corporation, the question shall be submitted to the electors of 94799
the association library district. If the resolution states that 94800
the levy is for the purpose of operating a cultural center, the 94801
ballot shall state that the levy is "for the purpose of operating 94802
the (name of cultural center)."

As used in this division, "cultural center" means a 94804
freestanding building, separate from a public school building, 94805
that is open to the public for educational, musical, artistic, and 94806
cultural purposes; "education technology" means, but is not 94807
limited to, computer hardware, equipment, materials, and 94808
accessories, equipment used for two-way audio or video, and 94809
software; and "general permanent improvements" means permanent 94810
improvements without regard to the limitation of division (F) of 94811
section 5705.19 of the Revised Code that the improvements be a 94812
specific improvement or a class of improvements that may be 94813
included in a single bond issue. 94814

A resolution adopted under this division shall be confined to 94815
a single purpose and shall specify the amount of the increase in 94816

rate that it is necessary to levy, the purpose of the levy, and 94817
the number of years during which the increase in rate shall be in 94818
effect. The number of years may be any number not exceeding five 94819
or, if the levy is for current expenses of the district or for 94820
general permanent improvements, for a continuing period of time. 94821

(B)(1) The board of education of a qualifying school 94822
district, by resolution, may declare that it is necessary to levy 94823
a tax in excess of the ten-mill limitation for the purpose of 94824
paying the current expenses of ~~the district and of~~ partnering 94825
community schools and, if any of the levy proceeds are so 94826
allocated, of the district. A qualifying school district that is 94827
not a municipal school district may allocate all of the levy 94828
proceeds to partnering community schools. A municipal school 94829
district shall allocate a portion of the levy proceeds to the 94830
current expenses of the district. The resolution shall declare 94831
that the question of the additional tax levy shall be submitted to 94832
the electors of the school district at a special election on a day 94833
to be specified in the resolution. The resolution shall state the 94834
purpose of the levy, the rate of the tax expressed in mills per 94835
dollar of taxable value, the number of such mills to be levied for 94836
the current expenses of the partnering community schools and the 94837
number of such mills, if any, to be levied for the current 94838
expenses of the school district, the number of years the tax will 94839
be levied, and the first year the tax will be levied. The number 94840
of years the tax may be levied may be any number not exceeding ten 94841
years, or for a continuing period of time. 94842

The levy of a tax for the current expenses of a partnering 94843
community school under this section and the distribution of 94844
proceeds from the tax by a qualifying school district to 94845
partnering community schools is hereby determined to be a proper 94846
public purpose. 94847

(2) ~~The~~ (a) If any portion of the levy proceeds are to be 94848

allocated to the current expenses of the qualifying school 94849
district, the form of the ballot at an election held pursuant to 94850
division (B) of this section shall be as follows: 94851

"Shall a levy be imposed by the (insert the name of 94852
the qualifying school district) for the purpose of current 94853
expenses of the school district and of partnering community 94854
schools at a rate not exceeding (insert the number of 94855
mills) mills for each one dollar of valuation, ~~of which~~ 94856
(insert the number of mills to be allocated to partnering 94857
community schools) mills is to be allocated to partnering 94858
community schools), which amounts to (insert the rate 94859
expressed in dollars and cents) for each one hundred dollars of 94860
valuation, for (insert the number of years the levy is to 94861
be imposed, or that it will be levied for a continuing period of 94862
time), beginning (insert first year the tax is to be 94863
levied), which will first be payable in calendar year 94864
(insert the first calendar year in which the tax would be 94865
payable)? 94866

	FOR THE TAX LEVY	"
	AGAINST THE TAX LEVY	

(b) If all of the levy proceeds are to be allocated to the 94869
current expenses of partnering community schools, the form of the 94870
ballot shall be as follows: 94871

"Shall a levy be imposed by the (insert the name of 94872
the qualifying school district) for the purpose of current 94873
expenses of partnering community schools at a rate not exceeding 94874
..... (insert the number of mills) mills for each one dollar of 94875
valuation which amounts to (insert the rate expressed in 94876
dollars and cents) for each one hundred dollars of valuation, for 94877
..... (insert the number of years the levy is to be imposed, or 94878
that it will be levied for a continuing period of time), beginning 94879
..... (insert first year the tax is to be levied), which will 94880

first be payable in calendar year (insert the first 94881
calendar year in which the tax would be payable)? 94882

	<u>FOR THE TAX LEVY</u>	
	<u>AGAINST THE TAX LEVY</u>	"

(3) Upon each receipt of a tax distribution by the qualifying 94885
school district, the board of education shall credit the portion 94886
allocated to partnering community schools to the partnering 94887
community schools fund. All income from the investment of money in 94888
the partnering community schools fund shall be credited to that 94889
fund. 94890

(a) If the qualifying school district is a municipal school 94891
district, the board of education shall distribute the partnering 94892
community schools amount among the then qualifying community 94893
schools not more than forty-five days after the school district 94894
receives and deposits each tax distribution. From each tax 94895
distribution, each such partnering community school shall receive 94896
a portion of the partnering community schools amount in the 94897
proportion that the number of its resident students bears to the 94898
aggregate number of resident students of all such partnering 94899
community schools as of the date of receipt and deposit of the tax 94900
distribution. 94901

(b) If the qualifying school district is not a municipal 94902
school district, the board of education may distribute all or a 94903
portion of the amount in the partnering community schools fund 94904
during a fiscal year to partnering community schools ~~that were~~ 94905
~~either sponsored by the district or entered into an agreement~~ 94906
~~pursuant to division (B)(6)(b) of this section~~ on or before the 94907
first day of June of the preceding fiscal year. Each such 94908
partnering community school shall receive a portion of the amount 94909
distributed by the board from the partnering community schools 94910
fund during the fiscal year in the proportion that the number of 94911
its resident students bears to the aggregate number of resident 94912

students of all such partnering community schools as of the date 94913
the school district received and deposited the most recent tax 94914
distribution. On or before the fifteenth day of June of each 94915
fiscal year, the board of education shall announce an estimated 94916
allocation to partnering community schools for the ensuing fiscal 94917
year. The board is not required to allocate to partnering 94918
community schools the entire partnering community schools amount 94919
in the fiscal year in which a tax distribution is received and 94920
deposited in the partnering community schools fund. The estimated 94921
allocation shall be published on the web site of the school 94922
district and expressed as a dollar amount per resident student. 94923
The actual allocation to community schools in a fiscal year need 94924
not conform to the estimate published by the school district so 94925
long if the estimate was made in good faith. 94926

Distributions by a school district under division (B)(3)(b) 94927
of this section shall be made in accordance with distribution 94928
agreements entered into by the board of education and each 94929
partnering community school eligible for distributions under this 94930
division. The distribution agreements shall be certified to the 94931
department of education each fiscal year before the thirtieth day 94932
of July. Each agreement shall provide for at least three 94933
distributions by the school district to the partnering community 94934
school during the fiscal year and shall require the initial 94935
distribution be made on or before the thirtieth day of July. 94936

(c) For the purposes of division (B) of this section, the 94937
number of resident students shall be the number of such students 94938
reported under section 3317.03 of the Revised Code and established 94939
by the department of education as of the date of receipt and 94940
deposit of the tax distribution. 94941

(4) To the extent an agreement whereby the qualifying school 94942
district and a community school endorse each other's programs is 94943
necessary for the community school to qualify as a partnering 94944

community school under division (B)(6)(b) of this section, the 94945
board of education of the school district shall certify to the 94946
department of education the agreement along with the determination 94947
that such agreement satisfies the requirements of that division. 94948
The board's determination is conclusive. 94949

(5) For the purposes of Chapter 3317. of the Revised Code or 94950
other laws referring to the "taxes charged and payable" for a 94951
school district, the taxes charged and payable for a qualifying 94952
school district that levies a tax under division (B) of this 94953
section includes only the taxes charged and payable under that 94954
levy for the current expenses of the school district, and does not 94955
include the taxes charged and payable for the current expenses of 94956
partnering community schools. The taxes charged and payable for 94957
the current expenses of partnering community schools shall not 94958
affect the calculation of "state education aid" as defined in 94959
section 5751.20 of the Revised Code. 94960

(6) As used in division (B) of this section: 94961

(a) "Qualifying school district" means a municipal school 94962
district, as defined in section 3311.71 of the Revised Code or a 94963
school district that ~~has an average daily membership, as reported~~ 94964
~~under division (A) of section 3317.03 of the Revised Code, greater~~ 94965
~~than sixty thousand and the majority of the territory of which~~ 94966
~~district is located in a city with a population greater than seven~~ 94967
~~hundred thousand according to the most recent federal decennial~~ 94968
~~census~~ contains within its territory a partnering community 94969
school. 94970

(b) "Partnering community school" means a community school 94971
established under Chapter 3314. of the Revised Code that is 94972
located within the territory of the qualifying school district and 94973
~~that either~~ meets one of the following criteria: 94974

(i) If the qualifying school district is a municipal school 94975

district, the community school is sponsored by the district or is 94976
a party to an agreement with the district whereby the district and 94977
the community school endorse each other's programs; 94978

(ii) If the qualifying school district is not a municipal 94979
school district, the community school is sponsored by a sponsor 94980
that was rated as "exemplary" in the ratings most recently 94981
published under section 3314.016 of the Revised Code before the 94982
resolution proposing the levy is certified to the board of 94983
elections. 94984

(c) "Partnering community schools amount" means the product 94985
obtained, as of the receipt and deposit of the tax distribution, 94986
by multiplying the amount of a tax distribution by a fraction, the 94987
numerator of which is the number of mills per dollar of taxable 94988
value of the property tax to be allocated to partnering community 94989
schools, and the denominator of which is the total number of mills 94990
per dollar of taxable value authorized by the electors in the 94991
election held under division (B) of this section, each as set 94992
forth in the resolution levying the tax. If the resolution 94993
allocates all of the levy proceeds to partnering community 94994
schools, the "partnering schools amount" equals the amount of the 94995
tax distribution. 94996

(d) "Partnering community schools fund" means a separate fund 94997
established by the board of education of a qualifying school 94998
district for the deposit of partnering community school amounts 94999
under this section. 95000

(e) "Resident student" means a student enrolled in a 95001
partnering community school who is entitled to attend school in 95002
the qualifying school district under section 3313.64 or 3313.65 of 95003
the Revised Code. 95004

(f) "Tax distribution" means a distribution of proceeds of 95005
the tax authorized by division (B) of this section under section 95006

321.24 of the Revised Code and distributions that are attributable 95007
to that tax under sections 323.156 and 4503.068 of the Revised 95008
Code or other applicable law. 95009

(C) A resolution adopted under this section shall specify the 95010
date of holding the election, which shall not be earlier than 95011
ninety days after the adoption and certification of the resolution 95012
and which shall be consistent with the requirements of section 95013
3501.01 of the Revised Code. 95014

A resolution adopted under this section may propose to renew 95015
one or more existing levies imposed under division (A) or (B) of 95016
this section or to increase or decrease a single levy imposed 95017
under either such division. 95018

If the board of education imposes one or more existing levies 95019
for the purpose specified in division (F) of section 5705.19 of 95020
the Revised Code, the resolution may propose to renew one or more 95021
of those existing levies, or to increase or decrease a single such 95022
existing levy, for the purpose of general permanent improvements. 95023

If the resolution proposes to renew two or more existing 95024
levies, the levies shall be levied for the same purpose. The 95025
resolution shall identify those levies and the rates at which they 95026
are levied. The resolution also shall specify that the existing 95027
levies shall not be extended on the tax lists after the year 95028
preceding the year in which the renewal levy is first imposed, 95029
regardless of the years for which those levies originally were 95030
authorized to be levied. 95031

If the resolution proposes to renew an existing levy imposed 95032
under division (B) of this section, the rates allocated to the 95033
qualifying school district and to partnering community schools 95034
each may be increased or decreased or remain the same, and the 95035
total rate may be increased, decreased, or remain the same. The 95036
resolution and notice of election shall specify the number of the 95037

mills to be levied for the current expenses of the partnering 95038
community schools and the number of the mills, if any, to be 95039
levied for the current expenses of the qualifying school district. 95040

A resolution adopted under this section shall go into 95041
immediate effect upon its passage, and no publication of the 95042
resolution shall be necessary other than that provided for in the 95043
notice of election. A copy of the resolution shall immediately 95044
after its passing be certified to the board of elections of the 95045
proper county in the manner provided by section 5705.25 of the 95046
Revised Code. That section shall govern the arrangements for the 95047
submission of such question and other matters concerning the 95048
election to which that section refers, including publication of 95049
notice of the election, except that the election shall be held on 95050
the date specified in the resolution. In the case of a resolution 95051
adopted under division (B) of this section, the publication of 95052
notice of that election shall state the number of the mills, if 95053
any, to be levied for the current expenses of partnering community 95054
schools and the number of the mills to be levied for the current 95055
expenses of the qualifying school district. If a majority of the 95056
electors voting on the question so submitted in an election vote 95057
in favor of the levy, the board of education may make the 95058
necessary levy within the school district or, in the case of a 95059
qualifying library levy for the support of a library association 95060
or private corporation, within the association library district, 95061
at the additional rate, or at any lesser rate in excess of the 95062
ten-mill limitation on the tax list, for the purpose stated in the 95063
resolution. A levy for a continuing period of time may be reduced 95064
pursuant to section 5705.261 of the Revised Code. The tax levy 95065
shall be included in the next tax budget that is certified to the 95066
county budget commission. 95067

(D)(1) After the approval of a levy on the current tax list 95068
and duplicate for current expenses, for recreational purposes, for 95069

community centers provided for in section 755.16 of the Revised Code, or for a public library of the district under division (A) of this section, and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected during the first year of the levy.

(2) After the approval of a levy for general permanent improvements for a specified number of years or for permanent improvements having the purpose specified in division (F) of section 5705.19 of the Revised Code, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy remaining to be collected in each year over a period of five years after the issuance of the notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(3) After approval of a levy for general permanent improvements for a continuing period of time, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected in each year over a specified period of years, not exceeding ten, after the issuance of the notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed ten

years, and may have a principal payment in the year of their 95102
issuance. 95103

(4) After the approval of a levy on the current tax list and 95104
duplicate under division (B) of this section, and prior to the 95105
time when the first tax collection from the levy can be made, the 95106
board of education may anticipate a fraction of the proceeds of 95107
the levy for the current expenses of the school district and issue 95108
anticipation notes in a principal amount not exceeding fifty per 95109
cent of the estimated proceeds of the levy to be collected during 95110
the first year of the levy and allocated to the school district. 95111
The portion of the levy proceeds to be allocated to partnering 95112
community schools under that division shall not be included in the 95113
estimated proceeds anticipated under this division and shall not 95114
be used to pay debt charges on any anticipation notes. 95115

The notes shall be issued as provided in section 133.24 of 95116
the Revised Code, shall have principal payments during each year 95117
after the year of their issuance over a period not to exceed five 95118
years, and may have a principal payment in the year of their 95119
issuance. 95120

(E) The submission of questions to the electors under this 95121
section is subject to the limitation on the number of election 95122
dates established by section 5705.214 of the Revised Code. 95123

(F) The board of education of any school district that levies 95124
a tax under this section for the purpose of providing for school 95125
safety and security may report to the department of education how 95126
the district is using revenue from that tax. 95127

Sec. 5705.212. (A)(1) The board of education of any school 95128
district, at any time and by a vote of two-thirds of all of its 95129
members, may declare by resolution that the amount of taxes that 95130
may be raised within the ten-mill limitation will be insufficient 95131
to provide an adequate amount for the present and future 95132

requirements of the school district, that it is necessary to levy 95133
not more than five taxes in excess of that limitation for current 95134
expenses, and that each of the proposed taxes first will be levied 95135
in a different year, over a specified period of time. The board 95136
shall identify the taxes proposed under this section as follows: 95137
the first tax to be levied shall be called the "original tax." 95138
Each tax subsequently levied shall be called an "incremental tax." 95139
The rate of each incremental tax shall be identical, but the rates 95140
of such incremental taxes need not be the same as the rate of the 95141
original tax. The resolution also shall state that the question of 95142
these additional taxes shall be submitted to the electors of the 95143
school district at a special election. The resolution shall 95144
specify separately for each tax proposed: the amount of the 95145
increase in rate that it is necessary to levy, expressed 95146
separately for the original tax and each incremental tax; that the 95147
purpose of the levy is for current expenses; the number of years 95148
during which the original tax shall be in effect; a specification 95149
that the last year in which the original tax is in effect shall 95150
also be the last year in which each incremental tax shall be in 95151
effect; and the year in which each tax first is proposed to be 95152
levied. The original tax may be levied for any number of years not 95153
exceeding ten, or for a continuing period of time. The resolution 95154
shall specify the date of holding the special election, which 95155
shall not be earlier than ninety days after the adoption and 95156
certification of the resolution and shall be consistent with the 95157
requirements of section 3501.01 of the Revised Code. 95158

(2) The board of education, by a vote of two-thirds of all of 95159
its members, may adopt a resolution proposing to renew taxes 95160
levied other than for a continuing period of time under division 95161
(A)(1) of this section. Such a resolution shall provide for 95162
levying a tax and specify all of the following: 95163

(a) That the tax shall be called and designated on the ballot 95164

as a renewal levy; 95165

(b) The rate of the renewal tax, which shall be a single rate 95166
that combines the rate of the original tax and each incremental 95167
tax into a single rate. The rate of the renewal tax shall not 95168
exceed the aggregate rate of the original and incremental taxes. 95169

(c) The number of years, not to exceed ten, that the renewal 95170
tax will be levied, or that it will be levied for a continuing 95171
period of time; 95172

(d) That the purpose of the renewal levy is for current 95173
expenses; 95174

(e) Subject to the certification and notification 95175
requirements of section 5705.251 of the Revised Code, that the 95176
question of the renewal levy shall be submitted to the electors of 95177
the school district at the general election held during the last 95178
year the original tax may be extended on the real and public 95179
utility property tax list and duplicate or at a special election 95180
held during the ensuing year. 95181

(3) A resolution adopted under division (A)(1) or (2) of this 95182
section shall go into immediate effect upon its adoption and no 95183
publication of the resolution is necessary other than that 95184
provided for in the notice of election. Immediately after its 95185
adoption, a copy of the resolution shall be certified to the board 95186
of elections of the proper county in the manner provided by 95187
division (A) of section 5705.251 of the Revised Code, and that 95188
division shall govern the arrangements for the submission of the 95189
question and other matters concerning the election to which that 95190
section refers. The election shall be held on the date specified 95191
in the resolution. If a majority of the electors voting on the 95192
question so submitted in an election vote in favor of the taxes or 95193
a renewal tax, the board of education, if the original or a 95194
renewal tax is authorized to be levied for the current year, 95195

immediately may make the necessary levy within the school district 95196
at the authorized rate, or at any lesser rate in excess of the 95197
ten-mill limitation, for the purpose stated in the resolution. No 95198
tax shall be imposed prior to the year specified in the resolution 95199
as the year in which it is first proposed to be levied. The rate 95200
of the original tax and the rate of each incremental tax shall be 95201
cumulative, so that the aggregate rate levied in any year is the 95202
sum of the rates of both the original tax and all incremental 95203
taxes levied in or prior to that year under the same proposal. A 95204
tax levied for a continuing period of time under this section may 95205
be reduced pursuant to section 5705.261 of the Revised Code. 95206

(B) Notwithstanding section 133.30 of the Revised Code, after 95207
the approval of a tax to be levied in the current or the 95208
succeeding year and prior to the time when the first tax 95209
collection from that levy can be made, the board of education may 95210
anticipate a fraction of the proceeds of the levy and issue 95211
anticipation notes in an amount not to exceed fifty per cent of 95212
the total estimated proceeds of the levy to be collected during 95213
the first year of the levy. The notes shall be sold as provided in 95214
Chapter 133. of the Revised Code. If anticipation notes are 95215
issued, they shall mature serially and in substantially equal 95216
amounts during each year over a period not to exceed five years; 95217
and the amount necessary to pay the interest and principal as the 95218
anticipation notes mature shall be deemed appropriated for those 95219
purposes from the levy, and appropriations from the levy by the 95220
board of education shall be limited each fiscal year to the 95221
balance available in excess of that amount. 95222

If the auditor of state has certified a deficit pursuant to 95223
section 3313.483 of the Revised Code, the notes authorized under 95224
this section may be sold in accordance with Chapter 133. of the 95225
Revised Code, except that the board may sell the notes after 95226
providing a reasonable opportunity for competitive bidding. 95227

(C)(1) The board of education of a qualifying school 95228
district, at any time and by a vote of two-thirds of all its 95229
members, may declare by resolution that it is necessary to levy 95230
not more than five taxes in excess of the ten-mill limitation for 95231
the current expenses of ~~the school district and of~~ partnering 95232
community schools and, if any of the levy proceeds are so 95233
allocated, of the school district, and that each of the proposed 95234
taxes first will be levied in a different year, over a specified 95235
period of time. A qualifying school district that is not a 95236
municipal school district may allocate all of the levy proceeds to 95237
partnering community schools. A municipal school district shall 95238
allocate a portion of the levy proceeds to the current expenses of 95239
the district. The board shall identify the taxes proposed under 95240
this division in the same manner as in division (A)(1) of this 95241
section. The rate of each incremental tax shall be identical, but 95242
the rates of such incremental taxes need not be the same as the 95243
rate of the original tax. In addition to the specifications 95244
required of the resolution in division (A) of this section, the 95245
resolution shall state the number of the mills to be levied each 95246
year for the current expenses of the partnering community schools 95247
and the number of the mills, if any, to be levied each year for 95248
the current expenses of the school district. The number of mills 95249
for the current expenses of partnering community schools shall be 95250
the same for each of the incremental taxes, and the number of 95251
mills for the current expenses of the qualifying school district 95252
shall be the same for each of the incremental taxes. 95253

The levy of taxes for the current expenses of a partnering 95254
community school under division (C) of this section and the 95255
distribution of proceeds from the tax by a qualifying school 95256
district to partnering community schools is hereby determined to 95257
be a proper public purpose. 95258

(2) The board of education, by a vote of two-thirds of all of 95259

its members, may adopt a resolution proposing to renew taxes 95260
levied other than for a continuing period of time under division 95261
(C)(1) of this section. In such a renewal levy, the rates 95262
allocated to the qualifying school district and to partnering 95263
community schools each may be increased or decreased or remain the 95264
same, and the total rate may be increased, decreased, or remain 95265
the same. In addition to the requirements of division (A)(2) of 95266
this section, the resolution shall state the number of the mills 95267
to be levied for the current expenses of the partnering community 95268
schools and the number of the mills to be levied for the current 95269
expenses of the school district. 95270

(3) A resolution adopted under division (C)(1) or (2) of this 95271
section is subject to the rules and procedures prescribed by 95272
division (A)(3) of this section. 95273

(4) The proceeds of each tax levied under division (C)(1) or 95274
(2) of this section shall be credited and distributed in the 95275
manner prescribed by division (B)(3) of section 5705.21 of the 95276
Revised Code, and divisions (B)(4), (5), and (6) of that section 95277
apply to taxes levied under division (C) of this section. 95278

(5) Notwithstanding section 133.30 of the Revised Code, after 95279
the approval of a tax to be levied under division (C)(1) or (2) of 95280
this section, in the current or succeeding year and prior to the 95281
time when the first tax collection from that levy can be made, the 95282
board of education may anticipate a fraction of the proceeds of 95283
the levy for the current expenses of the qualifying school 95284
district and issue anticipation notes in a principal amount not 95285
exceeding fifty per cent of the estimated proceeds of the levy to 95286
be collected during the first year of the levy and allocated to 95287
the school district. The portion of levy proceeds to be allocated 95288
to partnering community schools shall not be included in the 95289
estimated proceeds anticipated under this division and shall not 95290
be used to pay debt charges on any anticipation notes. 95291

The notes shall be sold as provided in Chapter 133. of the Revised Code. If anticipation notes are issued, they shall mature serially and in substantially equal amounts during each year over a period not to exceed five years. The amount necessary to pay the interest and principal as the anticipation notes mature shall be deemed appropriated for those purposes from the levy, and appropriations from the levy by the board of education shall be limited each fiscal year to the balance available in excess of that amount.

If the auditor of state has certified a deficit pursuant to section 3313.483 of the Revised Code, the notes authorized under this section may be sold in accordance with Chapter 133. of the Revised Code, except that the board may sell the notes after providing a reasonable opportunity for competitive bidding.

As used in division (C) of this section, "qualifying school district" and "partnering community schools" have the same meanings as in section 5705.21 of the Revised Code.

(D) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.

Sec. 5705.214. Not more than three elections during any calendar year shall include the questions by a school district of tax levies proposed under any one or any combination of the following sections: sections 5705.194, 5705.199, 5705.21, 5705.212, 5705.213, 5705.217, 5705.218, 5705.219, 5705.2112, and 5748.09 of the Revised Code.

Sec. 5705.2112. (A) As used in this section:

(1) "Qualifying partnership" has the same meaning as in section 3318.71 of the Revised Code.

(2) "Fiscal board" means the board of education of the school

district that is selected as the fiscal agent of a qualifying 95322
partnership under division (D) of section 3318.71 of the Revised 95323
Code. 95324

(3) "Participating school district" means a city, local, 95325
exempted village, cooperative education, or joint vocational 95326
school district that is a party to the qualifying partnership 95327
agreement described in section 3318.71 of the Revised Code. 95328

(4) "Tax distribution" means a distribution of proceeds of 95329
the tax authorized by this section under section 321.24 of the 95330
Revised Code and distributions that are attributable to that tax 95331
under sections 323.156 and 4503.068 of the Revised Code or other 95332
applicable law. 95333

(5) "Acquisition of classroom facilities" has the same 95334
meaning as in section 3318.01 of the Revised Code. 95335

(B) The fiscal board of a qualifying partnership may levy a 95336
tax under this section in excess of the ten-mill limitation for 95337
the purpose of funding the acquisition of classroom facilities 95338
that benefit the qualifying partnership. The tax is subject to the 95339
approval of the electors of all participating school districts. 95340
Before proposing the tax to such electors, the fiscal board shall 95341
obtain identical resolutions adopted by two-thirds of the members 95342
of the board of education of each participating school district. 95343
The resolutions shall specify all of the following: 95344

(1) The rate of the levy; 95345

(2) The purpose of the levy, which shall be confined to the 95346
acquisition of classroom facilities; 95347

(3) The number of years during which the levy shall be in 95348
effect, which shall be for any number of years not exceeding ten; 95349

(4) That the question of the levy shall be submitted to the 95350
electors of each participating school district at a special 95351

election; 95352

(5) The date that such special election shall be held, which 95353
shall not be earlier than ninety days after the resolutions are 95354
certified to the board or boards of elections under division (C) 95355
of this section and which shall be consistent with the 95356
requirements of section 3501.01 of the Revised Code. 95357

(C) A resolution adopted under division (B) of this section 95358
shall go into immediate effect upon its passage, and no 95359
publication of the resolution shall be necessary other than that 95360
provided for in the notice of election. Upon passing such a 95361
resolution, the board of education of a participating school 95362
district shall certify a copy of the resolution to the fiscal 95363
board of the qualifying partnership. Once the fiscal board 95364
receives an identical resolution from each participating school 95365
district, the fiscal board shall certify copies of such 95366
resolutions to the board of elections of the proper county or 95367
counties in the manner provided by section 5705.25 of the Revised 95368
Code. That section shall govern the arrangements for the 95369
submission of the levy to the electors of each participating 95370
school district and other matters concerning the election to which 95371
that section refers, including publication of notice of the 95372
election, except that the election shall be held on the date 95373
specified in the resolutions and the notice shall be published in 95374
newspapers of general circulation in all the participating school 95375
districts. 95376

The question of the levy shall be submitted as a single 95377
ballot issue to the electors of all the participating school 95378
districts. If a majority of all such electors voting on the 95379
question so submitted in the election vote in favor of the levy, 95380
the fiscal board may make the necessary levy within the territory 95381
of the participating school districts at the additional rate, or 95382
at any lesser rate in excess of the ten-mill limitation on the tax 95383

list, for the purpose stated in the resolutions. 95384

The submission of questions to the electors under this 95385
section is subject to the limitation on the number of election 95386
dates established by section 5705.214 of the Revised Code. 95387

(D) Each tax distribution shall be deposited to a special 95388
fund, established for the purposes described in the resolutions 95389
proposing the tax levy, in the county treasury of the county in 95390
which the fiscal board of the qualifying partnership is located. 95391
The fiscal board shall be the custodian of the amounts deposited 95392
to such fund and shall have the same rights and responsibilities 95393
with respect to the fund as boards of education do with respect to 95394
other levy revenues. 95395

(E) The levy of a tax under this section for the purpose of 95396
funding the acquisition of classroom facilities benefiting a 95397
qualifying partnership is hereby determined to be a proper public 95398
purpose. For the purposes of Chapter 3317. of the Revised Code or 95399
other laws referring to the "taxes charged and payable" for a 95400
school district, the taxes charged and payable for a levy 95401
authorized under this section are not included in the taxes 95402
charged and payable for any participating school district. The 95403
taxes charged and payable for a levy authorized under this section 95404
shall not affect the calculation of "state education aid," as 95405
defined in section 5751.20 of the Revised Code, for any 95406
participating school district. 95407

(F)(1) After the approval of a levy under this section for a 95408
specified number of years, the fiscal board of a qualifying 95409
partnership may anticipate a fraction of the proceeds of the levy 95410
and issue anticipation notes in a principal amount not exceeding 95411
fifty per cent of the total estimated proceeds of the levy 95412
remaining to be collected in each year over a period of five years 95413
after the issuance of the notes. 95414

The notes shall be issued as provided in section 133.24 of 95415
the Revised Code, shall have principal payments during each year 95416
after the year of their issuance over a period not to exceed five 95417
years, and may have a principal payment in the year of their 95418
issuance. 95419

(2) The fiscal board of a qualifying partnership is a "taxing 95420
authority" for the purposes of Chapter 133. of the Revised Code 95421
with respect to the tax and securities authorized under this 95422
section, and the treasurer of the school district serving as the 95423
fiscal board is the fiscal officer for the purposes of that 95424
chapter. 95425

Sec. 5705.34. When the budget commission has completed its 95426
work with respect to a tax budget or other information required to 95427
be provided under section 5705.281 of the Revised Code, it shall 95428
certify its action to the taxing authority, together with an 95429
estimate by the county auditor of the rate of each tax necessary 95430
to be levied by the taxing authority within its subdivision, 95431
taxing unit, or, in the case of a qualifying library levy, within 95432
the library district or association library district, and what 95433
part thereof is in excess of, and what part within, the ten-mill 95434
tax limitation. The certification shall also indicate the date on 95435
which each tax levied by the taxing authority will expire. 95436

If a taxing authority levies a tax for a fixed sum of money 95437
or to pay debt charges for the tax year for which the tax budget 95438
is prepared, and a payment on account of that tax is payable to 95439
the taxing authority for the tax year under section ~~5727.85,~~ 95440
~~5727.86, 5751.21, or 5751.22~~ 5709.92 or 5709.93, or for the 95441
preceding tax year under section 5709.94 of the Revised Code, the 95442
county auditor, when estimating the rate at which the tax shall be 95443
levied in the current year, shall estimate the rate necessary to 95444
raise the required sum less the estimated amount of any such 95445

payments made ~~for the tax year~~ to a taxing unit for fixed-sum 95446
levies under those sections. If the tax commissioner certified a 95447
net fixed-sum levy gain under division (G) of section 5709.94 of 95448
the Revised Code for any taxing unit in the county, the county 95449
auditor, when estimating the rates at which the taxing unit's 95450
fixed-sum levies shall be levied in the current tax year, shall 95451
estimate the rates necessary to raise the required sums plus the 95452
amount of the net fixed-sum levy gain certified by the 95453
commissioner, and shall apportion that additional sum among all 95454
the fixed-sum levies in proportion to the sums to be raised by 95455
each levy. The estimated rate shall be the rate of the levy that 95456
the budget commission certifies with its action under this 95457
section. 95458

Each taxing authority, by ordinance or resolution, shall 95459
authorize the necessary tax levies and certify them to the county 95460
auditor before the first day of October in each year, or at such 95461
later date as is approved by the tax commissioner, except that the 95462
certification by the legislative authority of the city of 95463
Cincinnati or by a board of education shall be made by the first 95464
day of April or at such later date as is approved by the 95465
commissioner, and except that a township board of park 95466
commissioners that is appointed by the board of township trustees 95467
and oversees a township park district that contains only 95468
unincorporated territory shall authorize only those taxes approved 95469
by, and only at the rate approved by, the board of township 95470
trustees as required by division (C) of section 511.27 of the 95471
Revised Code. If the levying of a tax to be placed on the 95472
duplicate of the current year is approved by electors under 95473
sections 5705.01 to 5705.47 of the Revised Code; if the rate of a 95474
school district tax is increased due to the repeal of a school 95475
district income tax and property tax rate reduction at an election 95476
held pursuant to section 5748.04 of the Revised Code; or if 95477
refunding bonds to refund all or a part of the principal of bonds 95478

payable from a tax levy for the ensuing fiscal year are issued or 95479
sold and in the process of delivery, the budget commission shall 95480
reconsider and revise its action on the budget of the subdivision 95481
or school library district for whose benefit the tax is to be 95482
levied after the returns of such election are fully canvassed, or 95483
after the issuance or sale of such refunding bonds is certified to 95484
it. 95485

Sec. 5709.17. The following property shall be exempted from 95486
taxation: 95487

(A) Real estate held or occupied by an association or 95488
corporation, organized or incorporated under the laws of this 95489
state relative to soldiers' memorial associations, monumental 95490
building associations, or cemetery associations or corporations, 95491
which in the opinion of the trustees, directors, or managers 95492
thereof is necessary and proper to carry out the object intended 95493
for such association or corporation; 95494

(B) Real estate and tangible personal property held or 95495
occupied by a veterans' organization that qualifies for exemption 95496
from taxation under section 501(c)(19) or 501(c)(23) of the 95497
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 95498
amended, and is incorporated under the laws of this state or the 95499
United States, except real estate held by such an organization for 95500
the production of rental income in excess of thirty-six thousand 95501
dollars in a tax year, before accounting for any cost or expense 95502
incurred in the production of such income. For the purposes of 95503
this division, rental income includes only income arising directly 95504
from renting the real estate to others for consideration. 95505

(C) Tangible personal property held by a corporation 95506
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 95507
section 501(c)(3) of the Internal Revenue Code, and exempt from 95508
taxation under section 501(a) of the Internal Revenue Code shall 95509

be exempt from taxation if it is property obtained as described in 95510
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 95511

(D) Real estate held or occupied by a fraternal organization 95512
and used primarily for meetings of and the administration of the 95513
fraternal organization, ~~except~~ or for providing, on a 95514
not-for-profit basis, educational or health services real estate 95515
held by such an organization for the production of rental income 95516
in excess of thirty-six thousand dollars in a tax year, before 95517
accounting for any cost or expense incurred in the production of 95518
such income. As used in this division, "rental income" has the 95519
same meaning as in division (B) of this section, and "fraternal 95520
organization" means a domestic fraternal society, order, or 95521
association operating under the lodge, council, or grange system 95522
that qualifies for exemption from taxation under section 95523
501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal Revenue Code 95524
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; that provides 95525
financial support for charitable purposes, as defined in division 95526
(B)(12) of section 5739.02 of the Revised Code; and that has been 95527
operating in this state with a state governing body for at least 95528
eighty-five years. 95529

Sec. 5709.62. (A) In any municipal corporation that is 95530
defined by the United States office of management and budget as a 95531
principal city of a metropolitan statistical area, the legislative 95532
authority of the municipal corporation may designate one or more 95533
areas within its municipal corporation as proposed enterprise 95534
zones. Upon designating an area, the legislative authority shall 95535
petition the director of development services for certification of 95536
the area as having the characteristics set forth in division 95537
(A)(1) of section 5709.61 of the Revised Code as amended by 95538
Substitute Senate Bill No. 19 of the 120th general assembly. 95539
Except as otherwise provided in division (E) of this section, on 95540
and after July 1, 1994, legislative authorities shall not enter 95541

into agreements under this section unless the legislative 95542
authority has petitioned the director and the director has 95543
certified the zone under this section as amended by that act; 95544
however, all agreements entered into under this section as it 95545
existed prior to July 1, 1994, and the incentives granted under 95546
those agreements shall remain in effect for the period agreed to 95547
under those agreements. Within sixty days after receiving such a 95548
petition, the director shall determine whether the area has the 95549
characteristics set forth in division (A)(1) of section 5709.61 of 95550
the Revised Code, and shall forward the findings to the 95551
legislative authority of the municipal corporation. If the 95552
director certifies the area as having those characteristics, and 95553
thereby certifies it as a zone, the legislative authority may 95554
enter into an agreement with an enterprise under division (C) of 95555
this section. 95556

(B) Any enterprise that wishes to enter into an agreement 95557
with a municipal corporation under division (C) of this section 95558
shall submit a proposal to the legislative authority of the 95559
municipal corporation on a form prescribed by the director of 95560
development services, together with the application fee 95561
established under section 5709.68 of the Revised Code. The form 95562
shall require the following information: 95563

(1) An estimate of the number of new employees whom the 95564
enterprise intends to hire, or of the number of employees whom the 95565
enterprise intends to retain, within the zone at a facility that 95566
is a project site, and an estimate of the amount of payroll of the 95567
enterprise attributable to these employees; 95568

(2) An estimate of the amount to be invested by the 95569
enterprise to establish, expand, renovate, or occupy a facility, 95570
including investment in new buildings, additions or improvements 95571
to existing buildings, machinery, equipment, furniture, fixtures, 95572
and inventory; 95573

(3) A listing of the enterprise's current investment, if any, 95574
in a facility as of the date of the proposal's submission. 95575

The enterprise shall review and update the listings required 95576
under this division to reflect material changes, and any agreement 95577
entered into under division (C) of this section shall set forth 95578
final estimates and listings as of the time the agreement is 95579
entered into. The legislative authority may, on a separate form 95580
and at any time, require any additional information necessary to 95581
determine whether an enterprise is in compliance with an agreement 95582
and to collect the information required to be reported under 95583
section 5709.68 of the Revised Code. 95584

(C) Upon receipt and investigation of a proposal under 95585
division (B) of this section, if the legislative authority finds 95586
that the enterprise submitting the proposal is qualified by 95587
financial responsibility and business experience to create and 95588
preserve employment opportunities in the zone and improve the 95589
economic climate of the municipal corporation, the legislative 95590
authority, on or before October 15, ~~2015~~ 2017, may do one of the 95591
following: 95592

(1) Enter into an agreement with the enterprise under which 95593
the enterprise agrees to establish, expand, renovate, or occupy a 95594
facility and hire new employees, or preserve employment 95595
opportunities for existing employees, in return for one or more of 95596
the following incentives: 95597

(a) Exemption for a specified number of years, not to exceed 95598
fifteen, of a specified portion, up to seventy-five per cent, of 95599
the assessed value of tangible personal property first used in 95600
business at the project site as a result of the agreement. If an 95601
exemption for inventory is specifically granted in the agreement 95602
pursuant to this division, the exemption applies to inventory 95603
required to be listed pursuant to sections 5711.15 and 5711.16 of 95604
the Revised Code, except that, in the instance of an expansion or 95605

other situations in which an enterprise was in business at the 95606
facility prior to the establishment of the zone, the inventory 95607
that is exempt is that amount or value of inventory in excess of 95608
the amount or value of inventory required to be listed in the 95609
personal property tax return of the enterprise in the return for 95610
the tax year in which the agreement is entered into. 95611

(b) Exemption for a specified number of years, not to exceed 95612
fifteen, of a specified portion, up to seventy-five per cent, of 95613
the increase in the assessed valuation of real property 95614
constituting the project site subsequent to formal approval of the 95615
agreement by the legislative authority; 95616

(c) Provision for a specified number of years, not to exceed 95617
fifteen, of any optional services or assistance that the municipal 95618
corporation is authorized to provide with regard to the project 95619
site. 95620

(2) Enter into an agreement under which the enterprise agrees 95621
to remediate an environmentally contaminated facility, to spend an 95622
amount equal to at least two hundred fifty per cent of the true 95623
value in money of the real property of the facility prior to 95624
remediation as determined for the purposes of property taxation to 95625
establish, expand, renovate, or occupy the remediated facility, 95626
and to hire new employees or preserve employment opportunities for 95627
existing employees at the remediated facility, in return for one 95628
or more of the following incentives: 95629

(a) Exemption for a specified number of years, not to exceed 95630
fifteen, of a specified portion, not to exceed fifty per cent, of 95631
the assessed valuation of the real property of the facility prior 95632
to remediation; 95633

(b) Exemption for a specified number of years, not to exceed 95634
fifteen, of a specified portion, not to exceed one hundred per 95635
cent, of the increase in the assessed valuation of the real 95636

property of the facility during or after remediation; 95637

(c) The incentive under division (C)(1)(a) of this section, 95638
except that the percentage of the assessed value of such property 95639
exempted from taxation shall not exceed one hundred per cent; 95640

(d) The incentive under division (C)(1)(c) of this section. 95641

(3) Enter into an agreement with an enterprise that plans to 95642
purchase and operate a large manufacturing facility that has 95643
ceased operation or announced its intention to cease operation, in 95644
return for exemption for a specified number of years, not to 95645
exceed fifteen, of a specified portion, up to one hundred per 95646
cent, of the assessed value of tangible personal property used in 95647
business at the project site as a result of the agreement, or of 95648
the assessed valuation of real property constituting the project 95649
site, or both. 95650

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 95651
section, the portion of the assessed value of tangible personal 95652
property or of the increase in the assessed valuation of real 95653
property exempted from taxation under those divisions may exceed 95654
seventy-five per cent in any year for which that portion is 95655
exempted if the average percentage exempted for all years in which 95656
the agreement is in effect does not exceed sixty per cent, or if 95657
the board of education of the city, local, or exempted village 95658
school district within the territory of which the property is or 95659
will be located approves a percentage in excess of seventy-five 95660
per cent. 95661

(2) Notwithstanding any provision of the Revised Code to the 95662
contrary, the exemptions described in divisions (C)(1)(a), (b), 95663
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 95664
be for up to fifteen years if the board of education of the city, 95665
local, or exempted village school district within the territory of 95666
which the property is or will be located approves a number of 95667

years in excess of ten. 95668

(3) For the purpose of obtaining the approval of a city, 95669
local, or exempted village school district under division (D)(1) 95670
or (2) of this section, the legislative authority shall deliver to 95671
the board of education a notice not later than forty-five days 95672
prior to approving the agreement, excluding Saturdays, Sundays, 95673
and legal holidays as defined in section 1.14 of the Revised Code. 95674
The notice shall state the percentage to be exempted, an estimate 95675
of the true value of the property to be exempted, and the number 95676
of years the property is to be exempted. The board of education, 95677
by resolution adopted by a majority of the board, shall approve or 95678
disapprove the agreement and certify a copy of the resolution to 95679
the legislative authority not later than fourteen days prior to 95680
the date stipulated by the legislative authority as the date upon 95681
which approval of the agreement is to be formally considered by 95682
the legislative authority. The board of education may include in 95683
the resolution conditions under which the board would approve the 95684
agreement, including the execution of an agreement to compensate 95685
the school district under division (B) of section 5709.82 of the 95686
Revised Code. The legislative authority may approve the agreement 95687
at any time after the board of education certifies its resolution 95688
approving the agreement to the legislative authority, or, if the 95689
board approves the agreement conditionally, at any time after the 95690
conditions are agreed to by the board and the legislative 95691
authority. 95692

If a board of education has adopted a resolution waiving its 95693
right to approve agreements and the resolution remains in effect, 95694
approval of an agreement by the board is not required under this 95695
division. If a board of education has adopted a resolution 95696
allowing a legislative authority to deliver the notice required 95697
under this division fewer than forty-five business days prior to 95698
the legislative authority's approval of the agreement, the 95699

legislative authority shall deliver the notice to the board not 95700
later than the number of days prior to such approval as prescribed 95701
by the board in its resolution. If a board of education adopts a 95702
resolution waiving its right to approve agreements or shortening 95703
the notification period, the board shall certify a copy of the 95704
resolution to the legislative authority. If the board of education 95705
rescinds such a resolution, it shall certify notice of the 95706
rescission to the legislative authority. 95707

(4) The legislative authority shall comply with section 95708
5709.83 of the Revised Code unless the board of education has 95709
adopted a resolution under that section waiving its right to 95710
receive such notice. 95711

(E) This division applies to zones certified by the director 95712
of development services under this section prior to July 22, 1994. 95713

On or before October 15, ~~2015~~ 2017, the legislative authority 95714
that designated a zone to which this division applies may enter 95715
into an agreement with an enterprise if the legislative authority 95716
finds that the enterprise satisfies one of the criteria described 95717
in divisions (E)(1) to (5) of this section: 95718

(1) The enterprise currently has no operations in this state 95719
and, subject to approval of the agreement, intends to establish 95720
operations in the zone; 95721

(2) The enterprise currently has operations in this state 95722
and, subject to approval of the agreement, intends to establish 95723
operations at a new location in the zone that would not result in 95724
a reduction in the number of employee positions at any of the 95725
enterprise's other locations in this state; 95726

(3) The enterprise, subject to approval of the agreement, 95727
intends to relocate operations, currently located in another 95728
state, to the zone; 95729

(4) The enterprise, subject to approval of the agreement, 95730

intends to expand operations at an existing site in the zone that 95731
the enterprise currently operates; 95732

(5) The enterprise, subject to approval of the agreement, 95733
intends to relocate operations, currently located in this state, 95734
to the zone, and the director of development services has issued a 95735
waiver for the enterprise under division (B) of section 5709.633 95736
of the Revised Code. 95737

The agreement shall require the enterprise to agree to 95738
establish, expand, renovate, or occupy a facility in the zone and 95739
hire new employees, or preserve employment opportunities for 95740
existing employees, in return for one or more of the incentives 95741
described in division (C) of this section. 95742

(F) All agreements entered into under this section shall be 95743
in the form prescribed under section 5709.631 of the Revised Code. 95744
After an agreement is entered into under this section, if the 95745
legislative authority revokes its designation of a zone, or if the 95746
director of development services revokes a zone's certification, 95747
any entitlements granted under the agreement shall continue for 95748
the number of years specified in the agreement. 95749

(G) Except as otherwise provided in this division, an 95750
agreement entered into under this section shall require that the 95751
enterprise pay an annual fee equal to the greater of one per cent 95752
of the dollar value of incentives offered under the agreement or 95753
five hundred dollars; provided, however, that if the value of the 95754
incentives exceeds two hundred fifty thousand dollars, the fee 95755
shall not exceed two thousand five hundred dollars. The fee shall 95756
be payable to the legislative authority once per year for each 95757
year the agreement is effective on the days and in the form 95758
specified in the agreement. Fees paid shall be deposited in a 95759
special fund created for such purpose by the legislative authority 95760
and shall be used by the legislative authority exclusively for the 95761
purpose of complying with section 5709.68 of the Revised Code and 95762

by the tax incentive review council created under section 5709.85 95763
of the Revised Code exclusively for the purposes of performing the 95764
duties prescribed under that section. The legislative authority 95765
may waive or reduce the amount of the fee charged against an 95766
enterprise, but such a waiver or reduction does not affect the 95767
obligations of the legislative authority or the tax incentive 95768
review council to comply with section 5709.68 or 5709.85 of the 95769
Revised Code. 95770

(H) When an agreement is entered into pursuant to this 95771
section, the legislative authority authorizing the agreement shall 95772
forward a copy of the agreement to the director of development 95773
services and to the tax commissioner within fifteen days after the 95774
agreement is entered into. If any agreement includes terms not 95775
provided for in section 5709.631 of the Revised Code affecting the 95776
revenue of a city, local, or exempted village school district or 95777
causing revenue to be forgone by the district, including any 95778
compensation to be paid to the school district pursuant to section 95779
5709.82 of the Revised Code, those terms also shall be forwarded 95780
in writing to the director of development services along with the 95781
copy of the agreement forwarded under this division. 95782

(I) After an agreement is entered into, the enterprise shall 95783
file with each personal property tax return required to be filed, 95784
or annual report required to be filed under section 5727.08 of the 95785
Revised Code, while the agreement is in effect, an informational 95786
return, on a form prescribed by the tax commissioner for that 95787
purpose, setting forth separately the property, and related costs 95788
and values, exempted from taxation under the agreement. 95789

(J) Enterprises may agree to give preference to residents of 95790
the zone within which the agreement applies relative to residents 95791
of this state who do not reside in the zone when hiring new 95792
employees under the agreement. 95793

(K) An agreement entered into under this section may include 95794

a provision requiring the enterprise to create one or more 95795
temporary internship positions for students enrolled in a course 95796
of study at a school or other educational institution in the 95797
vicinity, and to create a scholarship or provide another form of 95798
educational financial assistance for students holding such a 95799
position in exchange for the student's commitment to work for the 95800
enterprise at the completion of the internship. 95801

(L) The tax commissioner's authority in determining the 95802
accuracy of any exemption granted by an agreement entered into 95803
under this section is limited to divisions (C)(1)(a) and (b), 95804
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 95805
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 95806
and, as authorized by law, to enforcing any modification to, or 95807
revocation of, that agreement by the legislative authority of a 95808
municipal corporation or the director of development services. 95809

Sec. 5709.63. (A) With the consent of the legislative 95810
authority of each affected municipal corporation or of a board of 95811
township trustees, a board of county commissioners may, in the 95812
manner set forth in section 5709.62 of the Revised Code, designate 95813
one or more areas in one or more municipal corporations or in 95814
unincorporated areas of the county as proposed enterprise zones. A 95815
board of county commissioners may designate no more than one area 95816
within a township, or within adjacent townships, as a proposed 95817
enterprise zone. The board shall petition the director of 95818
development services for certification of the area as having the 95819
characteristics set forth in division (A)(1) or (2) of section 95820
5709.61 of the Revised Code as amended by Substitute Senate Bill 95821
No. 19 of the 120th general assembly. Except as otherwise provided 95822
in division (D) of this section, on and after July 1, 1994, boards 95823
of county commissioners shall not enter into agreements under this 95824
section unless the board has petitioned the director and the 95825
director has certified the zone under this section as amended by 95826

that act; however, all agreements entered into under this section 95827
as it existed prior to July 1, 1994, and the incentives granted 95828
under those agreements shall remain in effect for the period 95829
agreed to under those agreements. The director shall make the 95830
determination in the manner provided under section 5709.62 of the 95831
Revised Code. 95832

Any enterprise wishing to enter into an agreement with the 95833
board under division (B) or (D) of this section shall submit a 95834
proposal to the board on the form and accompanied by the 95835
application fee prescribed under division (B) of section 5709.62 95836
of the Revised Code. The enterprise shall review and update the 95837
estimates and listings required by the form in the manner required 95838
under that division. The board may, on a separate form and at any 95839
time, require any additional information necessary to determine 95840
whether an enterprise is in compliance with an agreement and to 95841
collect the information required to be reported under section 95842
5709.68 of the Revised Code. 95843

(B) If the board of county commissioners finds that an 95844
enterprise submitting a proposal is qualified by financial 95845
responsibility and business experience to create and preserve 95846
employment opportunities in the zone and to improve the economic 95847
climate of the municipal corporation or municipal corporations or 95848
the unincorporated areas in which the zone is located and to which 95849
the proposal applies, the board, on or before October 15, ~~2015~~ 95850
2017, and with the consent of the legislative authority of each 95851
affected municipal corporation or of the board of township 95852
trustees may do either of the following: 95853

(1) Enter into an agreement with the enterprise under which 95854
the enterprise agrees to establish, expand, renovate, or occupy a 95855
facility in the zone and hire new employees, or preserve 95856
employment opportunities for existing employees, in return for the 95857
following incentives: 95858

(a) When the facility is located in a municipal corporation, 95859
the board may enter into an agreement for one or more of the 95860
incentives provided in division (C) of section 5709.62 of the 95861
Revised Code, subject to division (D) of that section; 95862

(b) When the facility is located in an unincorporated area, 95863
the board may enter into an agreement for one or more of the 95864
following incentives: 95865

(i) Exemption for a specified number of years, not to exceed 95866
fifteen, of a specified portion, up to sixty per cent, of the 95867
assessed value of tangible personal property first used in 95868
business at a project site as a result of the agreement. If an 95869
exemption for inventory is specifically granted in the agreement 95870
pursuant to this division, the exemption applies to inventory 95871
required to be listed pursuant to sections 5711.15 and 5711.16 of 95872
the Revised Code, except, in the instance of an expansion or other 95873
situations in which an enterprise was in business at the facility 95874
prior to the establishment of the zone, the inventory that is 95875
exempt is that amount or value of inventory in excess of the 95876
amount or value of inventory required to be listed in the personal 95877
property tax return of the enterprise in the return for the tax 95878
year in which the agreement is entered into. 95879

(ii) Exemption for a specified number of years, not to exceed 95880
fifteen, of a specified portion, up to sixty per cent, of the 95881
increase in the assessed valuation of real property constituting 95882
the project site subsequent to formal approval of the agreement by 95883
the board; 95884

(iii) Provision for a specified number of years, not to 95885
exceed fifteen, of any optional services or assistance the board 95886
is authorized to provide with regard to the project site; 95887

(iv) The incentive described in division (C)(2) of section 95888
5709.62 of the Revised Code. 95889

(2) Enter into an agreement with an enterprise that plans to 95890
purchase and operate a large manufacturing facility that has 95891
ceased operation or has announced its intention to cease 95892
operation, in return for exemption for a specified number of 95893
years, not to exceed fifteen, of a specified portion, up to one 95894
hundred per cent, of tangible personal property used in business 95895
at the project site as a result of the agreement, or of real 95896
property constituting the project site, or both. 95897

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 95898
this section, the portion of the assessed value of tangible 95899
personal property or of the increase in the assessed valuation of 95900
real property exempted from taxation under those divisions may 95901
exceed sixty per cent in any year for which that portion is 95902
exempted if the average percentage exempted for all years in which 95903
the agreement is in effect does not exceed fifty per cent, or if 95904
the board of education of the city, local, or exempted village 95905
school district within the territory of which the property is or 95906
will be located approves a percentage in excess of sixty per cent. 95907

(b) Notwithstanding any provision of the Revised Code to the 95908
contrary, the exemptions described in divisions (B)(1)(b)(i), 95909
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 95910
fifteen years if the board of education of the city, local, or 95911
exempted village school district within the territory of which the 95912
property is or will be located approves a number of years in 95913
excess of ten. 95914

(c) For the purpose of obtaining the approval of a city, 95915
local, or exempted village school district under division 95916
(C)(1)(a) or (b) of this section, the board of county 95917
commissioners shall deliver to the board of education a notice not 95918
later than forty-five days prior to approving the agreement, 95919
excluding Saturdays, Sundays, and legal holidays as defined in 95920
section 1.14 of the Revised Code. The notice shall state the 95921

percentage to be exempted, an estimate of the true value of the 95922
property to be exempted, and the number of years the property is 95923
to be exempted. The board of education, by resolution adopted by a 95924
majority of the board, shall approve or disapprove the agreement 95925
and certify a copy of the resolution to the board of county 95926
commissioners not later than fourteen days prior to the date 95927
stipulated by the board of county commissioners as the date upon 95928
which approval of the agreement is to be formally considered by 95929
the board of county commissioners. The board of education may 95930
include in the resolution conditions under which the board would 95931
approve the agreement, including the execution of an agreement to 95932
compensate the school district under division (B) of section 95933
5709.82 of the Revised Code. The board of county commissioners may 95934
approve the agreement at any time after the board of education 95935
certifies its resolution approving the agreement to the board of 95936
county commissioners, or, if the board of education approves the 95937
agreement conditionally, at any time after the conditions are 95938
agreed to by the board of education and the board of county 95939
commissioners. 95940

If a board of education has adopted a resolution waiving its 95941
right to approve agreements and the resolution remains in effect, 95942
approval of an agreement by the board of education is not required 95943
under division (C) of this section. If a board of education has 95944
adopted a resolution allowing a board of county commissioners to 95945
deliver the notice required under this division fewer than 95946
forty-five business days prior to approval of the agreement by the 95947
board of county commissioners, the board of county commissioners 95948
shall deliver the notice to the board of education not later than 95949
the number of days prior to such approval as prescribed by the 95950
board of education in its resolution. If a board of education 95951
adopts a resolution waiving its right to approve agreements or 95952
shortening the notification period, the board of education shall 95953
certify a copy of the resolution to the board of county 95954

commissioners. If the board of education rescinds such a 95955
resolution, it shall certify notice of the rescission to the board 95956
of county commissioners. 95957

(2) The board of county commissioners shall comply with 95958
section 5709.83 of the Revised Code unless the board of education 95959
has adopted a resolution under that section waiving its right to 95960
receive such notice. 95961

(D) This division applies to zones certified by the director 95962
of development services under this section prior to July 22, 1994. 95963

On or before October 15, ~~2015~~ 2017, and with the consent of 95964
the legislative authority of each affected municipal corporation 95965
or board of township trustees of each affected township, the board 95966
of county commissioners that designated a zone to which this 95967
division applies may enter into an agreement with an enterprise if 95968
the board finds that the enterprise satisfies one of the criteria 95969
described in divisions (D)(1) to (5) of this section: 95970

(1) The enterprise currently has no operations in this state 95971
and, subject to approval of the agreement, intends to establish 95972
operations in the zone; 95973

(2) The enterprise currently has operations in this state 95974
and, subject to approval of the agreement, intends to establish 95975
operations at a new location in the zone that would not result in 95976
a reduction in the number of employee positions at any of the 95977
enterprise's other locations in this state; 95978

(3) The enterprise, subject to approval of the agreement, 95979
intends to relocate operations, currently located in another 95980
state, to the zone; 95981

(4) The enterprise, subject to approval of the agreement, 95982
intends to expand operations at an existing site in the zone that 95983
the enterprise currently operates; 95984

(5) The enterprise, subject to approval of the agreement, 95985
intends to relocate operations, currently located in this state, 95986
to the zone, and the director of development services has issued a 95987
waiver for the enterprise under division (B) of section 5709.633 95988
of the Revised Code. 95989

The agreement shall require the enterprise to agree to 95990
establish, expand, renovate, or occupy a facility in the zone and 95991
hire new employees, or preserve employment opportunities for 95992
existing employees, in return for one or more of the incentives 95993
described in division (B) of this section. 95994

(E) All agreements entered into under this section shall be 95995
in the form prescribed under section 5709.631 of the Revised Code. 95996
After an agreement under this section is entered into, if the 95997
board of county commissioners revokes its designation of a zone, 95998
or if the director of development services revokes a zone's 95999
certification, any entitlements granted under the agreement shall 96000
continue for the number of years specified in the agreement. 96001

(F) Except as otherwise provided in this division, an 96002
agreement entered into under this section shall require that the 96003
enterprise pay an annual fee equal to the greater of one per cent 96004
of the dollar value of incentives offered under the agreement or 96005
five hundred dollars; provided, however, that if the value of the 96006
incentives exceeds two hundred fifty thousand dollars, the fee 96007
shall not exceed two thousand five hundred dollars. The fee shall 96008
be payable to the board of county commissioners once per year for 96009
each year the agreement is effective on the days and in the form 96010
specified in the agreement. Fees paid shall be deposited in a 96011
special fund created for such purpose by the board and shall be 96012
used by the board exclusively for the purpose of complying with 96013
section 5709.68 of the Revised Code and by the tax incentive 96014
review council created under section 5709.85 of the Revised Code 96015
exclusively for the purposes of performing the duties prescribed 96016

under that section. The board may waive or reduce the amount of 96017
the fee charged against an enterprise, but such waiver or 96018
reduction does not affect the obligations of the board or the tax 96019
incentive review council to comply with section 5709.68 or 5709.85 96020
of the Revised Code, respectively. 96021

(G) With the approval of the legislative authority of a 96022
municipal corporation or the board of township trustees of a 96023
township in which a zone is designated under division (A) of this 96024
section, the board of county commissioners may delegate to that 96025
legislative authority or board any powers and duties of the board 96026
of county commissioners to negotiate and administer agreements 96027
with regard to that zone under this section. 96028

(H) When an agreement is entered into pursuant to this 96029
section, the board of county commissioners authorizing the 96030
agreement or the legislative authority or board of township 96031
trustees that negotiates and administers the agreement shall 96032
forward a copy of the agreement to the director of development 96033
services and to the tax commissioner within fifteen days after the 96034
agreement is entered into. If any agreement includes terms not 96035
provided for in section 5709.631 of the Revised Code affecting the 96036
revenue of a city, local, or exempted village school district or 96037
causing revenue to be foregone by the district, including any 96038
compensation to be paid to the school district pursuant to section 96039
5709.82 of the Revised Code, those terms also shall be forwarded 96040
in writing to the director of development services along with the 96041
copy of the agreement forwarded under this division. 96042

(I) After an agreement is entered into, the enterprise shall 96043
file with each personal property tax return required to be filed, 96044
or annual report that is required to be filed under section 96045
5727.08 of the Revised Code, while the agreement is in effect, an 96046
informational return, on a form prescribed by the tax commissioner 96047
for that purpose, setting forth separately the property, and 96048

related costs and values, exempted from taxation under the 96049
agreement. 96050

(J) Enterprises may agree to give preference to residents of 96051
the zone within which the agreement applies relative to residents 96052
of this state who do not reside in the zone when hiring new 96053
employees under the agreement. 96054

(K) An agreement entered into under this section may include 96055
a provision requiring the enterprise to create one or more 96056
temporary internship positions for students enrolled in a course 96057
of study at a school or other educational institution in the 96058
vicinity, and to create a scholarship or provide another form of 96059
educational financial assistance for students holding such a 96060
position in exchange for the student's commitment to work for the 96061
enterprise at the completion of the internship. 96062

(L) The tax commissioner's authority in determining the 96063
accuracy of any exemption granted by an agreement entered into 96064
under this section is limited to divisions (B)(1)(b)(i) and (ii), 96065
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 96066
this section as it pertains to divisions (C)(2)(a), (b), and (c) 96067
of section 5709.62 of the Revised Code, and divisions (B)(1) to 96068
(10) of section 5709.631 of the Revised Code and, as authorized by 96069
law, to enforcing any modification to, or revocation of, that 96070
agreement by the board of county commissioners or the director of 96071
development services or, if the board's powers and duties are 96072
delegated under division (G) of this section, by the legislative 96073
authority of a municipal corporation or board of township 96074
trustees. 96075

Sec. 5709.632. (A)(1) The legislative authority of a 96076
municipal corporation defined by the United States office of 96077
management and budget as a principal city of a metropolitan 96078
statistical area may, in the manner set forth in section 5709.62 96079

of the Revised Code, designate one or more areas in the municipal corporation as a proposed enterprise zone. 96080
96081

(2) With the consent of the legislative authority of each 96082
affected municipal corporation or of a board of township trustees, 96083
a board of county commissioners may, in the manner set forth in 96084
section 5709.62 of the Revised Code, designate one or more areas 96085
in one or more municipal corporations or in unincorporated areas 96086
of the county as proposed urban jobs and enterprise zones, except 96087
that a board of county commissioners may designate no more than 96088
one area within a township, or within adjacent townships, as a 96089
proposed urban jobs and enterprise zone. 96090

(3) The legislative authority or board of county 96091
commissioners may petition the director of development services 96092
for certification of the area as having the characteristics set 96093
forth in division (A)(3) of section 5709.61 of the Revised Code. 96094
Within sixty days after receiving such a petition, the director 96095
shall determine whether the area has the characteristics set forth 96096
in that division and forward the findings to the legislative 96097
authority or board of county commissioners. If the director 96098
certifies the area as having those characteristics and thereby 96099
certifies it as a zone, the legislative authority or board may 96100
enter into agreements with enterprises under division (B) of this 96101
section. Any enterprise wishing to enter into an agreement with a 96102
legislative authority or board of county commissioners under this 96103
section and satisfying one of the criteria described in divisions 96104
(B)(1) to (5) of this section shall submit a proposal to the 96105
legislative authority or board on the form prescribed under 96106
division (B) of section 5709.62 of the Revised Code and shall 96107
review and update the estimates and listings required by the form 96108
in the manner required under that division. The legislative 96109
authority or board may, on a separate form and at any time, 96110
require any additional information necessary to determine whether 96111

an enterprise is in compliance with an agreement and to collect 96112
the information required to be reported under section 5709.68 of 96113
the Revised Code. 96114

(B) Prior to entering into an agreement with an enterprise, 96115
the legislative authority or board of county commissioners shall 96116
determine whether the enterprise submitting the proposal is 96117
qualified by financial responsibility and business experience to 96118
create and preserve employment opportunities in the zone and to 96119
improve the economic climate of the municipal corporation or 96120
municipal corporations or the unincorporated areas in which the 96121
zone is located and to which the proposal applies, and whether the 96122
enterprise satisfies one of the following criteria: 96123

(1) The enterprise currently has no operations in this state 96124
and, subject to approval of the agreement, intends to establish 96125
operations in the zone; 96126

(2) The enterprise currently has operations in this state 96127
and, subject to approval of the agreement, intends to establish 96128
operations at a new location in the zone that would not result in 96129
a reduction in the number of employee positions at any of the 96130
enterprise's other locations in this state; 96131

(3) The enterprise, subject to approval of the agreement, 96132
intends to relocate operations, currently located in another 96133
state, to the zone; 96134

(4) The enterprise, subject to approval of the agreement, 96135
intends to expand operations at an existing site in the zone that 96136
the enterprise currently operates; 96137

(5) The enterprise, subject to approval of the agreement, 96138
intends to relocate operations, currently located in this state, 96139
to the zone, and the director of development services has issued a 96140
waiver for the enterprise under division (B) of section 5709.633 96141
of the Revised Code. 96142

(C) If the legislative authority or board determines that the enterprise is so qualified and satisfies one of the criteria described in divisions (B)(1) to (5) of this section, the legislative authority or board may, after complying with section 5709.83 of the Revised Code and on or before October 15, ~~2015~~ 2017, and, in the case of a board of commissioners, with the consent of the legislative authority of each affected municipal corporation or of the board of township trustees, enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for the following incentives:

(1) When the facility is located in a municipal corporation, a legislative authority or board of commissioners may enter into an agreement for one or more of the incentives provided in division (C) of section 5709.62 of the Revised Code, subject to division (D) of that section;

(2) When the facility is located in an unincorporated area, a board of commissioners may enter into an agreement for one or more of the incentives provided in divisions (B)(1)(b), (B)(2), and (B)(3) of section 5709.63 of the Revised Code, subject to division (C) of that section.

(D) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement under this section is entered into, if the legislative authority or board of county commissioners revokes its designation of the zone, or if the director of development services revokes the zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(E) Except as otherwise provided in this division, an agreement entered into under this section shall require that the

enterprise pay an annual fee equal to the greater of one per cent 96175
of the dollar value of incentives offered under the agreement or 96176
five hundred dollars; provided, however, that if the value of the 96177
incentives exceeds two hundred fifty thousand dollars, the fee 96178
shall not exceed two thousand five hundred dollars. The fee shall 96179
be payable to the legislative authority or board of commissioners 96180
once per year for each year the agreement is effective on the days 96181
and in the form specified in the agreement. Fees paid shall be 96182
deposited in a special fund created for such purpose by the 96183
legislative authority or board and shall be used by the 96184
legislative authority or board exclusively for the purpose of 96185
complying with section 5709.68 of the Revised Code and by the tax 96186
incentive review council created under section 5709.85 of the 96187
Revised Code exclusively for the purposes of performing the duties 96188
prescribed under that section. The legislative authority or board 96189
may waive or reduce the amount of the fee charged against an 96190
enterprise, but such waiver or reduction does not affect the 96191
obligations of the legislative authority or board or the tax 96192
incentive review council to comply with section 5709.68 or 5709.85 96193
of the Revised Code, respectively. 96194

(F) With the approval of the legislative authority of a 96195
municipal corporation or the board of township trustees of a 96196
township in which a zone is designated under division (A)(2) of 96197
this section, the board of county commissioners may delegate to 96198
that legislative authority or board any powers and duties of the 96199
board to negotiate and administer agreements with regard to that 96200
zone under this section. 96201

(G) When an agreement is entered into pursuant to this 96202
section, the legislative authority or board of commissioners 96203
authorizing the agreement shall forward a copy of the agreement to 96204
the director of development services and to the tax commissioner 96205
within fifteen days after the agreement is entered into. If any 96206

agreement includes terms not provided for in section 5709.631 of 96207
the Revised Code affecting the revenue of a city, local, or 96208
exempted village school district or causing revenue to be forgone 96209
by the district, including any compensation to be paid to the 96210
school district pursuant to section 5709.82 of the Revised Code, 96211
those terms also shall be forwarded in writing to the director of 96212
development services along with the copy of the agreement 96213
forwarded under this division. 96214

(H) After an agreement is entered into, the enterprise shall 96215
file with each personal property tax return required to be filed 96216
while the agreement is in effect, an informational return, on a 96217
form prescribed by the tax commissioner for that purpose, setting 96218
forth separately the property, and related costs and values, 96219
exempted from taxation under the agreement. 96220

(I) An agreement entered into under this section may include 96221
a provision requiring the enterprise to create one or more 96222
temporary internship positions for students enrolled in a course 96223
of study at a school or other educational institution in the 96224
vicinity, and to create a scholarship or provide another form of 96225
educational financial assistance for students holding such a 96226
position in exchange for the student's commitment to work for the 96227
enterprise at the completion of the internship. 96228

Sec. 5709.67. (A) Except as otherwise provided in sections 96229
5709.61 to 5709.69 of the Revised Code, the director of 96230
development shall administer those sections and shall adopt rules 96231
necessary to implement and administer the enterprise zone program. 96232
The director shall assign to each zone currently certified a 96233
unique designation by which the zone shall be identified for 96234
purposes of administering sections 5709.61 to 5709.69 of the 96235
Revised Code. The tax commissioner shall administer all other tax 96236
incentives provided under sections 5709.61 to 5709.69 of the 96237

Revised Code and shall adopt rules necessary to carry out that 96238
duty. No tax incentive qualification certificate or employee tax 96239
credit certificate shall be issued or remain in effect unless the 96240
enterprise applying for or holding the certificate complies with 96241
all such rules. The director of job and family services shall 96242
administer the incentive provided under division (B)(1) of section 96243
5709.66 of the Revised Code and shall adopt rules necessary to 96244
carry out that duty. No extension of benefits certificate shall be 96245
issued or remain in effect unless the enterprise applying for or 96246
holding the certificate complies with all such rules. 96247

(B) Not later than the first day of August each year, the 96248
director of development shall report to the general assembly on 96249
all of the following for the preceding calendar year: 96250

(1) The cost to the state of the tax and other incentives 96251
provided under sections 5709.61 to 5709.69 of the Revised Code; 96252

(2) The number of tax incentive qualification certificates, 96253
employee tax credit certificates, and extension of benefits 96254
certificates issued; 96255

(3) The names of the municipal corporations and counties that 96256
have entered agreements under sections 5709.62, 5709.63, and 96257
5709.632 of the Revised Code; 96258

(4) The number of new employees hired as a result of the tax 96259
and other incentives provided under sections 5709.61 to 5709.69 of 96260
the Revised Code; 96261

(5) Information on agreement terms concerning school district 96262
revenue that are not provided for in section 5709.631 of the 96263
Revised Code and that are forwarded to the director under division 96264
(H) of section 5709.62, division (H) of section 5709.63, or 96265
division (G) of section 5709.632 of the Revised Code. 96266

The report shall include a finding by the director as to 96267
whether the incentives provided under sections 5709.61 to 5709.69 96268

of the Revised Code have resulted in the creation of more 96269
positions in the state than would have been created without the 96270
incentives. The director shall send a copy of the report to each 96271
member of the general assembly and to the director of the 96272
legislative service commission. 96273

~~(C) All forms used in connection with the administration of 96274
sections 5709.61 to 5709.69 of the Revised Code, except forms 96275
administered directly by the tax commissioner, by the director of 96276
job and family services, or by a county or municipal corporation, 96277
are subject to review and approval by the state forms management 96278
control center under sections 125.91 to 125.98 of the Revised 96279
Code. 96280~~

Sec. 5709.73. (A) As used in this section and section 5709.74 96281
of the Revised Code: 96282

(1) "Business day" means a day of the week excluding 96283
Saturday, Sunday, and a legal holiday as defined in section 1.14 96284
of the Revised Code. 96285

(2) "Further improvements" or "improvements" means the 96286
increase in the assessed value of real property that would first 96287
appear on the tax list and duplicate of real and public utility 96288
property after the effective date of a resolution adopted under 96289
this section were it not for the exemption granted by that 96290
resolution. For purposes of division (B) of this section, 96291
"improvements" do not include any property used or to be used for 96292
residential purposes. For this purpose, "property that is used or 96293
to be used for residential purposes" means property that, as 96294
improved, is used or to be used for purposes that would cause the 96295
tax commissioner to classify the property as residential property 96296
in accordance with rules adopted by the commissioner under section 96297
5713.041 of the Revised Code. 96298

(3) "Housing renovation" means a project carried out for 96299

residential purposes. 96300

(4) "Incentive district" has the same meaning as in section 96301
5709.40 of the Revised Code, except that a blighted area is in the 96302
unincorporated area of a township. 96303

(5) "Project" and "public infrastructure improvement" have 96304
the same meanings as in section 5709.40 of the Revised Code. 96305

(B) A board of township trustees may, by unanimous vote, 96306
adopt a resolution that declares to be a public purpose any public 96307
infrastructure improvements made that are necessary for the 96308
development of certain parcels of land located in the 96309
unincorporated area of the township. Except with the approval 96310
under division (D) of this section of the board of education of 96311
each city, local, or exempted village school district within which 96312
the improvements are located, the resolution may exempt from real 96313
property taxation not more than seventy-five per cent of further 96314
improvements to a parcel of land that directly benefits from the 96315
public infrastructure improvements, for a period of not more than 96316
ten years. The resolution shall specify the percentage of the 96317
further improvements to be exempted and the life of the exemption. 96318

(C)(1) A board of township trustees may adopt, by unanimous 96319
vote, a resolution creating an incentive district and declaring 96320
improvements to parcels within the district to be a public purpose 96321
and, except as provided in division (F) of this section, exempt 96322
from taxation as provided in this section, but no board of 96323
township trustees of a township that has a population that exceeds 96324
twenty-five thousand, as shown by the most recent federal 96325
decennial census, shall adopt a resolution that creates an 96326
incentive district if the sum of the taxable value of real 96327
property in the proposed district for the preceding tax year and 96328
the taxable value of all real property in the township that would 96329
have been taxable in the preceding year were it not for the fact 96330
that the property was in an existing incentive district and 96331

therefore exempt from taxation exceeds twenty-five per cent of the 96332
taxable value of real property in the township for the preceding 96333
tax year. The district shall be located within the unincorporated 96334
area of the township and shall not include any territory that is 96335
included within a district created under division (B) of section 96336
5709.78 of the Revised Code. The resolution shall delineate the 96337
boundary of the district and specifically identify each parcel 96338
within the district. A district may not include any parcel that is 96339
or has been exempted from taxation under division (B) of this 96340
section or that is or has been within another district created 96341
under this division. A resolution may create more than one 96342
district, and more than one resolution may be adopted under 96343
division (C)(1) of this section. 96344

(2) Not later than thirty days prior to adopting a resolution 96345
under division (C)(1) of this section, if the township intends to 96346
apply for exemptions from taxation under section 5709.911 of the 96347
Revised Code on behalf of owners of real property located within 96348
the proposed incentive district, the board shall conduct a public 96349
hearing on the proposed resolution. Not later than thirty days 96350
prior to the public hearing, the board shall give notice of the 96351
public hearing and the proposed resolution by first class mail to 96352
every real property owner whose property is located within the 96353
boundaries of the proposed incentive district that is the subject 96354
of the proposed resolution. 96355

(3)(a) A resolution adopted under division (C)(1) of this 96356
section shall specify the life of the incentive district and the 96357
percentage of the improvements to be exempted, shall designate the 96358
public infrastructure improvements made, to be made, or in the 96359
process of being made, that benefit or serve, or, once made, will 96360
benefit or serve parcels in the district. The resolution also 96361
shall identify one or more specific projects being, or to be, 96362
undertaken in the district that place additional demand on the 96363

public infrastructure improvements designated in the resolution. 96364
The project identified may, but need not be, the project under 96365
division (C)(3)(b) of this section that places real property in 96366
use for commercial or industrial purposes. 96367

A resolution adopted under division (C)(1) of this section on 96368
or after March 30, 2006, shall not designate police or fire 96369
equipment as public infrastructure improvements, and no service 96370
payment provided for in section 5709.74 of the Revised Code and 96371
received by the township under the resolution shall be used for 96372
police or fire equipment. 96373

(b) A resolution adopted under division (C)(1) of this 96374
section may authorize the use of service payments provided for in 96375
section 5709.74 of the Revised Code for the purpose of housing 96376
renovations within the incentive district, provided that the 96377
resolution also designates public infrastructure improvements that 96378
benefit or serve the district, and that a project within the 96379
district places real property in use for commercial or industrial 96380
purposes. Service payments may be used to finance or support 96381
loans, deferred loans, and grants to persons for the purpose of 96382
housing renovations within the district. The resolution shall 96383
designate the parcels within the district that are eligible for 96384
housing renovations. The resolution shall state separately the 96385
amount or the percentages of the expected aggregate service 96386
payments that are designated for each public infrastructure 96387
improvement and for the purpose of housing renovations. 96388

(4) Except with the approval of the board of education of 96389
each city, local, or exempted village school district within the 96390
territory of which the incentive district is or will be located, 96391
and subject to division (E) of this section, the life of an 96392
incentive district shall not exceed ten years, and the percentage 96393
of improvements to be exempted shall not exceed seventy-five per 96394
cent. With approval of the board of education, the life of a 96395

district may be not more than thirty years, and the percentage of
improvements to be exempted may be not more than one hundred per
cent. The approval of a board of education shall be obtained in
the manner provided in division (D) of this section.

(D) Improvements with respect to a parcel may be exempted
from taxation under division (B) of this section, and improvements
to parcels within an incentive district may be exempted from
taxation under division (C) of this section, for up to ten years
or, with the approval of the board of education of the city,
local, or exempted village school district within which the parcel
or district is located, for up to thirty years. The percentage of
the improvements exempted from taxation may, with such approval,
exceed seventy-five per cent, but shall not exceed one hundred per
cent. Not later than forty-five business days prior to adopting a
resolution under this section declaring improvements to be a
public purpose that is subject to approval by a board of education
under this division, the board of township trustees shall deliver
to the board of education a notice stating its intent to adopt a
resolution making that declaration. The notice regarding
improvements with respect to a parcel under division (B) of this
section shall identify the parcels for which improvements are to
be exempted from taxation, provide an estimate of the true value
in money of the improvements, specify the period for which the
improvements would be exempted from taxation and the percentage of
the improvements that would be exempted, and indicate the date on
which the board of township trustees intends to adopt the
resolution. The notice regarding improvements made under division
(C) of this section to parcels within an incentive district shall
delineate the boundaries of the district, specifically identify
each parcel within the district, identify each anticipated
improvement in the district, provide an estimate of the true value
in money of each such improvement, specify the life of the
district and the percentage of improvements that would be

exempted, and indicate the date on which the board of township 96429
trustees intends to adopt the resolution. The board of education, 96430
by resolution adopted by a majority of the board, may approve the 96431
exemption for the period or for the exemption percentage specified 96432
in the notice; may disapprove the exemption for the number of 96433
years in excess of ten, may disapprove the exemption for the 96434
percentage of the improvements to be exempted in excess of 96435
seventy-five per cent, or both; or may approve the exemption on 96436
the condition that the board of township trustees and the board of 96437
education negotiate an agreement providing for compensation to the 96438
school district equal in value to a percentage of the amount of 96439
taxes exempted in the eleventh and subsequent years of the 96440
exemption period or, in the case of exemption percentages in 96441
excess of seventy-five per cent, compensation equal in value to a 96442
percentage of the taxes that would be payable on the portion of 96443
the improvements in excess of seventy-five per cent were that 96444
portion to be subject to taxation, or other mutually agreeable 96445
compensation. 96446

The board of education shall certify its resolution to the 96447
board of township trustees not later than fourteen days prior to 96448
the date the board of township trustees intends to adopt the 96449
resolution as indicated in the notice. If the board of education 96450
and the board of township trustees negotiate a mutually acceptable 96451
compensation agreement, the resolution may declare the 96452
improvements a public purpose for the number of years specified in 96453
the resolution or, in the case of exemption percentages in excess 96454
of seventy-five per cent, for the exemption percentage specified 96455
in the resolution. In either case, if the board of education and 96456
the board of township trustees fail to negotiate a mutually 96457
acceptable compensation agreement, the resolution may declare the 96458
improvements a public purpose for not more than ten years, and 96459
shall not exempt more than seventy-five per cent of the 96460
improvements from taxation. If the board of education fails to 96461

certify a resolution to the board of township trustees within the 96462
time prescribed by this section, the board of township trustees 96463
thereupon may adopt the resolution and may declare the 96464
improvements a public purpose for up to thirty years or, in the 96465
case of exemption percentages proposed in excess of seventy-five 96466
per cent, for the exemption percentage specified in the 96467
resolution. The board of township trustees may adopt the 96468
resolution at any time after the board of education certifies its 96469
resolution approving the exemption to the board of township 96470
trustees, or, if the board of education approves the exemption on 96471
the condition that a mutually acceptable compensation agreement be 96472
negotiated, at any time after the compensation agreement is agreed 96473
to by the board of education and the board of township trustees. 96474
If a mutually acceptable compensation agreement is negotiated 96475
between the board of township trustees and the board of education, 96476
including agreements for payments in lieu of taxes under section 96477
5709.74 of the Revised Code, the board of township trustees shall 96478
compensate the joint vocational school district within which the 96479
parcel or district is located at the same rate and under the same 96480
terms received by the city, local, or exempted village school 96481
district. 96482

If a board of education has adopted a resolution waiving its 96483
right to approve exemptions from taxation under this section and 96484
the resolution remains in effect, approval of such exemptions by 96485
the board of education is not required under division (D) of this 96486
section. If a board of education has adopted a resolution allowing 96487
a board of township trustees to deliver the notice required under 96488
division (D) of this section fewer than forty-five business days 96489
prior to adoption of the resolution by the board of township 96490
trustees, the board of township trustees shall deliver the notice 96491
to the board of education not later than the number of days prior 96492
to the adoption as prescribed by the board of education in its 96493
resolution. If a board of education adopts a resolution waiving 96494

its right to approve exemptions or shortening the notification 96495
period, the board of education shall certify a copy of the 96496
resolution to the board of township trustees. If the board of 96497
education rescinds the resolution, it shall certify notice of the 96498
rescission to the board of township trustees. 96499

If the board of township trustees is not required by division 96500
(D) of this section to notify the board of education of the board 96501
of township trustees' intent to declare improvements to be a 96502
public purpose, the board of township trustees shall comply with 96503
the notice requirements imposed under section 5709.83 of the 96504
Revised Code before taking formal action to adopt the resolution 96505
making that declaration, unless the board of education has adopted 96506
a resolution under that section waiving its right to receive the 96507
notice. 96508

(E)(1) If a proposed resolution under division (C)(1) of this 96509
section exempts improvements with respect to a parcel within an 96510
incentive district for more than ten years, or the percentage of 96511
the improvement exempted from taxation exceeds seventy-five per 96512
cent, not later than forty-five business days prior to adopting 96513
the resolution the board of township trustees shall deliver to the 96514
board of county commissioners of the county within which the 96515
incentive district is or will be located a notice that states its 96516
intent to adopt a resolution creating an incentive district. The 96517
notice shall include a copy of the proposed resolution, identify 96518
the parcels for which improvements are to be exempted from 96519
taxation, provide an estimate of the true value in money of the 96520
improvements, specify the period of time for which the 96521
improvements would be exempted from taxation, specify the 96522
percentage of the improvements that would be exempted from 96523
taxation, and indicate the date on which the board of township 96524
trustees intends to adopt the resolution. 96525

(2) The board of county commissioners, by resolution adopted 96526

by a majority of the board, may object to the exemption for the 96527
number of years in excess of ten, may object to the exemption for 96528
the percentage of the improvement to be exempted in excess of 96529
seventy-five per cent, or both. If the board of county 96530
commissioners objects, the board may negotiate a mutually 96531
acceptable compensation agreement with the board of township 96532
trustees. In no case shall the compensation provided to the board 96533
of county commissioners exceed the property taxes foregone due to 96534
the exemption. If the board of county commissioners objects, and 96535
the board of county commissioners and board of township trustees 96536
fail to negotiate a mutually acceptable compensation agreement, 96537
the resolution adopted under division (C)(1) of this section shall 96538
provide to the board of county commissioners compensation in the 96539
eleventh and subsequent years of the exemption period equal in 96540
value to not more than fifty per cent of the taxes that would be 96541
payable to the county or, if the board of county commissioner's 96542
objection includes an objection to an exemption percentage in 96543
excess of seventy-five per cent, compensation equal in value to 96544
not more than fifty per cent of the taxes that would be payable to 96545
the county, on the portion of the improvement in excess of 96546
seventy-five per cent, were that portion to be subject to 96547
taxation. The board of county commissioners shall certify its 96548
resolution to the board of township trustees not later than thirty 96549
days after receipt of the notice. 96550

(3) If the board of county commissioners does not object or 96551
fails to certify its resolution objecting to an exemption within 96552
thirty days after receipt of the notice, the board of township 96553
trustees may adopt its resolution, and no compensation shall be 96554
provided to the board of county commissioners. If the board of 96555
county commissioners timely certifies its resolution objecting to 96556
the trustees' resolution, the board of township trustees may adopt 96557
its resolution at any time after a mutually acceptable 96558
compensation agreement is agreed to by the board of county 96559

commissioners and the board of township trustees, or, if no 96560
compensation agreement is negotiated, at any time after the board 96561
of township trustees agrees in the proposed resolution to provide 96562
compensation to the board of county commissioners of fifty per 96563
cent of the taxes that would be payable to the county in the 96564
eleventh and subsequent years of the exemption period or on the 96565
portion of the improvement in excess of seventy-five per cent, 96566
were that portion to be subject to taxation. 96567

(F) Service payments in lieu of taxes that are attributable 96568
to any amount by which the effective tax rate of either a renewal 96569
levy with an increase or a replacement levy exceeds the effective 96570
tax rate of the levy renewed or replaced, or that are attributable 96571
to an additional levy, for a levy authorized by the voters for any 96572
of the following purposes on or after January 1, 2006, and which 96573
are provided pursuant to a resolution creating an incentive 96574
district under division (C)(1) of this section that is adopted on 96575
or after January 1, 2006, shall be distributed to the appropriate 96576
taxing authority as required under division (C) of section 5709.74 96577
of the Revised Code in an amount equal to the amount of taxes from 96578
that additional levy or from the increase in the effective tax 96579
rate of such renewal or replacement levy that would have been 96580
payable to that taxing authority from the following levies were it 96581
not for the exemption authorized under division (C) of this 96582
section: 96583

(1) A tax levied under division (L) of section 5705.19 or 96584
section 5705.191 of the Revised Code for community mental 96585
retardation and developmental disabilities programs and services 96586
pursuant to Chapter 5126. of the Revised Code; 96587

(2) A tax levied under division (Y) of section 5705.19 of the 96588
Revised Code for providing or maintaining senior citizens services 96589
or facilities; 96590

(3) A tax levied under section 5705.22 of the Revised Code 96591

for county hospitals;	96592
(4) A tax levied by a joint-county district or by a county	96593
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	96594
for alcohol, drug addiction, and mental health services or	96595
families;	96596
(5) A tax levied under section 5705.23 of the Revised Code	96597
for library purposes;	96598
(6) A tax levied under section 5705.24 of the Revised Code	96599
for the support of children services and the placement and care of	96600
children;	96601
(7) A tax levied under division (Z) of section 5705.19 of the	96602
Revised Code for the provision and maintenance of zoological park	96603
services and facilities under section 307.76 of the Revised Code;	96604
(8) A tax levied under section 511.27 or division (H) of	96605
section 5705.19 of the Revised Code for the support of township	96606
park districts;	96607
(9) A tax levied under division (A), (F), or (H) of section	96608
5705.19 of the Revised Code for parks and recreational purposes of	96609
a joint recreation district organized pursuant to division (B) of	96610
section 755.14 of the Revised Code;	96611
(10) A tax levied under section 1545.20 or 1545.21 of the	96612
Revised Code for park district purposes;	96613
(11) A tax levied under section 5705.191 of the Revised Code	96614
for the purpose of making appropriations for public assistance;	96615
human or social services; public relief; public welfare; public	96616
health and hospitalization; and support of general hospitals;	96617
(12) A tax levied under section 3709.29 of the Revised Code	96618
for a general health district program.	96619
(G) An exemption from taxation granted under this section	96620
commences with the tax year specified in the resolution so long as	96621

the year specified in the resolution commences after the effective 96622
date of the resolution. If the resolution specifies a year 96623
commencing before the effective date of the resolution or 96624
specifies no year whatsoever, the exemption commences with the tax 96625
year in which an exempted improvement first appears on the tax 96626
list and duplicate of real and public utility property and that 96627
commences after the effective date of the resolution. In lieu of 96628
stating a specific year, the resolution may provide that the 96629
exemption commences in the tax year in which the value of an 96630
improvement exceeds a specified amount or in which the 96631
construction of one or more improvements is completed, provided 96632
that such tax year commences after the effective date of the 96633
resolution. With respect to the exemption of improvements to 96634
parcels under division (B) of this section, the resolution may 96635
allow for the exemption to commence in different tax years on a 96636
parcel-by-parcel basis, with a separate exemption term specified 96637
for each parcel. 96638

Except as otherwise provided in this division, the exemption 96639
ends on the date specified in the resolution as the date the 96640
improvement ceases to be a public purpose or the incentive 96641
district expires, or ends on the date on which the public 96642
infrastructure improvements and housing renovations are paid in 96643
full from the township public improvement tax increment equivalent 96644
fund established under section 5709.75 of the Revised Code, 96645
whichever occurs first. The exemption of an improvement with 96646
respect to a parcel or within an incentive district may end on a 96647
later date, as specified in the resolution, if the board of 96648
township trustees and the board of education of the city, local, 96649
or exempted village school district within which the parcel or 96650
district is located have entered into a compensation agreement 96651
under section 5709.82 of the Revised Code with respect to the 96652
improvement and the board of education has approved the term of 96653
the exemption under division (D) of this section, but in no case 96654

shall the improvement be exempted from taxation for more than 96655
thirty years. The board of township trustees may, by majority 96656
vote, adopt a resolution permitting the township to enter into 96657
such agreements as the board finds necessary or appropriate to 96658
provide for the construction or undertaking of public 96659
infrastructure improvements and housing renovations. Any exemption 96660
shall be claimed and allowed in the same or a similar manner as in 96661
the case of other real property exemptions. If an exemption status 96662
changes during a tax year, the procedure for the apportionment of 96663
the taxes for that year is the same as in the case of other 96664
changes in tax exemption status during the year. 96665

(H) The board of township trustees may issue the notes of the 96666
township to finance all costs pertaining to the construction or 96667
undertaking of public infrastructure improvements and housing 96668
renovations made pursuant to this section. The notes shall be 96669
signed by the board and attested by the signature of the township 96670
fiscal officer, shall bear interest not to exceed the rate 96671
provided in section 9.95 of the Revised Code, and are not subject 96672
to Chapter 133. of the Revised Code. The resolution authorizing 96673
the issuance of the notes shall pledge the funds of the township 96674
public improvement tax increment equivalent fund established 96675
pursuant to section 5709.75 of the Revised Code to pay the 96676
interest on and principal of the notes. The notes, which may 96677
contain a clause permitting prepayment at the option of the board, 96678
shall be offered for sale on the open market or given to the 96679
vendor or contractor if no sale is made. 96680

(I) The township, not later than fifteen days after the 96681
adoption of a resolution under this section, shall submit to the 96682
director of development services a copy of the resolution. On or 96683
before the thirty-first day of March of each year, the township 96684
shall submit a status report to the director of development 96685
services. The report shall indicate, in the manner prescribed by 96686

the director, the progress of the project during each year that 96687
the exemption remains in effect, including a summary of the 96688
receipts from service payments in lieu of taxes; expenditures of 96689
money from the fund created under section 5709.75 of the Revised 96690
Code; a description of the public infrastructure improvements and 96691
housing renovations financed with the expenditures; and a 96692
quantitative summary of changes in private investment resulting 96693
from each project. 96694

(J) Nothing in this section shall be construed to prohibit a 96695
board of township trustees from declaring to be a public purpose 96696
improvements with respect to more than one parcel. 96697

If a parcel is located in a new community district in which 96698
the new community authority imposes a community development charge 96699
on the basis of rentals received from leases of real property as 96700
described in division (L)(2) of section 349.01 of the Revised 96701
Code, the parcel may not be exempted from taxation under this 96702
section. 96703

(K) A board of township trustees that adopted a resolution 96704
under this section prior to July 21, 1994, may amend that 96705
resolution to include any additional public infrastructure 96706
improvement. A board of township trustees that seeks by the 96707
amendment to utilize money from its township public improvement 96708
tax increment equivalent fund for land acquisition in aid of 96709
industry, commerce, distribution, or research, demolition on 96710
private property, or stormwater and flood remediation projects may 96711
do so provided that the board currently is a party to a 96712
hold-harmless agreement with the board of education of the city, 96713
local, or exempted village school district within the territory of 96714
which are located the parcels that are subject to an exemption. 96715
For the purposes of this division, a "hold-harmless agreement" 96716
means an agreement under which the board of township trustees 96717
agrees to compensate the school district for one hundred per cent 96718

of the tax revenue that the school district would have received 96719
from further improvements to parcels designated in the resolution 96720
were it not for the exemption granted by the resolution. 96721

(L) Notwithstanding the limitation prescribed by division (D) 96722
of this section on the number of years that improvements to a 96723
parcel or parcels may be exempted from taxation, a board of 96724
trustees of a township with a population of fifteen thousand or 96725
more may amend a resolution originally adopted under this section 96726
before December 31, 1994, to extend the exemption of improvements 96727
to the parcel or parcels included in such resolution for an 96728
additional period not to exceed fifteen years. The amendment shall 96729
not increase the percentage of improvements to the parcel or 96730
parcels exempted from taxation. The board of township trustees 96731
shall comply with the notice requirements imposed under section 96732
5709.83 of the Revised Code before taking formal action to adopt 96733
an amendment authorized under this division unless the board of 96734
education has adopted a resolution under that section waiving its 96735
right to receive the notice. The board of township trustees shall 96736
deliver an identical notice to the board of county commissioners 96737
of each county in which the exempted parcels are located. 96738

Sec. 5709.92. (A) As used in this section: 96739

(1) "School district" means a city, local, or exempted 96740
village school district. 96741

(2) "Joint vocational school district" means a joint 96742
vocational school district created under section 3311.16 of the 96743
Revised Code, and includes a cooperative education school district 96744
created under section 3311.52 or 3311.521 of the Revised Code and 96745
a county school financing district created under section 3311.50 96746
of the Revised Code. 96747

(3) "Total resources" means the sum of the amounts described 96748
in divisions (A)(3)(a) to (g) of this section less any reduction 96749

<u>required under division (C)(2)(a) of this section.</u>	96750
<u>(a) The state education aid for fiscal year 2015;</u>	96751
<u>(b) The sum of the payments received in fiscal year 2015 for</u>	96752
<u>current expense levy losses under division (C)(3) of section</u>	96753
<u>5727.85 and division (C)(12) of section 5751.21 of the Revised</u>	96754
<u>Code, as they existed at that time, excluding the portion of such</u>	96755
<u>payments attributable to levies for joint vocational school</u>	96756
<u>district purposes;</u>	96757
<u>(c) The sum of fixed-sum levy loss payments received by the</u>	96758
<u>school district in fiscal year 2015 under division (F)(1) of</u>	96759
<u>section 5727.85 and division (E)(1) of section 5751.21 of the</u>	96760
<u>Revised Code, as they existed at that time, for fixed-sum levies</u>	96761
<u>charged and payable for a purpose other than paying debt charges;</u>	96762
<u>(d) The district's taxes charged and payable against all</u>	96763
<u>property on the tax list of real and public utility property for</u>	96764
<u>current expense purposes for tax year 2014, including taxes</u>	96765
<u>charged and payable from emergency levies charged and payable</u>	96766
<u>under sections 5705.194 to 5705.197 of the Revised Code, excluding</u>	96767
<u>taxes levied for joint vocational school district purposes or</u>	96768
<u>levied under section 5705.23 of the Revised Code;</u>	96769
<u>(e) The amount certified for fiscal year 2015 under division</u>	96770
<u>(A)(2) of section 3317.08 of the Revised Code;</u>	96771
<u>(f) Distributions received during calendar year 2014 from</u>	96772
<u>taxes levied under section 718.09 of the Revised Code;</u>	96773
<u>(g) Distributions received during fiscal year 2015 from the</u>	96774
<u>gross casino revenue county student fund.</u>	96775
<u>(4)(a) "State education aid" for a school district means the</u>	96776
<u>sum of state amounts computed for the district under sections</u>	96777
<u>3317.022 and 3317.0212 of the Revised Code after any amounts are</u>	96778
<u>added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of</u>	96779

the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 96780
96781

(b) "State education aid" for a joint vocational district means the amount computed for the district under section 3317.16 of the Revised Code after any amounts are added or subtracted under Section 263.250 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 96782
96783
96784
96785
96786
96787

(5) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code. 96788
96789
96790
96791

(6) "Capacity quintile" means the capacity measure quintiles determined under division (B) of this section. 96792
96793

(7) "Threshold per cent" means the following: 96794

(a) For a school district in the lowest capacity quintile, one per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one percentage point. 96795
96796
96797
96798

(b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and one-fourth percentage points. 96799
96800
96801
96802
96803

(c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and one-half percentage points. 96804
96805
96806
96807

(d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016; for 96808
96809

fiscal year 2017 and each year thereafter, the sum of the prior 96810
year's threshold per cent plus one and three-fourths percentage 96811
points. 96812

(e) For a school district in the highest capacity quintile, 96813
two per cent for fiscal year 2016; for fiscal year 2017 and each 96814
year thereafter, the sum of the prior year's threshold per cent 96815
plus two percentage points. 96816

(f) For a joint vocational school district, two per cent for 96817
fiscal year 2016; for fiscal year 2017 and thereafter, the sum of 96818
the prior year's threshold per cent plus two percentage points. 96819

(8) "Current expense allocation" means the sum of the 96820
payments received by a school district or joint vocational school 96821
district in fiscal year 2015 for current expense levy losses under 96822
division (C)(3) of section 5727.85 and division (C)(12) of section 96823
5751.21 of the Revised Code as they existed at that time, less any 96824
reduction required under division (C)(2)(b) of this section. 96825

(9) "Non-current expense allocation" means the sum of the 96826
payments received by a school district or joint vocational school 96827
district in fiscal year 2015 for levy losses under division 96828
(C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 96829
5751.21 of the Revised Code, as they existed at that time, and 96830
levy losses in fiscal year 2015 under division (H) of section 96831
5727.84 of the Revised Code as that section existed at that time 96832
attributable to levies for and payments received for losses on 96833
levies intended to generate money for maintenance of classroom 96834
facilities. 96835

(10) "Operating TPP fixed-sum levy losses" means the sum of 96836
payments received by a school district in fiscal year 2015 for 96837
levy losses under division (E) of section 5751.21 of the Revised 96838
Code, excluding levy losses for debt purposes. 96839

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum 96840

of payments received by the school district in fiscal year 2015 96841
for levy losses under division (H) of section 5727.84 of the 96842
Revised Code, excluding levy losses for debt purposes. 96843

(12) "TPP fixed-sum debt levy losses" means the sum of 96844
payments received by a school district in fiscal year 2015 for 96845
levy losses under division (E) of section 5751.21 of the Revised 96846
Code for debt purposes. 96847

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 96848
payments received by the school district in fiscal year 2015 for 96849
levy losses under division (H) of section 5727.84 of the Revised 96850
Code for debt purposes. 96851

(14) "Qualifying levies" means qualifying levies described in 96852
section 5751.20 of the Revised Code as that section was in effect 96853
before July 1, 2015. 96854

(15) "Qualifying school district" means a school district 96855
within whose territory a nuclear power plant is located and for 96856
which the ratio of current expense allocation to total resources 96857
is ten per cent or more. 96858

(16) "Production equipment tax loss" means the amount 96859
computed for a school district or joint vocational school district 96860
under division (B)(1) of section 5727.09 of the Revised Code. 96861

(B) The department of education shall rank all school 96862
districts in the order of districts' capacity measures determined 96863
under section 3317.018 of the Revised Code from lowest to highest, 96864
and divide such ranking into quintiles, with the first quintile 96865
containing the twenty per cent of school districts having the 96866
lowest capacity measure and the fifth quintile containing the 96867
twenty per cent of school districts having the highest capacity 96868
measure. This calculation and ranking shall be performed once, in 96869
fiscal year 2016, and used for subsequent years for the purpose of 96870
division (A)(7) of this section. 96871

(C)(1) In fiscal year 2016, payments shall be made to school districts and joint vocational school districts other than qualifying school districts equal to the sum of the amounts described in divisions (C)(1)(a) or (b) and (C)(1)(c) of this section. In fiscal year 2017 and subsequent fiscal years, payments shall be made to school districts and joint vocational school districts other than qualifying school districts equal to the amount described in division (C)(1)(a) or (b) of this section. In fiscal year 2016 and subsequent fiscal years, payments shall be made to qualifying school districts equal to the sum of the amounts described in divisions (A)(3)(b) and (c) of this section.

(a) If the ratio of the current expense allocation to total resources is equal to or less than the district's threshold per cent, zero;

(b) If the ratio of the current expense allocation to total resources is greater than the district's threshold per cent, the difference between the current expense allocation and the product of the threshold percentage and total resources;

(c) For fiscal year 2016, the product of the non-current expense allocation multiplied by fifty per cent.

(2)(a) "Total resources" used to compute payments under division (C)(1) of this section shall be reduced to the extent that payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014.

(b) "Current expense allocation" used to compute payments under division (C)(1) of this section shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014.

(3) The department of education shall report to each school district and joint vocational school district the apportionment of

the payments under division (C)(1) of this section among the 96903
district's funds based on qualifying levies. 96904

(D)(1) Except as provided in division (D)(2) of this section, 96905
payments in the following amounts shall be made to school 96906
districts and joint vocational school districts in tax years 2016 96907
through 2021: 96908

(a) In tax year 2016, the sum of the district's operating TPP 96909
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 96910

(b) In tax year 2017, the sum of the district's operating TPP 96911
fixed-sum levy losses and eighty per cent of operating S.B. 3 96912
fixed-sum levy losses. 96913

(c) In tax year 2018, the sum of eighty per cent of the 96914
district's operating TPP fixed-sum levy losses and sixty per cent 96915
of its operating S.B. 3 fixed-sum levy losses. 96916

(d) In tax year 2019, the sum of sixty per cent of the 96917
district's operating TPP fixed-sum levy losses and forty per cent 96918
of its operating S.B. 3 fixed-sum levy losses. 96919

(e) In tax year 2020, the sum of forty per cent of the 96920
district's operating TPP fixed-sum levy losses and twenty per cent 96921
of its operating S.B. 3 fixed-sum levy losses. 96922

(f) In tax year 2021, twenty per cent of the district's 96923
operating TPP fixed-sum levy losses. 96924

No payment shall be made under division (D)(1) of this 96925
section after tax year 2021. 96926

(2) In the case of a qualifying school district, payments 96927
shall be made in tax year 2016 and subsequent tax years equal to 96928
one hundred per cent of the sum of the district's operating TPP 96929
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 96930

(3) Amounts are payable under division (D) of this section 96931
for fixed-sum levy losses only to the extent of such losses for 96932

qualifying levies that remain in effect for the current tax year. 96933
For this purpose, a qualifying levy levied under section 5705.194 96934
or 5705.213 of the Revised Code remains in effect for the current 96935
tax year only if a tax levied under either of those sections is 96936
charged and payable for the current tax year for an annual sum at 96937
least equal to the annual sum levied by the board of education for 96938
tax year 2004 under those sections less the amount of the payment 96939
under this division. 96940

(E)(1) For fixed-sum levies for debt purposes, payments shall 96941
be made to school districts and joint vocational school districts 96942
equal to one hundred per cent of the district's fixed-sum levy 96943
loss determined under division (E) of section 5751.20 and division 96944
(H) of section 5727.84 of the Revised Code as in effect before 96945
July 1, 2015, and paid in tax year 2014. No payment shall be made 96946
for qualifying levies that are no longer charged and payable. 96947

(2) Beginning in 2016, by the thirty-first day of January of 96948
each year, the tax commissioner shall review the calculation of 96949
fixed-sum levy loss for debt purposes determined under division 96950
(E) of section 5751.20 and division (H) of section 5727.84 of the 96951
Revised Code as in effect before July 1, 2015. If the commissioner 96952
determines that a fixed-sum levy that had been scheduled to be 96953
reimbursed in the current year is no longer charged and payable, a 96954
revised calculation for that year and all subsequent years shall 96955
be made. 96956

(F)(1) For taxes levied within the ten-mill limitation for 96957
debt purposes in tax year 1998 in the case of electric company tax 96958
value losses, and in tax year 1999 in the case of natural gas 96959
company tax value losses, payments shall be made to school 96960
districts and joint vocational school districts equal to one 96961
hundred per cent of the loss computed under division (D) of 96962
section 5727.85 of the Revised Code as in effect before July 1, 96963
2015, as if the tax were a fixed-rate levy, but those payments 96964

shall extend through fiscal year 2016. 96965

(2) For taxes levied within the ten-mill limitation for debt 96966
purposes in tax year 2005, payments shall be made to school 96967
districts and joint vocational school districts equal to one 96968
hundred per cent of the loss computed under division (D) of 96969
section 5751.21 as in effect before July 1, 2015, as if the tax 96970
were a fixed-rate levy, but those payments shall extend through 96971
fiscal year 2018. 96972

(G) If all the territory of a school district or joint 96973
vocational school district is merged with another district, or if 96974
a part of the territory of a school district or joint vocational 96975
school district is transferred to an existing or newly created 96976
district, the department of education, in consultation with the 96977
tax commissioner, shall adjust the payments made under this 96978
section and division (D) of section 5709.94 of the Revised Code as 96979
follows: 96980

(1) For a merger of two or more districts, the production 96981
equipment tax loss, fixed-sum levy losses, total resources, 96982
current expense allocation, and non-current expense allocation of 96983
the successor district shall be the sum of such items for each of 96984
the districts involved in the merger. 96985

(2) If property is transferred from one district to a 96986
previously existing district, the amount of the production 96987
equipment tax loss, total resources, current expense allocation, 96988
and non-current expense allocation that shall be transferred to 96989
the recipient district shall be an amount equal to the production 96990
equipment tax loss for the preceding tax year and the total 96991
resources, current expense allocation, and non-current expense 96992
allocation of the transferor district times a fraction, the 96993
numerator of which is the number of pupils being transferred to 96994
the recipient district, measured, in the case of a school 96995
district, by formula ADM as defined in section 3317.02 of the 96996

Revised Code or, in the case of a joint vocational school 96997
district, by formula ADM as defined for a joint vocational school 96998
district in that section, and the denominator of which is the 96999
formula ADM of the transferor district. 97000

(3) After December 31, 2010, if property is transferred from 97001
one or more districts to a district that is newly created out of 97002
the transferred property, the newly created district shall be 97003
deemed not to have any production equipment tax loss, total 97004
resources, current expense allocation, total allocation, or 97005
non-current expense allocation. 97006

(4) If the recipient district under division (G)(2) of this 97007
section or the newly created district under division (G)(3) of 97008
this section is assuming debt from one or more of the districts 97009
from which the property was transferred and any of the districts 97010
losing the property had fixed-sum levy losses or production 97011
equipment tax losses, the department of education, in consultation 97012
with the tax commissioner, shall make an equitable division of the 97013
reimbursements for those losses. 97014

(H) The payments required by divisions (C), (D), (E), and (F) 97015
of this section shall be distributed periodically to each school 97016
and joint vocational school district by the department of 97017
education unless otherwise provided for. Except as provided in 97018
division (D) of this section, if a levy that is a qualifying levy 97019
is not charged and payable in any year after 2014, payments to the 97020
school district or joint vocational school district shall be 97021
reduced to the extent that the payments distributed in fiscal year 97022
2015 were attributable to the levy loss of that levy. 97023

Sec. 5709.93. (A) As used in this section: 97024

(1) "Taxes charged and payable" means taxes charged and 97025
payable after the reduction required by section 319.301 of the 97026
Revised Code but before the reductions required by sections 97027

319.302 and 323.152 of the Revised Code. 97028

(2) "Threshold per cent" means two per cent for fiscal year 2016; and, for fiscal year 2017 and thereafter, the sum of the prior year's threshold per cent plus two percentage points. 97029
97030
97031

(3) "Public library" means a county, municipal, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code. 97032
97033
97034

(4) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts. 97035
97036
97037
97038
97039
97040

(5) "Municipal current expense allocation" means the sum of the payments received by a municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1)(e)(ii) of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 of the Revised Code as they existed at that time. 97041
97042
97043
97044
97045

(6) "Current expense allocation" means the sum of the payments received by a local taxing unit or public library in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time, less any reduction required under division (B)(2) of this section. 97046
97047
97048
97049
97050
97051

(7) "TPP inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under division (A)(3) of section 5751.22 of the Revised Code as that section existed at that time. 97052
97053
97054
97055

(8) "S.B. 3 inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under section (A)(4) of section 5727.86 of the Revised Code as that section 97056
97057
97058

existed at that time. 97059

(9) "Qualifying levy" means a levy for which payment was made 97060
in calendar year 2014 under division (A)(1) of section 5727.86 and 97061
divisions (A)(1) and (2) of section 5751.22 of the Revised Code as 97062
they existed at that time. 97063

(10) "Total resources," in the case of county mental health 97064
and disability related functions, means the sum of the amounts in 97065
divisions (A)(10)(a) and (b) of this section less any reduction 97066
required under division (B)(1) of this section. 97067

(a) The sum of the payments received by the county for mental 97068
health and developmental disability related functions in calendar 97069
year 2014 under division (A)(1) of section 5727.86 and division 97070
(A)(1) of section 5751.22 of the Revised Code as they existed at 97071
that time; 97072

(b) With respect to taxes levied by the county for mental 97073
health and developmental disability related purposes, the taxes 97074
charged and payable for such purposes against all property on the 97075
tax list of real and public utility property for tax year 2014. 97076

(11) "Total resources," in the case of county senior services 97077
related functions, means the sum of the amounts in divisions 97078
(A)(11)(a) and (b) of this section less any reduction required 97079
under division (B)(1) of this section. 97080

(a) The sum of the payments received by the county for senior 97081
services related functions in calendar year 2014 under division 97082
(A)(1) of section 5727.86 and division (A)(1) of section 5751.22 97083
of the Revised Code as they existed at that time; 97084

(b) With respect to taxes levied by the county for senior 97085
services related purposes, the taxes charged and payable for such 97086
purposes against all property on the tax list of real and public 97087
utility property for tax year 2014. 97088

(12) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(12)(a) and (b) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county for children's services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(13) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(13)(a) and (b) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county for public health related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(14) "Total resources," in the case of all county functions not included in divisions (A)(10) to (13) of this section, means the sum of the amounts in divisions (A)(14)(a) to (e) of this section less any reduction required under division (B)(1) or (2) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A)(1) of

section 5727.86 and division (A)(1) of section 5751.22 of the 97120
Revised Code as they existed at that time; 97121

(b) The county's percentage share of county undivided local 97122
government fund allocations as certified to the tax commissioner 97123
for calendar year 2015 by the county auditor under division (J) of 97124
section 5747.51 of the Revised Code or division (F) of section 97125
5747.53 of the Revised Code multiplied by the total amount 97126
actually distributed in calendar year 2014 from the county 97127
undivided local government fund; 97128

(c) With respect to taxes levied by the county for all other 97129
purposes, the taxes charged and payable for such purposes against 97130
all property on the tax list of real and public utility property 97131
for tax year 2014, excluding taxes charged and payable for the 97132
purpose of paying debt charges; 97133

(d) The sum of the amounts distributed to the county in 97134
calendar year 2014 for the taxes levied pursuant to sections 97135
5739.021 and 5741.021 of the Revised Code; 97136

(e) The sum of amounts distributed to the county from the 97137
gross casino revenue county fund from July 2014 through April 97138
2015. 97139

(15) "Total resources," in the case of a municipal 97140
corporation, means the sum of the amounts in divisions (A)(15)(a) 97141
to (h) of this section less any reduction required under division 97142
(B)(1) or (2) of this section. 97143

(a) The sum of the payments received by the municipal 97144
corporation in calendar year 2014 for current expense levy losses 97145
under division (A)(1) of section 5727.86 and division (A)(1) of 97146
section 5751.22 of the Revised Code as they existed at that time; 97147

(b) The municipal corporation's percentage share of county 97148
undivided local government fund allocations as certified to the 97149
tax commissioner for calendar year 2015 by the county auditor 97150

under division (J) of section 5747.51 of the Revised Code or 97151
division (F) of section 5747.53 of the Revised Code multiplied by 97152
the total amount actually distributed in calendar year 2014 from 97153
the county undivided local government fund; 97154

(c) The sum of the amounts distributed to the municipal 97155
corporation in calendar year 2014 pursuant to section 5747.50 of 97156
the Revised Code; 97157

(d) With respect to taxes levied by the municipal 97158
corporation, the taxes charged and payable against all property on 97159
the tax list of real and public utility property for municipal 97160
current expenses for tax year 2014; 97161

(e) The amount of admissions tax collected by the municipal 97162
corporation in calendar year 2013, or if such information has not 97163
yet been reported to the tax commissioner, in the most recent year 97164
before 2013 for which the municipal corporation has reported data 97165
to the commissioner; 97166

(f) The amount of income taxes collected by the municipal 97167
corporation in calendar year 2013 as certified to the tax 97168
commissioner under section 5747.50 of the Revised Code in 2013, or 97169
if such information has not yet been reported to the commissioner, 97170
in the most recent year before 2014 for which the municipal 97171
corporation has reported such data to the commissioner; 97172

(g) The sum of the amounts distributed to the municipal 97173
corporation from the gross casino revenue host city fund from July 97174
2014 through April 2015; 97175

(h) The sum of the amounts distributed to the municipal 97176
corporation from the gross casino revenue county fund from July 97177
2014 through April 2015. 97178

(16) "Total resources," in the case of a township, means the 97179
sum of the amounts in divisions (A)(16)(a) to (c) of this section 97180
less any reduction required under division (B)(1) or (2) of this 97181

<u>section.</u>	97182
<u>(a) The sum of the payments received by the township in</u>	97183
<u>calendar year 2014 pursuant to division (A)(1) of section 5727.86</u>	97184
<u>of the Revised Code and division (A)(1) of section 5751.22 of the</u>	97185
<u>Revised Code as they existed at that time, excluding payments</u>	97186
<u>received for debt purposes;</u>	97187
<u>(b) The township's percentage share of county undivided local</u>	97188
<u>government fund allocations as certified to the tax commissioner</u>	97189
<u>for calendar year 2015 by the county auditor under division (J) of</u>	97190
<u>section 5747.51 of the Revised Code or division (F) of section</u>	97191
<u>5747.53 of the Revised Code multiplied by the total amount</u>	97192
<u>actually distributed in calendar year 2014 from the county</u>	97193
<u>undivided local government fund;</u>	97194
<u>(c) With respect to taxes levied by the township, the taxes</u>	97195
<u>charged and payable against all property on the tax list of real</u>	97196
<u>and public utility property for tax year 2014 excluding taxes</u>	97197
<u>charged and payable for the purpose of paying debt charges or from</u>	97198
<u>levies imposed under section 5705.23 of the Revised Code.</u>	97199
<u>(17) "Total resources," in the case of a local taxing unit</u>	97200
<u>that is not a county, municipal corporation, township, or public</u>	97201
<u>library means the sum of the amounts in divisions (A)(17)(a) to</u>	97202
<u>(e) of this section less any reduction required under division</u>	97203
<u>(B)(1) of this section.</u>	97204
<u>(a) The sum of the payments received by the local taxing unit</u>	97205
<u>in calendar year 2014 pursuant to division (A)(1) of section</u>	97206
<u>5727.86 of the Revised Code and division (A)(1) of section 5751.22</u>	97207
<u>of the Revised Code as they existed at that time;</u>	97208
<u>(b) The local taxing unit's percentage share of county</u>	97209
<u>undivided local government fund allocations as certified to the</u>	97210
<u>tax commissioner for calendar year 2015 by the county auditor</u>	97211
<u>under division (J) of section 5747.51 of the Revised Code or</u>	97212

division (F) of section 5747.53 of the Revised Code multiplied by 97213
the total amount actually distributed in calendar year 2014 from 97214
the county undivided local government fund; 97215

(c) With respect to taxes levied by the local taxing unit, 97216
the taxes charged and payable against all property on the tax list 97217
of real and public utility property for tax year 2014 excluding 97218
taxes charged and payable for the purpose of paying debt charges 97219
or from a levy imposed under section 5705.23 of the Revised Code; 97220

(d) The amount received from the tax commissioner during 97221
calendar year 2014 for sales or use taxes authorized under 97222
sections 5739.023 and 5741.022 of the Revised Code; 97223

(e) For institutions of higher education receiving tax 97224
revenue from a local levy, as identified in section 3358.02 of the 97225
Revised Code, the final state share of instruction allocation for 97226
fiscal year 2014 as calculated by the chancellor of higher 97227
education and reported to the state controlling board. 97228

(18) "Total resources," in the case of a county, municipal 97229
corporation, school district, or township public library that 97230
receives the proceeds of a tax levied under section 5705.23 of the 97231
Revised Code, means the sum of the amounts in divisions (A)(18)(a) 97232
to (d) of this section less any reduction required under division 97233
(B)(1) of this section. 97234

(a) The sum of the payments received by the county, municipal 97235
corporation, school district, or township public library in 97236
calendar year 2014 pursuant to sections 5727.86 and 5751.22 of the 97237
Revised Code, as they existed at that time, for fixed-rate levy 97238
losses attributable to a tax levied under section 5705.23 of the 97239
Revised Code for the benefit of the public library; 97240

(b) The public library's percentage share of county undivided 97241
local government fund allocations as certified to the tax 97242
commissioner for calendar year 2015 by the county auditor under 97243

division (J) of section 5747.51 of the Revised Code or division 97244
(F) of section 5747.53 of the Revised Code multiplied by the total 97245
amount actually distributed in calendar year 2014 from the county 97246
undivided local government fund; 97247

(c) With respect to a tax levied pursuant to section 5705.23 97248
of the Revised Code for the benefit of the public library, the 97249
amount of such tax that is charged and payable against all 97250
property on the tax list of real and public utility property for 97251
tax year 2014 excluding any tax that is charged and payable for 97252
the purpose of paying debt charges; 97253

(d) The sum of the amounts distributed to the library 97254
district from the county public library fund in calendar year 97255
2014, as reported to the tax commissioner by the county auditor. 97256

(19) "Municipal current expense property tax levies" means 97257
all property tax levies of a municipality, except those with the 97258
following levy names: library; airport resurfacing; bond or any 97259
levy name including the word "bond"; capital improvement or any 97260
levy name including the word "capital"; debt or any levy name 97261
including the word "debt"; equipment or any levy name including 97262
the word "equipment," unless the levy is for combined operating 97263
and equipment; employee termination fund; fire pension or any levy 97264
containing the word "pension," including police pensions; 97265
fireman's fund or any practically similar name; sinking fund; road 97266
improvements or any levy containing the word "road"; fire truck or 97267
apparatus; flood or any levy containing the word "flood"; 97268
conservancy district; county health; note retirement; sewage, or 97269
any levy containing the words "sewage" or "sewer"; park 97270
improvement; parkland acquisition; storm drain; street or any levy 97271
name containing the word "street"; lighting, or any levy name 97272
containing the word "lighting"; and water. 97273

(20) "Operating fixed-rate levy loss" means, in the case of 97274
local taxing units other than municipal corporations, fixed-rate 97275

levy losses of levies imposed for purposes other than paying debt 97276
charges or, in the case of municipal corporations, fixed-rate levy 97277
losses of municipal current expense property tax levies. 97278

(21) "Qualifying local taxing unit" means a local taxing 97279
unit, other than a county or municipal corporation, within whose 97280
territory a nuclear power plant is located, including a public 97281
library on behalf of which a tax is levied under section 5705.23 97282
of the Revised Code on a tax list that includes the property of a 97283
nuclear power plant. 97284

(22)(a) "Qualifying municipal corporation" means a municipal 97285
corporation in the territory of which a qualifying end user is 97286
located. 97287

(b) "Qualifying end user" means an end user of at least seven 97288
million qualifying kilowatt hours of electricity annually. 97289

(c) "Qualifying kilowatt hours" means kilowatt hours of 97290
electricity generated by a renewable energy resource, as defined 97291
in section 5727.01 of the Revised Code, using wind energy and the 97292
distribution of which is subject to the tax levied under section 97293
5727.81 of the Revised Code for any measurement period beginning 97294
after June 30, 2015. 97295

(23) Any term used in this section has the same meaning as in 97296
section 5727.84 or 5751.20 of the Revised Code unless otherwise 97297
defined by this section. 97298

(B)(1) "Total resources" used to compute payments to be made 97299
under division (C) of this section shall be reduced to the extent 97300
that payments distributed in calendar year 2014 were attributable 97301
to levies no longer charged and payable. 97302

(2) "Current expense allocation" used to compute payments to 97303
be made under division (C) of this section shall be reduced to the 97304
extent that payments distributed in calendar year 2014 were 97305
attributable to levies no longer charged and payable. 97306

(C)(1) Except as provided in divisions (C)(2) and (D) of this 97307
section, the tax commissioner shall compute payments for operating 97308
fixed-rate levy losses of local taxing units and public libraries 97309
for fiscal year 2016 and each year thereafter as prescribed in 97310
divisions (C)(1)(a) and (b) and (2) of this section: 97311

(a) For public libraries and local taxing units other than 97312
municipal corporations: 97313

(i) If the ratio of current expense allocation to total 97314
resources is equal to or less than the threshold per cent, zero; 97315

(ii) If the ratio of current expense allocation to total 97316
resources is greater than the threshold per cent, the current 97317
expense allocation minus the product of total resources multiplied 97318
by the threshold per cent. 97319

(b) For municipal corporations: 97320

(i) If the ratio of the municipal current expense allocation 97321
to total resources is equal to or less than the threshold per 97322
cent, zero; 97323

(ii) If the ratio of the municipal current expense allocation 97324
to total resources is greater than the threshold per cent, the 97325
municipal current expense allocation minus the product of total 97326
resources multiplied by the threshold per cent. 97327

(2) In the case of a qualifying local taxing unit for which 97328
the ratio of current expense allocation to total resources is ten 97329
per cent or more, the payment to be made under division (C) of 97330
this section for fiscal year 2016 and each year thereafter, in 97331
lieu of the payment computed under division (C)(1)(a) of this 97332
section, shall equal the amount described in division (A)(16)(a) 97333
of this section if the qualifying local taxing unit is a township, 97334
division (A)(18)(a) if the qualifying local taxing unit is a 97335
public library, and division (A)(17)(a) if the qualifying local 97336
taxing unit is not a township or public library. 97337

(3) For any local taxing unit or public library with 97338
operating fixed-rate levy losses greater than zero, the operating 97339
fixed-rate levy loss shall be allocated among all qualifying 97340
operating fixed-rate levies in proportion to each such levy's 97341
share of the payments received in tax year 2014. In fiscal year 97342
2016 and thereafter, if a levy to which operating fixed-rate levy 97343
loss is allocated is no longer charged and payable, the payment to 97344
the local taxing unit or public library shall be reduced by the 97345
amount allocated to the levy that is no longer charged and 97346
payable. 97347

(D)(1) Except as provided in division (D)(2) of this section, 97348
the tax commissioner shall make payments to local taxing units 97349
equal to the sum of TPP inside millage debt levy loss and S.B. 3 97350
inside millage debt levy loss. No payment shall be made if the 97351
levy for which the levy loss is computed is not charged and 97352
payable for debt purposes in fiscal year 2016 or any year 97353
thereafter. 97354

(2) No payment shall be made for TPP inside millage debt levy 97355
loss in calendar year 2018 or thereafter. No payment shall be made 97356
for S.B.3 inside millage debt levy loss in calendar year 2017 or 97357
thereafter. 97358

(E) For a qualifying municipal corporation, the tax 97359
commissioner shall compute payments for fiscal year 2016 and each 97360
ensuing fiscal year in an amount equal to the amount of tax 97361
imposed under section 5727.81 of the Revised Code and paid on the 97362
basis of qualifying kilowatt hours of electricity distributed 97363
through the meter of a qualifying end user located in the 97364
municipal corporation for measurement periods ending in the 97365
preceding calendar year. The payment shall be computed regardless 97366
of whether the qualifying municipal corporation qualifies for a 97367
payment under any other division of this section for the fiscal 97368
year in which the payment is computed under this division. For the 97369

purposes of this division, the commissioner may require an 97370
electric distribution company distributing qualifying kilowatt 97371
hours or, if the end user is a self-assessing purchaser, the end 97372
user, to report to the commissioner the number of qualifying 97373
kilowatt hours distributed through the meter of the qualifying end 97374
user. 97375

(F)(1) The payments required to be made under divisions (C) 97376
and (D) of this section shall be paid from local government 97377
tangible property tax replacement fund to the county undivided 97378
income tax fund in the proper county treasury. Beginning in August 97379
2015, one-half of the amount determined under each of those 97380
divisions shall be paid on or before the last day of August each 97381
year, and one-half shall be paid on or before the last day of 97382
February each year. Within thirty days after receipt of such 97383
payments, the county treasurer shall distribute amounts determined 97384
under this section to the proper local taxing unit or public 97385
library as if they had been levied and collected as taxes, and the 97386
local taxing unit or public library shall allocate the amounts so 97387
received among its funds in the same proportions as if those 97388
amounts had been levied and collected as taxes. 97389

(2) On or before the last day of August and of February of 97390
each fiscal year that follows a calendar year in which taxes are 97391
paid on the basis of qualifying kilowatt hours of electricity 97392
distributed through the meter of a qualifying end user located in 97393
a qualifying municipal corporation, one-half of the payment 97394
computed under division (E) of this section shall be paid from the 97395
local government tangible personal property tax replacement fund 97396
directly to the qualifying municipal corporation. The municipal 97397
corporation shall credit the payments to a special fund created 97398
for the purpose of providing grants or other financial assistance 97399
to the qualifying end user or to compensate the municipal 97400
corporation for municipal income tax or other tax credits or 97401

reductions as the legislative authority may grant to the 97402
qualifying end user. Such grants or other financial assistance may 97403
be provided for by ordinance or resolution of the legislative 97404
authority of the qualifying municipal corporation and may continue 97405
for as long as is provided by the ordinance or resolution. 97406

(G) If all or a part of the territories of two or more local 97407
taxing units are merged, or unincorporated territory of a township 97408
is annexed by a municipal corporation, the tax commissioner shall 97409
adjust the payments made under this section and division (E) of 97410
section 5709.94 of the Revised Code to each of the local taxing 97411
units in proportion to the square mileage of the merged or annexed 97412
territory as a percentage of the total square mileage of the 97413
jurisdiction from which the territory originated, or as otherwise 97414
provided by a written agreement between the legislative 97415
authorities of the local taxing units certified to the 97416
commissioner not later than the first day of June of the calendar 97417
year in which the payment is to be made. 97418

Sec. 5709.94. (A) As used in this section: 97419

(1) "School district," "joint vocational school district," 97420
"local taxing unit," "fixed-rate levy," and "fixed-sum levy" have 97421
the same meanings as in section 5727.84 of the Revised Code. 97422

(2) "Electric company," "energy company," and "energy 97423
conversion equipment" have the same meanings as in section 5727.01 97424
of the Revised Code. 97425

(3) "Taxing unit" includes school districts, joint vocational 97426
school districts, and local taxing units. 97427

(B) On or before the last day of December of each year, the 97428
tax commissioner shall determine both of the following for each 97429
taxing unit: 97430

(1) The taxing unit's production equipment tax value loss, 97431

which shall equal the value of all tangible personal property of 97432
an electric company or energy company that is not transmission or 97433
distribution property or energy conversion equipment, as it would 97434
have been assessed by the tax commissioner and apportioned to the 97435
taxing unit for that tax year if the property were taxable 97436
property and the assessment rate applicable to such property were 97437
twenty-four per cent. 97438

(2) The taxing unit's nonproduction equipment tax value gain, 97439
which shall equal the value of all transmission and distribution 97440
property and energy conversion equipment of an electric company or 97441
energy company apportioned to the taxing unit for the tax year 97442
multiplied by a percentage equal to the difference between 97443
eighty-five per cent and the percentage determined under division 97444
(B)(3) of section 5727.09 of the Revised Code. 97445

(C) On or after the first day of January each year beginning 97446
in 2017, the tax commissioner shall determine the sum of the 97447
following: 97448

(1) The fixed-rate levy loss for each taxing unit, which 97449
equals the total of the rates of fixed-rate levies imposed by the 97450
taxing unit for the preceding tax year multiplied by the 97451
production equipment tax value loss determined under division (B) 97452
of this section; 97453

(2) The fixed-sum levy loss for each taxing unit, which 97454
equals the total of the rates of fixed-sum levies imposed by the 97455
taxing unit for the preceding tax year multiplied by the 97456
production equipment tax value loss determined under division (B) 97457
of this section. 97458

(D) On or after the first day of January each year beginning 97459
in 2017, the tax commissioner shall determine the sum of the 97460
following: 97461

(1) The fixed-rate levy gain for each taxing unit, which 97462

equals the total of the rates of fixed-rate levies imposed by the 97463
taxing unit for the preceding tax year multiplied by the 97464
nonproduction equipment tax value gain determined under division 97465
(B)(2) of this section; 97466

(2) The fixed-sum levy gain for each taxing unit, which 97467
equals the total of the rates of fixed-sum levies imposed by the 97468
taxing unit for the preceding tax year multiplied by the 97469
nonproduction equipment tax value gain determined under division 97470
(B)(2) of this section. 97471

(E) On or before the twenty-eighth day of February and the 97472
thirty-first day of August of each year, beginning in 2017, the 97473
tax commissioner shall determine, for each taxing unit, whether 97474
the amount determined under division (C) exceeds the amount 97475
determined under division (D) of this section. If the amount 97476
determined under division (C) exceeds the amount determined under 97477
division (D) of this section for a taxing unit, the commissioner 97478
shall make payments to the taxing unit from the production 97479
equipment property tax replacement fund. The amount of each 97480
payment shall equal one-half of the amount by which the amount 97481
determined under division (C) exceeds the amount determined under 97482
division (D) of this section. 97483

(F) The payments required to be made under divisions (D) and 97484
(E) of this section shall be paid from the production equipment 97485
property tax replacement fund to the county undivided income tax 97486
fund in the proper county treasury. Within thirty days after 97487
receipt of such payments, the county treasurer shall distribute 97488
amounts determined under this section to the proper taxing unit as 97489
if they had been levied and collected as taxes, and the taxing 97490
unit shall allocate the amounts so received among its funds in the 97491
same proportions as if those amounts had been levied and collected 97492
as taxes. 97493

(G) For each taxing unit for which the fixed-sum levy gain as 97494

determined under division (D)(2) exceeds its fixed-sum levy loss 97495
as determined under division (C)(2) of this section, the 97496
commissioner shall certify to the county auditor of the proper 97497
county the net fixed-sum levy gain, which equals the amount by 97498
which the fixed-sum levy gain exceeds the fixed-sum levy loss for 97499
the purposes of section 5705.34 of the Revised Code. 97500

(H)(1) On the first day of June of each year, beginning in 97501
2018, the director of budget and management shall transfer any 97502
balance remaining in the production equipment property tax 97503
replacement fund after the payments have been made under this 97504
section to the general revenue fund. 97505

(2) If the total amount in the production equipment property 97506
tax replacement fund is insufficient to make all payments under 97507
this section at the time the payments are to be made, the director 97508
of budget and management shall transfer from the general revenue 97509
fund to the production equipment property tax replacement fund the 97510
difference between the total amount to be paid and the total 97511
amount in the production equipment property tax replacement fund. 97512

Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 97513
5715.01 of the Revised Code: 97514

(A) "Land devoted exclusively to agricultural use" means: 97515

(1) Tracts, lots, or parcels of land totaling not less than 97516
ten acres to which, during the three calendar years prior to the 97517
year in which application is filed under section 5713.31 of the 97518
Revised Code, and through the last day of May of such year, one or 97519
more of the following apply: 97520

(a) The tracts, lots, or parcels of land were devoted 97521
exclusively to commercial animal or poultry husbandry, 97522
aquaculture, algaculture meaning the farming of algae, apiculture, 97523
the production for a commercial purpose of timber, field crops, 97524

tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, 97525
or flowers, or the growth of timber for a noncommercial purpose, 97526
if the land on which the timber is grown is contiguous to or part 97527
of a parcel of land under common ownership that is otherwise 97528
devoted exclusively to agricultural use. 97529

(b) The tracts, lots, or parcels of land were devoted 97530
exclusively to biodiesel production, biomass energy production, 97531
electric or heat energy production, or biologically derived 97532
methane gas production if the land on which the production 97533
facility is located is contiguous to or part of a parcel of land 97534
under common ownership that is otherwise devoted exclusively to 97535
agricultural use, provided that at least fifty per cent of the 97536
feedstock used in the production was derived from parcels of land 97537
under common ownership or leasehold. 97538

(c) The tracts, lots, or parcels of land were devoted to and 97539
qualified for payments or other compensation under a land 97540
retirement or conservation program under an agreement with an 97541
agency of the federal government. 97542

(2) Tracts, lots, or parcels of land totaling less than ten 97543
acres that, during the three calendar years prior to the year in 97544
which application is filed under section 5713.31 of the Revised 97545
Code and through the last day of May of such year, were devoted 97546
exclusively to commercial animal or poultry husbandry, 97547
aquaculture, algaculture meaning the farming of algae, apiculture, 97548
the production for a commercial purpose of field crops, tobacco, 97549
fruits, vegetables, timber, nursery stock, ornamental trees, sod, 97550
or flowers where such activities produced an average yearly gross 97551
income of at least twenty-five hundred dollars during such 97552
three-year period or where there is evidence of an anticipated 97553
gross income of such amount from such activities during the tax 97554
year in which application is made, or were devoted to and 97555
qualified for payments or other compensation under a land 97556

retirement or conservation program under an agreement with an 97557
agency of the federal government; 97558

(3) A tract, lot, or parcel of land taxed under sections 97559
5713.22 to 5713.26 of the Revised Code is not land devoted 97560
exclusively to agricultural use; 97561

(4) Tracts, lots, or parcels of land, or portions thereof 97562
that, during the previous three consecutive calendar years have 97563
been designated as land devoted exclusively to agricultural use, 97564
but such land has been lying idle or fallow for up to one year and 97565
no action has occurred to such land that is either inconsistent 97566
with the return of it to agricultural production or converts the 97567
land devoted exclusively to agricultural use as defined in this 97568
section. Such land shall remain designated as land devoted 97569
exclusively to agricultural use provided that beyond one year, but 97570
less than three years, the landowner proves good cause as 97571
determined by the board of revision. 97572

(5) Tracts, lots, or parcels of land, or portions thereof 97573
that, during the previous three consecutive calendar years have 97574
been designated as land devoted exclusively to agricultural use, 97575
but such land has been lying idle or fallow because of dredged 97576
material being stored or deposited on such land pursuant to a 97577
contract between the land's owner and the department of natural 97578
resources or the United States army corps of engineers and no 97579
action has occurred to the land that is either inconsistent with 97580
the return of it to agricultural production or converts the land 97581
devoted exclusively to agricultural use. Such land shall remain 97582
designated as land devoted exclusively to agricultural use until 97583
the last year in which dredged material is stored or deposited on 97584
the land pursuant to such a contract, but not to exceed five 97585
years. 97586

"Land devoted exclusively to agricultural use" includes 97587
tracts, lots, or parcels of land or portions thereof that are used 97588

for conservation practices, provided that the tracts, lots, or 97589
parcels of land or portions thereof comprise twenty-five per cent 97590
or less of the total of the tracts, lots, or parcels of land that 97591
satisfy the criteria established in division (A)(1), (2), ~~or~~ (4), 97592
or (5) of this section together with the tracts, lots, or parcels 97593
of land or portions thereof that are used for conservation 97594
practices. 97595

(B) "Conversion of land devoted exclusively to agricultural 97596
use" means any of the following: 97597

(1) The failure of the owner of land devoted exclusively to 97598
agricultural use during the next preceding calendar year to file a 97599
renewal application under section 5713.31 of the Revised Code 97600
without good cause as determined by the board of revision; 97601

(2) The failure of the new owner of such land to file an 97602
initial application under that section without good cause as 97603
determined by the board of revision; 97604

(3) The failure of such land or portion thereof to qualify as 97605
land devoted exclusively to agricultural use for the current 97606
calendar year as requested by an application filed under such 97607
section; 97608

(4) The failure of the owner of the land described in 97609
division (A)(4) or (5) of this section to act on such land in a 97610
manner that is consistent with the return of the land to 97611
agricultural production after three years. 97612

The construction or installation of an energy facility, as 97613
defined in section 5727.01 of the Revised Code, on a portion of a 97614
tract, lot, or parcel of land devoted exclusively to agricultural 97615
use shall not cause the remaining portion of the tract, lot, or 97616
parcel to be regarded as a conversion of land devoted exclusively 97617
to agricultural use if the remaining portion of the tract, lot, or 97618
parcel continues to be devoted exclusively to agricultural use. 97619

(C) "Tax savings" means the difference between the dollar 97620
amount of real property taxes levied in any year on land valued 97621
and assessed in accordance with its current agricultural use value 97622
and the dollar amount of real property taxes that would have been 97623
levied upon such land if it had been valued and assessed for such 97624
year in accordance with Section 2 of Article XII, Ohio 97625
Constitution. 97626

(D) "Owner" includes, but is not limited to, any person 97627
owning a fee simple, fee tail, or life estate or a buyer on a land 97628
installment contract. 97629

(E) "Conservation practices" are practices used to abate soil 97630
erosion as required in the management of the farming operation, 97631
and include, but are not limited to, the installation, 97632
construction, development, planting, or use of grass waterways, 97633
terraces, diversions, filter strips, field borders, windbreaks, 97634
riparian buffers, wetlands, ponds, and cover crops for that 97635
purpose. 97636

(F) "Wetlands" has the same meaning as in section 6111.02 of 97637
the Revised Code. 97638

(G) "Biodiesel" means a mono-alkyl ester combustible liquid 97639
fuel that is derived from vegetable oils or animal fats or any 97640
combination of those reagents and that meets the American society 97641
for testing and materials specification D6751-03a for biodiesel 97642
fuel (B100) blend stock distillate fuels. 97643

(H) "Biologically derived methane gas" means gas from the 97644
anaerobic digestion of organic materials, including animal waste 97645
and agricultural crops and residues. 97646

(I) "Biomass energy" means energy that is produced from 97647
organic material derived from plants or animals and available on a 97648
renewable basis, including, but not limited to, agricultural 97649
crops, tree crops, crop by-products, and residues. 97650

(J) "Electric or heat energy" means electric or heat energy 97651
generated from manure, cornstalks, soybean waste, or other 97652
agricultural feedstocks. 97653

(K) "Dredged material" means material that is excavated or 97654
dredged from waters of this state. "Dredged material" does not 97655
include material resulting from normal farming, silviculture, and 97656
ranching activities, such as plowing, cultivating, seeding, and 97657
harvesting, for production of food, fiber, and forest products. 97658

Sec. 5715.01. (A) The tax commissioner shall direct and 97659
supervise the assessment for taxation of all real property. The 97660
commissioner shall adopt, prescribe, and promulgate rules for the 97661
determination of true value and taxable value of real property by 97662
uniform rule for such values and for the determination of the 97663
current agricultural use value of land devoted exclusively to 97664
agricultural use. The uniform rules shall prescribe methods of 97665
determining the true value and taxable value of real property and 97666
shall also prescribe the method for determining the current 97667
agricultural use value of land devoted exclusively to agricultural 97668
use, which method shall reflect standard and modern appraisal 97669
techniques that take into consideration: the productivity of the 97670
soil under normal management practices; the average price patterns 97671
of the crops and products produced to determine the income 97672
potential to be capitalized; the market value of the land for 97673
agricultural use; and other pertinent factors. The rules shall 97674
provide that in determining the true value of lands or 97675
improvements thereon for tax purposes, all facts and circumstances 97676
relating to the value of the property, its availability for the 97677
purposes for which it is constructed or being used, its obsolete 97678
character, if any, the income capacity of the property, if any, 97679
and any other factor that tends to prove its true value shall be 97680
used. In determining the true value of minerals or rights to 97681
minerals for the purpose of real property taxation, the tax 97682

commissioner shall not include in the value of the minerals or 97683
rights to minerals the value of any tangible personal property 97684
used in the recovery of those minerals. 97685

(B) The taxable value shall be that per cent of true value in 97686
money, or current agricultural use value in the case of land 97687
valued in accordance with section 5713.31 of the Revised Code, the 97688
commissioner by rule establishes, but it shall not exceed 97689
thirty-five per cent. The uniform rules shall also prescribe 97690
methods of making the appraisals set forth in section 5713.03 of 97691
the Revised Code and definitions as needed to clarify such 97692
methods. If methods and definitions are not explicitly set forth 97693
by rule, appraisals of real estate shall be made in accordance 97694
with the methods and definitions prescribed by the fourteenth 97695
edition of the appraisal of real estate and the fifth edition of 97696
the dictionary of real estate appraisal published by the appraisal 97697
institute. The rules established by the commissioner under this 97698
section shall be applied uniformly to all parcels. The taxable 97699
value of each tract, lot, or parcel of real property and 97700
improvements thereon, determined in accordance with the uniform 97701
rules and methods prescribed thereby, shall be the taxable value 97702
of the tract, lot, or parcel for all purposes of sections 5713.01 97703
to 5713.26, 5715.01 to 5715.51, and 5717.01 to 5717.06 of the 97704
Revised Code. County auditors shall, under the direction and 97705
supervision of the commissioner, be the chief assessing officers 97706
of their respective counties, and shall list and value the real 97707
property within their respective counties for taxation in 97708
accordance with this section and sections 5713.03 and 5713.31 of 97709
the Revised Code and with such rules of the commissioner. There 97710
shall also be a board in each county, known as the county board of 97711
revision, which shall hear complaints and revise assessments of 97712
real property for taxation. 97713

(C) The commissioner shall neither adopt nor enforce any rule 97714

that requires true value for any tax year to be any value other 97715
than the true value in money on the tax lien date of such tax year 97716
or that requires taxable value to be obtained in any way other 97717
than by reducing the true value, or in the case of land valued in 97718
accordance with section 5713.31 of the Revised Code, its current 97719
agricultural use value, by a specified, uniform percentage. 97720

Sec. 5715.39. (A) The tax commissioner may remit real 97721
property taxes, manufactured home taxes, penalties, and interest 97722
found by the commissioner to have been illegally assessed. The 97723
commissioner also may remit any penalty charged against any real 97724
property or manufactured or mobile home that was the subject of an 97725
application for exemption from taxation under section 5715.27 of 97726
the Revised Code if the commissioner determines that the applicant 97727
requested such exemption in good faith. The commissioner shall 97728
include notice of the remission in the commissioner's 97729
certification to the county auditor required under that section. 97730

(B) The county auditor, upon consultation with the county 97731
treasurer, shall remit a penalty for late payment of any real 97732
property taxes or manufactured home taxes when: 97733

(1) The taxpayer could not make timely payment of the tax 97734
because of the negligence or error of the county auditor or county 97735
treasurer in the performance of a statutory duty relating to the 97736
levy or collection of such tax. 97737

(2) In cases other than those described in division (B)(1) of 97738
this section, and except as provided in division (B)(5) of this 97739
section, the taxpayer failed to receive a tax bill or a correct 97740
tax bill, and the taxpayer made a good faith effort to obtain such 97741
bill within thirty days after the last day for payment of the tax. 97742

(3) The tax was not timely paid because of the death or 97743
serious injury of the taxpayer, or the taxpayer's confinement in a 97744
hospital within sixty days preceding the last day for payment of 97745

the tax if, in any case, the tax was subsequently paid within 97746
sixty days after the last day for payment of such tax. 97747

(4) The taxpayer demonstrates that the full payment was 97748
properly deposited in the mail in sufficient time for the envelope 97749
to be postmarked by the United States postal service on or before 97750
the last day for payment of such tax. A private meter postmark on 97751
an envelope is not a valid postmark for purposes of establishing 97752
the date of payment of such tax. 97753

(5) With respect to the first payment due after a taxpayer 97754
fully satisfies a mortgage against a parcel of real property, the 97755
mortgagee failed to notify the auditor of the satisfaction of the 97756
mortgage, and the tax bill was not sent to the taxpayer. 97757

(C) The board of revision shall remit a penalty for late 97758
payment of any real property taxes or manufactured homes taxes if, 97759
in cases other than those described in division (B)(1) to ~~(4)~~(5) 97760
of this section, the taxpayer's failure to make timely payment of 97761
the tax is due to reasonable cause and not willful neglect. 97762

(D) The taxpayer, upon application within sixty days after 97763
the mailing of the county auditor's or board of revision's 97764
decision, may request the tax commissioner to review the denial of 97765
the remission of a penalty by the auditor or board. The 97766
application may be filed in person or by certified mail. If the 97767
application is filed by certified mail, the date of the United 97768
States postmark placed on the sender's receipt by the postal 97769
service shall be treated as the date of filing. The commissioner 97770
shall consider the application, determine whether the penalty 97771
should be remitted, and certify the determination to the taxpayer, 97772
to the county treasurer, and to the county auditor, who shall 97773
correct the tax list and duplicate accordingly. The commissioner 97774
may issue orders and instructions for the uniform implementation 97775
of this section by all county boards of revision, county auditors, 97776
and county treasurers, and such orders and instructions shall be 97777

followed by such officers and boards. 97778

(E) This section shall not provide to the taxpayer any remedy 97779
with respect to any matter that the taxpayer may be authorized to 97780
complain of under section 4503.06, 5715.19, 5717.02, or 5727.47 of 97781
the Revised Code. 97782

(F) Applications for remission, and documents of any kind 97783
related to those applications, filed with the tax commissioner 97784
under this section are public records within the meaning of 97785
section 149.43 of the Revised Code unless otherwise excepted under 97786
that section. 97787

Sec. 5725.22. (A) The treasurer of state shall maintain an 97788
intangible property tax list of taxes levied by section 5707.03 of 97789
the Revised Code and certified by the tax commissioner pursuant to 97790
sections 5711.13, 5725.08, 5725.16, and 5727.15 of the Revised 97791
Code, and a separate list of taxes levied by section 5725.18 of 97792
the Revised Code and certified by the superintendent of insurance 97793
pursuant to section 5725.20 of the Revised Code. 97794

(B)(1) With respect to taxes levied under section 5725.18 of 97795
the Revised Code, the treasurer of state, upon receipt of an 97796
assessment, shall compute the taxes at the rates prescribed by law 97797
and enter the taxes on the proper tax list. The treasurer shall 97798
collect, and the taxpayer shall pay, all such taxes and any 97799
interest applicable thereto. Payments may be made by mail, in 97800
person, or by any other means authorized by the treasurer. The 97801
treasurer shall render a daily itemized statement to the 97802
superintendent of insurance of the amount of taxes collected and 97803
the name of the domestic insurance company from whom collected. 97804
The treasurer of state may adopt rules concerning the methods and 97805
timeliness of payments under this division. 97806

(2) With respect to taxes levied under section 5707.03 of the 97807
Revised Code, any assessment certified to the treasurer of state 97808

shall reflect the taxes computed at the rates prescribed by law. 97809
Upon receipt of such an assessment, the treasurer shall enter the 97810
taxes on the proper tax list. The tax commissioner shall collect, 97811
and the taxpayer shall pay, all such taxes and any interest 97812
applicable thereto. Payments may be made by mail, in person, or by 97813
any other means authorized by the commissioner. The commissioner 97814
shall immediately forward to the treasurer any payments received 97815
under this division, together with any information necessary for 97816
the treasurer to properly credit such payments. The commissioner 97817
may adopt rules concerning the method and timeliness of payments 97818
under this division. 97819

(C) Each tax bill issued pursuant to this section shall 97820
separately reflect the taxes due, interest, if any, due date, and 97821
any other information considered necessary. The With respect to 97822
taxes levied under section 5725.18 of the Revised Code, the last 97823
day on which payment may be made without penalty shall be the 97824
fifteenth day of June, unless that day is not a business day as 97825
defined in section 5709.40 of the Revised Code, in which case the 97826
payment may be made on the next business day. With respect to 97827
taxes levied under section 5707.03 of the Revised Code, the last 97828
day on which payment may be made without penalty shall be at least 97829
twenty but not more than thirty days from the date of mailing the 97830
tax bill. The treasurer of state or tax commissioner, as 97831
appropriate, shall ~~mail~~ issue the tax bill, ~~and, if the tax bill~~ 97832
is issued by mail, the mailing thereof shall be prima-facie 97833
evidence of receipt thereof by the taxpayer. 97834

The treasurer or commissioner, as appropriate, shall refund 97835
taxes as provided in this section, but no refund shall be made to 97836
a taxpayer having a delinquent claim certified pursuant to this 97837
section that remains unpaid. The treasurer or commissioner may 97838
consult the attorney general regarding such claims. Refunds shall 97839
be paid from the tax refund fund created by section 5703.052 of 97840

the Revised Code. 97841

(D)(1) Within twenty days after receipt of any preliminary 97842
assessment of taxes levied under section 5725.18 of the Revised 97843
Code, the treasurer of state shall issue a tax bill, but if such 97844
preliminary assessment reflects a late filed tax return, the 97845
treasurer of state shall add interest as provided in division (A) 97846
of section 5725.221 of the Revised Code and issue a tax bill. 97847

(2) ~~Within twenty days after~~ After receipt of any amended or 97848
final assessment of taxes levied under section 5725.18 of the 97849
Revised Code, the treasurer of state shall ascertain the 97850
difference between the total taxes computed on such assessment and 97851
the total taxes computed on the most recent assessment certified 97852
for the same tax year. If the difference is a deficiency, the 97853
treasurer of state shall add interest as provided in division 97854
(B)(1) of section 5725.221 of the Revised Code and issue a tax 97855
bill. Unless an exigency exists, the treasurer shall issue the tax 97856
bill on or before the fifteenth day of May. In the case of an 97857
exigency, the treasurer shall issue the tax bill as soon as 97858
possible after the fifteenth day of May and may extend the due 97859
date for payment of the tax prescribed by division (C) of this 97860
section. If the difference is an excess, the treasurer of state 97861
shall add interest as provided in division (B)(2) of section 97862
5725.221 of the Revised Code and certify the name of the taxpayer 97863
and the amount to be refunded to the director of budget and 97864
management for payment to the taxpayer. If the taxpayer has a 97865
deficiency for one tax year and an excess for another tax year, or 97866
any combination thereof for more than two tax years, the treasurer 97867
of state may determine the net result after adding interest, if 97868
applicable, and, depending on such result, proceed to ~~mail~~ issue a 97869
tax bill or certify a refund. 97870

(E)(1) Except as provided in division (E)(2) of this section, 97871
within twenty days after certifying to the treasurer of state an 97872

amended or final assessment, or a preliminary assessment of a 97873
dealer in intangibles that has failed to file a report or disclose 97874
taxable property, the tax commissioner shall ascertain the 97875
difference between the total taxes computed on such assessment and 97876
the total taxes computed on the most recent assessment certified 97877
for the same tax year, if any. If the difference is a deficiency, 97878
the commissioner shall add interest as provided in division (B)(1) 97879
of section 5725.221 of the Revised Code and issue a tax bill. If 97880
the difference is an excess, the commissioner shall add interest 97881
as provided in division (B)(2) of section 5725.221 of the Revised 97882
Code and certify the name of the taxpayer and the amount to be 97883
refunded to the director of budget and management for payment to 97884
the taxpayer. If the taxpayer has a deficiency for one tax year 97885
and excess for another tax year, or any combination thereof for 97886
more than two tax years, the commissioner may determine the net 97887
result after adding interest, if applicable, and, depending on 97888
such result, proceed to mail a tax bill or certify a refund. 97889

(2) The tax commissioner may issue a tax bill for any 97890
deficiency resulting from an assessment at the time the 97891
commissioner issues the assessment. 97892

(F) If With respect to taxes levied under section 5707.03 of 97893
the Revised Code, if a taxpayer fails to pay all taxes and 97894
interest, if any, on or before the due date shown on the tax bill 97895
but makes payment within ten calendar days of such date, the 97896
~~treasurer of state or tax commissioner, as appropriate,~~ shall add 97897
a penalty equal to five per cent of the taxes due. If payment is 97898
not made within ten days of such date, the ~~treasurer or~~ 97899
commissioner shall add a penalty equal to ten per cent of the 97900
taxes due. The ~~treasurer or~~ commissioner shall prepare a 97901
delinquent claim for each tax bill on which penalties were added 97902
and certify such claims to the attorney general for collection. 97903
~~The attorney general shall transmit a copy of each claim certified~~ 97904

~~by the treasurer to the superintendent of insurance.~~ For each 97905
claim certified by the ~~treasurer or~~ commissioner, the attorney 97906
general shall proceed to collect the delinquent taxes, penalties, 97907
and interest thereon in the manner prescribed by law. 97908

(G) With respect to taxes levied under section 5725.18 of the 97909
Revised Code, if a taxpayer fails to pay all taxes and interest, 97910
if any, on or before the due date shown on the tax bill issued by 97911
the treasurer of state, the treasurer shall add a penalty equal to 97912
five hundred dollars for each month the taxpayer fails to pay all 97913
taxes and interest due. The treasurer may add an additional 97914
penalty, not to exceed ten per cent of the taxes and interest due, 97915
if the taxpayer fails to demonstrate that the taxpayer made a good 97916
faith effort to pay all taxes and interest on or before the due 97917
date shown on the tax bill. The treasurer shall prepare a 97918
delinquent claim for each tax bill on which penalties were added 97919
and certify such claims to the attorney general for collection. 97920
The attorney general shall transmit a copy of each claim certified 97921
by the treasurer to the superintendent of insurance. For each 97922
claim certified by the treasurer, the attorney general shall 97923
proceed to collect the delinquent taxes, penalties, and interest 97924
thereon in the manner prescribed by law. 97925

Sec. 5725.33. (A) Except as otherwise provided in this 97926
section, terms used in this section have the same meaning as 97927
section 45D of the Internal Revenue Code, any related proposed, 97928
temporary or final regulations promulgated under the Internal 97929
Revenue Code, any rules or guidance of the internal revenue 97930
service or the United States department of the treasury, and any 97931
related rules or guidance issued by the community development 97932
financial institutions fund of the United States department of the 97933
treasury, as such law, regulations, rules, and guidance exist on 97934
October 16, 2009. 97935

As used in this section: 97936

(1) "Adjusted purchase price" means the amount paid for the 97937
portion of a qualified equity ~~investments multiplied by the~~ 97938
~~qualified low-income community investments made by the issuer in~~ 97939
~~projects located in this state as a percentage of the total amount~~ 97940
~~of qualified low-income community investments made by the issuer~~ 97941
~~in projects located in all states on the credit allowance date~~ 97942
~~during the applicable tax year, subject to divisions (B)(1) and~~ 97943
~~(2) investment approved or certified by the director of~~ 97944
development services for a qualified community development entity 97945
in accordance with rules adopted under division (E) of this 97946
section. 97947

(2) "Applicable percentage" means zero per cent for each of 97948
the first two credit allowance dates, seven per cent for the third 97949
credit allowance date, and eight per cent for the four following 97950
credit allowance dates. 97951

(3) "Credit allowance date" means the date, on or after 97952
January 1, 2010, a qualified equity investment is made and each of 97953
the six anniversary dates thereafter. For qualified equity 97954
investments made after October 16, 2009, but before January 1, 97955
2010, the initial credit allowance date is January 1, 2010, and 97956
each of the six anniversary dates thereafter is on the first day 97957
of January of each year. 97958

(4) "Qualified active low-income community business" excludes 97959
any business that derives or projects to derive fifteen per cent 97960
or more of annual revenue from the rental or sale of real 97961
property, except any business that is a special purpose entity 97962
principally owned by a principal user of that property formed 97963
solely for the purpose of renting, either directly or indirectly, 97964
or selling real property back to such principal user if such 97965
principal user does not derive fifteen per cent or more of its 97966
gross annual revenue from the rental or sale of real property. 97967

(5) "Qualified community development entity" includes only 97968
entities: 97969

(a) That have entered into an allocation agreement with the 97970
community development financial institutions fund of the United 97971
States department of the treasury with respect to credits 97972
authorized by section 45D of the Internal Revenue Code; 97973

(b) Whose service area includes any portion of this state; 97974
and 97975

(c) That will designate an equity investment in such entities 97976
as a qualified equity investment for purposes of both section 45D 97977
of the Internal Revenue Code and this section. 97978

(6) "Qualified equity investment" is limited to an equity 97979
investment in a qualified community development entity that: 97980

(a) Is acquired after October 16, 2009, at its original 97981
issuance solely in exchange for cash; 97982

(b) Has at least eighty-five per cent of its cash purchase 97983
price used by the qualified community development entity to make 97984
qualified low-income community investments in qualified active 97985
low-income community businesses in this state, provided that in 97986
the seventh year after a qualified equity investment is made, only 97987
seventy-five per cent of such cash purchase price must be used by 97988
the qualified community development entity to make qualified 97989
low-income community investments in those businesses; and 97990

(c) Is designated by the issuer as a qualified equity 97991
investment. 97992

"Qualified equity investment" includes any equity investment 97993
that would, but for division (A)(6)(a) of this section, be a 97994
qualified equity investment in the hands of the taxpayer if such 97995
investment was a qualified equity investment in the hands of a 97996
prior holder. 97997

(B) There is hereby allowed a nonrefundable credit against 97998
the tax imposed by section 5725.18 of the Revised Code for an 97999
insurance company holding a qualified equity investment on the 98000
credit allowance date occurring in the calendar year for which the 98001
tax is due. The credit shall equal the applicable percentage of 98002
the adjusted purchase price of ~~qualified low-income community~~ 98003
~~investments~~, subject to divisions (B)(1) and (2) of this section: 98004

(1) For the purpose of calculating the amount of qualified 98005
low-income community investments held by a qualified community 98006
development entity, an investment shall be considered held by a 98007
qualified community development entity even if the investment has 98008
been sold or repaid, provided that, at any time before the seventh 98009
anniversary of the issuance of the qualified equity investment, 98010
the qualified community development entity reinvests an amount 98011
equal to the capital returned to or received or recovered by the 98012
qualified community development entity from the original 98013
investment, exclusive of any profits realized and costs incurred 98014
in the sale or repayment, in another qualified low-income 98015
community investment in this state within twelve months of the 98016
receipt of such capital. If the qualified low-income community 98017
investment is sold or repaid after the sixth anniversary of the 98018
issuance of the qualified equity investment, the qualified 98019
low-income community investment shall be considered held by the 98020
qualified community development entity through the seventh 98021
anniversary of the qualified equity investment's issuance. 98022

(2) The qualified low-income community investment made in 98023
this state shall equal the sum of the qualified low-income 98024
community investments in each qualified active low-income 98025
community business in this state, not to exceed two million five 98026
hundred sixty-four thousand dollars, in which the qualified 98027
community development entity invests, including such investments 98028
in any such businesses in this state related to that qualified 98029

active low-income community business through majority ownership or 98030
control. 98031

The credit shall be claimed in the order prescribed by 98032
section 5725.98 of the Revised Code. If the amount of the credit 98033
exceeds the amount of tax otherwise due after deducting all other 98034
credits in that order, the excess may be carried forward and 98035
applied to the tax due for not more than four ensuing years. 98036

By claiming a tax credit under this section, an insurance 98037
company waives its rights under section 5725.222 of the Revised 98038
Code with respect to the time limitation for the assessment of 98039
taxes as it relates to credits claimed that later become subject 98040
to recapture under division (E) of this section. 98041

(C) The amount of qualified equity investments on the basis 98042
of which credits may be claimed under this section and sections 98043
5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed 98044
the amount, estimated by the director of development, that would 98045
cause the total amount of credits allowed each fiscal year to 98046
exceed ten million dollars, computed without regard to the 98047
potential for taxpayers to carry tax credits forward to later 98048
years. 98049

(D) If any amount of the federal tax credit allowed for a 98050
qualified equity investment for which a credit was received under 98051
this section is recaptured under section 45D of the Internal 98052
Revenue Code, or if the director of development services 98053
determines that an investment for which a tax credit is claimed 98054
under this section is not a qualified equity investment or that 98055
the proceeds of an investment for which a tax credit is claimed 98056
under this section are used to make qualified low-income community 98057
investments other than in a qualified active low-income community 98058
business in this state, all or a portion of the credit received on 98059
account of that investment shall be paid by the insurance company 98060
that received the credit to the superintendent of insurance. The 98061

amount to be recovered shall be determined by the director of 98062
development services pursuant to rules adopted under division (E) 98063
of this section. The director shall certify any amount due under 98064
this division to the superintendent of insurance, and the 98065
superintendent shall notify the treasurer of state of the amount 98066
due. Upon notification, the treasurer shall invoice the insurance 98067
company for the amount due. The amount due is payable not later 98068
than thirty days after the date the treasurer invoices the 98069
insurance company. The amount due shall be considered to be tax 98070
due under section 5725.18 of the Revised Code, and may be 98071
collected by assessment without regard to the time limitations 98072
imposed under section 5725.222 of the Revised Code for the 98073
assessment of taxes by the superintendent. All amounts collected 98074
under this division shall be credited as revenue from the tax 98075
levied under section 5725.18 of the Revised Code. 98076

(E) The tax credits authorized under this section and 98077
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall 98078
be administered by the department of development services. The 98079
director of development services, in consultation with the tax 98080
commissioner and the superintendent of insurance, pursuant to 98081
Chapter 119. of the Revised Code, shall adopt rules for the 98082
administration of this section and sections 5726.54, 5729.16, and 98083
5733.58 of the Revised Code. The rules shall provide for 98084
determining the recovery of credits under division (D) of this 98085
section and under sections 5726.54, 5729.16, and 5733.58 of the 98086
Revised Code, including prorating the amount of the credit to be 98087
recovered on any reasonable basis, the manner in which credits may 98088
be allocated among claimants, and the amount of any application or 98089
other fees to be charged in connection with a recovery. 98090

(F) There is hereby created in the state treasury the new 98091
markets tax credit operating fund. The director of development 98092
services is authorized to charge reasonable application and other 98093

fees in connection with the administration of tax credits 98094
authorized by this section and sections 5726.54, 5729.16, and 98095
5733.58 of the Revised Code. Any such fees collected shall be 98096
credited to the fund. The director of development services shall 98097
use money in the fund to pay expenses related to the 98098
administration of tax credits authorized under sections 5725.33, 98099
5726.54, 5729.16, and 5733.58 of the Revised Code. 98100

(G) Tax credits earned or allocated to a pass-through entity, 98101
as that term is defined in section 5733.04 of the Revised Code, 98102
under section 5725.33, 5726.54, 5729.16, or 5733.58 of the Revised 98103
Code may be allocated to persons having a direct or indirect 98104
ownership interest in the pass-through entity for such persons' 98105
direct use in accordance with the provisions of any mutual 98106
agreement between such persons. 98107

Sec. 5725.98. (A) To provide a uniform procedure for 98108
calculating the amount of tax imposed by section 5725.18 of the 98109
Revised Code that is due under this chapter, a taxpayer shall 98110
claim any credits and offsets against tax liability to which it is 98111
entitled in the following order: 98112

(1) The credit for an insurance company or insurance company 98113
group under section 5729.031 of the Revised Code; 98114

(2) The credit for eligible employee training costs under 98115
section 5725.31 of the Revised Code; 98116

(3) The credit for purchasers of qualified low-income 98117
community investments under section 5725.33 of the Revised Code; 98118

(4) The nonrefundable job retention credit under division 98119
(B){1} of section 122.171 of the Revised Code; 98120

(5) The offset of assessments by the Ohio life and health 98121
insurance guaranty association permitted by section 3956.20 of the 98122
Revised Code; 98123

(6) The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code. 98124
98125

(7) The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly; 98126
98127
98128
98129

(8) The refundable credit for Ohio job creation under section 5725.32 of the Revised Code; 98130
98131

(9) The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code. 98132
98133
98134
98135

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 98136
98137
98138
98139
98140
98141
98142
98143

Sec. 5726.01. As used in this chapter: 98144

(A) "Affiliated group" means a group of two or more persons with fifty per cent or greater of the value of each person's ownership interests owned or controlled directly, indirectly, or constructively through related interests by common owners during all or any portion of the taxable year, and the common owners. "Affiliated group" includes, but is not limited to, any person eligible to be included in a consolidated elected taxpayer group under section 5751.011 of the Revised Code or a combined taxpayer group under section 5751.012 of the Revised Code. 98145
98146
98147
98148
98149
98150
98151
98152
98153

(B) "Bank organization" means any of the following:	98154
(1) A national bank organized and operating as a national	98155
bank association pursuant to the "National Bank Act," 13 Stat. 100	98156
(1864), 12 U.S.C. 21, et seq.;	98157
(2) A federal savings association or federal savings bank	98158
chartered under 12 U.S.C. 1464;	98159
(3) A bank, banking association, trust company, savings and	98160
loan association, savings bank, or other banking institution that	98161
is organized or incorporated under the laws of the United States,	98162
any state, or a foreign country;	98163
(4) Any corporation organized and operating pursuant to 12	98164
U.S.C. 611, et seq.;	98165
(5) Any agency or branch of a foreign bank, as those terms	98166
are defined in 12 U.S.C. 3101;	98167
(6) An entity licensed as a small business investment company	98168
under the "Small Business Investment Act of 1958," 72 Stat. 689,	98169
15 U.S.C. 661, et seq.;	98170
~~(7) A company chartered under the "Farm Credit Act of 1933,"~~	98171
~~48 Stat. 257, or a successor of such a company.~~	98172
"Bank organization" does not include an institution organized	98173
under the "Federal Farm Loan Act," 39 Stat. 360 (1916), or a	98174
successor of such an institution, <u>a company chartered under the</u>	98175
<u>"Farm Credit Act of 1933," 48 Stat. 257, or a successor of such a</u>	98176
<u>company, an association formed pursuant to 12 U.S.C. 2279c-1, an</u>	98177
insurance company, or a credit union.	98178
(C) "Call report" means the consolidated reports of condition	98179
and income prescribed by the federal financial institutions	98180
examination council that a person is required to file with a	98181
federal regulatory agency pursuant to 12 U.S.C. 161, 12 U.S.C.	98182
324, or 12 U.S.C. 1817.	98183

(D) "Captive finance company" means a person that derived at 98184
least seventy-five per cent of its gross income for the current 98185
taxable year and the two taxable years preceding the current 98186
taxable year from one or more of the following transactions: 98187

(1) Financing transactions with members of its affiliated 98188
group; 98189

(2) Financing transactions with or for customers of products 98190
manufactured or sold by a member of its affiliated group; 98191

(3) Financing transactions with or for a distributor or 98192
franchisee that sells, leases, or services a product manufactured 98193
or sold by a member of the person's affiliated group; 98194

(4) Financing transactions with or for a supplier to a member 98195
of the person's affiliated group in connection with the member's 98196
manufacturing business; 98197

(5) Issuing bonds or other publicly traded debt instruments 98198
for the benefit of the affiliated group; 98199

(6) Short-term or long-term investments whereby the person 98200
invests the cash reserves of the affiliated group and the 98201
affiliated group utilizes the proceeds from the investments. 98202

For the purposes of division (D) of this section, "financing 98203
transaction" means making or selling loans, extending credit, 98204
leasing, earning or receiving subvention, including interest 98205
supplements and other support costs related thereto, or acquiring, 98206
selling, or servicing accounts receivable, notes, loans, leases, 98207
debt, or installment obligations that arise from the sale or lease 98208
of tangible personal property or the performance of services, and 98209
"gross income" has the same meaning as in section 61 of the 98210
Internal Revenue Code and includes income from transactions 98211
between the captive finance company and other members of its 98212
affiliated group. 98213

A person that has not been in continuous existence for the 98214
two taxable years preceding the current taxable year qualifies as 98215
a "captive finance company" for purposes of division (D) of this 98216
section if the person derived at least seventy-five per cent of 98217
its gross income for the period of its existence from one or more 98218
of the transactions described in divisions (D)(1) to (6) of this 98219
section. 98220

"Captive finance company" does not include a small dollar 98221
lender. 98222

(E) "Credit union" means a nonprofit cooperative financial 98223
institution organized or chartered under the laws of this state, 98224
any other state, or the United States. 98225

(F) "Diversified savings and loan holding company" has the 98226
same meaning as in 12 U.S.C. 1467a, as that section existed on 98227
January 1, 2012. 98228

(G) "Document of creation" means the articles of 98229
incorporation of a corporation, articles of organization of a 98230
limited liability company, registration of a foreign limited 98231
liability company, certificate of limited partnership, 98232
registration of a foreign limited partnership, registration of a 98233
domestic or foreign limited liability partnership, or registration 98234
of a trade name. 98235

(H) "Financial institution" means a bank organization, a 98236
holding company of a bank organization, or a nonbank financial 98237
organization, except when one of the following applies: 98238

(1) If two or more such entities are consolidated for the 98239
purposes of filing an FR Y-9, "financial institution" means a 98240
group consisting of all entities that are included in the FR Y-9. 98241

(2) If two or more such entities are consolidated for the 98242
purposes of filing a call report, "financial institution" means a 98243
group consisting of all entities that are included in the call 98244

report and that are not included in a group described in division 98245
(H)(1) of this section. 98246

(3) If a bank organization is owned directly by a 98247
grandfathered unitary savings and loan holding company or directly 98248
or indirectly by an entity that was a grandfathered unitary 98249
savings and loan holding company on January 1, 2012, "financial 98250
institution" means a group consisting only of that bank 98251
organization and the entities included in that bank organization's 98252
call report, notwithstanding division (H)(1) or (2) of this 98253
section. 98254

"Financial institution" does not include a diversified 98255
savings and loan holding company, a grandfathered unitary savings 98256
and loan holding company, any entity that was a grandfathered 98257
unitary savings and loan holding company on January 1, 2012, or 98258
any entity that is not a bank organization or owned by a bank 98259
organization and that is owned directly or indirectly by an entity 98260
that was a grandfathered unitary savings and loan holding company 98261
on January 1, 2012. 98262

(I) "FR Y-9" means the consolidated or parent-only financial 98263
statements that a holding company is required to file with the 98264
federal reserve board pursuant to 12 U.S.C. 1844. In the case of a 98265
holding company required to file both consolidated and parent-only 98266
financial statements, "FR Y-9" means the consolidated financial 98267
statements that the holding company is required to file. 98268

(J) "Grandfathered unitary savings and loan holding company" 98269
means an entity described in 12 U.S.C. 1467a(c)(9)(C), as that 98270
section existed on December 31, 1999. 98271

(K) "Gross receipts" means all items of income, without 98272
deduction for expenses. If the reporting person for a taxpayer is 98273
a holding company, "gross receipts" includes all items of income 98274
reported on the FR Y-9 filed by the holding company. If the 98275

reporting person for a taxpayer is a bank organization, "gross 98276
receipts" includes all items of income reported on the call report 98277
filed by the bank organization. If the reporting person for a 98278
taxpayer is a nonbank financial organization, "gross receipts" 98279
includes all items of income reported in accordance with generally 98280
accepted accounting principles. 98281

(L) "Insurance company" means every corporation, association, 98282
and society engaged in the business of insurance of any character, 98283
or engaged in the business of entering into contracts 98284
substantially amounting to insurance of any character, or of 98285
indemnifying or guaranteeing against loss or damage, or acting as 98286
surety on bonds or undertakings. "Insurance company" also includes 98287
any health insuring corporation as defined in section 1751.01 of 98288
the Revised Code. 98289

(M)(1) "Nonbank financial organization" means every person 98290
that is not a bank organization or a holding company of a bank 98291
organization and that engages in business primarily as a small 98292
dollar lender. "Nonbank financial organization" does not include 98293
an institution organized under the "Federal Farm Loan Act," 39 98294
Stat. 360 (1916), or a successor of such an institution, an 98295
insurance company, a captive finance company, a credit union, an 98296
institution organized and operated exclusively for charitable 98297
purposes within the meaning of section 501(c)(3) of the Internal 98298
Revenue Code, or a person that facilitates or services one or more 98299
securitizations for a bank organization, a holding company of a 98300
bank organization, a captive finance company, or any member of the 98301
person's affiliated group. 98302

(2) A person is engaged in business primarily as a small 98303
dollar lender if the person has, for the taxable year, gross 98304
income from the activities described in division (0) of this 98305
section that exceeds the person's gross income from all other 98306
activities. As used in division (M) of this section, "gross 98307

income" has the same meaning as in section 61 of the Internal Revenue Code, and income from transactions between the person and the other members of the affiliated group shall be eliminated, and any sales, exchanges, and other dispositions of commercial paper to persons outside the affiliated group produces gross income only to the extent the proceeds from such transactions exceed the affiliated group's basis in such commercial paper.

(N) "Reporting person" means one of the following:

(1) In the case of a financial institution described in division (H)(1) of this section, the top-tier holding company required to file an FR Y-9.

(2) In the case of a financial institution described in division (H)(2) or (3) of this section, the bank organization required to file the call report.

(3) In the case of a bank organization or nonbank financial organization that is not included in a group described in division (H)(1) or (2) of this section, the bank organization or nonbank financial organization.

(O) "Small dollar lender" means any person engaged primarily in the business of loaning money to individuals, provided that the loan amounts do not exceed five thousand dollars and the duration of the loans do not exceed twelve months. A "small dollar lender" does not include a bank organization, credit union, or captive finance company.

(P) "Tax year" means the calendar year for which the tax levied under section 5726.02 of the Revised Code is required to be paid.

(Q) "Taxable year" means the calendar year preceding the year in which an annual report is required to be filed under section 5726.03 of the Revised Code.

(R) "Taxpayer" means a financial institution subject to the 98338
tax levied under section 5726.02 of the Revised Code. 98339

(S) "Total equity capital" means the sum of the common stock 98340
at par value, perpetual preferred stock and related surplus, other 98341
surplus not related to perpetual preferred stock, retained 98342
earnings, accumulated other comprehensive income, treasury stock, 98343
unearned employee stock ownership plan shares, and other equity 98344
components of a financial institution. "Total equity capital" 98345
shall not include any noncontrolling (minority) interests as 98346
reported on an FR Y-9 or call report, unless such interests are in 98347
a bank organization or a bank holding company. 98348

(T) "Total Ohio equity capital" means the portion of the 98349
total equity capital of a financial institution apportioned to 98350
Ohio pursuant to section 5726.05 of the Revised Code. 98351

(U) "Holding company" does not include a diversified savings 98352
and loan holding company, a grandfathered unitary savings and loan 98353
holding company, any entity that was a grandfathered unitary 98354
savings and loan holding company on January 1, 2012, or any entity 98355
that is not a bank organization or owned by a bank organization 98356
and that is owned directly or indirectly by an entity that was a 98357
grandfathered unitary savings and loan holding company on January 98358
1, 2012. 98359

(V) "Securitization" means transferring one or more assets to 98360
one or more persons and subsequently issuing securities backed by 98361
the right to receive payment from the asset or assets so 98362
transferred. 98363

Sec. 5726.50. (A) A taxpayer may claim a refundable tax 98364
credit against the tax imposed under this chapter for each person 98365
included in the annual report of the taxpayer that is granted a 98366
credit by the tax credit authority under section 122.17 or former 98367
division (B)(2) or (3) of section 122.171 of the Revised Code as 98368

those divisions existed before the effective date of the amendment 98369
of this section by H.B. 64 of the 131st general assembly. Such a 98370
credit shall not be claimed for any tax year following the 98371
calendar year in which a relocation of employment positions occurs 98372
in violation of an agreement entered into under section 122.17 or 98373
122.171 of the Revised Code. For the purpose of making tax 98374
payments under this chapter, taxes equal to the amount of the 98375
refundable credit shall be considered to be paid on the first day 98376
of the tax year. 98377

(B) A taxpayer may claim a nonrefundable tax credit against 98378
the tax imposed under this chapter for each person included in the 98379
annual report of the taxpayer that is granted a nonrefundable 98380
credit by the tax credit authority under division (B)~~(1)~~ of 98381
section 122.171 of the Revised Code. A taxpayer may claim against 98382
the tax imposed by this chapter any unused portion of the credits 98383
authorized under division (B) of section 5733.0610 of the Revised 98384
Code. 98385

(C) The credits authorized in divisions (A) and (B) of this 98386
section shall be claimed in the order required under section 98387
5726.98 of the Revised Code. If the amount of a credit authorized 98388
in division (A) of this section exceeds the tax otherwise due 98389
under section 5726.02 of the Revised Code after deducting all 98390
other credits preceding the credit in the order prescribed in 98391
section 5726.98 of the Revised Code, the excess shall be refunded 98392
to the taxpayer. 98393

Sec. 5726.54. (A) Any term used in this section has the same 98394
meaning as in section 5725.33 of the Revised Code. 98395

(B) A taxpayer may claim a nonrefundable credit against the 98396
tax imposed by this chapter for each person included in the annual 98397
report of the taxpayer that holds a qualified equity investment on 98398

a credit allowance date occurring in the calendar year immediately 98399
preceding the tax year for which the tax is due. The credit shall 98400
be computed in the same manner prescribed for the computation of 98401
credits allowed under section 5725.33 of the Revised Code. 98402

By claiming a tax credit under this section, a taxpayer 98403
waives its rights under section 5726.20 of the Revised Code with 98404
respect to the time limitation for the assessment of taxes as it 98405
relates to credits claimed under this section that later become 98406
subject to recapture under division (D) of this section. 98407

A taxpayer may claim against the tax imposed by this chapter 98408
any unused portion of the credits authorized under sections 98409
5725.33 and 5733.58 of the Revised Code, but only to the extent of 98410
the remaining carry forward period authorized by those sections. 98411

The credit shall be claimed in the order prescribed by 98412
section 5726.98 of the Revised Code. If the amount of the credit 98413
exceeds the amount of tax otherwise due after deducting all other 98414
credits preceding the credit in the order prescribed in section 98415
5726.98 of the Revised Code, the excess may be carried forward for 98416
not more than four ensuing tax years. 98417

(C) The total amount of qualified equity investments on the 98418
basis of which credits may be claimed under this section and 98419
sections 5725.33, 5729.16, and 5733.58 of the Revised Code is 98420
subject to the limitation of division (C) of section 5725.33 of 98421
the Revised Code. 98422

(D) If any amount of a federal tax credit allowed for a 98423
qualified equity investment for which a credit was received under 98424
this section is recaptured under section 45D of the Internal 98425
Revenue Code, or if the director of development services 98426
determines that an investment for which a tax credit is claimed 98427
under this section is not a qualified equity investment or that 98428
the proceeds of an investment for which a tax credit is claimed 98429

under this section are used to make qualified low-income community 98430
investments other than in a qualified active low-income community 98431
business in this state, all or a portion of the credit received on 98432
account of that investment shall be paid by the taxpayer that 98433
received the credit to the tax commissioner. The amount to be 98434
recovered shall be determined by the director pursuant to rules 98435
adopted under section 5725.33 of the Revised Code. The director 98436
shall certify any amount due under this division to the tax 98437
commissioner, and the commissioner shall notify the taxpayer of 98438
the amount due. The amount due is payable not later than thirty 98439
days after the day the commissioner issues the notice. The amount 98440
due shall be considered to be tax due under section 5726.02 of the 98441
Revised Code, and may be collected by assessment without regard to 98442
the limitations imposed under section 5726.20 of the Revised Code 98443
for the assessment of taxes by the commissioner. All amounts 98444
collected under this division shall be credited as revenue from 98445
the tax levied under section 5726.02 of the Revised Code. 98446

Sec. 5727.031. (A) ~~For tax year 2009 and each tax year~~ 98447
~~thereafter, a~~ A person that is engaged in some other primary 98448
business to which the supplying of electricity to others is 98449
incidental shall file a report under section 5727.08 of the 98450
Revised Code as an electric company but shall only report therein 98451
as taxable property the amounts required in divisions (B) and (C) 98452
of this section. All time limits and other procedural requirements 98453
of this chapter for the reporting and assessment of property of 98454
electric companies apply to persons required to file a report 98455
under this section. For the purposes of this section, "the 98456
supplying of electricity to others" shall not include donating all 98457
of the electricity a person generates to a political subdivision 98458
of the state. 98459

(B) A person subject to this section shall report the true 98460
value of the ~~boilers, machinery, equipment, and any personal~~ 98461

transmission and distribution property and energy conversion 98462
equipment used to supply electricity to others, ~~which shall be the~~ 98463
~~sum of the following:~~ 98464

~~(1) The true value of the property that is production~~ 98465
~~equipment as it would be determined for an electric company under~~ 98466
~~section 5727.11 of the Revised Code multiplied by the per cent of~~ 98467
~~the electricity generated in the preceding calendar year that was~~ 98468
~~not used by the person who generated it; plus~~ 98469

~~(2) The true value of the property that is not production~~ 98470
~~equipment as it would be determined for an electric company under~~ 98471
~~section 5727.11 of the Revised Code multiplied by the per cent of~~ 98472
~~the electricity generated in the preceding calendar year that was~~ 98473
~~not used by the person who generated it.~~ 98474

(C) The property reported under division (B) of this section 98475
shall be listed and assessed at an amount equal to ~~the sum of the~~ 98476
~~products determined under divisions (C)(1) and (2) of this~~ 98477
~~section.~~ 98478

~~(1) Multiply the portion of the true value determined under~~ 98479
~~division (B)(1) of this section by the assessment rate in section~~ 98480
~~5727.111 of the Revised Code that is applicable to the production~~ 98481
~~equipment of an electric company;~~ 98482

~~(2) Multiply the portion of the true value determined under~~ 98483
~~division (B)(2) of this section~~ multiplied by the assessment rate 98484
in section 5727.111 of the Revised Code that is applicable to the 98485
property of an electric company ~~that is not production equipment.~~ 98486

Sec. 5727.06. (A) Except as otherwise provided by law, the 98487
following constitutes the taxable property of a public utility, 98488
interexchange telecommunications company, or public utility 98489
property lessor that shall be assessed by the tax commissioner: 98490

(1) For tax years before tax year 2006: 98491

(a) In the case of a railroad company, all real property and	98492
tangible personal property owned or operated by the railroad	98493
company in this state on the thirty-first day of December of the	98494
preceding year;	98495
(b) In the case of a water transportation company, all	98496
tangible personal property, except watercraft, owned or operated	98497
by the water transportation company in this state on the	98498
thirty-first day of December of the preceding year and all	98499
watercraft owned or operated by the water transportation company	98500
in this state during the preceding calendar year;	98501
(c) In the case of all other public utilities and	98502
interexchange telecommunications companies, all tangible personal	98503
property that on the thirty-first day of December of the preceding	98504
year was both located in this state and:	98505
(i) Owned by the public utility or interexchange	98506
telecommunications company; or	98507
(ii) Leased by the public utility or interexchange	98508
telecommunications company under a sale and leaseback transaction.	98509
(2) For tax years 2006, 2007, and 2008:	98510
(a) In the case of a railroad company, all real property used	98511
in railroad operations and tangible personal property owned or	98512
operated by the railroad company in this state on the thirty-first	98513
day of December of the preceding year;	98514
(b) In the case of a water transportation company, all	98515
tangible personal property, except watercraft, owned or operated	98516
by the water transportation company in this state on the	98517
thirty-first day of December of the preceding year and all	98518
watercraft owned or operated by the water transportation company	98519
in this state during the preceding calendar year;	98520
(c) In the case of all other public utilities except	98521

telephone and telegraph companies, all tangible personal property 98522
that on the thirty-first day of December of the preceding year was 98523
both located in this state and either owned by the public utility 98524
or leased by the public utility under a sale and leaseback 98525
transaction. 98526

(3) For tax year 2009 and each tax year thereafter: 98527

(a) In the case of a railroad company, all real property used 98528
in railroad operations and tangible personal property owned or 98529
operated by the railroad company in this state on the thirty-first 98530
day of December of the preceding year; 98531

(b) In the case of a water transportation company, all 98532
tangible personal property, except watercraft, owned or operated 98533
by the water transportation company in this state on the 98534
thirty-first day of December of the preceding year and all 98535
watercraft owned or operated by the water transportation company 98536
in this state during the preceding calendar year; 98537

(c) In the case of all other public utilities except 98538
telephone ~~and, telegraph, electric, and energy~~ companies, all 98539
tangible personal property that on the thirty-first day of 98540
December of the preceding year was both located in this state and 98541
either owned by the public utility or leased by the public utility 98542
under a sale and leaseback transaction, ~~and that is not exempted~~ 98543
~~from taxation under section 5727.75 of the Revised Code;~~ 98544

(d) In the case of a public utility property lessor, all 98545
personal property that on the thirty-first day of December of the 98546
preceding year was both located in this state and leased, in other 98547
than a sale and leaseback transaction, to a public utility other 98548
than a railroad, telephone, telegraph, or water transportation 98549
company, and that is not exempted from taxation under section 98550
5727.75 of the Revised Code. The assessment rate used under 98551
section 5727.111 of the Revised Code shall be based on the 98552

assessment rate that would apply if the public utility owned the 98553
property, ~~and that is not exempted from taxation under section~~ 98554
~~5727.75 of the Revised Code.~~ 98555

(4) For tax years 2005 and 2006, in the case of telephone, 98556
telegraph, or interexchange telecommunications companies, all 98557
tangible personal property that on the thirty-first day of 98558
December of the preceding year was both located in this state and 98559
either owned by the telephone, telegraph, or interexchange 98560
telecommunications company or leased by the telephone, telegraph, 98561
or interexchange telecommunications company under a sale and 98562
leaseback transaction. 98563

(5)(a) For tax year 2007 and thereafter, in the case of 98564
telephone, telegraph, or interexchange telecommunications 98565
companies, all tangible personal property shall be listed and 98566
assessed for taxation under Chapter 5711. of the Revised Code, but 98567
the tangible personal property shall be valued in accordance with 98568
this chapter using the composite annual allowances and other 98569
valuation procedures prescribed under section 5727.11 of the 98570
Revised Code by the tax commissioner for such property for tax 98571
year 2006, notwithstanding any section of Chapter 5711. of the 98572
Revised Code to the contrary. 98573

(b) A telephone, telegraph, or interexchange 98574
telecommunications company subject to division (A)(5)(a) of this 98575
section shall file a combined return with the tax commissioner in 98576
accordance with section 5711.13 of the Revised Code even if the 98577
company has tangible personal property in only one county. Such a 98578
company also is subject to the issuance of a preliminary 98579
assessment certificate by the tax commissioner under section 98580
5711.25 of the Revised Code. Such a company is not required to 98581
file a county supplemental return under section 5711.131 of the 98582
Revised Code. 98583

(6) In the case of an electric company or energy company, ~~for~~ 98584

~~tax year 2011 and each tax year thereafter, all transmission and~~ 98585
~~distribution tangible personal property and energy conversion~~ 98586
~~equipment that on the thirty-first day of December of the~~ 98587
preceding year was both located in this state and either owned by 98588
the company or leased by the company under a sale and leaseback 98589
transaction, and that is not exempted from taxation under section 98590
5727.75 of the Revised Code. 98591

(B) This division applies to tax years before tax year 2007. 98592

In the case of an interexchange telecommunications company, 98593
all taxable property shall be subject to the provisions of this 98594
chapter and shall be valued by the commissioner in accordance with 98595
division (A) of section 5727.11 of the Revised Code. A person 98596
described by this division shall file the report required by 98597
section 5727.08 of the Revised Code. Persons described in this 98598
division shall not be considered taxpayers, as defined in division 98599
(B) of section 5711.01 of the Revised Code, and shall not be 98600
required to file a return and list their taxable property under 98601
any provision of Chapter 5711. of the Revised Code. 98602

(C) The lien of the state for taxes levied each year on the 98603
real and personal property of public utilities and interexchange 98604
telecommunications companies and on the personal property of 98605
public utility property lessors shall attach thereto on the 98606
thirty-first day of December of the preceding year. 98607

(D) Property that is required by division (A)(3)(b) of this 98608
section to be assessed by the tax commissioner under this chapter 98609
shall not be listed by the owner of the property under Chapter 98610
5711. of the Revised Code. 98611

(E) The ten-thousand-dollar exemption provided for in 98612
division (C)(3) of section 5709.01 of the Revised Code does not 98613
apply to any personal property that is valued under this chapter. 98614

(F) The tax commissioner may adopt rules governing the 98615

listing of the taxable property of public utilities and 98616
interexchange telecommunications companies and the determination 98617
of true value. 98618

Sec. 5727.09. (A) As used in this section, "qualified 98619
generation equipment" means the tangible personal property of an 98620
electric company or energy company that would be taxable property 98621
under section 5727.06 of the Revised Code as that section existed 98622
before the enactment of this section and that is not transmission 98623
and distribution property or energy conversion property. For the 98624
purpose of making the calculations required by this division, the 98625
value of qualified generation equipment shall be determined in 98626
accordance with section 5727.11 of the Revised Code as that 98627
section existed before the enactment of this section. 98628

(B) On or before October 1, 2016, and the first day of 98629
October of each year thereafter, the tax commissioner shall 98630
determine all of the following amounts: 98631

(1) For each taxing unit, the amount of taxes that would be 98632
charged and payable for the tax year on qualified generation 98633
equipment apportioned to the taxing unit under section 5727.15 of 98634
the Revised Code if such equipment were taxable property and the 98635
assessment rate applicable to such property were twenty-four per 98636
cent; 98637

(2) The sum of the amounts determined under division (B)(1) 98638
of this section for all taxing units; 98639

(3) The percentage that, if multiplied by the true value of 98640
all taxable property of every electric company and energy company 98641
for the tax year, would produce the amount determined under 98642
division (B)(2) of this section. 98643

Sec. 5727.11. (A) Except as otherwise provided in this 98644
section, the true value of all taxable property, except property 98645

of a railroad company, required by section 5727.06 of the Revised 98646
Code to be assessed by the tax commissioner shall be determined by 98647
a method of valuation using cost as capitalized on the public 98648
utility's books and records less composite annual allowances as 98649
prescribed by the commissioner. If the commissioner finds that 98650
application of this method will not result in the determination of 98651
true value of the public utility's taxable property, the 98652
commissioner may use another method of valuation. 98653

(B)(1) Except as provided in division (B)(2) of this section, 98654
the true value of current gas stored underground is the cost of 98655
that gas shown on the books and records of the public utility on 98656
the thirty-first day of December of the preceding year. 98657

(2) For tax year 2001 and thereafter, the true value of 98658
current gas stored underground is the quotient obtained by 98659
dividing (a) the average value of the current gas stored 98660
underground, which shall be determined by adding the value of the 98661
gas on hand at the end of each calendar month in the calendar year 98662
preceding the tax year, or, if applicable, the last day of 98663
business of each month for a partial month, divided by (b) the 98664
total number of months the natural gas company was in business 98665
during the calendar year prior to the beginning of the tax year. 98666
~~with~~ With the approval of the tax commissioner, a natural gas 98667
company may use a date other than the end of a calendar month to 98668
value its current gas stored underground. 98669

(C) The true value of noncurrent gas stored underground is 98670
thirty-five per cent of the cost of that gas shown on the books 98671
and records of the public utility on the thirty-first day of 98672
December of the preceding year. 98673

(D)(1) Except as provided in division (D)(2) of this section, 98674
the true value of ~~the production equipment of an electric company~~ 98675
~~and the true value of all taxable property of a rural electric~~ 98676

company is the equipment's or property's cost as capitalized on 98677
the company's books and records less fifty per cent of that cost 98678
as an allowance for depreciation and obsolescence. 98679

(2) The true value of the ~~production equipment or~~ energy 98680
conversion equipment of an electric company, rural electric 98681
company, or energy company, and the true value of the production 98682
equipment of a rural electric company, purchased, transferred, or 98683
placed into service after October 5, 1999, is the purchase price 98684
of the equipment as capitalized on the company's books and records 98685
less composite annual allowances as prescribed by the tax 98686
commissioner. 98687

(E) The true value of taxable property, except property of a 98688
railroad company, required by section 5727.06 of the Revised Code 98689
to be assessed by the tax commissioner shall not include the 98690
allowance for funds used during construction or interest during 98691
construction that has been capitalized on the public utility's 98692
books and records as part of the total cost of the taxable 98693
property. This division shall not apply to the taxable property of 98694
an electric company or a rural electric company, excluding 98695
transmission and distribution property, first placed into service 98696
after December 31, 2000, or to the taxable property a person 98697
purchases, which includes transfers, if that property was used in 98698
business by the seller prior to the purchase. 98699

(F) The true value of watercraft owned or operated by a water 98700
transportation company shall be determined by multiplying the true 98701
value of the watercraft as determined under division (A) of this 98702
section by a fraction, the numerator of which is the number of 98703
revenue-earning miles traveled by the watercraft in the waters of 98704
this state and the denominator of which is the number of 98705
revenue-earning miles traveled by the watercraft in all waters. 98706

(G) The cost of property subject to a sale and leaseback 98707
transaction is the cost of the property as capitalized on the 98708

books and records of the public utility owning the property 98709
immediately prior to the sale and leaseback transaction. 98710

(H) The cost as capitalized on the books and records of a 98711
public utility includes amounts capitalized that represent 98712
regulatory assets, if such amounts previously were included on the 98713
company's books and records as capitalized costs of taxable 98714
personal property. 98715

(I) Any change in the composite annual allowances as 98716
prescribed by the commissioner on a prospective basis shall not be 98717
admissible in any judicial or administrative action or proceeding 98718
as evidence of value with regard to prior years' taxes. 98719
Information about the business, property, or transactions of any 98720
taxpayer obtained by the commissioner for the purpose of adopting 98721
or modifying the composite annual allowances shall not be subject 98722
to discovery or disclosure. 98723

Sec. 5727.111. The taxable property of each public utility, 98724
except a railroad company, and of each interexchange 98725
telecommunications company shall be assessed at the following 98726
percentages of true value: 98727

(A) In the case of a rural electric company, fifty per cent 98728
in the case of its taxable transmission and distribution property 98729
and its energy conversion equipment, and twenty-five per cent for 98730
all its other taxable property; 98731

(B) In the case of a telephone or telegraph company, 98732
twenty-five per cent for taxable property first subject to 98733
taxation in this state for tax year 1995 or thereafter for tax 98734
years before tax year 2007, and pursuant to division (H) of 98735
section 5711.22 of the Revised Code for tax year 2007 and 98736
thereafter, and the following for all other taxable property: 98737

(1) For tax years prior to 2005, eighty-eight per cent; 98738

(2) For tax year 2005, sixty-seven per cent;	98739
(3) For tax year 2006, forty-six per cent;	98740
(4) For tax year 2007 and thereafter, pursuant to division	98741
(H) of section 5711.22 of the Revised Code.	98742
(C) Twenty-five per cent in the case of a natural gas	98743
company.	98744
(D) Eighty-eight per cent in the case of a pipe-line,	98745
~~water-works,~~ or heating company;	98746
(E)(1) For tax year 2005, eighty-eight per cent in the case	98747
of the taxable transmission and distribution property of an	98748
electric company, and twenty-five per cent for all its other	98749
taxable property;	98750
(2) For tax ~~year~~ <u>years</u> 2006 ~~and each tax year thereafter~~	98751
<u>through 2015</u> , in the case of an electric company, eighty-five per	98752
cent in the case of its taxable transmission and distribution	98753
property and its energy conversion equipment, and twenty-four per	98754
cent for all its other taxable property;	98755
(3) <u>For tax year 2016 and each tax year thereafter, in the</u>	98756
<u>case of an electric company, eighty-five per cent plus the</u>	98757
<u>percentage determined for the tax year under division (B)(3) of</u>	98758
<u>section 5727.09 of the Revised Code.</u>	98759
(F)(1) Twenty-five per cent in the case of an interexchange	98760
telecommunications company for tax years before tax year 2007;	98761
(2) Pursuant to division (H) of section 5711.22 of the	98762
Revised Code for tax year 2007 and thereafter.	98763
(G) Twenty-five per cent in the case of a water	98764
transportation company;	98765
(H)(1) For tax ~~year~~ <u>years</u> 2011 ~~and each tax year thereafter~~	98766
<u>through 2015</u> , in the case of an energy company, twenty-four per	98767
cent in the case of its taxable production equipment, and	98768

eighty-five per cent for all its other taxable property; 98769

(2) For tax year 2016 and each tax year thereafter, in the 98770
case of an energy company, eighty-five per cent plus the 98771
percentage determined for the tax year under division (B)(3) of 98772
section 5727.09 of the Revised Code. 98773

(I) In the case of a water-works company, twenty-five per 98774
cent for taxable property first subject to taxation in this state 98775
for tax year 2015 or thereafter, and eighty-eight per cent for all 98776
its other taxable property. 98777

Sec. 5727.15. When all the taxable property of a public 98778
utility is located in one taxing district, the tax commissioner 98779
shall apportion the total taxable value thereof to that taxing 98780
district. 98781

When taxable property of a public utility is located in more 98782
than one taxing district, the commissioner shall apportion the 98783
total taxable value thereof among the taxing districts as follows: 98784

(A)(1) In the case of a telegraph, interexchange 98785
telecommunications, or telephone company that owns miles of wire 98786
in this state, the value apportioned to each taxing district shall 98787
be the same percentage of the total value apportioned to all 98788
taxing districts as the miles of wire owned by the company within 98789
the taxing district are to the total miles of wire owned by the 98790
company within this state; 98791

(2) In the case of a telegraph, interexchange 98792
telecommunications, or telephone company that does not own miles 98793
of wire in this state, the value apportioned to each taxing 98794
district shall be the same percentage of the total value 98795
apportioned to all taxing districts as the cost of the taxable 98796
property physically located in the taxing district is of the total 98797
cost of all taxable property physically located in this state. 98798

(B) In the case of a railroad company: 98799

(1) The taxable value of real and personal property not used 98800
in railroad operations shall be apportioned according to its 98801
situs; 98802

(2) The taxable value of personal property used in railroad 98803
operations shall be apportioned to each taxing district in 98804
proportion to the miles of track and trackage rights, weighted to 98805
reflect the relative use of such personal property in each taxing 98806
district; 98807

(3) The taxable value of real property used in railroad 98808
operations shall be apportioned to each taxing district in 98809
proportion to its relative value in each taxing district. 98810

~~(C)(1) Prior to tax year 2001, in the case of an electric 98811
company: 98812~~

~~(a) Seventy per cent of the taxable value of all production 98813
equipment and of all station equipment that is not production 98814
equipment shall be apportioned to the taxing district in which 98815
such property is physically located; and 98816~~

~~(b) The remaining value of such property, together with the 98817
value of all other taxable personal property, shall be apportioned 98818
to each taxing district in the per cent that the cost of all 98819
transmission and distribution property physically located in the 98820
taxing district is of the total cost of all transmission and 98821
distribution property physically located in this state. 98822~~

~~(c) If an electric company's taxable value for the current 98823
year includes the value of any production equipment at a plant at 98824
which the initial cost of the plant's production equipment 98825
exceeded one billion dollars, then prior to making the 98826
apportionments required for that company by division (C)(1)(a) and 98827
(b) of this section, the tax commissioner shall do the following: 98828~~

~~(i) Subtract four hundred twenty million dollars from the~~ 98829
~~total taxable value of the production equipment at that plant for~~ 98830
~~the current tax year.~~ 98831

~~(ii) Multiply the difference thus obtained by a fraction, the~~ 98832
~~numerator of which is the portion of the taxable value of that~~ 98833
~~plant's production equipment included in the company's total value~~ 98834
~~for the current tax year, and the denominator of which is the~~ 98835
~~total taxable value of such equipment included in the total~~ 98836
~~taxable value of all electric companies for such year;~~ 98837

~~(iii) Apportion the product thus obtained to taxing districts~~ 98838
~~in the manner prescribed in division (C)(1)(b) of this section.~~ 98839

~~(iv) Deduct the amounts so apportioned from the taxable value~~ 98840
~~of the company's production equipment at the plant, prior to~~ 98841
~~making the apportionments required by divisions (C)(1)(a) and (b)~~ 98842
~~of this section.~~ 98843

~~For purposes of division (C)(1)(c) of this section, "initial~~ 98844
~~cost" applies only to production equipment of plants placed in~~ 98845
~~commercial operation on or after January 1, 1987, and means the~~ 98846
~~cost of all production equipment at a plant for the first year the~~ 98847
~~plant's equipment was subject to taxation.~~ 98848

~~(2) For tax year 2001 and thereafter, in~~ In the case of an 98849
electric company: 98850

~~(a) The taxable value of all production equipment shall be~~ 98851
~~apportioned to the taxing district in which such property is~~ 98852
~~physically located; and~~ 98853

~~(b) The~~ or an energy company, the value of taxable personal 98854
property, including energy conversion equipment ~~but excluding~~ 98855
~~production equipment,~~ shall be apportioned to each taxing district 98856
in the proportion that the cost of such ~~other~~ taxable personal 98857
property physically located in each taxing district is of the 98858
total cost of such ~~other~~ taxable personal property physically 98859

located in this state. 98860

~~(D) For tax year 2011 and thereafter, in the case of the 98861
taxable property of an energy company: 98862~~

~~(1) The taxable value of all production equipment shall be 98863
apportioned to the taxing district in which such property is 98864
physically located. 98865~~

~~(2) The taxable value of all other taxable property, 98866
including energy conversion equipment, shall be apportioned to 98867
each taxing district in the proportion that the cost of such other 98868
taxable property physically located in each taxing district is of 98869
the total cost of such other taxable property physically located 98870
in this state. 98871~~

~~(E) In the case of all other public utilities, the taxable 98872
value of the property to be apportioned shall be apportioned to 98873
each taxing district in proportion to the entire cost of such 98874
property within this state. 98875~~

Sec. 5727.75. (A) For purposes of this section: 98876

(1) "Qualified energy project" means an energy project 98877
certified by the director of development services pursuant to this 98878
section. 98879

(2) "Energy project" means a project to provide electric 98880
power through the construction, installation, and use of an energy 98881
facility. 98882

(3) "Alternative energy zone" means a county declared as such 98883
by the board of county commissioners under division (E)(1)(b) or 98884
(c) of this section. 98885

(4) "Full-time equivalent employee" means the total number of 98886
employee-hours for which compensation was paid to individuals 98887
employed at a qualified energy project for services performed at 98888
the project during the calendar year divided by two thousand 98889

eighty hours. 98890

(5) "Solar energy project" means an energy project composed 98891
of an energy facility using solar panels to generate electricity. 98892

(B)(1) Tangible personal property of a qualified energy 98893
project using renewable energy resources is exempt from taxation 98894
for tax years 2011 through ~~2016~~ 2021 if all of the following 98895
conditions are satisfied: 98896

(a) On or before December 31, ~~2015~~ 2020, the owner or a 98897
lessee pursuant to a sale and leaseback transaction of the project 98898
submits an application to the power siting board for a certificate 98899
under section 4906.20 of the Revised Code, or if that section does 98900
not apply, submits an application for any approval, consent, 98901
permit, or certificate or satisfies any condition required by a 98902
public agency or political subdivision of this state for the 98903
construction or initial operation of an energy project. 98904

(b) Construction or installation of the energy facility 98905
begins on or after January 1, 2009, and before January 1, ~~2016~~ 98906
2021. For the purposes of this division, construction begins on 98907
the earlier of the date of application for a certificate or other 98908
approval or permit described in division (B)(1)(a) of this 98909
section, or the date the contract for the construction or 98910
installation of the energy facility is entered into. 98911

(c) For a qualified energy project with a nameplate capacity 98912
of five megawatts or greater, a board of county commissioners of a 98913
county in which property of the project is located has adopted a 98914
resolution under division (E)(1)(b) or (c) of this section to 98915
approve the application submitted under division (E) of this 98916
section to exempt the property located in that county from 98917
taxation. A board's adoption of a resolution rejecting an 98918
application or its failure to adopt a resolution approving the 98919
application does not affect the tax-exempt status of the qualified 98920

energy project's property that is located in another county. 98921

(2) If tangible personal property of a qualified energy 98922
project using renewable energy resources was exempt from taxation 98923
under this section beginning in any of tax years ~~2011, 2012, 2013,~~ 98924
~~2014, 2015, or 2016~~ through 2021, and the certification under 98925
division (E)(2) of this section has not been revoked, the tangible 98926
personal property of the qualified energy project is exempt from 98927
taxation for tax year ~~2017~~ 2022 and all ensuing tax years if the 98928
property was placed into service before January 1, ~~2017~~ 2022, as 98929
certified in the construction progress report required under 98930
division (F)(2) of this section. Tangible personal property that 98931
has not been placed into service before that date is taxable 98932
property subject to taxation to the extent provided by section 98933
5727.06 of the Revised Code. An energy project for which 98934
certification has been revoked is ineligible for further exemption 98935
under this section. Revocation does not affect the tax-exempt 98936
status of the project's tangible personal property for the tax 98937
year in which revocation occurs or any prior tax year. 98938

(C) Tangible personal property of a qualified energy project 98939
using clean coal technology, advanced nuclear technology, or 98940
cogeneration technology is exempt from taxation for the first tax 98941
year that the property would be listed for taxation and all 98942
subsequent years if all of the following circumstances are met: 98943

(1) The property was placed into service before January 1, 98944
2021. Tangible personal property that has not been placed into 98945
service before that date is taxable property subject to taxation 98946
to the extent provided by section 5727.06 of the Revised Code. 98947

(2) For such a qualified energy project with a nameplate 98948
capacity of five megawatts or greater, a board of county 98949
commissioners of a county in which property of the qualified 98950
energy project is located has adopted a resolution under division 98951
(E)(1)(b) or (c) of this section to approve the application 98952

submitted under division (E) of this section to exempt the 98953
property located in that county from taxation. A board's adoption 98954
of a resolution rejecting the application or its failure to adopt 98955
a resolution approving the application does not affect the 98956
tax-exempt status of the qualified energy project's property that 98957
is located in another county. 98958

(3) The certification for the qualified energy project issued 98959
under division (E)(2) of this section has not been revoked. An 98960
energy project for which certification has been revoked is 98961
ineligible for exemption under this section. Revocation does not 98962
affect the tax-exempt status of the project's tangible personal 98963
property for the tax year in which revocation occurs or any prior 98964
tax year. 98965

(D) Except as otherwise provided in this section, real 98966
property of a qualified energy project is exempt from taxation for 98967
any tax year for which the tangible personal property of the 98968
qualified energy project is exempted under this section. 98969

(E)(1)(a) A person may apply to the director of development 98970
services for certification of an energy project as a qualified 98971
energy project on or before the following dates: 98972

(i) December 31, ~~2015~~ 2020, for an energy project using 98973
renewable energy resources; 98974

(ii) December 31, 2017, for an energy project using clean 98975
coal technology, advanced nuclear technology, or cogeneration 98976
technology. 98977

(b) The director shall forward a copy of each application for 98978
certification of an energy project with a nameplate capacity of 98979
five megawatts or greater to the board of county commissioners of 98980
each county in which the project is located and to each taxing 98981
unit with territory located in each of the affected counties. Any 98982
board that receives from the director a copy of an application 98983

submitted under this division shall adopt a resolution approving 98984
or rejecting the application unless it has adopted a resolution 98985
under division (E)(1)(c) of this section. A resolution adopted 98986
under division (E)(1)(b) or (c) of this section may require an 98987
annual service payment to be made in addition to the service 98988
payment required under division (G) of this section. The sum of 98989
the service payment required in the resolution and the service 98990
payment required under division (G) of this section shall not 98991
exceed nine thousand dollars per megawatt of nameplate capacity 98992
located in the county. The resolution shall specify the time and 98993
manner in which the payments required by the resolution shall be 98994
paid to the county treasurer. The county treasurer shall deposit 98995
the payment to the credit of the county's general fund to be used 98996
for any purpose for which money credited to that fund may be used. 98997

The board shall send copies of the resolution by certified 98998
mail to the owner of the facility and the director within thirty 98999
days after receipt of the application, or a longer period of time 99000
if authorized by the director. 99001

(c) A board of county commissioners may adopt a resolution 99002
declaring the county to be an alternative energy zone and 99003
declaring all applications submitted to the director of 99004
development services under this division after the adoption of the 99005
resolution, and prior to its repeal, to be approved by the board. 99006

All tangible personal property and real property of an energy 99007
project with a nameplate capacity of five megawatts or greater is 99008
taxable if it is located in a county in which the board of county 99009
commissioners adopted a resolution rejecting the application 99010
submitted under this division or failed to adopt a resolution 99011
approving the application under division (E)(1)(b) or (c) of this 99012
section. 99013

(2) The director shall certify an energy project if all of 99014
the following circumstances exist: 99015

(a) The application was timely submitted. 99016

(b) For an energy project with a nameplate capacity of five 99017
megawatts or greater, a board of county commissioners of at least 99018
one county in which the project is located has adopted a 99019
resolution approving the application under division (E)(1)(b) or 99020
(c) of this section. 99021

(c) No portion of the project's facility was used to supply 99022
electricity before December 31, 2009. 99023

(3) The director shall deny a certification application if 99024
the director determines the person has failed to comply with any 99025
requirement under this section. The director may revoke a 99026
certification if the director determines the person, or subsequent 99027
owner or lessee pursuant to a sale and leaseback transaction of 99028
the qualified energy project, has failed to comply with any 99029
requirement under this section. Upon certification or revocation, 99030
the director shall notify the person, owner, or lessee, the tax 99031
commissioner, and the county auditor of a county in which the 99032
project is located of the certification or revocation. Notice 99033
shall be provided in a manner convenient to the director. 99034

(F) The owner or a lessee pursuant to a sale and leaseback 99035
transaction of a qualified energy project shall do each of the 99036
following: 99037

(1) Comply with all applicable regulations; 99038

(2) File with the director of development services a 99039
certified construction progress report before the first day of 99040
March of each year during the energy facility's construction or 99041
installation indicating the percentage of the project completed, 99042
and the project's nameplate capacity, as of the preceding 99043
thirty-first day of December. Unless otherwise instructed by the 99044
director of development services, the owner or lessee of an energy 99045
project shall file a report with the director on or before the 99046

first day of March each year after completion of the energy 99047
facility's construction or installation indicating the project's 99048
nameplate capacity as of the preceding thirty-first day of 99049
December. Not later than sixty days after June 17, 2010, the owner 99050
or lessee of an energy project, the construction of which was 99051
completed before June 17, 2010, shall file a certificate 99052
indicating the project's nameplate capacity. 99053

(3) File with the director of development services, in a 99054
manner prescribed by the director, a report of the total number of 99055
full-time equivalent employees, and the total number of full-time 99056
equivalent employees domiciled in Ohio, who are employed in the 99057
construction or installation of the energy facility; 99058

(4) For energy projects with a nameplate capacity of five 99059
megawatts or greater, repair all roads, bridges, and culverts 99060
affected by construction as reasonably required to restore them to 99061
their preconstruction condition, as determined by the county 99062
engineer in consultation with the local jurisdiction responsible 99063
for the roads, bridges, and culverts. In the event that the county 99064
engineer deems any road, bridge, or culvert to be inadequate to 99065
support the construction or decommissioning of the energy 99066
facility, the road, bridge, or culvert shall be rebuilt or 99067
reinforced to the specifications established by the county 99068
engineer prior to the construction or decommissioning of the 99069
facility. The owner or lessee of the facility shall post a bond in 99070
an amount established by the county engineer and to be held by the 99071
board of county commissioners to ensure funding for repairs of 99072
roads, bridges, and culverts affected during the construction. The 99073
bond shall be released by the board not later than one year after 99074
the date the repairs are completed. The energy facility owner or 99075
lessee pursuant to a sale and leaseback transaction shall post a 99076
bond, as may be required by the Ohio power siting board in the 99077
certificate authorizing commencement of construction issued 99078

pursuant to section 4906.10 of the Revised Code, to ensure funding 99079
for repairs to roads, bridges, and culverts resulting from 99080
decommissioning of the facility. The energy facility owner or 99081
lessee and the county engineer may enter into an agreement 99082
regarding specific transportation plans, reinforcements, 99083
modifications, use and repair of roads, financial security to be 99084
provided, and any other relevant issue. 99085

(5) Provide or facilitate training for fire and emergency 99086
responders for response to emergency situations related to the 99087
energy project and, for energy projects with a nameplate capacity 99088
of five megawatts or greater, at the person's expense, equip the 99089
fire and emergency responders with proper equipment as reasonably 99090
required to enable them to respond to such emergency situations; 99091

(6) Maintain a ratio of Ohio-domiciled full-time equivalent 99092
employees employed in the construction or installation of the 99093
energy project to total full-time equivalent employees employed in 99094
the construction or installation of the energy project of not less 99095
than eighty per cent in the case of a solar energy project, and 99096
not less than fifty per cent in the case of any other energy 99097
project. In the case of an energy project for which certification 99098
from the power siting board is required under section 4906.20 of 99099
the Revised Code, the number of full-time equivalent employees 99100
employed in the construction or installation of the energy project 99101
equals the number actually employed or the number projected to be 99102
employed in the certificate application, if such projection is 99103
required under regulations adopted pursuant to section 4906.03 of 99104
the Revised Code, whichever is greater. For all other energy 99105
projects, the number of full-time equivalent employees employed in 99106
the construction or installation of the energy project equals the 99107
number actually employed or the number projected to be employed by 99108
the director of development services, whichever is greater. To 99109
estimate the number of employees to be employed in the 99110

construction or installation of an energy project, the director 99111
shall use a generally accepted job-estimating model in use for 99112
renewable energy projects, including but not limited to the job 99113
and economic development impact model. The director may adjust an 99114
estimate produced by a model to account for variables not 99115
accounted for by the model. 99116

(7) For energy projects with a nameplate capacity in excess 99117
of two megawatts, establish a relationship with a member of the 99118
university system of Ohio as defined in section 3345.011 of the 99119
Revised Code or with a person offering an apprenticeship program 99120
registered with the employment and training administration within 99121
the United States department of labor or with the apprenticeship 99122
council created by section 4139.02 of the Revised Code, to educate 99123
and train individuals for careers in the wind or solar energy 99124
industry. The relationship may include endowments, cooperative 99125
programs, internships, apprenticeships, research and development 99126
projects, and curriculum development. 99127

(8) Offer to sell power or renewable energy credits from the 99128
energy project to electric distribution utilities or electric 99129
service companies subject to renewable energy resource 99130
requirements under section 4928.64 of the Revised Code that have 99131
issued requests for proposal for such power or renewable energy 99132
credits. If no electric distribution utility or electric service 99133
company issues a request for proposal on or before December 31, 99134
2010, or accepts an offer for power or renewable energy credits 99135
within forty-five days after the offer is submitted, power or 99136
renewable energy credits from the energy project may be sold to 99137
other persons. Division (F)(8) of this section does not apply if: 99138

(a) The owner or lessee is a rural electric company or a 99139
municipal power agency as defined in section 3734.058 of the 99140
Revised Code. 99141

(b) The owner or lessee is a person that, before completion 99142

of the energy project, contracted for the sale of power or 99143
renewable energy credits with a rural electric company or a 99144
municipal power agency. 99145

(c) The owner or lessee contracts for the sale of power or 99146
renewable energy credits from the energy project before June 17, 99147
2010. 99148

(9) Make annual service payments as required by division (G) 99149
of this section and as may be required in a resolution adopted by 99150
a board of county commissioners under division (E) of this 99151
section. 99152

(G) The owner or a lessee pursuant to a sale and leaseback 99153
transaction of a qualified energy project shall make annual 99154
service payments in lieu of taxes to the county treasurer on or 99155
before the final dates for payments of taxes on public utility 99156
personal property on the real and public utility personal property 99157
tax list for each tax year for which property of the energy 99158
project is exempt from taxation under this section. The county 99159
treasurer shall allocate the payment on the basis of the project's 99160
physical location. Upon receipt of a payment, or if timely payment 99161
has not been received, the county treasurer shall certify such 99162
receipt or non-receipt to the director of development services and 99163
tax commissioner in a form determined by the director and 99164
commissioner, respectively. Each payment shall be in the following 99165
amount: 99166

(1) In the case of a solar energy project, seven thousand 99167
dollars per megawatt of nameplate capacity located in the county 99168
as of December 31, 2010, for tax year 2011, as of December 31, 99169
2011, for tax year 2012, as of December 31, 2012, for tax year 99170
2013, as of December 31, 2013, for tax year 2014, as of December 99171
31, 2014, for tax year 2015, as of December 31, 2015, for tax year 99172
2016, and as of December 31, 2016, for tax year 2017 and each tax 99173
year thereafter; 99174

(2) In the case of any other energy project using renewable energy resources, the following:

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year.

(3) In the case of an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology, the following:

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(b) If the project maintains during the construction or 99206
installation of the energy facility a ratio of Ohio-domiciled 99207
full-time equivalent employees to total full-time equivalent 99208
employees of less than seventy-five per cent but not less than 99209
sixty per cent, seven thousand dollars per megawatt of nameplate 99210
capacity located in the county as of the thirty-first day of 99211
December of the preceding tax year; 99212

(c) If the project maintains during the construction or 99213
installation of the energy facility a ratio of Ohio-domiciled 99214
full-time equivalent employees to total full-time equivalent 99215
employees of less than sixty per cent but not less than fifty per 99216
cent, eight thousand dollars per megawatt of nameplate capacity 99217
located in the county as of the thirty-first day of December of 99218
the preceding tax year. 99219

(H) The director of development services in consultation with 99220
the tax commissioner shall adopt rules pursuant to Chapter 119. of 99221
the Revised Code to implement and enforce this section. 99222

Sec. 5727.80. As used in sections 5727.80 to 5727.95 of the 99223
Revised Code: 99224

(A) "Electric distribution company" means either of the 99225
following: 99226

(1) A person who distributes electricity through a meter of 99227
an end user in this state or to an unmetered location in this 99228
state; 99229

(2) The end user of electricity in this state, if the end 99230
user obtains electricity that is not distributed or transmitted to 99231
the end user by an electric distribution company that is required 99232
to remit the tax imposed by section 5727.81 of the Revised Code. 99233
~~"Electric~~ 99234

"Electric distribution company" does not include ~~the~~ an end 99235

user of electricity in this state who self-generates electricity 99236
that is used directly by that end user on the same site that the 99237
electricity is generated or a person that donates all of the 99238
electricity the person generates to a political subdivision of the 99239
state. Division (A)(2) of this section shall not apply to a 99240
political subdivision in this state that is the end user of 99241
electricity that is donated to the political subdivision. 99242

(B) "Kilowatt hour" means one thousand watt hours of 99243
electricity. 99244

(C) For an electric distribution company, "meter of an end 99245
user in this state" means the last meter used to measure the 99246
kilowatt hours distributed by an electric distribution company to 99247
a location in this state, or the last meter located outside of 99248
this state that is used to measure the kilowatt hours consumed at 99249
a location in this state. 99250

(D) "Person" has the same meaning as in section 5701.01 of 99251
the Revised Code, but also includes a political subdivision of the 99252
state. 99253

(E) "Municipal electric utility" means a municipal 99254
corporation that owns or operates a system for the distribution of 99255
electricity. 99256

(F) "Qualified end user" means an end user of electricity 99257
that uses more than three million kilowatt hours of electricity at 99258
one manufacturing location in this state for a calendar day for 99259
use in a qualifying manufacturing process. 99260

(G) "Qualified regeneration" means a process to convert 99261
electricity to a form of stored energy by means such as using 99262
electricity to compress air for storage or to pump water to an 99263
elevated storage reservoir, if such stored energy is subsequently 99264
used to generate electricity for sale to others primarily during 99265
periods when there is peak demand for electricity. 99266

(H) "Qualified regeneration meter" means the last meter used 99267
to measure electricity used in a qualified regeneration process. 99268

(I) "Qualifying manufacturing process" means the performance 99269
of an electrochemical reaction in which electrons from direct 99270
current electricity remain a part of the product being 99271
manufactured. 99272

(J) "Self-assessing purchaser" means a purchaser that meets 99273
all the requirements of, and pays the excise tax in accordance 99274
with, division (C) of section 5727.81 of the Revised Code. 99275

(K) "Natural gas distribution company" means a natural gas 99276
company or a combined company, as defined in section 5727.01 of 99277
the Revised Code, that is subject to the excise tax imposed by 99278
section 5727.24 of the Revised Code and that distributes natural 99279
gas through a meter of an end user in this state or to an 99280
unmetered location in this state. 99281

(L) "MCF" means one thousand cubic feet. 99282

(M) For a natural gas distribution company, "meter of an end 99283
user in this state" means the last meter used to measure the MCF 99284
of natural gas distributed by a natural gas distribution company 99285
to a location in this state, or the last meter located outside of 99286
this state that is used to measure the natural gas consumed at a 99287
location in this state. 99288

(N) "Flex customer" means an industrial or a commercial 99289
facility that has consumed more than one billion cubic feet of 99290
natural gas a year at a single location during any of the previous 99291
five years, or an industrial or a commercial end user of natural 99292
gas that purchases natural gas distribution services from a 99293
natural gas distribution company at discounted rates or charges 99294
established in any of the following: 99295

(1) A special arrangement subject to review and regulation by 99296
the public utilities commission under section 4905.31 of the 99297

Revised Code; 99298

(2) A special arrangement with a natural gas distribution 99299
company pursuant to a municipal ordinance; 99300

(3) A variable rate schedule that permits rates to vary 99301
between defined amounts, provided that the schedule is on file 99302
with the public utilities commission. 99303

An end user that meets this definition on January 1, 2000, or 99304
thereafter is a "flex customer" for purposes of determining the 99305
rate of taxation under division (D) of section 5727.811 of the 99306
Revised Code. 99307

Sec. 5727.81. (A) For the purpose of raising revenue ~~for~~ 99308
~~public education and to fund the needs of this state and its local~~ 99309
~~government operations governments,~~ an excise tax is hereby levied 99310
and imposed on an electric distribution company for all 99311
electricity distributed by such company at the following rates per 99312
kilowatt hour of electricity distributed in a thirty-day period by 99313
the company through a meter of an end user in this state: 99314

KILOWATT HOURS DISTRIBUTED	RATE PER	
TO AN END USER	KILOWATT HOUR	
For the first 2,000	\$.00465	99317
For the next 2,001 to 15,000	\$.00419	99318
For 15,001 and above	\$.00363	99319

If no meter is used to measure the kilowatt hours of 99320
electricity distributed by the company, the rates shall apply to 99321
the estimated kilowatt hours of electricity distributed to an 99322
unmetered location in this state. 99323

The electric distribution company shall base the monthly tax 99324
on the kilowatt hours of electricity distributed to an end user 99325
through the meter of the end user that is not measured for a 99326
thirty-day period by dividing the days in the measurement period 99327

into the total kilowatt hours measured during the measurement 99328
period to obtain a daily average usage. The tax shall be 99329
determined by obtaining the sum of divisions (A)(1), (2), and (3) 99330
of this section and multiplying that amount by the number of days 99331
in the measurement period: 99332

(1) Multiplying \$0.00465 per kilowatt hour for the first 99333
sixty-seven kilowatt hours distributed using a daily average; 99334

(2) Multiplying \$0.00419 for the next sixty-eight to five 99335
hundred kilowatt hours distributed using a daily average; 99336

(3) Multiplying \$0.00363 for the remaining kilowatt hours 99337
distributed using a daily average. 99338

Except as provided in division (C) of this section, the 99339
electric distribution company shall pay the tax to the tax 99340
commissioner in accordance with section 5727.82 of the Revised 99341
Code, unless required to remit each tax payment by electronic 99342
funds transfer to the treasurer of state in accordance with 99343
section 5727.83 of the Revised Code. 99344

Only the distribution of electricity through a meter of an 99345
end user in this state shall be used by the electric distribution 99346
company to compute the amount or estimated amount of tax due. In 99347
the event a meter is not actually read for a measurement period, 99348
the estimated kilowatt hours distributed by an electric 99349
distribution company to bill for its distribution charges shall be 99350
used. 99351

(B) Except as provided in division (C) of this section, each 99352
electric distribution company shall pay the tax imposed by this 99353
section in all of the following circumstances: 99354

(1) The electricity is distributed by the company through a 99355
meter of an end user in this state; 99356

(2) The company is distributing electricity through a meter 99357

located in another state, but the electricity is consumed in this 99358
state in the manner prescribed by the tax commissioner; 99359

(3) The company is distributing electricity in this state 99360
without the use of a meter, but the electricity is consumed in 99361
this state as estimated and in the manner prescribed by the tax 99362
commissioner. 99363

(C)(1) As used in division (C) of this section: 99364

(a) "Total price of electricity" means the aggregate value in 99365
money of anything paid or transferred, or promised to be paid or 99366
transferred, to obtain electricity or electric service, including 99367
but not limited to the value paid or promised to be paid for the 99368
transmission or distribution of electricity and for transition 99369
costs as described in Chapter 4928. of the Revised Code. 99370

(b) "Package" means the provision or the acquisition, at a 99371
combined price, of electricity with other services or products, or 99372
any combination thereof, such as natural gas or other fuels; 99373
energy management products, software, and services; machinery and 99374
equipment acquisition; and financing agreements. 99375

(c) "Single location" means a facility located on contiguous 99376
property separated only by a roadway, railway, or waterway. 99377

(2) Division (C) of this section applies to any commercial or 99378
industrial purchaser's receipt of electricity through a meter of 99379
an end user in this state or through more than one meter at a 99380
single location in this state in a quantity that exceeds 99381
forty-five million kilowatt hours of electricity over the course 99382
of the preceding calendar year, or any commercial or industrial 99383
purchaser that will consume more than forty-five million kilowatt 99384
hours of electricity over the course of the succeeding twelve 99385
months as estimated by the tax commissioner. The tax commissioner 99386
shall make such an estimate upon the written request by an 99387
applicant for registration as a self-assessing purchaser under 99388

this division. For the meter reading period including July 1, 99389
2008, through the meter reading period including December 31, 99390
2010, such a purchaser may elect to self-assess the excise tax 99391
imposed by this section at the rate of \$.00075 per kilowatt hour 99392
on the first five hundred four million kilowatt hours distributed 99393
to that meter or location during the registration year, and a 99394
percentage of the total price of all electricity distributed to 99395
that meter or location equal to three and one-half per cent. For 99396
the meter reading period including January 1, 2011, and 99397
thereafter, such a purchaser may elect to self-assess the excise 99398
tax imposed by this section at the rate of \$.00257 per kilowatt 99399
hour for the first five hundred million kilowatt hours, and 99400
\$.001832 per kilowatt hour for each kilowatt hour in excess of 99401
five hundred million kilowatt hours, distributed to that meter or 99402
location during the registration year. 99403

A qualified end user that receives electricity through a 99404
meter of an end user in this state or through more than one meter 99405
at a single location in this state and that consumes, over the 99406
course of the previous calendar year, more than forty-five million 99407
kilowatt hours in other than its qualifying manufacturing process, 99408
may elect to self-assess the tax as allowed by this division with 99409
respect to the electricity used in other than its qualifying 99410
manufacturing process. 99411

Payment of the tax shall be made directly to the tax 99412
commissioner in accordance with divisions (A)(4) and (5) of 99413
section 5727.82 of the Revised Code, or the treasurer of state in 99414
accordance with section 5727.83 of the Revised Code. If the 99415
electric distribution company serving the self-assessing purchaser 99416
is a municipal electric utility and the purchaser is within the 99417
municipal corporation's corporate limits, payment shall be made to 99418
such municipal corporation's general fund and reports shall be 99419
filed in accordance with divisions (A)(4) and (5) of section 99420

5727.82 of the Revised Code, except that "municipal corporation" 99421
shall be substituted for "treasurer of state" and "tax 99422
commissioner." A self-assessing purchaser that pays the excise tax 99423
as provided in this division shall not be required to pay the tax 99424
to the electric distribution company from which its electricity is 99425
distributed. If a self-assessing purchaser's receipt of 99426
electricity is not subject to the tax as measured under this 99427
division, the tax on the receipt of such electricity shall be 99428
measured and paid as provided in division (A) of this section. 99429

(3) In the case of the acquisition of a package, unless the 99430
elements of the package are separately stated isolating the total 99431
price of electricity from the price of the remaining elements of 99432
the package, the tax imposed under this section applies to the 99433
entire price of the package. If the elements of the package are 99434
separately stated, the tax imposed under this section applies to 99435
the total price of the electricity. 99436

(4) Any electric supplier that sells electricity as part of a 99437
package shall separately state to the purchaser the total price of 99438
the electricity and, upon request by the tax commissioner, the 99439
total price of each of the other elements of the package. 99440

(5) The tax commissioner may adopt rules relating to the 99441
computation of the total price of electricity with respect to 99442
self-assessing purchasers, which may include rules to establish 99443
the total price of electricity purchased as part of a package. 99444

(6) An annual application for registration as a 99445
self-assessing purchaser shall be made for each qualifying meter 99446
or location on a form prescribed by the tax commissioner. The 99447
registration year begins on the first day of May and ends on the 99448
following thirtieth day of April. Persons may apply after the 99449
first day of May for the remainder of the registration year. In 99450
the case of an applicant applying on the basis of an estimated 99451
consumption of forty-five million kilowatt hours over the course 99452

of the succeeding twelve months, the applicant shall provide such 99453
information as the tax commissioner considers to be necessary to 99454
estimate such consumption. At the time of making the application 99455
and by the first day of May of each year, a self-assessing 99456
purchaser shall pay a fee of five hundred dollars to the tax 99457
commissioner, or to the treasurer of state as provided in section 99458
5727.83 of the Revised Code, for each qualifying meter or 99459
location. The tax commissioner shall immediately pay to the 99460
treasurer of state all amounts that the tax commissioner receives 99461
under this section. The treasurer of state shall deposit such 99462
amounts into the kilowatt hour excise tax administration fund, 99463
which is hereby created in the state treasury. Money in the fund 99464
shall be used to defray the tax commissioner's cost in 99465
administering the tax owed under section 5727.81 of the Revised 99466
Code by self-assessing purchasers. After the application is 99467
approved by the tax commissioner, the registration shall remain in 99468
effect for the current registration year, or until canceled by the 99469
registrant upon written notification to the commissioner of the 99470
election to pay the tax in accordance with division (A) of this 99471
section, or until canceled by the tax commissioner for not paying 99472
the tax or fee under division (C) of this section or for not 99473
meeting the qualifications in division (C)(2) of this section. The 99474
tax commissioner shall give written notice to the electric 99475
distribution company from which electricity is delivered to a 99476
self-assessing purchaser of the purchaser's self-assessing status, 99477
and the electric distribution company is relieved of the 99478
obligation to pay the tax imposed by division (A) of this section 99479
for electricity distributed to that self-assessing purchaser until 99480
it is notified by the tax commissioner that the self-assessing 99481
purchaser's registration is canceled. Within fifteen days of 99482
notification of the canceled registration, the electric 99483
distribution company shall be responsible for payment of the tax 99484
imposed by division (A) of this section on electricity distributed 99485

to a purchaser that is no longer registered as a self-assessing 99486
purchaser. A self-assessing purchaser with a canceled registration 99487
must file a report and remit the tax imposed by division (A) of 99488
this section on all electricity it receives for any measurement 99489
period prior to the tax being reported and paid by the electric 99490
distribution company. A self-assessing purchaser whose 99491
registration is canceled by the tax commissioner is not eligible 99492
to register as a self-assessing purchaser for two years after the 99493
registration is canceled. 99494

(7) If the tax commissioner cancels the self-assessing 99495
registration of a purchaser registered on the basis of its 99496
estimated consumption because the purchaser does not consume at 99497
least forty-five million kilowatt hours of electricity over the 99498
course of the twelve-month period for which the estimate was made, 99499
the tax commissioner shall assess and collect from the purchaser 99500
the difference between (a) the amount of tax that would have been 99501
payable under division (A) of this section on the electricity 99502
distributed to the purchaser during that period and (b) the amount 99503
of tax paid by the purchaser on such electricity pursuant to 99504
division (C)(2) of this section. The assessment shall be paid 99505
within sixty days after the tax commissioner issues it, regardless 99506
of whether the purchaser files a petition for reassessment under 99507
section 5727.89 of the Revised Code covering that period. If the 99508
purchaser does not pay the assessment within the time prescribed, 99509
the amount assessed is subject to the additional charge and the 99510
interest prescribed by divisions (B) and (C) of section 5727.82 of 99511
the Revised Code, and is subject to assessment under section 99512
5727.89 of the Revised Code. If the purchaser is a qualified end 99513
user, division (C)(7) of this section applies only to electricity 99514
it consumes in other than its qualifying manufacturing process. 99515

(D) The tax imposed by this section does not apply to the 99516
distribution of any kilowatt hours of electricity to the federal 99517

government, to an end user located at a federal facility that uses 99518
electricity for the enrichment of uranium, to a qualified 99519
regeneration meter, or to an end user for any day the end user is 99520
a qualified end user. The exemption under this division for a 99521
qualified end user only applies to the manufacturing location 99522
where the qualified end user uses more than three million kilowatt 99523
hours per day in a qualifying manufacturing process. 99524

(E) All revenue arising from the tax imposed by this section 99525
shall be credited to the general revenue fund except as provided 99526
by division (C) of this section and section 5727.82 of the Revised 99527
Code. 99528

Sec. 5727.811. (A) For the purpose of raising revenue ~~for~~ 99529
~~public education and to fund the needs of this state and its local~~ 99530
~~government operations governments,~~ an excise tax is hereby levied 99531
on every natural gas distribution company for all natural gas 99532
volumes billed by, or on behalf of, the company beginning with the 99533
measurement period that includes July 1, 2001. Except as provided 99534
in divisions (C) or (D) of this section, the tax shall be levied 99535
at the following rates per MCF of natural gas distributed by the 99536
company through a meter of an end user in this state: 99537

MCF DISTRIBUTED TO AN END USER	RATE PER MCF	
For the first 100 MCF per month	\$.1593	99538
For the next 101 to 2000 MCF per month	\$.0877	99539
For 2001 and above MCF per month	\$.0411	99540

If no meter is used to measure the MCF of natural gas 99542
distributed by the company, the rates shall apply to the estimated 99543
MCF of natural gas distributed to an unmetered location in this 99544
state. 99545

(B) A natural gas distribution company shall base the tax on 99546
the MCF of natural gas distributed to an end user through the 99547
meter of the end user in this state that is estimated to be 99548

consumed by the end user as reflected on the end user's customer 99549
statement from the natural gas distribution company. Until January 99550
1, 2003, the natural gas distribution company shall pay the tax 99551
levied by this section to the treasurer of state in accordance 99552
with section 5727.82 of the Revised Code. Beginning January 1, 99553
2003, the natural gas distribution company shall pay the tax 99554
levied by this section to the tax commissioner in accordance with 99555
section 5727.82 of the Revised Code unless required to remit 99556
payment to the treasurer of state in accordance with section 99557
5727.83 of the Revised Code. 99558

(C) A natural gas distribution company with seventy thousand 99559
customers or less may elect to apply the rates specified in 99560
division (A) of this section to the aggregate of the natural gas 99561
distributed by the company through the meter of all its customers 99562
in this state, and upon such election, this method shall be used 99563
to determine the amount of tax to be paid by such company. 99564

(D) A natural gas distribution company shall pay the tax 99565
imposed by this section at the rate of \$.02 per MCF of natural gas 99566
distributed by the company through the meter of a flex customer. 99567
The natural gas distribution company correspondingly shall reduce 99568
the per MCF rate that it charges the flex customer for natural gas 99569
distribution services by \$.02 per MCF of natural gas distributed 99570
to the flex customer. 99571

(E) Except as provided in division (F) of this section, each 99572
natural gas distribution company shall pay the tax imposed by this 99573
section in all of the following circumstances: 99574

(1) The natural gas is distributed by the company through a 99575
meter of an end user in this state; 99576

(2) The natural gas distribution company is distributing 99577
natural gas through a meter located in another state, but the 99578
natural gas is consumed in this state in the manner prescribed by 99579

the tax commissioner; 99580

(3) The natural gas distribution company is distributing 99581
natural gas in this state without the use of a meter, but the 99582
natural gas is consumed in this state as estimated and in the 99583
manner prescribed by the tax commissioner. 99584

(F) The tax levied by this section does not apply to the 99585
distribution of natural gas to the federal government, or natural 99586
gas produced by an end user in this state that is consumed by that 99587
end user or its affiliates and is not distributed through the 99588
facilities of a natural gas company. 99589

(G) All revenue arising from the tax imposed by this section 99590
shall be credited to the general revenue fund. 99591

Sec. 5727.84. (A) No determinations, computations, 99592
certifications, or payments shall be made under this section after 99593
June 30, 2015. 99594

(A) As used in this section and sections 5727.85, 5727.86, 99595
and 5727.87 of the Revised Code: 99596

(1) "School district" means a city, local, or exempted 99597
village school district. 99598

(2) "Joint vocational school district" means a joint 99599
vocational school district created under section 3311.16 of the 99600
Revised Code, and includes a cooperative education school district 99601
created under section 3311.52 or 3311.521 of the Revised Code and 99602
a county school financing district created under section 3311.50 99603
of the Revised Code. 99604

(3) "Local taxing unit" means a subdivision or taxing unit, 99605
as defined in section 5705.01 of the Revised Code, a park district 99606
created under Chapter 1545. of the Revised Code, or a township 99607
park district established under section 511.23 of the Revised 99608
Code, but excludes school districts and joint vocational school 99609

districts. 99610

(4) "State education aid," for a school district, means the 99611
following: 99612

(a) For fiscal years prior to fiscal year 2010, the sum of 99613
state aid amounts computed for the district under former sections 99614
3317.029, 3317.052, and 3317.053 of the Revised Code and the 99615
following provisions, as they existed for the applicable fiscal 99616
year: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 99617
3317.022; divisions (B), (C), and (D) of section 3317.023; 99618
divisions (G), (L), and (N) of section 3317.024; and sections 99619
3317.0216, 3317.0217, 3317.04, and 3317.05 of the Revised Code; 99620
and the adjustments required by: division (C) of section 3310.08; 99621
division (C)(2) of section 3310.41; division (C) of section 99622
3314.08; division (D)(2) of section 3314.091; division (D) of 99623
former section 3314.13; divisions (E), (K), (L), (M), and (N) of 99624
section 3317.023; division (C) of section 3317.20; and sections 99625
3313.979 and 3313.981 of the Revised Code. However, when 99626
calculating state education aid for a school district for fiscal 99627
years 2008 and 2009, include the amount computed for the district 99628
under Section 269.20.80 of H.B. 119 of the 127th general assembly, 99629
as subsequently amended, instead of division (D) of section 99630
3317.022 of the Revised Code; and include amounts calculated under 99631
Section 269.30.80 of H.B. 119 of the 127th general assembly, as 99632
subsequently amended. 99633

(b) For fiscal years 2010 and 2011, the sum of the amounts 99634
computed for the district under former sections 3306.052, 3306.12, 99635
3306.13, 3306.19, 3306.191, 3306.192, 3317.052, and 3317.053 of 99636
the Revised Code and the following provisions, as they existed for 99637
the applicable fiscal year: division (G) of section 3317.024; 99638
section 3317.05 of the Revised Code; and the adjustments required 99639
by division (C) of section 3310.08; division (C)(2) of section 99640
3310.41; division (C) of section 3314.08; division (D)(2) of 99641

section 3314.091; division (D) of former section 3314.13; 99642
divisions (E), (K), (L), (M), and (N) of section 3317.023; 99643
division (C) of section 3317.20; and sections 3313.979, 3313.981, 99644
and 3326.33 of the Revised Code. 99645

(c) For fiscal years 2012 and 2013, the amount paid in 99646
accordance with the section of H.B. 153 of the 129th general 99647
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 99648
SCHOOL DISTRICTS" and the adjustments required by division (C) of 99649
section 3310.08; division (C)(2) of section 3310.41; section 99650
3310.55; division (C) of section 3314.08; division (D)(2) of 99651
section 3314.091; division (D) of former section 3314.13; 99652
divisions (B), (H), (I), (J), and (K) of section 3317.023; 99653
division (C) of section 3317.20; and sections 3313.979 and 99654
3313.981 of the Revised Code; 99655

(d) For fiscal year 2014 and each fiscal year thereafter, the 99656
sum of amounts computed for and paid to the district under section 99657
3317.022 of the Revised Code; and the adjustments required by 99658
division (C) of section 3310.08, division (C)(2) of section 99659
3310.41, section 3310.55, division (C) of section 3314.08, 99660
division (D)(2) of section 3314.091, divisions (B), (H), (J), and 99661
(K) of section 3317.023, and sections 3313.978, 3313.981, 99662
3317.0212, 3317.0213, 3317.0214, and 3326.33 of the Revised Code. 99663
However, for fiscal years 2014 and 2015, the amount computed for 99664
the district under the section of this act entitled "TRANSITIONAL 99665
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also 99666
shall be included. 99667

(5) "State education aid," for a joint vocational school 99668
district, means the following: 99669

(a) For fiscal years prior to fiscal year 2010, the sum of 99670
the state aid amounts computed for the district under division (N) 99671
of section 3317.024 and section 3317.16 of the Revised Code. 99672
However, when calculating state education aid for a joint 99673

vocational school district for fiscal years 2008 and 2009, include 99674
the amount computed for the district under Section 269.30.90 of 99675
H.B. 119 of the 127th general assembly, as subsequently amended. 99676

(b) For fiscal years 2010 and 2011, the amount computed for 99677
the district in accordance with the section of H.B. 1 of the 128th 99678
general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 99679
DISTRICTS." 99680

(c) For fiscal years 2012 and 2013, the amount paid in 99681
accordance with the section of H.B. 153 of the 129th general 99682
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 99683

(d) For fiscal year 2014 and each fiscal year thereafter, the 99684
amount computed for the district under section 3317.16 of the 99685
Revised Code; except that, for fiscal years 2014 and 2015, the 99686
amount computed for the district under the section of this act 99687
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 99688
shall be included. 99689

(6) "State education aid offset" means the amount determined 99690
for each school district or joint vocational school district under 99691
division (A)(1) of section 5727.85 of the Revised Code. 99692

(7) "Recognized valuation" means the amount computed for a 99693
school district pursuant to section 3317.015 of the Revised Code. 99694

(8) "Electric company tax value loss" means the amount 99695
determined under division (D) of this section. 99696

(9) "Natural gas company tax value loss" means the amount 99697
determined under division (E) of this section. 99698

(10) "Tax value loss" means the sum of the electric company 99699
tax value loss and the natural gas company tax value loss. 99700

(11) "Fixed-rate levy" means any tax levied on property other 99701
than a fixed-sum levy. 99702

(12) "Fixed-rate levy loss" means the amount determined under 99703

division (G) of this section. 99704

(13) "Fixed-sum levy" means a tax levied on property at 99705
whatever rate is required to produce a specified amount of tax 99706
money or levied in excess of the ten-mill limitation to pay debt 99707
charges, and includes school district emergency levies charged and 99708
payable pursuant to section 5705.194 of the Revised Code. 99709

(14) "Fixed-sum levy loss" means the amount determined under 99710
division (H) of this section. 99711

(15) "Consumer price index" means the consumer price index 99712
(all items, all urban consumers) prepared by the bureau of labor 99713
statistics of the United States department of labor. 99714

(16) "Total resources" and "total library resources" have the 99715
same meanings as in section 5751.20 of the Revised Code. 99716

(17) "2011 current expense S.B. 3 allocation" means the sum 99717
of payments received by a school district or joint vocational 99718
school district in fiscal year 2011 for current expense levy 99719
losses pursuant to division (C)(2) of section 5727.85 of the 99720
Revised Code. If a fixed-rate levy eligible for reimbursement is 99721
not charged and payable in any year after tax year 2010, "2011 99722
current expense S.B. 3 allocation" used to compute payments to be 99723
made under division (C)(3) of section 5727.85 of the Revised Code 99724
in the tax years following the last year the levy is charged and 99725
payable shall be reduced to the extent that those payments are 99726
attributable to the fixed-rate levy loss of that levy. 99727

(18) "2010 current expense S.B. 3 allocation" means the sum 99728
of payments received by a municipal corporation in calendar year 99729
2010 for current expense levy losses pursuant to division (A)(1) 99730
of section 5727.86 of the Revised Code, excluding any such 99731
payments received for current expense levy losses attributable to 99732
a tax levied under section 5705.23 of the Revised Code. If a 99733
fixed-rate levy eligible for reimbursement is not charged and 99734

payable in any year after tax year 2010, "2010 current expense 99735
S.B. 3 allocation" used to compute payments to be made under 99736
division (A)(1)(d) or (e) of section 5727.86 of the Revised Code 99737
in the tax years following the last year the levy is charged and 99738
payable shall be reduced to the extent that those payments are 99739
attributable to the fixed-rate levy loss of that levy. 99740

(19) "2010 S.B. 3 allocation" means the sum of payments 99741
received by a local taxing unit during calendar year 2010 pursuant 99742
to division (A)(1) of section 5727.86 of the Revised Code, 99743
excluding any such payments received for fixed-rate levy losses 99744
attributable to a tax levied under section 5705.23 of the Revised 99745
Code. If a fixed-rate levy eligible for reimbursement is not 99746
charged and payable in any year after tax year 2010, "2010 S.B. 3 99747
allocation" used to compute payments to be made under division 99748
(A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax 99749
years following the last year the levy is charged and payable 99750
shall be reduced to the extent that those payments are 99751
attributable to the fixed-rate levy loss of that levy. 99752

(20) "Total S.B. 3 allocation" means, in the case of a school 99753
district or joint vocational school district, the sum of the 99754
payments received in fiscal year 2011 pursuant to divisions (C)(2) 99755
and (D) of section 5727.85 of the Revised Code. In the case of a 99756
local taxing unit, "total S.B. 3 allocation" means the sum of 99757
payments received by the unit in calendar year 2010 pursuant to 99758
divisions (A)(1) and (4) of section 5727.86 of the Revised Code, 99759
excluding any such payments received for fixed-rate levy losses 99760
attributable to a tax levied under section 5705.23 of the Revised 99761
Code. If a fixed-rate levy eligible for reimbursement is not 99762
charged and payable in any year after tax year 2010, "total S.B. 3 99763
allocation" used to compute payments to be made under division 99764
(C)(3) of section 5727.85 or division (A)(1)(d) or (e) of section 99765
5727.86 of the Revised Code in the tax years following the last 99766

year the levy is charged and payable shall be reduced to the 99767
extent that those payments are attributable to the fixed-rate levy 99768
loss of that levy as would be computed under division (C)(2) of 99769
section 5727.85 or division (A)(1)(b) of section 5727.86 of the 99770
Revised Code. 99771

(21) "2011 non-current expense S.B. 3 allocation" means the 99772
difference of a school district's or joint vocational school 99773
district's total S.B. 3 allocation minus the sum of the school 99774
district's 2011 current expense S.B. 3 allocation and the portion 99775
of the school district's total S.B. 3 allocation constituting 99776
reimbursement for debt levies pursuant to division (D) of section 99777
5727.85 of the Revised Code. 99778

(22) "2010 non-current expense S.B. 3 allocation" means the 99779
difference of a municipal corporation's total S.B. 3 allocation 99780
minus the sum of its 2010 current expense S.B. 3 allocation and 99781
the portion of its total S.B. 3 allocation constituting 99782
reimbursement for debt levies pursuant to division (A)(4) of 99783
section 5727.86 of the Revised Code. 99784

(23) "S.B. 3 allocation for library purposes" means, in the 99785
case of a county, municipal corporation, school district, or 99786
township public library that receives the proceeds of a tax levied 99787
under section 5705.23 of the Revised Code, the sum of the payments 99788
received by the public library in calendar year 2010 pursuant to 99789
section 5727.86 of the Revised Code for fixed-rate levy losses 99790
attributable to a tax levied under section 5705.23 of the Revised 99791
Code. If a fixed-rate levy authorized under section 5705.23 of the 99792
Revised Code that is eligible for reimbursement is not charged and 99793
payable in any year after tax year 2010, "S.B. 3 allocation for 99794
library purposes" used to compute payments to be made under 99795
division (A)(1)(f) of section 5727.86 of the Revised Code in the 99796
tax years following the last year the levy is charged and payable 99797
shall be reduced to the extent that those payments are 99798

attributable to the fixed-rate levy loss of that levy as would be 99799
computed under division (A)(1)(b) of section 5727.86 of the 99800
Revised Code. 99801

(24) "Threshold per cent" means, in the case of a school 99802
district or joint vocational school district, two per cent for 99803
fiscal year 2012 and four per cent for fiscal years 2013 and 99804
thereafter. In the case of a local taxing unit or public library 99805
that receives the proceeds of a tax levied under section 5705.23 99806
of the Revised Code, "threshold per cent" means two per cent for 99807
calendar year 2011, four per cent for calendar year 2012, and six 99808
per cent for calendar years 2013 and thereafter. 99809

(B) The kilowatt-hour tax receipts fund is hereby created in 99810
the state treasury and shall consist of money arising from the tax 99811
imposed by section 5727.81 of the Revised Code. All money in the 99812
kilowatt-hour tax receipts fund shall be credited as follows: 99813

Fiscal Year	General Revenue	School District	Local Government	
	Fund	Property Tax	Property Tax	
		Replacement Fund	Replacement Fund	
2001-2011	63.0%	25.4%	11.6%	99815
~~2012 and~~	88.0%	9.0%	3.0%	99816
~~thereafter~~				
<u>2012-2015</u>				

(C) The natural gas tax receipts fund is hereby created in 99817
the state treasury and shall consist of money arising from the tax 99818
imposed by section 5727.811 of the Revised Code. All money in the 99819
fund shall be credited as follows: 99820

~~(1) For~~ for fiscal years before fiscal year 2012: 99821

~~(a)(1)~~ Sixty-eight and seven-tenths per cent shall be 99822
credited to the school district property tax replacement fund for 99823
the purpose of making the payments described in section 5727.85 of 99824
the Revised Code. 99825

~~(b)(2)~~ Thirty-one and three-tenths per cent shall be credited 99826
to the local government property tax replacement fund for the 99827
purpose of making the payments described in section 5727.86 of the 99828
Revised Code. 99829

~~(2) For fiscal years 2012 and thereafter, one hundred per 99830
cent to the general revenue fund. 99831~~

(D) Not later than January 1, 2002, the tax commissioner 99832
shall determine for each taxing district its electric company tax 99833
value loss, which is the sum of the applicable amounts described 99834
in divisions (D)(1) to (4) of this section: 99835

(1) The difference obtained by subtracting the amount 99836
described in division (D)(1)(b) from the amount described in 99837
division (D)(1)(a) of this section. 99838

(a) The value of electric company and rural electric company 99839
tangible personal property as assessed by the tax commissioner for 99840
tax year 1998 on a preliminary assessment, or an amended 99841
preliminary assessment if issued prior to March 1, 1999, and as 99842
apportioned to the taxing district for tax year 1998; 99843

(b) The value of electric company and rural electric company 99844
tangible personal property as assessed by the tax commissioner for 99845
tax year 1998 had the property been apportioned to the taxing 99846
district for tax year 2001, and assessed at the rates in effect 99847
for tax year 2001. 99848

(2) The difference obtained by subtracting the amount 99849
described in division (D)(2)(b) from the amount described in 99850
division (D)(2)(a) of this section. 99851

(a) The three-year average for tax years 1996, 1997, and 1998 99852
of the assessed value from nuclear fuel materials and assemblies 99853
assessed against a person under Chapter 5711. of the Revised Code 99854
from the leasing of them to an electric company for those 99855
respective tax years, as reflected in the preliminary assessments; 99856

(b) The three-year average assessed value from nuclear fuel materials and assemblies assessed under division (D)(2)(a) of this section for tax years 1996, 1997, and 1998, as reflected in the preliminary assessments, using an assessment rate of twenty-five per cent.

(3) In the case of a taxing district having a nuclear power plant within its territory, any amount, resulting in an electric company tax value loss, obtained by subtracting the amount described in division (D)(1) of this section from the difference obtained by subtracting the amount described in division (D)(3)(b) of this section from the amount described in division (D)(3)(a) of this section.

(a) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2000 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned to the taxing district for tax year 2000;

(b) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2001 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2002, and as apportioned to the taxing district for tax year 2001.

(4) In the case of a taxing district having a nuclear power plant within its territory, the difference obtained by subtracting the amount described in division (D)(4)(b) of this section from the amount described in division (D)(4)(a) of this section, provided that such difference is greater than ten per cent of the amount described in division (D)(4)(a) of this section.

(a) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2005 on a preliminary assessment, or an amended preliminary assessment if

issued prior to March 1, 2006, and as apportioned to the taxing 99888
district for tax year 2005; 99889

(b) The value of electric company tangible personal property 99890
as assessed by the tax commissioner for tax year 2006 on a 99891
preliminary assessment, or an amended preliminary assessment if 99892
issued prior to March 1, 2007, and as apportioned to the taxing 99893
district for tax year 2006. 99894

(E) Not later than January 1, 2002, the tax commissioner 99895
shall determine for each taxing district its natural gas company 99896
tax value loss, which is the sum of the amounts described in 99897
divisions (E)(1) and (2) of this section: 99898

(1) The difference obtained by subtracting the amount 99899
described in division (E)(1)(b) from the amount described in 99900
division (E)(1)(a) of this section. 99901

(a) The value of all natural gas company tangible personal 99902
property, other than property described in division (E)(2) of this 99903
section, as assessed by the tax commissioner for tax year 1999 on 99904
a preliminary assessment, or an amended preliminary assessment if 99905
issued prior to March 1, 2000, and apportioned to the taxing 99906
district for tax year 1999; 99907

(b) The value of all natural gas company tangible personal 99908
property, other than property described in division (E)(2) of this 99909
section, as assessed by the tax commissioner for tax year 1999 had 99910
the property been apportioned to the taxing district for tax year 99911
2001, and assessed at the rates in effect for tax year 2001. 99912

(2) The difference in the value of current gas obtained by 99913
subtracting the amount described in division (E)(2)(b) from the 99914
amount described in division (E)(2)(a) of this section. 99915

(a) The three-year average assessed value of current gas as 99916
assessed by the tax commissioner for tax years 1997, 1998, and 99917
1999 on a preliminary assessment, or an amended preliminary 99918

assessment if issued prior to March 1, 2001, and as apportioned in 99919
the taxing district for those respective years; 99920

(b) The three-year average assessed value from current gas 99921
under division (E)(2)(a) of this section for tax years 1997, 1998, 99922
and 1999, as reflected in the preliminary assessment, using an 99923
assessment rate of twenty-five per cent. 99924

(F) The tax commissioner may request that natural gas 99925
companies, electric companies, and rural electric companies file a 99926
report to help determine the tax value loss under divisions (D) 99927
and (E) of this section. The report shall be filed within thirty 99928
days of the commissioner's request. A company that fails to file 99929
the report or does not timely file the report is subject to the 99930
penalty in section 5727.60 of the Revised Code. 99931

(G) Not later than January 1, 2002, the tax commissioner 99932
shall determine for each school district, joint vocational school 99933
district, and local taxing unit its fixed-rate levy loss, which is 99934
the sum of its electric company tax value loss multiplied by the 99935
tax rate in effect in tax year 1998 for fixed-rate levies and its 99936
natural gas company tax value loss multiplied by the tax rate in 99937
effect in tax year 1999 for fixed-rate levies. 99938

(H) Not later than January 1, 2002, the tax commissioner 99939
shall determine for each school district, joint vocational school 99940
district, and local taxing unit its fixed-sum levy loss, which is 99941
the amount obtained by subtracting the amount described in 99942
division (H)(2) of this section from the amount described in 99943
division (H)(1) of this section: 99944

(1) The sum of the electric company tax value loss multiplied 99945
by the tax rate in effect in tax year 1998, and the natural gas 99946
company tax value loss multiplied by the tax rate in effect in tax 99947
year 1999, for fixed-sum levies for all taxing districts within 99948
each school district, joint vocational school district, and local 99949

taxing unit. For the years 2002 through 2006, this computation 99950
shall include school district emergency levies that existed in 99951
1998 in the case of the electric company tax value loss, and 1999 99952
in the case of the natural gas company tax value loss, and all 99953
other fixed-sum levies that existed in 1998 in the case of the 99954
electric company tax value loss and 1999 in the case of the 99955
natural gas company tax value loss and continue to be charged in 99956
the tax year preceding the distribution year. For the years 2007 99957
through 2016 in the case of school district emergency levies, and 99958
for all years after 2006 in the case of all other fixed-sum 99959
levies, this computation shall exclude all fixed-sum levies that 99960
existed in 1998 in the case of the electric company tax value loss 99961
and 1999 in the case of the natural gas company tax value loss, 99962
but are no longer in effect in the tax year preceding the 99963
distribution year. For the purposes of this section, an emergency 99964
levy that existed in 1998 in the case of the electric company tax 99965
value loss, and 1999 in the case of the natural gas company tax 99966
value loss, continues to exist in a year beginning on or after 99967
January 1, 2007, but before January 1, 2017, if, in that year, the 99968
board of education levies a school district emergency levy for an 99969
annual sum at least equal to the annual sum levied by the board in 99970
tax year 1998 or 1999, respectively, less the amount of the 99971
payment certified under this division for 2002. 99972

(2) The total taxable value in tax year 1999 less the tax 99973
value loss in each school district, joint vocational school 99974
district, and local taxing unit multiplied by one-fourth of one 99975
mill. 99976

If the amount computed under division (H) of this section for 99977
any school district, joint vocational school district, or local 99978
taxing unit is greater than zero, that amount shall equal the 99979
fixed-sum levy loss reimbursed pursuant to division (F) of section 99980
5727.85 of the Revised Code or division (A)(2) of section 5727.86 99981

of the Revised Code, and the one-fourth of one mill that is 99982
subtracted under division (H)(2) of this section shall be 99983
apportioned among all contributing fixed-sum levies in the 99984
proportion of each levy to the sum of all fixed-sum levies within 99985
each school district, joint vocational school district, or local 99986
taxing unit. 99987

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 99988
section, in computing the tax value loss, fixed-rate levy loss, 99989
and fixed-sum levy loss, the tax commissioner shall use the 99990
greater of the 1998 tax rate or the 1999 tax rate in the case of 99991
levy losses associated with the electric company tax value loss, 99992
but the 1999 tax rate shall not include for this purpose any tax 99993
levy approved by the voters after June 30, 1999, and the tax 99994
commissioner shall use the greater of the 1999 or the 2000 tax 99995
rate in the case of levy losses associated with the natural gas 99996
company tax value loss. 99997

(J) Not later than January 1, 2002, the tax commissioner 99998
shall certify to the department of education the tax value loss 99999
determined under divisions (D) and (E) of this section for each 100000
taxing district, the fixed-rate levy loss calculated under 100001
division (G) of this section, and the fixed-sum levy loss 100002
calculated under division (H) of this section. The calculations 100003
under divisions (G) and (H) of this section shall separately 100004
display the levy loss for each levy eligible for reimbursement. 100005

(K) Not later than September 1, 2001, the tax commissioner 100006
shall certify the amount of the fixed-sum levy loss to the county 100007
auditor of each county in which a school district with a fixed-sum 100008
levy loss has territory. 100009

Sec. 5727.85. ~~(A) No determinations, computations,~~ 100010
certifications, or payments shall be made under this section after 100011
June 30, 2015. 100012

(A) By the thirty-first day of July of each year, beginning 100013
in 2002 and ending in 2010, the department of education shall 100014
determine the following for each school district and each joint 100015
vocational school district: 100016

(1) The state education aid offset, which, except as provided 100017
in division (A)(1)(c) of this section, is the difference obtained 100018
by subtracting the amount described in division (A)(1)(b) of this 100019
section from the amount described in division (A)(1)(a) of this 100020
section: 100021

(a) The state education aid computed for the school district 100022
or joint vocational school district for the current fiscal year as 100023
of the thirty-first day of July; 100024

(b) The state education aid that would be computed for the 100025
school district or joint vocational school district for the 100026
current fiscal year as of the thirty-first day of July if the 100027
recognized valuation included the tax value loss for the school 100028
district or joint vocational school district; 100029

(c) The state education aid offset for fiscal year 2010 and 100030
fiscal year 2011 equals the greater of the state education aid 100031
offset calculated for that fiscal year under divisions (A)(1)(a) 100032
and (b) of this section or the state education aid offset 100033
calculated for fiscal year 2009. 100034

(2) For fiscal years 2008 through 2011, the greater of zero 100035
or the difference obtained by subtracting the state education aid 100036
offset determined under division (A)(1) of this section from the 100037
fixed-rate levy loss certified under division (J) of section 100038
5727.84 of the Revised Code for all taxing districts in each 100039
school district and joint vocational school district. 100040

By the fifth day of August of each such year, the department 100041
of education shall certify the amount so determined under division 100042
(A)(1) of this section to the director of budget and management. 100043

(B) Not later than the thirty-first day of October of the 100044
years 2006 through 2010, the department of education shall 100045
determine all of the following for each school district: 100046

(1) The amount obtained by subtracting the district's state 100047
education aid computed for fiscal year 2002 from the district's 100048
state education aid computed for the current fiscal year as of the 100049
fifteenth day of July, by including in the definition of 100050
recognized valuation the machinery and equipment, inventory, 100051
furniture and fixtures, and telephone property tax value losses, 100052
as defined in section 5751.20 of the Revised Code, for the school 100053
district or joint vocational school district for the preceding tax 100054
year; 100055

(2) The inflation-adjusted property tax loss. The 100056
inflation-adjusted property tax loss equals the fixed-rate levy 100057
loss, excluding the tax loss from levies within the ten-mill 100058
limitation to pay debt charges, determined under division ~~(G)~~(D) 100059
of section 5727.84 of the Revised Code for all taxing districts in 100060
each school district, plus the product obtained by multiplying 100061
that loss by the cumulative percentage increase in the consumer 100062
price index from January 1, 2002, to the thirtieth day of June of 100063
the current year. 100064

(3) The difference obtained by subtracting the amount 100065
computed under division (B)(1) from the amount of the 100066
inflation-adjusted property tax loss. If this difference is zero 100067
or a negative number, no further payments shall be made under 100068
division (C) of this section to the school district from the 100069
school district property tax replacement fund. 100070

(C) Beginning in 2002 for school districts and beginning in 100071
August 2011 for joint vocational school districts, the department 100072
of education shall pay from the school district property tax 100073
replacement fund to each school district all of the following: 100074

(1) In February 2002, one-half of the fixed-rate levy loss 100075
certified under division ~~(J)~~(G) of section 5727.84 of the Revised 100076
Code between the twenty-first and twenty-eighth days of February. 100077

(2) From August 2002 through February 2011, one-half of the 100078
amount calculated for that fiscal year under division (A)(2) of 100079
this section between the twenty-first and twenty-eighth days of 100080
August and of February, provided the difference computed under 100081
division (B)(3) of this section is not less than or equal to zero. 100082

(3) For fiscal years 2012 and thereafter, the sum of the 100083
amounts in divisions (C)(3)(a) or (b) and (c) of this section 100084
shall be paid on or before the thirty-first day of August and the 100085
twenty-eighth day of February: 100086

(a) If the ratio of 2011 current expense S.B. 3 allocation to 100087
total resources is equal to or less than the threshold per cent, 100088
zero; 100089

(b) If the ratio of 2011 current expense S.B. 3 allocation to 100090
total resources is greater than the threshold per cent, fifty per 100091
cent of the difference of 2011 current expense S.B. 3 allocation 100092
minus the product of total resources multiplied by the threshold 100093
per cent; 100094

(c) Fifty per cent of the product of 2011 non-current expense 100095
S.B. 3 allocation multiplied by seventy-five per cent for fiscal 100096
year 2012 and fifty per cent for fiscal years 2013 and thereafter. 100097

The department of education shall report to each school 100098
district the apportionment of the payments among the school 100099
district's funds based on the certifications under division (J) of 100100
section 5727.84 of the Revised Code. 100101

(D) For taxes levied within the ten-mill limitation for debt 100102
purposes in tax year 1998 in the case of electric company tax 100103
value losses, and in tax year 1999 in the case of natural gas 100104
company tax value losses, payments shall be made equal to one 100105

hundred per cent of the loss computed as if the tax were a 100106
fixed-rate levy, but those payments shall extend from fiscal year 100107
2006 through fiscal year 2016. 100108

(E) Not later than January 1, 2002, for all taxing districts 100109
in each joint vocational school district, the tax commissioner 100110
shall certify to the department of education the fixed-rate levy 100111
loss determined under division (G) of section 5727.84 of the 100112
Revised Code. From February 2002 through February 2011, the 100113
department shall pay from the school district property tax 100114
replacement fund to the joint vocational school district one-half 100115
of the amount calculated for that fiscal year under division 100116
(A)(2) of this section between the twenty-first and twenty-eighth 100117
days of August and of February. 100118

(F)(1) Not later than January 1, 2002, for each fixed-sum 100119
levy levied by each school district or joint vocational school 100120
district and for each year for which a determination is made under 100121
division (H) of section 5727.84 of the Revised Code that a 100122
fixed-sum levy loss is to be reimbursed, the tax commissioner 100123
shall certify to the department of education the fixed-sum levy 100124
loss determined under that division. The certification shall cover 100125
a time period sufficient to include all fixed-sum levies for which 100126
the tax commissioner made such a determination. The department 100127
shall pay from the school district property tax replacement fund 100128
to the school district or joint vocational school district 100129
one-half of the fixed-sum levy loss so certified for each year 100130
between the twenty-first and twenty-eighth days of August and of 100131
February. 100132

(2) Beginning in 2003, by the thirty-first day of January of 100133
each year, the tax commissioner shall review the certification 100134
originally made under division (F)(1) of this section. If the 100135
commissioner determines that a debt levy that had been scheduled 100136
to be reimbursed in the current year has expired, a revised 100137

certification for that and all subsequent years shall be made to 100138
the department of education. 100139

(G) If the balance of the half-mill equalization fund created 100140
under section 3318.18 of the Revised Code is insufficient to make 100141
the full amount of payments required under division (D) of that 100142
section, the department of education, at the end of the third 100143
quarter of the fiscal year, shall certify to the director of 100144
budget and management the amount of the deficiency, and the 100145
director shall transfer an amount equal to the deficiency from the 100146
school district property tax replacement fund to the half-mill 100147
equalization fund. 100148

(H) Beginning in August 2002, and ending in May 2011, the 100149
director of budget and management shall transfer from the school 100150
district property tax replacement fund to the general revenue fund 100151
each of the following: 100152

(1) Between the twenty-eighth day of August and the fifth day 100153
of September, the lesser of one-half of the amount certified for 100154
that fiscal year under division (A)(2) of this section or the 100155
balance in the school district property tax replacement fund; 100156

(2) Between the first and fifth days of May, the lesser of 100157
one-half of the amount certified for that fiscal year under 100158
division (A)(2) of this section or the balance in the school 100159
district property tax replacement fund. 100160

(I) On the first day of June each year, the director of 100161
budget and management shall transfer any balance remaining in the 100162
school district property tax replacement fund after the payments 100163
have been made under divisions (C), (D), (E), (F), (G), and (H) of 100164
this section to the half-mill equalization fund created under 100165
section 3318.18 of the Revised Code to the extent required to make 100166
any payments in the current fiscal year under that section, and 100167
shall transfer the remaining balance to the general revenue fund. 100168

(J) After fiscal year 2002, if the total amount in the school district property tax replacement fund is insufficient to make all payments under divisions (C), (D), (E), (F), and (G) of this section at the time the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district property tax replacement fund the difference between the total amount to be paid and the total amount in the school district property tax replacement fund, except that no transfer shall be made by reason of a deficiency to the extent that it results from the amendment of section 5727.84 of the Revised Code by Amended Substitute House Bill No. 95 of the 125th general assembly.

(K) If all of the territory of a school district or joint vocational school district is merged with an existing district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or new district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows:

(1) For the merger of all of the territory of two or more districts, the total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 2011 non-current expense S.B. 3 allocation, and fixed-sum levy loss of the successor district shall be equal to the sum of the total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 2011 non-current expense S.B. 3 allocation, and fixed-sum levy loss for each of the districts involved in the merger.

(2) For the transfer of a part of one district's territory to an existing district, the amount of the total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current expense S.B. 3 allocation that is transferred to the recipient district shall be an amount equal to the

transferring district's total resources, 2011 current expense S.B. 100201
3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current 100202
expense S.B. 3 allocation times a fraction, the numerator of which 100203
is the number of pupils being transferred to the recipient 100204
district, measured, in the case of a school district, by formula 100205
ADM as that term is defined in section 3317.02 of the Revised Code 100206
or, in the case of a joint vocational school district, by formula 100207
ADM as defined for a joint vocational school district in that 100208
section, and the denominator of which is the average daily 100209
membership or formula ADM of the transferor district. Fixed-sum 100210
levy losses for both districts shall be determined under division 100211
(K)(4) of this section. 100212

(3) For the transfer of a part of the territory of one or 100213
more districts to create a new district: 100214

(a) If the new district is created on or after January 1, 100215
2000, but before January 1, 2005, the new district shall be paid 100216
its current fixed-rate levy loss through August 2009. In February 100217
2010, August 2010, and February 2011, the new district shall be 100218
paid fifty per cent of the lesser of: (i) the amount calculated 100219
under division (C)(2) of this section or (ii) an amount equal to 100220
seventy per cent of the new district's fixed-rate levy loss. 100221

Beginning in fiscal year 2012, the new district shall be paid 100222
as provided in division (C) of this section. 100223

Fixed-sum levy losses for the districts shall be determined 100224
under division (K)(4) of this section. 100225

(b) If the new district is created on or after January 1, 100226
2005, the new district shall be deemed not to have any fixed-rate 100227
levy loss or, except as provided in division (K)(4) of this 100228
section, fixed-sum levy loss. The district or districts from which 100229
the territory was transferred shall have no reduction in their 100230
fixed-rate levy loss, or, except as provided in division (K)(4) of 100231

this section, their fixed-sum levy loss. 100232

(4) If a recipient district under division (K)(2) of this 100233
section or a new district under division (K)(3)(a) or (b) of this 100234
section takes on debt from one or more of the districts from which 100235
territory was transferred, and any of the districts transferring 100236
the territory had fixed-sum levy losses, the department of 100237
education, in consultation with the tax commissioner, shall make 100238
an equitable division of the fixed-sum levy losses. 100239

Sec. 5727.86. ~~(A) No determinations, computations,~~ 100240
certifications, or payments shall be made under this section after 100241
June 30, 2015. 100242

(A) The tax commissioner shall compute the payments to be 100243
made to each local taxing unit, and to each public library that 100244
receives the proceeds of a tax levied under section 5705.23 of the 100245
Revised Code, for each year according to divisions (A)(1), (2), 100246
(3), and (4) and division (E) of this section, and shall 100247
distribute the payments in the manner prescribed by division (C) 100248
of this section. The calculation of the fixed-sum levy loss shall 100249
cover a time period sufficient to include all fixed-sum levies for 100250
which the tax commissioner determined, pursuant to division (H) of 100251
section 5727.84 of the Revised Code, that a fixed-sum levy loss is 100252
to be reimbursed. 100253

(1) Except as provided in divisions (A)(3) and (4) of this 100254
section, the following amounts shall be paid on or before the 100255
thirty-first day of August and the twenty-eighth day of February: 100256

(a) For years 2002 through 2006, fifty per cent of the 100257
fixed-rate levy loss computed under division (G) of section 100258
5727.84 of the Revised Code; 100259

(b) For years 2007 through 2010, forty per cent of the 100260
fixed-rate levy loss computed under division (G) of section 100261

5727.84 of the Revised Code;	100262
(c) For the payment in 2011 to be made on or before the	100263
twentieth day of February, the amount required to be paid in 2010	100264
on or before the twentieth day of February;	100265
(d) For the payment in 2011 to be made on or before the	100266
thirty-first day of August, the sum of the amounts in divisions	100267
(A)(1)(d)(i) or (ii) and (iii) of this section:	100268
(i) If the ratio of fifty per cent of the taxing unit's 2010	100269
S.B. 3 allocation to its total resources is equal to or less than	100270
the threshold per cent, zero;	100271
(ii) If the ratio of fifty per cent of the taxing unit's 2010	100272
S.B. 3 allocation to its total resources is greater than the	100273
threshold per cent, the difference of fifty per cent of the 2010	100274
S.B. 3 allocation minus the product of total resources multiplied	100275
by the threshold per cent;	100276
(iii) In the case of a municipal corporation, fifty per cent	100277
of the product of its 2010 non-current expense S.B. 3 allocation	100278
multiplied by seventy-five per cent.	100279
(e) For 2012 and each year thereafter, the sum of the amounts	100280
in divisions (A)(1)(e)(i) or (ii) and (iii) of this section:	100281
(i) If the ratio of the taxing unit's 2010 S.B. 3 allocation	100282
to its total resources is equal to or less than the threshold per	100283
cent, zero;	100284
(ii) If the ratio of the taxing unit's 2010 S.B. 3 allocation	100285
to its total resources is greater than the threshold per cent,	100286
fifty per cent of the difference of the 2010 S.B. 3 allocation	100287
minus the product of total resources multiplied by the threshold	100288
per cent;	100289
(iii) In the case of a municipal corporation, fifty per cent	100290
of the product of its 2010 non-current expense S.B. 3 allocation	100291

multiplied by fifty per cent for year 2012 and by twenty-five per cent for years 2013 and thereafter.

(f) For the payment in 2012 to be made to a public library on or before the thirty-first day of August and for all such payments to be made in 2013 and thereafter, the amount in division (A)(1)(f)(i) or (ii) of this section:

(i) If the ratio of S.B. 3 allocation for library purposes to total library resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of S.B. 3 allocation for library purposes to total library resources is greater than the threshold per cent, fifty per cent of the difference of the S.B. 3 allocation for library purposes minus the product of total library resources multiplied by the threshold per cent.

(2) For fixed-sum levy losses determined under division (H) of section 5727.84 of the Revised Code, payments shall be made in the amount of one hundred per cent of the fixed-sum levy loss for payments required to be made in 2002 and thereafter.

(3) A local taxing unit in a county of less than two hundred fifty square miles that receives eighty per cent or more of its combined general fund and bond retirement fund revenues from property taxes and rollbacks based on 1997 actual revenues as presented in its 1999 tax budget, and in which electric companies and rural electric companies comprise over twenty per cent of its property valuation, shall receive one hundred per cent of its fixed-rate levy losses from electric company tax value losses certified under division (A) of this section in years 2002 to 2010. Beginning in 2011, payments for such local taxing units shall be determined under division (A)(1) of this section.

(4) For taxes levied within the ten-mill limitation or pursuant to a municipal charter for debt purposes in tax year 1998

in the case of electric company tax value losses, and in tax year 100323
1999 in the case of natural gas company tax value losses, payments 100324
shall be made equal to one hundred per cent of the loss computed 100325
as if the tax were a fixed-rate levy, but those payments shall 100326
extend from 2011 through 2016 if the levy was charged and payable 100327
for debt purposes in tax year 2010. If the levy is not charged and 100328
payable for debt purposes in tax year 2010 or any following tax 100329
year before tax year 2016, payments for that levy shall be made 100330
under division (A)(1) of this section beginning with the first 100331
year after the year the levy is charged and payable for a purpose 100332
other than debt. For the purposes of this division, taxes levied 100333
pursuant to a municipal charter refer to taxes levied pursuant to 100334
a provision of a municipal charter that permits the tax to be 100335
levied without prior voter approval. 100336

(B) Beginning in 2003, by the thirty-first day of January of 100337
each year, the tax commissioner shall review the calculation 100338
originally made under division (A) of this section of the 100339
fixed-sum levy loss determined under division (H) of section 100340
5727.84 of the Revised Code. If the commissioner determines that a 100341
fixed-sum levy that had been scheduled to be reimbursed in the 100342
current year has expired, a revised calculation for that and all 100343
subsequent years shall be made. 100344

(C) Payments to local taxing units and public libraries 100345
required to be made under divisions (A) and (E) of this section 100346
shall be paid from the local government property tax replacement 100347
fund to the county undivided income tax fund in the proper county 100348
treasury. The county treasurer shall distribute amounts paid under 100349
division (A) of this section to the proper local taxing unit or 100350
public library as if they had been levied and collected as taxes, 100351
and the local taxing unit or public library shall apportion the 100352
amounts so received among its funds in the same proportions as if 100353
those amounts had been levied and collected as taxes. Except in 100354

the case of amounts distributed to the county as a local taxing unit, amounts distributed under division (E)(2) of this section shall be credited to the general fund of the local taxing unit that receives them. Amounts distributed to each county as a local taxing unit under division (E)(2) of this section shall be credited in the proportion that the current taxes charged and payable from each levy of or by the county bears to the total current taxes charged and payable from all levies of or by the county.

(D) By February 5, 2002, the tax commissioner shall estimate the amount of money in the local government property tax replacement fund in excess of the amount necessary to make payments in that month under division (C) of this section. Notwithstanding division (A) of this section, the tax commissioner may pay any local taxing unit, from those excess funds, nine and four-tenths times the amount computed for 2002 under division (A)(1) of this section. A payment made under this division shall be in lieu of the payment to be made in February 2002 under division (A)(1) of this section. A local taxing unit receiving a payment under this division will no longer be entitled to any further payments under division (A)(1) of this section. A payment made under this division shall be paid from the local government property tax replacement fund to the county undivided income tax fund in the proper county treasury. The county treasurer shall distribute the payment to the proper local taxing unit as if it had been levied and collected as taxes, and the local taxing unit shall apportion the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes.

(E)(1) On the thirty-first day of July of 2002, 2003, 2004, 2005, and 2006, and on the thirty-first day of January and July of 2007 through January 2011, if the amount credited to the local

government property tax replacement fund exceeds the amount needed 100387
to be distributed from the fund under division (A) of this section 100388
in the following month, the tax commissioner shall distribute the 100389
excess to each county as follows: 100390

(a) One-half shall be distributed to each county in 100391
proportion to each county's population. 100392

(b) One-half shall be distributed to each county in the 100393
proportion that the amounts determined under divisions (G) and (H) 100394
of section 5727.84 of the Revised Code for all local taxing units 100395
in the county is of the total amounts so determined for all local 100396
taxing units in the state. 100397

(2) The amounts distributed to each county under division (E) 100398
of this section shall be distributed by the county auditor to each 100399
local taxing unit in the county in the proportion that the unit's 100400
current taxes charged and payable are of the total current taxes 100401
charged and payable of all the local taxing units in the county. 100402
If the amount that the county auditor determines to be distributed 100403
to a local taxing unit is less than five dollars, that amount 100404
shall not be distributed, and the amount not distributed shall 100405
remain credited to the county undivided income tax fund. At the 100406
time of the next distribution under division (E)(2) of this 100407
section, any amount that had not been distributed in the prior 100408
distribution shall be added to the amount available for the next 100409
distribution prior to calculation of the amount to be distributed. 100410
As used in this division, "current taxes charged and payable" 100411
means the taxes charged and payable as most recently determined 100412
for local taxing units in the county. 100413

After January 2011, any amount that exceeds the amount needed 100414
to be distributed from the fund under division (A) of this section 100415
in the following month shall be transferred to the general revenue 100416
fund. 100417

(F) If the total amount in the local government property tax replacement fund is insufficient to make all payments under division (C) of this section at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the local government property tax replacement fund the difference between the total amount to be paid and the amount in the local government property tax replacement fund, except that no transfer shall be made by reason of a deficiency to the extent that it results from the amendment of section 5727.84 of the Revised Code by Amended Substitute House Bill 95 of the 125th general assembly.

(G) If all or a part of the territories of two or more local taxing units are merged, or unincorporated territory of a township is annexed by a municipal corporation, the tax commissioner shall adjust the payments made under this section to each of the local taxing units in proportion to the square mileage apportioned to the merged or annexed territory, or as otherwise provided by a written agreement between the legislative authorities of the local taxing units certified to the tax commissioner not later than the first day of June of the calendar year in which the payment is to be made.

Sec. 5729.16. (A) Terms used in this section have the same meaning as in section 5725.33 of the Revised Code.

(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5729.03 or 5729.06 of the Revised Code for a foreign insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall be computed in the same manner prescribed for the computation of credits allowed under section 5725.33 of the Revised Code.

The credit shall be claimed in the order prescribed by

section 5729.98 of the Revised Code. If the amount of the credit 100449
exceeds the amount of tax otherwise due after deducting all other 100450
credits in that order, the excess may be carried forward and 100451
applied to the tax due for not more than four ensuing years. 100452

By claiming a tax credit under this section, an insurance 100453
company waives its rights under section 5729.102 of the Revised 100454
Code with respect to the time limitation for the assessment of 100455
taxes as it relates to credits claimed that later become subject 100456
to recapture under division (D) of this section. 100457

(C) The total amount of qualified equity investments on the 100458
basis of which credits may be claimed under this section, section 100459
5725.33, and section 5733.58 of the Revised Code is subject to the 100460
limitation of division (C) of section 5725.33 of the Revised Code. 100461

(D) If any amount of a federal tax credit allowed for a 100462
qualified equity investment for which a credit was received under 100463
this section is recaptured under section 45D of the Internal 100464
Revenue Code, or if the director of development services 100465
determines that an investment for which a tax credit is claimed 100466
under this section is not a qualified equity investment or that 100467
the proceeds of an investment for which a tax credit is claimed 100468
under this section are used to make qualified low-income community 100469
investments other than in a qualified active low-income community 100470
business in this state, all or a portion of the credit received on 100471
account of that investment shall be paid by the insurance company 100472
that received the credit to the superintendent of insurance. The 100473
amount to be recovered shall be determined by the director of 100474
development services pursuant to rules adopted under section 100475
5725.33 of the Revised Code. The director shall certify any amount 100476
due under this division to the superintendent of insurance, and 100477
the superintendent shall notify the treasurer of state of the 100478
amount due. Upon notification, the treasurer shall invoice the 100479
insurance company for the amount due. The amount due is payable 100480

not later than thirty days after the date the treasurer invoices 100481
the insurance company. The amount due shall be considered to be 100482
tax due under section 5729.03 or 5729.06 of the Revised Code, as 100483
applicable, and may be collected by assessment without regard to 100484
the time limitations imposed under section 5729.102 of the Revised 100485
Code for the assessment of taxes by the superintendent. All 100486
amounts collected under this division shall be credited as revenue 100487
from the tax levied under section 5729.03 of the Revised Code. 100488

Sec. 5729.98. (A) To provide a uniform procedure for 100489
calculating the amount of tax due under this chapter, a taxpayer 100490
shall claim any credits and offsets against tax liability to which 100491
it is entitled in the following order: 100492

(1) The credit for an insurance company or insurance company 100493
group under section 5729.031 of the Revised Code; 100494

(2) The credit for eligible employee training costs under 100495
section 5729.07 of the Revised Code; 100496

(3) The credit for purchases of qualified low-income 100497
community investments under section 5729.16 of the Revised Code; 100498

(4) The nonrefundable job retention credit under division 100499
(B)~~(1)~~ of section 122.171 of the Revised Code; 100500

(5) The offset of assessments by the Ohio life and health 100501
insurance guaranty association against tax liability permitted by 100502
section 3956.20 of the Revised Code; 100503

(6) The refundable credit for rehabilitating a historic 100504
building under section 5729.17 of the Revised Code. 100505

(7) The refundable credit for Ohio job retention under former 100506
division (B)(2) or (3) of section 122.171 of the Revised Code as 100507
those divisions existed before the effective date of the amendment 100508
of this section by H.B. 64 of the 131st general assembly; 100509
100510

(8) The refundable credit for Ohio job creation under section 100511
5729.032 of the Revised Code; 100512

(9) The refundable credit under section 5729.08 of the 100513
Revised Code for losses on loans made under the Ohio venture 100514
capital program under sections 150.01 to 150.10 of the Revised 100515
Code. 100516

(B) For any credit except the refundable credits enumerated 100517
in this section, the amount of the credit for a taxable year shall 100518
not exceed the tax due after allowing for any other credit that 100519
precedes it in the order required under this section. Any excess 100520
amount of a particular credit may be carried forward if authorized 100521
under the section creating that credit. Nothing in this chapter 100522
shall be construed to allow a taxpayer to claim, directly or 100523
indirectly, a credit more than once for a taxable year. 100524

Sec. 5733.0610. (A) A refundable corporation franchise tax 100525
credit granted by the tax credit authority under section 122.17 or 100526
former division (B)(2) or (3) of section 122.171 of the Revised 100527
Code, as those divisions existed before the effective date of the 100528
amendment of this section by H.B. 64 of the 131st general 100529
assembly, may be claimed under this chapter in the order required 100530
under section 5733.98 of the Revised Code. For purposes of making 100531
tax payments under this chapter, taxes equal to the amount of the 100532
refundable credit shall be considered to be paid to this state on 100533
the first day of the tax year. The refundable credit shall not be 100534
claimed for any tax years following the calendar year in which a 100535
relocation of employment positions occurs in violation of an 100536
agreement entered into under section 122.17 or 122.171 of the 100537
Revised Code. 100538

(B) A nonrefundable corporation franchise tax credit granted 100539
by the tax credit authority under division (B)~~(1)~~ of section 100540
122.171 of the Revised Code may be claimed under this chapter in 100541

the order required under section 5733.98 of the Revised Code. 100542

Sec. 5733.58. (A) Terms used in this section have the same 100543
meaning as in section 5725.33 of the Revised Code. 100544

(B) There is hereby allowed a nonrefundable credit against 100545
the tax imposed by section 5733.06 of the Revised Code for a 100546
financial institution holding a qualified equity investment on the 100547
credit allowance date occurring in the calendar year immediately 100548
preceding the tax year for which the tax is due. The credit shall 100549
be computed in the same manner prescribed for the computation of 100550
credits allowed under section 5725.33 of the Revised Code. 100551

By claiming a tax credit under this section, a financial 100552
institution waives its rights under section 5733.11 of the Revised 100553
Code with respect to the time limitation for the assessment of 100554
taxes as it relates to credits claimed that later become subject 100555
to recapture under division (D) of this section. 100556

The credit shall be claimed in the order prescribed by 100557
section 5733.98 of the Revised Code. If the amount of the credit 100558
exceeds the amount of tax otherwise due after deducting all other 100559
credits in that order, the excess may be carried forward and 100560
applied to the tax due for not more than four ensuing tax years. 100561

(C) The total amount of qualified equity investments on the 100562
basis of which credits may be claimed under this section and 100563
sections 5725.33 and 5729.16 of the Revised Code is subject to the 100564
limitation of division (C) of section 5725.33 of the Revised Code. 100565

(D) If any amount of a federal tax credit allowed for a 100566
qualified equity investment for which a credit was received under 100567
this section is recaptured under section 45D of the Internal 100568
Revenue Code, or if the director of development services 100569
determines that an investment for which a tax credit is claimed 100570
under this section is not a qualified equity investment or that 100571

the proceeds of an investment for which a tax credit is claimed 100572
under this section are used to make qualified low-income community 100573
investments other than in a qualified active low-income community 100574
business in this state, all or a portion of the credit received on 100575
account of that investment shall be paid by the financial 100576
institution that received the credit to the tax commissioner. The 100577
amount to be recovered shall be determined by the director of 100578
development services pursuant to rules adopted under section 100579
5725.33 of the Revised Code. The director shall certify any amount 100580
due under this division to the tax commissioner, and the 100581
commissioner shall notify the financial institution of the amount 100582
due. The amount due is payable not later than thirty days after 100583
the day the commissioner issues the notice. The amount due shall 100584
be considered to be tax due under section 5733.06 of the Revised 100585
Code, and may be collected by assessment without regard to the 100586
limitations imposed under section 5733.11 of the Revised Code for 100587
the assessment of taxes by the commissioner. All amounts collected 100588
under this division shall be credited as revenue from the tax 100589
levied under section 5733.06 of the Revised Code. 100590

Sec. 5736.01. As used in this chapter: 100591

(A) "Calendar quarter" and "person" have the same meanings as 100592
in section 5751.01 of the Revised Code. 100593

(B) "Distribution system" means a bulk transfer or terminal 100594
system for the distribution of motor fuel consisting of 100595
refineries, pipelines, marine vessels, and terminals. For the 100596
purposes of this section, motor fuel that is in a refinery, 100597
pipeline, terminal, or marine vessel or that is en route to a 100598
refinery, pipeline, or terminal via any method of transportation 100599
is in a "distribution system." Motor fuel is "outside of a 100600
distribution system" if the fuel is in a fuel storage facility, 100601
including, but not limited to, a bulk plant that is not part of a 100602

refinery or terminal, is in the fuel supply tank of an engine or 100603
motor vehicle, or is being transported by a marine vessel, tank 100604
car, rail car, trailer, truck, or other suitable equipment to a 100605
fuel storage facility that is not in a distribution system. 100606

(C) "Dyed diesel fuel," "import," "motor fuel," "public 100607
highways," "gasoline," "diesel fuel," "licensed motor fuel 100608
dealer," "licensed permissive motor fuel dealer," and "terminal" 100609
have the same meanings as in section 5735.01 of the Revised Code. 100610
"Gallons" means gross gallons as defined in section 5735.01 of the 100611
Revised Code. 100612

(D) "First sale of motor fuel within this state" means the 100613
initial sale of motor fuel to a point outside a distribution 100614
system, wherever the sale occurs, without regard to where title 100615
transfers or other conditions of sale, when sold for delivery to a 100616
location in this state as that location is shown on the bill of 100617
lading or other similar document issued by the terminal, refinery, 100618
or supplier. "First sale of motor fuel within this state" excludes 100619
the following: 100620

(1) Motor fuel exchanges; 100621

(2) The sale of motor fuel on which the petroleum activity 100622
tax imposed by this chapter was paid in a prior quarterly tax 100623
payment period and on which the supplier may claim a bad debt. As 100624
used in this division, "bad debt" has the same meaning as in 100625
section 5751.01 of the Revised Code. 100626

(E)~~(1)~~ "Calculated gross receipts" means the sum of the 100627
following: 100628

~~(1)~~~~(a)~~ With respect to sales of gasoline, the product 100629
obtained by multiplying ~~(a)~~~~(i)~~ the total number of gallons of 100630
gasoline first sold within this state by a supplier during the tax 100631
period by ~~(b)~~~~(ii)~~ the average wholesale price of a gallon of 100632
unleaded regular gasoline for the calendar quarter that begins six 100633

months before the upcoming calendar quarter, as published by the 100634
tax commissioner under division (C) of section 5736.02 of the 100635
Revised Code; 100636

~~(2)~~(b) With respect to sales of propane, the product obtained 100637
by multiplying (i) the total number of gallons of propane first 100638
sold within this state by a supplier during the tax period by (ii) 100639
the average wholesale price of a gallon of propane for the 100640
calendar quarter that begins six months before the upcoming 100641
calendar quarter, as published by the tax commissioner under 100642
division (C) of section 5736.02 of the Revised Code; 100643

(c) With respect to sales of motor fuel that is not gasoline 100644
or propane, the product obtained by multiplying ~~(a)~~(i) the total 100645
number of gallons of motor fuel first sold within this state by a 100646
supplier during the tax period by ~~(b)~~(ii) the average wholesale 100647
price of a gallon of diesel fuel for the calendar quarter that 100648
begins six months before the upcoming calendar quarter, as 100649
published by the tax commissioner under division (C) of section 100650
5736.02 of the Revised Code. 100651

(2) A supplier that has acquired blend stocks or additives 100652
with respect to which the tax imposed by this chapter has 100653
previously been paid may exclude the product of the following 100654
amounts from the calculation of the supplier's "calculated gross 100655
receipts" under division (E) of this section, provided that the 100656
supplier uses the blend stocks or additives for blending with 100657
motor fuel: 100658

(a) The number of gallons of the blend stocks or additives; 100659

(b) The average wholesale price of a gallon of such blend 100660
stocks or additives for the calendar quarter in which the tax was 100661
paid on the blend stocks or additives. 100662

The supplier may rely upon an invoice issued by the seller of 100663
the blend stocks or additives as evidence that the tax imposed by 100664

this section has been remitted with respect to the blend stocks or 100665
additives, provided that the invoice lists the tax as a separate 100666
charge, the seller is included on the list maintained by the tax 100667
commissioner under section 5736.041 of the Revised Code, and the 100668
supplier maintains the invoice in accordance with section 5736.12 100669
of the Revised Code. 100670

(F) "Motor fuel used to propel vehicles on public highways 100671
and waterways" includes motor fuel used for the operation of 100672
licensed motor vehicles employed in the maintenance, construction, 100673
or repair of public highways. "Motor fuel used to propel vehicles 100674
on public highways and waterways" does not include dyed diesel 100675
fuel. 100676

(G) "Rack" means a mechanism capable of delivering motor fuel 100677
from a refinery, terminal, or marine vessel into a railroad tank 100678
car, transport truck, tank wagon, fuel supply tank, marine vessel, 100679
or other means of transport outside of a distribution system. 100680

(H) "Refinery" means a facility used to produce motor fuel 100681
and from which motor fuel may be removed by pipeline, by vessel, 100682
or at a rack. 100683

(I) "Supplier" means any of the following: 100684

(1) A person that sells, exchanges, transfers, or otherwise 100685
distributes motor fuel from a terminal or refinery rack to a point 100686
outside of a distribution system, if the person distributes such 100687
motor fuel at a location in this state; 100688

(2) A person that imports or causes the importation of motor 100689
fuel for sale, exchange, transfer, or other distribution by the 100690
person to a point outside of a distribution system in this state; 100691

(3) A person that knowingly purchases motor fuel from an 100692
unlicensed supplier. 100693

(J) "Tax period" means the calendar quarter on the basis of 100694

which a taxpayer is required to pay the tax imposed under this 100695
chapter. 100696

(K) "Taxpayer" means a person subject to the tax imposed by 100697
this chapter. 100698

(L) "Waterways" means all streams, lakes, ponds, marshes, 100699
water courses, and all other bodies of surface water, natural or 100700
artificial, which are situated wholly or partially within this 100701
state or within its jurisdiction, except private impounded bodies 100702
of water. 100703

(M) "Motor fuel exchange" means an exchange of motor fuel 100704
between two or more suppliers, licensed motor fuel dealers, or 100705
licensed permissive motor fuel dealers if delivery occurs at a 100706
refinery, terminal, pipeline, or marine vessel and if the parties 100707
agree that neither party requires monetary compensation from the 100708
other party for the exchanged fuel other than compensation for 100709
differences in product location, grade, or handling. 100710

Sec. 5736.02. (A)(1) Beginning with the tax period that 100711
commences July 1, 2014, and continuing for every tax period 100712
thereafter, there is hereby levied an excise tax on each supplier 100713
measured by the supplier's calculated gross receipts derived from 100714
the first sale of motor fuel within this state. The tax due shall 100715
be computed by multiplying ~~sixty-five one hundredths of one per~~ 100716
~~cent~~ by the supplier's calculated gross receipts by one of the 100717
following tax rates: 100718

(a) If the calculated gross receipts are received from the 100719
sale of dyed diesel fuel and the end consumer of the dyed diesel 100720
fuel is a railroad company as described in division (D)(9) of 100721
section 5727.01 of the Revised Code, the rate established in 100722
division (A) of section 5751.03 of the Revised Code; 100723

(b) For all other calculated gross receipts, six and 100724

five-tenths mills. 100725

(2) All revenue from the tax shall be distributed as follows: 100726

~~(1)(a)~~ All revenue from the tax as measured by calculated 100727
gross receipts derived from the sale of motor fuel used for 100728
propelling vehicles on public highways and waterways shall be used 100729
for the purposes of maintaining the state highway system, funding 100730
the enforcement of traffic laws, and covering the costs of 100731
hospitalization of indigent persons injured in motor vehicle 100732
accidents on the public highways. 100733

~~(2)(b)~~ All revenue not distributed as required by division 100734
(A)~~(1)(2)(a)~~ of this section shall be used for the purpose of 100735
funding the needs of this state and its local governments. 100736

(B) The tax imposed by this section is in addition to any 100737
other taxes or fees imposed under the Revised Code. 100738

(C) The tax commissioner shall determine and publish, on the 100739
web site of the department of taxation, the statewide average 100740
wholesale prices of a gallon of unleaded regular gasoline, of a 100741
gallon of propane, and of a gallon of diesel fuel for each 100742
calendar quarter. The commissioner's determination is presumed to 100743
be correct unless clearly erroneous. The figure shall be published 100744
at least fifteen days before the beginning of the calendar 100745
quarter. The commissioner shall base the average price on pricing 100746
information available from the United States energy information 100747
administration or, if such information is not available from that 100748
agency, from another publicly available source selected by the 100749
commissioner. The commissioner shall first make reasonable efforts 100750
to obtain data specific to this state before using national data 100751
to determine the average wholesale price. The price shall not 100752
include any federal or state excise taxes on the gasoline or 100753
diesel fuel, or the tax imposed by this chapter. The price shall 100754
be rounded up to the nearest one-tenth of one cent. 100755

(D) Nothing in this chapter prohibits a person from 100756
separately or proportionately billing or invoicing the tax imposed 100757
by this section to a purchaser of motor fuel. 100758

(E) The tax imposed by this section applies only to suppliers 100759
having a substantial nexus with this state, as that term is 100760
defined in section 5751.01 of the Revised Code. A supplier that 100761
does not have substantial nexus with the state may voluntarily 100762
obtain a license from the commissioner under section 5736.06 of 100763
the Revised Code. A supplier that voluntarily obtains a license 100764
from the commissioner is entitled to the same benefits and is 100765
subject to the same duties and requirements as are suppliers 100766
required to be licensed with the commissioner. 100767

Sec. 5736.50. (A) A taxpayer granted a credit by the tax 100768
credit authority under section 122.17 or former division (B)(2) or 100769
(3) of section 122.171 of the Revised Code, as those divisions 100770
existed before the effective date of the amendment of this section 100771
by H.B. 64 of the 131st general assembly, may claim a refundable 100772
credit against the tax imposed under this chapter. For the purpose 100773
of making tax payments under this chapter, taxes equal to the 100774
amount of the refundable credit shall be considered to be paid on 100775
the first day of the tax period. 100776

(B) A ~~taxpayer granted a~~ nonrefundable credit granted by the 100777
tax credit authority under division (B)(~~1~~) of section 122.171 of 100778
the Revised Code may ~~claim a nonrefundable tax credit~~ be claimed 100779
against the tax imposed under this chapter. 100780

(C) Credits authorized in division (A) or (B) of this section 100781
shall not be claimed for any tax period beginning after the date 100782
on which a relocation of employment positions occurs in violation 100783
of an agreement entered into under section 122.17 or 122.171 of 100784
the Revised Code. 100785

(D) A taxpayer may claim any unused portion of the credit 100786

authorized under division (B) of section 5751.50 of the Revised 100787
Code against the tax imposed under this chapter. No credit shall 100788
be allowed under this division if the credit was available against 100789
the tax imposed under section 5751.02 of the Revised Code except 100790
to the extent the credit was not applied against that tax. 100791

(E) The amount of a credit claimed under division (B) or (D) 100792
of this section shall not exceed the tax otherwise due for the tax 100793
period. If the credit allowed under division (B) or (D) of this 100794
section exceeds the tax otherwise due, the excess may be carried 100795
forward to the extent authorized by section 122.171 of the Revised 100796
Code. 100797

If a taxpayer is authorized to claim credits under division 100798
(A) and either or both of divisions (B) and (D) of this section 100799
for the same tax period, the taxpayer shall claim the credit 100800
allowed under division (B) or (D) before the credit allowed under 100801
division (A) of this section. 100802

Sec. 5739.01. As used in this chapter: 100803

(A) "Person" includes individuals, receivers, assignees, 100804
trustees in bankruptcy, estates, firms, partnerships, 100805
associations, joint-stock companies, joint ventures, clubs, 100806
societies, corporations, the state and its political subdivisions, 100807
and combinations of individuals of any form. 100808

(B) "Sale" and "selling" include all of the following 100809
transactions for a consideration in any manner, whether absolutely 100810
or conditionally, whether for a price or rental, in money or by 100811
exchange, and by any means whatsoever: 100812

(1) All transactions by which title or possession, or both, 100813
of tangible personal property, is or is to be transferred, or a 100814
license to use or consume tangible personal property is or is to 100815
be granted; 100816

(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;	100817 100818
(3) All transactions by which:	100819
(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code;	100820 100821 100822
(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;	100823 100824 100825 100826 100827 100828
(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;	100829 100830
(d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided;	100831 100832 100833
(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty	100834 100835 100836 100837 100838 100839 100840 100841 100842 100843 100844 100845 100846 100847

per cent of the other corporation's common stock with voting	100848
rights.	100849
(f) Telecommunications service, including prepaid calling	100850
service, prepaid wireless calling service, or ancillary service,	100851
is or is to be provided, but not including coin-operated telephone	100852
service;	100853
(g) Landscaping and lawn care service is or is to be	100854
provided;	100855
(h) Private investigation and security service is or is to be	100856
provided;	100857
(i) Information services or tangible personal property is	100858
provided or ordered by means of a nine hundred telephone call;	100859
(j) Building maintenance and janitorial service is or is to	100860
be provided;	100861
(k) Employment service is or is to be provided;	100862
(l) Employment placement service is or is to be provided;	100863
(m) Exterminating service is or is to be provided;	100864
(n) Physical fitness facility service is or is to be	100865
provided;	100866
(o) Recreation and sports club service is or is to be	100867
provided;	100868
(p) On and after August 1, 2003, satellite broadcasting	100869
service is or is to be provided;	100870
(q) On and after August 1, 2003, personal care service is or	100871
is to be provided to an individual. As used in this division,	100872
"personal care service" includes skin care, the application of	100873
cosmetics, manicuring, pedicuring, hair removal, tattooing, body	100874
piercing, tanning, massage, and other similar services. "Personal	100875
care service" does not include a service provided by or on the	100876

order of a licensed physician or licensed chiropractor, or the 100877
cutting, coloring, or styling of an individual's hair. 100878

(r) On and after August 1, 2003, the transportation of 100879
persons by motor vehicle or aircraft is or is to be provided, when 100880
the transportation is entirely within this state, except for 100881
transportation provided by an ambulance service, by a transit bus, 100882
as defined in section 5735.01 of the Revised Code, and 100883
transportation provided by a citizen of the United States holding 100884
a certificate of public convenience and necessity issued under 49 100885
U.S.C. 41102; 100886

(s) On and after August 1, 2003, motor vehicle towing service 100887
is or is to be provided. As used in this division, "motor vehicle 100888
towing service" means the towing or conveyance of a wrecked, 100889
disabled, or illegally parked motor vehicle. 100890

(t) On and after August 1, 2003, snow removal service is or 100891
is to be provided. As used in this division, "snow removal 100892
service" means the removal of snow by any mechanized means, but 100893
does not include the providing of such service by a person that 100894
has less than five thousand dollars in sales of such service 100895
during the calendar year. 100896

(u) Electronic publishing service is or is to be provided to 100897
a consumer for use in business, except that such transactions 100898
occurring between members of an affiliated group, as defined in 100899
division (B)(3)(e) of this section, are not sales. 100900

(4) All transactions by which printed, imprinted, 100901
overprinted, lithographic, multilithic, blueprinted, photostatic, 100902
or other productions or reproductions of written or graphic matter 100903
are or are to be furnished or transferred; 100904

(5) The production or fabrication of tangible personal 100905
property for a consideration for consumers who furnish either 100906
directly or indirectly the materials used in the production of 100907

fabrication work; and include the furnishing, preparing, or 100908
serving for a consideration of any tangible personal property 100909
consumed on the premises of the person furnishing, preparing, or 100910
serving such tangible personal property. Except as provided in 100911
section 5739.03 of the Revised Code, a construction contract 100912
pursuant to which tangible personal property is or is to be 100913
incorporated into a structure or improvement on and becoming a 100914
part of real property is not a sale of such tangible personal 100915
property. The construction contractor is the consumer of such 100916
tangible personal property, provided that the sale and 100917
installation of carpeting, the sale and installation of 100918
agricultural land tile, the sale and erection or installation of 100919
portable grain bins, or the provision of landscaping and lawn care 100920
service and the transfer of property as part of such service is 100921
never a construction contract. 100922

As used in division (B)(5) of this section: 100923

(a) "Agricultural land tile" means fired clay or concrete 100924
tile, or flexible or rigid perforated plastic pipe or tubing, 100925
incorporated or to be incorporated into a subsurface drainage 100926
system appurtenant to land used or to be used primarily in 100927
production by farming, agriculture, horticulture, or floriculture. 100928
The term does not include such materials when they are or are to 100929
be incorporated into a drainage system appurtenant to a building 100930
or structure even if the building or structure is used or to be 100931
used in such production. 100932

(b) "Portable grain bin" means a structure that is used or to 100933
be used by a person engaged in farming or agriculture to shelter 100934
the person's grain and that is designed to be disassembled without 100935
significant damage to its component parts. 100936

(6) All transactions in which all of the shares of stock of a 100937
closely held corporation are transferred, or an ownership interest 100938
in a pass-through entity, as defined in section 5733.04 of the 100939

Revised Code, is transferred, if the corporation or pass-through
entity is not engaging in business and its entire assets consist
of boats, planes, motor vehicles, or other tangible personal
property operated primarily for the use and enjoyment of the
shareholders or owners;

(7) All transactions in which a warranty, maintenance or
service contract, or similar agreement by which the vendor of the
warranty, contract, or agreement agrees to repair or maintain the
tangible personal property of the consumer is or is to be
provided;

(8) The transfer of copyrighted motion picture films used
solely for advertising purposes, except that the transfer of such
films for exhibition purposes is not a sale;

(9) On and after August 1, 2003, all transactions by which
tangible personal property is or is to be stored, except such
property that the consumer of the storage holds for sale in the
regular course of business;

(10) All transactions in which "guaranteed auto protection"
is provided whereby a person promises to pay to the consumer the
difference between the amount the consumer receives from motor
vehicle insurance and the amount the consumer owes to a person
holding title to or a lien on the consumer's motor vehicle in the
event the consumer's motor vehicle suffers a total loss under the
terms of the motor vehicle insurance policy or is stolen and not
recovered, if the protection and its price are included in the
purchase or lease agreement;

(11)(a) Except as provided in division (B)(11)(b) of this
section, on and after October 1, 2009, all transactions by which
health care services are paid for, reimbursed, provided,
delivered, arranged for, or otherwise made available by a medicaid
health insuring corporation pursuant to the corporation's contract

with the state. 100971

(b) If the centers for medicare and medicaid services of the 100972
United States department of health and human services determines 100973
that the taxation of transactions described in division (B)(11)(a) 100974
of this section constitutes an impermissible health care-related 100975
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 100976
1396b(w), and regulations adopted thereunder, the medicaid 100977
director shall notify the tax commissioner of that determination. 100978
Beginning with the first day of the month following that 100979
notification, the transactions described in division (B)(11)(a) of 100980
this section are not sales for the purposes of this chapter or 100981
Chapter 5741. of the Revised Code. The tax commissioner shall 100982
order that the collection of taxes under sections 5739.02, 100983
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 100984
5741.023 of the Revised Code shall cease for transactions 100985
occurring on or after that date. 100986

(12) All transactions by which a specified digital product is 100987
provided for permanent use or less than permanent use, regardless 100988
of whether continued payment is required. 100989

Except as provided in this section, "sale" and "selling" do 100990
not include transfers of interest in leased property where the 100991
original lessee and the terms of the original lease agreement 100992
remain unchanged, or professional, insurance, or personal service 100993
transactions that involve the transfer of tangible personal 100994
property as an inconsequential element, for which no separate 100995
charges are made. 100996

(C) "Vendor" means the person providing the service or by 100997
whom the transfer effected or license given by a sale is or is to 100998
be made or given and, for sales described in division (B)(3)(i) of 100999
this section, the telecommunications service vendor that provides 101000
the nine hundred telephone service; if two or more persons are 101001
engaged in business at the same place of business under a single 101002

trade name in which all collections on account of sales by each 101003
are made, such persons shall constitute a single vendor. 101004

Physicians, dentists, hospitals, and veterinarians who are 101005
engaged in selling tangible personal property as received from 101006
others, such as eyeglasses, mouthwashes, dentifrices, or similar 101007
articles, are vendors. Veterinarians who are engaged in 101008
transferring to others for a consideration drugs, the dispensing 101009
of which does not require an order of a licensed veterinarian or 101010
physician under federal law, are vendors. 101011

(D)(1) "Consumer" means the person for whom the service is 101012
provided, to whom the transfer effected or license given by a sale 101013
is or is to be made or given, to whom the service described in 101014
division (B)(3)(f) or (i) of this section is charged, or to whom 101015
the admission is granted. 101016

(2) Physicians, dentists, hospitals, and blood banks operated 101017
by nonprofit institutions and persons licensed to practice 101018
veterinary medicine, surgery, and dentistry are consumers of all 101019
tangible personal property and services purchased by them in 101020
connection with the practice of medicine, dentistry, the rendition 101021
of hospital or blood bank service, or the practice of veterinary 101022
medicine, surgery, and dentistry. In addition to being consumers 101023
of drugs administered by them or by their assistants according to 101024
their direction, veterinarians also are consumers of drugs that 101025
under federal law may be dispensed only by or upon the order of a 101026
licensed veterinarian or physician, when transferred by them to 101027
others for a consideration to provide treatment to animals as 101028
directed by the veterinarian. 101029

(3) A person who performs a facility management, or similar 101030
service contract for a contractee is a consumer of all tangible 101031
personal property and services purchased for use in connection 101032
with the performance of such contract, regardless of whether title 101033
to any such property vests in the contractee. The purchase of such 101034

property and services is not subject to the exception for resale 101035
under division (E)(1) of this section. 101036

(4)(a) In the case of a person who purchases printed matter 101037
for the purpose of distributing it or having it distributed to the 101038
public or to a designated segment of the public, free of charge, 101039
that person is the consumer of that printed matter, and the 101040
purchase of that printed matter for that purpose is a sale. 101041

(b) In the case of a person who produces, rather than 101042
purchases, printed matter for the purpose of distributing it or 101043
having it distributed to the public or to a designated segment of 101044
the public, free of charge, that person is the consumer of all 101045
tangible personal property and services purchased for use or 101046
consumption in the production of that printed matter. That person 101047
is not entitled to claim exemption under division (B)(42)(f) of 101048
section 5739.02 of the Revised Code for any material incorporated 101049
into the printed matter or any equipment, supplies, or services 101050
primarily used to produce the printed matter. 101051

(c) The distribution of printed matter to the public or to a 101052
designated segment of the public, free of charge, is not a sale to 101053
the members of the public to whom the printed matter is 101054
distributed or to any persons who purchase space in the printed 101055
matter for advertising or other purposes. 101056

(5) A person who makes sales of any of the services listed in 101057
division (B)(3) of this section is the consumer of any tangible 101058
personal property used in performing the service. The purchase of 101059
that property is not subject to the resale exception under 101060
division (E)(1) of this section. 101061

(6) A person who engages in highway transportation for hire 101062
is the consumer of all packaging materials purchased by that 101063
person and used in performing the service, except for packaging 101064
materials sold by such person in a transaction separate from the 101065

service. 101066

(7) In the case of a transaction for health care services 101067
under division (B)(11) of this section, a medicaid health insuring 101068
corporation is the consumer of such services. The purchase of such 101069
services by a medicaid health insuring corporation is not subject 101070
to the exception for resale under division (E)(1) of this section 101071
or to the exemptions provided under divisions (B)(12), (18), (19), 101072
and (22) of section 5739.02 of the Revised Code. 101073

(E) "Retail sale" and "sales at retail" include all sales, 101074
except those in which the purpose of the consumer is to resell the 101075
thing transferred or benefit of the service provided, by a person 101076
engaging in business, in the form in which the same is, or is to 101077
be, received by the person. 101078

(F) "Business" includes any activity engaged in by any person 101079
with the object of gain, benefit, or advantage, either direct or 101080
indirect. "Business" does not include the activity of a person in 101081
managing and investing the person's own funds. 101082

(G) "Engaging in business" means commencing, conducting, or 101083
continuing in business, and liquidating a business when the 101084
liquidator thereof holds itself out to the public as conducting 101085
such business. Making a casual sale is not engaging in business. 101086

(H)(1)(a) "Price," except as provided in divisions (H)(2), 101087
(3), and (4) of this section, means the total amount of 101088
consideration, including cash, credit, property, and services, for 101089
which tangible personal property or services are sold, leased, or 101090
rented, valued in money, whether received in money or otherwise, 101091
without any deduction for any of the following: 101092

(i) The vendor's cost of the property sold; 101093

(ii) The cost of materials used, labor or service costs, 101094
interest, losses, all costs of transportation to the vendor, all 101095
taxes imposed on the vendor, including the tax imposed under 101096

Chapter 5751. of the Revised Code, and any other expense of the vendor; 101097
101098

(iii) Charges by the vendor for any services necessary to complete the sale; 101099
101100

(iv) On and after August 1, 2003, delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing. 101101
101102
101103
101104
101105

(v) Installation charges; 101106

(vi) Credit for any trade-in. 101107

(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met: 101108
101109
101110
101111
101112
101113
101114
101115
101116

(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented; 101117
101118
101119
101120
101121
101122

(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization. 101123
101124
101125
101126
101127

(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

(c) "Price" does not include any of the following:

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the

consumer shall not be treated as consideration exchanged for a 101159
gift card. 101160

(2) In the case of a sale of any new motor vehicle by a new 101161
motor vehicle dealer, as defined in section 4517.01 of the Revised 101162
Code, in which another motor vehicle is accepted by the dealer as 101163
part of the consideration received, "price" has the same meaning 101164
as in division (H)(1) of this section, reduced by the credit 101165
afforded the consumer by the dealer for the motor vehicle received 101166
in trade. 101167

(3) In the case of a sale of any watercraft or outboard motor 101168
by a watercraft dealer licensed in accordance with section 101169
1547.543 of the Revised Code, in which another watercraft, 101170
watercraft and trailer, or outboard motor is accepted by the 101171
dealer as part of the consideration received, "price" has the same 101172
meaning as in division (H)(1) of this section, reduced by the 101173
credit afforded the consumer by the dealer for the watercraft, 101174
watercraft and trailer, or outboard motor received in trade. As 101175
used in this division, "watercraft" includes an outdrive unit 101176
attached to the watercraft. 101177

(4) In the case of transactions for health care services 101178
under division (B)(11) of this section, "price" means the amount 101179
of managed care premiums received each month by a medicaid health 101180
insuring corporation. 101181

(I) "Receipts" means the total amount of the prices of the 101182
sales of vendors, provided that the dollar value of gift cards 101183
distributed pursuant to an awards, loyalty, or promotional 101184
program, and cash discounts allowed and taken on sales at the time 101185
they are consummated are not included, minus any amount deducted 101186
as a bad debt pursuant to section 5739.121 of the Revised Code. 101187
"Receipts" does not include the sale price of property returned or 101188
services rejected by consumers when the full sale price and tax 101189
are refunded either in cash or by credit. 101190

(J) "Place of business" means any location at which a person engages in business.

(K) "Premises" includes any real property or portion thereof upon which any person engages in selling tangible personal property at retail or making retail sales and also includes any real property or portion thereof designated for, or devoted to, use in conjunction with the business engaged in by such person.

(L) "Casual sale" means a sale of an item of tangible personal property that was obtained by the person making the sale, through purchase or otherwise, for the person's own use and was previously subject to any state's taxing jurisdiction on its sale or use, and includes such items acquired for the seller's use that are sold by an auctioneer employed directly by the person for such purpose, provided the location of such sales is not the auctioneer's permanent place of business. As used in this division, "permanent place of business" includes any location where such auctioneer has conducted more than two auctions during the year.

(M) "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures, except as otherwise provided in division (G) of section 5739.09 of the Revised Code.

(N) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.

(O) "Making retail sales" means the effecting of transactions wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold. "Making retail sales" does not

include the preliminary acts of promoting or soliciting the retail 101222
sales, other than the distribution of printed matter which 101223
displays or describes and prices the item offered for sale, nor 101224
does it include delivery of a predetermined quantity of tangible 101225
personal property or transportation of property or personnel to or 101226
from a place where a service is performed. 101227

(P) "Used directly in the rendition of a public utility 101228
service" means that property that is to be incorporated into and 101229
will become a part of the consumer's production, transmission, 101230
transportation, or distribution system and that retains its 101231
classification as tangible personal property after such 101232
incorporation; fuel or power used in the production, transmission, 101233
transportation, or distribution system; and tangible personal 101234
property used in the repair and maintenance of the production, 101235
transmission, transportation, or distribution system, including 101236
only such motor vehicles as are specially designed and equipped 101237
for such use. Tangible personal property and services used 101238
primarily in providing highway transportation for hire are not 101239
used directly in the rendition of a public utility service. In 101240
this definition, "public utility" includes a citizen of the United 101241
States holding, and required to hold, a certificate of public 101242
convenience and necessity issued under 49 U.S.C. 41102. 101243

(Q) "Refining" means removing or separating a desirable 101244
product from raw or contaminated materials by distillation or 101245
physical, mechanical, or chemical processes. 101246

(R) "Assembly" and "assembling" mean attaching or fitting 101247
together parts to form a product, but do not include packaging a 101248
product. 101249

(S) "Manufacturing operation" means a process in which 101250
materials are changed, converted, or transformed into a different 101251
state or form from which they previously existed and includes 101252
refining materials, assembling parts, and preparing raw materials 101253

and parts by mixing, measuring, blending, or otherwise committing 101254
such materials or parts to the manufacturing process. 101255

"Manufacturing operation" does not include packaging. 101256

(T) "Fiscal officer" means, with respect to a regional 101257
transit authority, the secretary-treasurer thereof, and with 101258
respect to a county that is a transit authority, the fiscal 101259
officer of the county transit board if one is appointed pursuant 101260
to section 306.03 of the Revised Code or the county auditor if the 101261
board of county commissioners operates the county transit system. 101262

(U) "Transit authority" means a regional transit authority 101263
created pursuant to section 306.31 of the Revised Code or a county 101264
in which a county transit system is created pursuant to section 101265
306.01 of the Revised Code. For the purposes of this chapter, a 101266
transit authority must extend to at least the entire area of a 101267
single county. A transit authority that includes territory in more 101268
than one county must include all the area of the most populous 101269
county that is a part of such transit authority. County population 101270
shall be measured by the most recent census taken by the United 101271
States census bureau. 101272

(V) "Legislative authority" means, with respect to a regional 101273
transit authority, the board of trustees thereof, and with respect 101274
to a county that is a transit authority, the board of county 101275
commissioners. 101276

(W) "Territory of the transit authority" means all of the 101277
area included within the territorial boundaries of a transit 101278
authority as they from time to time exist. Such territorial 101279
boundaries must at all times include all the area of a single 101280
county or all the area of the most populous county that is a part 101281
of such transit authority. County population shall be measured by 101282
the most recent census taken by the United States census bureau. 101283

(X) "Providing a service" means providing or furnishing 101284

anything described in division (B)(3) of this section for 101285
consideration. 101286

(Y)(1)(a) "Automatic data processing" means processing of 101287
others' data, including keypunching or similar data entry services 101288
together with verification thereof, or providing access to 101289
computer equipment for the purpose of processing data. 101290

(b) "Computer services" means providing services consisting 101291
of specifying computer hardware configurations and evaluating 101292
technical processing characteristics, computer programming, and 101293
training of computer programmers and operators, provided in 101294
conjunction with and to support the sale, lease, or operation of 101295
taxable computer equipment or systems. 101296

(c) "Electronic information services" means providing access 101297
to computer equipment by means of telecommunications equipment for 101298
the purpose of either of the following: 101299

(i) Examining or acquiring data stored in or accessible to 101300
the computer equipment; 101301

(ii) Placing data into the computer equipment to be retrieved 101302
by designated recipients with access to the computer equipment. 101303

For transactions occurring on or after the effective date of 101304
the amendment of this section by H.B. 157 of the 127th general 101305
assembly, December 21, 2007, "electronic information services" 101306
does not include electronic publishing as defined in division 101307
(LLL) of this section. 101308

(d) "Automatic data processing, computer services, or 101309
electronic information services" shall not include personal or 101310
professional services. 101311

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 101312
section, "personal and professional services" means all services 101313
other than automatic data processing, computer services, or 101314

electronic information services, including but not limited to:	101315
(a) Accounting and legal services such as advice on tax	101316
matters, asset management, budgetary matters, quality control,	101317
information security, and auditing and any other situation where	101318
the service provider receives data or information and studies,	101319
alters, analyzes, interprets, or adjusts such material;	101320
(b) Analyzing business policies and procedures;	101321
(c) Identifying management information needs;	101322
(d) Feasibility studies, including economic and technical	101323
analysis of existing or potential computer hardware or software	101324
needs and alternatives;	101325
(e) Designing policies, procedures, and custom software for	101326
collecting business information, and determining how data should	101327
be summarized, sequenced, formatted, processed, controlled, and	101328
reported so that it will be meaningful to management;	101329
(f) Developing policies and procedures that document how	101330
business events and transactions are to be authorized, executed,	101331
and controlled;	101332
(g) Testing of business procedures;	101333
(h) Training personnel in business procedure applications;	101334
(i) Providing credit information to users of such information	101335
by a consumer reporting agency, as defined in the "Fair Credit	101336
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	101337
as hereafter amended, including but not limited to gathering,	101338
organizing, analyzing, recording, and furnishing such information	101339
by any oral, written, graphic, or electronic medium;	101340
(j) Providing debt collection services by any oral, written,	101341
graphic, or electronic means.	101342
The services listed in divisions (Y)(2)(a) to (j) of this	101343
section are not automatic data processing or computer services.	101344

(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:

(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and

delivered by an electronic transmission to a consumer where the 101376
consumer's primary purpose for the underlying transaction is the 101377
processed data or information; 101378

(b) Installation or maintenance of wiring or equipment on a 101379
customer's premises; 101380

(c) Tangible personal property; 101381

(d) Advertising, including directory advertising; 101382

(e) Billing and collection services provided to third 101383
parties; 101384

(f) Internet access service; 101385

(g) Radio and television audio and video programming 101386
services, regardless of the medium, including the furnishing of 101387
transmission, conveyance, and routing of such services by the 101388
programming service provider. Radio and television audio and video 101389
programming services include, but are not limited to, cable 101390
service, as defined in 47 U.S.C. 522(6), and audio and video 101391
programming services delivered by commercial mobile radio service 101392
providers, as defined in 47 C.F.R. 20.3; 101393

(h) Ancillary service; 101394

(i) Digital products delivered electronically, including 101395
software, music, video, reading materials, or ring tones. 101396

(2) "Ancillary service" means a service that is associated 101397
with or incidental to the provision of telecommunications service, 101398
including conference bridging service, detailed telecommunications 101399
billing service, directory assistance, vertical service, and voice 101400
mail service. As used in this division: 101401

(a) "Conference bridging service" means an ancillary service 101402
that links two or more participants of an audio or video 101403
conference call, including providing a telephone number. 101404
"Conference bridging service" does not include telecommunications 101405

services used to reach the conference bridge. 101406

(b) "Detailed telecommunications billing service" means an 101407
ancillary service of separately stating information pertaining to 101408
individual calls on a customer's billing statement. 101409

(c) "Directory assistance" means an ancillary service of 101410
providing telephone number or address information. 101411

(d) "Vertical service" means an ancillary service that is 101412
offered in connection with one or more telecommunications 101413
services, which offers advanced calling features that allow 101414
customers to identify callers and manage multiple calls and call 101415
connections, including conference bridging service. 101416

(e) "Voice mail service" means an ancillary service that 101417
enables the customer to store, send, or receive recorded messages. 101418
"Voice mail service" does not include any vertical services that 101419
the customer may be required to have in order to utilize the voice 101420
mail service. 101421

(3) "900 service" means an inbound toll telecommunications 101422
service purchased by a subscriber that allows the subscriber's 101423
customers to call in to the subscriber's prerecorded announcement 101424
or live service, and which is typically marketed under the name 101425
"900 service" and any subsequent numbers designated by the federal 101426
communications commission. "900 service" does not include the 101427
charge for collection services provided by the seller of the 101428
telecommunications service to the subscriber, or services or 101429
products sold by the subscriber to the subscriber's customer. 101430

(4) "Prepaid calling service" means the right to access 101431
exclusively telecommunications services, which must be paid for in 101432
advance and which enables the origination of calls using an access 101433
number or authorization code, whether manually or electronically 101434
dialed, and that is sold in predetermined units or dollars of 101435
which the number declines with use in a known amount. 101436

(5) "Prepaid wireless calling service" means a 101437
telecommunications service that provides the right to utilize 101438
mobile telecommunications service as well as other 101439
non-telecommunications services, including the download of digital 101440
products delivered electronically, and content and ancillary 101441
services, that must be paid for in advance and that is sold in 101442
predetermined units or dollars of which the number declines with 101443
use in a known amount. 101444

(6) "Value-added non-voice data service" means a 101445
telecommunications service in which computer processing 101446
applications are used to act on the form, content, code, or 101447
protocol of the information or data primarily for a purpose other 101448
than transmission, conveyance, or routing. 101449

(7) "Coin-operated telephone service" means a 101450
telecommunications service paid for by inserting money into a 101451
telephone accepting direct deposits of money to operate. 101452

(8) "Customer" has the same meaning as in section 5739.034 of 101453
the Revised Code. 101454

(BB) "Laundry and dry cleaning services" means removing soil 101455
or dirt from towels, linens, articles of clothing, or other fabric 101456
items that belong to others and supplying towels, linens, articles 101457
of clothing, or other fabric items. "Laundry and dry cleaning 101458
services" does not include the provision of self-service 101459
facilities for use by consumers to remove soil or dirt from 101460
towels, linens, articles of clothing, or other fabric items. 101461

(CC) "Magazines distributed as controlled circulation 101462
publications" means magazines containing at least twenty-four 101463
pages, at least twenty-five per cent editorial content, issued at 101464
regular intervals four or more times a year, and circulated 101465
without charge to the recipient, provided that such magazines are 101466
not owned or controlled by individuals or business concerns which 101467

conduct such publications as an auxiliary to, and essentially for 101468
the advancement of the main business or calling of, those who own 101469
or control them. 101470

(DD) "Landscaping and lawn care service" means the services 101471
of planting, seeding, sodding, removing, cutting, trimming, 101472
pruning, mulching, aerating, applying chemicals, watering, 101473
fertilizing, and providing similar services to establish, promote, 101474
or control the growth of trees, shrubs, flowers, grass, ground 101475
cover, and other flora, or otherwise maintaining a lawn or 101476
landscape grown or maintained by the owner for ornamentation or 101477
other nonagricultural purpose. However, "landscaping and lawn care 101478
service" does not include the providing of such services by a 101479
person who has less than five thousand dollars in sales of such 101480
services during the calendar year. 101481

(EE) "Private investigation and security service" means the 101482
performance of any activity for which the provider of such service 101483
is required to be licensed pursuant to Chapter 4749. of the 101484
Revised Code, or would be required to be so licensed in performing 101485
such services in this state, and also includes the services of 101486
conducting polygraph examinations and of monitoring or overseeing 101487
the activities on or in, or the condition of, the consumer's home, 101488
business, or other facility by means of electronic or similar 101489
monitoring devices. "Private investigation and security service" 101490
does not include special duty services provided by off-duty police 101491
officers, deputy sheriffs, and other peace officers regularly 101492
employed by the state or a political subdivision. 101493

(FF) "Information services" means providing conversation, 101494
giving consultation or advice, playing or making a voice or other 101495
recording, making or keeping a record of the number of callers, 101496
and any other service provided to a consumer by means of a nine 101497
hundred telephone call, except when the nine hundred telephone 101498
call is the means by which the consumer makes a contribution to a 101499

recognized charity. 101500

(GG) "Research and development" means designing, creating, or 101501
formulating new or enhanced products, equipment, or manufacturing 101502
processes, and also means conducting scientific or technological 101503
inquiry and experimentation in the physical sciences with the goal 101504
of increasing scientific knowledge which may reveal the bases for 101505
new or enhanced products, equipment, or manufacturing processes. 101506

(HH) "Qualified research and development equipment" means 101507
capitalized tangible personal property, and leased personal 101508
property that would be capitalized if purchased, used by a person 101509
primarily to perform research and development. Tangible personal 101510
property primarily used in testing, as defined in division (A)(4) 101511
of section 5739.011 of the Revised Code, or used for recording or 101512
storing test results, is not qualified research and development 101513
equipment unless such property is primarily used by the consumer 101514
in testing the product, equipment, or manufacturing process being 101515
created, designed, or formulated by the consumer in the research 101516
and development activity or in recording or storing such test 101517
results. 101518

(II) "Building maintenance and janitorial service" means 101519
cleaning the interior or exterior of a building and any tangible 101520
personal property located therein or thereon, including any 101521
services incidental to such cleaning for which no separate charge 101522
is made. However, "building maintenance and janitorial service" 101523
does not include the providing of such service by a person who has 101524
less than five thousand dollars in sales of such service during 101525
the calendar year. As used in this division, "cleaning" does not 101526
include sanitation services necessary for an establishment 101527
described in 21 U.S.C. 608 to comply with rules and regulations 101528
adopted pursuant to that section. 101529

(JJ) "Employment service" means providing or supplying 101530
personnel, on a temporary or long-term basis, to perform work or 101531

labor under the supervision or control of another, when the 101532
personnel so provided or supplied receive their wages, salary, or 101533
other compensation from the provider or supplier of the employment 101534
service or from a third party that provided or supplied the 101535
personnel to the provider or supplier. "Employment service" does 101536
not include: 101537

(1) Acting as a contractor or subcontractor, where the 101538
personnel performing the work are not under the direct control of 101539
the purchaser. 101540

(2) Medical and health care services. 101541

(3) Supplying personnel to a purchaser pursuant to a contract 101542
of at least one year between the service provider and the 101543
purchaser that specifies that each employee covered under the 101544
contract is assigned to the purchaser on a permanent basis. 101545

(4) Transactions between members of an affiliated group, as 101546
defined in division (B)(3)(e) of this section. 101547

(5) Transactions where the personnel so provided or supplied 101548
by a provider or supplier to a purchaser of an employment service 101549
are then provided or supplied by that purchaser to a third party 101550
as an employment service, except "employment service" does include 101551
the transaction between that purchaser and the third party. 101552

(KK) "Employment placement service" means locating or finding 101553
employment for a person or finding or locating an employee to fill 101554
an available position. 101555

(LL) "Exterminating service" means eradicating or attempting 101556
to eradicate vermin infestations from a building or structure, or 101557
the area surrounding a building or structure, and includes 101558
activities to inspect, detect, or prevent vermin infestation of a 101559
building or structure. 101560

(MM) "Physical fitness facility service" means all 101561

transactions by which a membership is granted, maintained, or 101562
renewed, including initiation fees, membership dues, renewal fees, 101563
monthly minimum fees, and other similar fees and dues, by a 101564
physical fitness facility such as an athletic club, health spa, or 101565
gymnasium, which entitles the member to use the facility for 101566
physical exercise. 101567

(NN) "Recreation and sports club service" means all 101568
transactions by which a membership is granted, maintained, or 101569
renewed, including initiation fees, membership dues, renewal fees, 101570
monthly minimum fees, and other similar fees and dues, by a 101571
recreation and sports club, which entitles the member to use the 101572
facilities of the organization. "Recreation and sports club" means 101573
an organization that has ownership of, or controls or leases on a 101574
continuing, long-term basis, the facilities used by its members 101575
and includes an aviation club, gun or shooting club, yacht club, 101576
card club, swimming club, tennis club, golf club, country club, 101577
riding club, amateur sports club, or similar organization. 101578

(OO) "Livestock" means farm animals commonly raised for food, 101579
food production, or other agricultural purposes, including, but 101580
not limited to, cattle, sheep, goats, swine, poultry, and captive 101581
deer. "Livestock" does not include invertebrates, amphibians, 101582
reptiles, domestic pets, animals for use in laboratories or for 101583
exhibition, or other animals not commonly raised for food or food 101584
production. 101585

(PP) "Livestock structure" means a building or structure used 101586
exclusively for the housing, raising, feeding, or sheltering of 101587
livestock, and includes feed storage or handling structures and 101588
structures for livestock waste handling. 101589

(QQ) "Horticulture" means the growing, cultivation, and 101590
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 101591
and nursery stock. As used in this division, "nursery stock" has 101592
the same meaning as in section 927.51 of the Revised Code. 101593

(RR) "Horticulture structure" means a building or structure used exclusively for the commercial growing, raising, or overwintering of horticultural products, and includes the area used for stocking, storing, and packing horticultural products when done in conjunction with the production of those products.

(SS) "Newspaper" means an unbound publication bearing a title or name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing series sanctioned by one or more motor racing sanctioning organizations. A "motor racing vehicle" means a vehicle for which the chassis, engine, and parts are designed exclusively for motor racing, and does not include a stock or production model vehicle that may be modified for use in racing. For the purposes of this division:

(1) A "competitive professional racing event" is a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations, at which aggregate cash prizes in excess of eight hundred thousand dollars are awarded to the competitors.

(2) "Full-time employee" means an individual who is employed for consideration for thirty-five or more hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(UU)(1) "Lease" or "rental" means any transfer of the 101626
possession or control of tangible personal property for a fixed or 101627
indefinite term, for consideration. "Lease" or "rental" includes 101628
future options to purchase or extend, and agreements described in 101629
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 101630
the amount of consideration may be increased or decreased by 101631
reference to the amount realized upon the sale or disposition of 101632
the property. "Lease" or "rental" does not include: 101633

(a) A transfer of possession or control of tangible personal 101634
property under a security agreement or a deferred payment plan 101635
that requires the transfer of title upon completion of the 101636
required payments; 101637

(b) A transfer of possession or control of tangible personal 101638
property under an agreement that requires the transfer of title 101639
upon completion of required payments and payment of an option 101640
price that does not exceed the greater of one hundred dollars or 101641
one per cent of the total required payments; 101642

(c) Providing tangible personal property along with an 101643
operator for a fixed or indefinite period of time, if the operator 101644
is necessary for the property to perform as designed. For purposes 101645
of this division, the operator must do more than maintain, 101646
inspect, or set up the tangible personal property. 101647

(2) "Lease" and "rental," as defined in division (UU) of this 101648
section, shall not apply to leases or rentals that exist before 101649
June 26, 2003. 101650

(3) "Lease" and "rental" have the same meaning as in division 101651
(UU)(1) of this section regardless of whether a transaction is 101652
characterized as a lease or rental under generally accepted 101653
accounting principles, the Internal Revenue Code, Title XIII of 101654
the Revised Code, or other federal, state, or local laws. 101655

(VV) "Mobile telecommunications service" has the same meaning 101656

as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, on and after August 1, 2003, includes related fees and ancillary services, including universal service fees, detailed billing service, directory assistance, service initiation, voice mail service, and vertical services, such as caller ID and three-way calling.

(WW) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code.

(XX) "Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service.

(YY) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. For purposes of this chapter and Chapter 5741. of the Revised Code, "tangible personal property" includes motor vehicles, electricity, water, gas, steam, and prewritten computer software.

(ZZ) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the consumer or at the direction of the consumer when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the consumer to the direct mail vendor for inclusion in the package containing the printed material. "Direct mail" does

not include multiple items of printed material delivered to a 101689
single address. 101690

(AAA) "Computer" means an electronic device that accepts 101691
information in digital or similar form and manipulates it for a 101692
result based on a sequence of instructions. 101693

(BBB) "Computer software" means a set of coded instructions 101694
designed to cause a computer or automatic data processing 101695
equipment to perform a task. 101696

(CCC) "Delivered electronically" means delivery of computer 101697
software from the seller to the purchaser by means other than 101698
tangible storage media. 101699

(DDD) "Prewritten computer software" means computer software, 101700
including prewritten upgrades, that is not designed and developed 101701
by the author or other creator to the specifications of a specific 101702
purchaser. The combining of two or more prewritten computer 101703
software programs or prewritten portions thereof does not cause 101704
the combination to be other than prewritten computer software. 101705
"Prewritten computer software" includes software designed and 101706
developed by the author or other creator to the specifications of 101707
a specific purchaser when it is sold to a person other than the 101708
purchaser. If a person modifies or enhances computer software of 101709
which the person is not the author or creator, the person shall be 101710
deemed to be the author or creator only of such person's 101711
modifications or enhancements. Prewritten computer software or a 101712
prewritten portion thereof that is modified or enhanced to any 101713
degree, where such modification or enhancement is designed and 101714
developed to the specifications of a specific purchaser, remains 101715
prewritten computer software; provided, however, that where there 101716
is a reasonable, separately stated charge or an invoice or other 101717
statement of the price given to the purchaser for the modification 101718
or enhancement, the modification or enhancement shall not 101719
constitute prewritten computer software. 101720

(EEE)(1) "Food" means substances, whether in liquid, 101721
concentrated, solid, frozen, dried, or dehydrated form, that are 101722
sold for ingestion or chewing by humans and are consumed for their 101723
taste or nutritional value. "Food" does not include alcoholic 101724
beverages, dietary supplements, soft drinks, or tobacco. 101725

(2) As used in division (EEE)(1) of this section: 101726

(a) "Alcoholic beverages" means beverages that are suitable 101727
for human consumption and contain one-half of one per cent or more 101728
of alcohol by volume. 101729

(b) "Dietary supplements" means any product, other than 101730
tobacco, that is intended to supplement the diet and that is 101731
intended for ingestion in tablet, capsule, powder, softgel, 101732
gelcap, or liquid form, or, if not intended for ingestion in such 101733
a form, is not represented as conventional food for use as a sole 101734
item of a meal or of the diet; that is required to be labeled as a 101735
dietary supplement, identifiable by the "supplement facts" box 101736
found on the label, as required by 21 C.F.R. 101.36; and that 101737
contains one or more of the following dietary ingredients: 101738

(i) A vitamin; 101739

(ii) A mineral; 101740

(iii) An herb or other botanical; 101741

(iv) An amino acid; 101742

(v) A dietary substance for use by humans to supplement the 101743
diet by increasing the total dietary intake; 101744

(vi) A concentrate, metabolite, constituent, extract, or 101745
combination of any ingredient described in divisions 101746
(EEE)(2)(b)(i) to (v) of this section. 101747

(c) "Soft drinks" means nonalcoholic beverages that contain 101748
natural or artificial sweeteners. "Soft drinks" does not include 101749
beverages that contain milk or milk products, soy, rice, or 101750

similar milk substitutes, or that contains greater than fifty per 101751
cent vegetable or fruit juice by volume. 101752

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 101753
tobacco, or any other item that contains tobacco. 101754

(FFF) "Drug" means a compound, substance, or preparation, and 101755
any component of a compound, substance, or preparation, other than 101756
food, dietary supplements, or alcoholic beverages that is 101757
recognized in the official United States pharmacopoeia, official 101758
homeopathic pharmacopoeia of the United States, or official 101759
national formulary, and supplements to them; is intended for use 101760
in the diagnosis, cure, mitigation, treatment, or prevention of 101761
disease; or is intended to affect the structure or any function of 101762
the body. 101763

(GGG) "Prescription" means an order, formula, or recipe 101764
issued in any form of oral, written, electronic, or other means of 101765
transmission by a duly licensed practitioner authorized by the 101766
laws of this state to issue a prescription. 101767

(HHH) "Durable medical equipment" means equipment, including 101768
repair and replacement parts for such equipment, that can 101769
withstand repeated use, is primarily and customarily used to serve 101770
a medical purpose, generally is not useful to a person in the 101771
absence of illness or injury, and is not worn in or on the body. 101772
"Durable medical equipment" does not include mobility enhancing 101773
equipment. 101774

(III) "Mobility enhancing equipment" means equipment, 101775
including repair and replacement parts for such equipment, that is 101776
primarily and customarily used to provide or increase the ability 101777
to move from one place to another and is appropriate for use 101778
either in a home or a motor vehicle, that is not generally used by 101779
persons with normal mobility, and that does not include any motor 101780
vehicle or equipment on a motor vehicle normally provided by a 101781

motor vehicle manufacturer. "Mobility enhancing equipment" does 101782
not include durable medical equipment. 101783

(JJJ) "Prosthetic device" means a replacement, corrective, or 101784
supportive device, including repair and replacement parts for the 101785
device, worn on or in the human body to artificially replace a 101786
missing portion of the body, prevent or correct physical deformity 101787
or malfunction, or support a weak or deformed portion of the body. 101788
As used in this division, "prosthetic device" does not include 101789
corrective eyeglasses, contact lenses, or dental prosthesis. 101790

(KKK)(1) "Fractional aircraft ownership program" means a 101791
program in which persons within an affiliated group sell and 101792
manage fractional ownership program aircraft, provided that at 101793
least one hundred airworthy aircraft are operated in the program 101794
and the program meets all of the following criteria: 101795

(a) Management services are provided by at least one program 101796
manager within an affiliated group on behalf of the fractional 101797
owners. 101798

(b) Each program aircraft is owned or possessed by at least 101799
one fractional owner. 101800

(c) Each fractional owner owns or possesses at least a 101801
one-sixteenth interest in at least one fixed-wing program 101802
aircraft. 101803

(d) A dry-lease aircraft interchange arrangement is in effect 101804
among all of the fractional owners. 101805

(e) Multi-year program agreements are in effect regarding the 101806
fractional ownership, management services, and dry-lease aircraft 101807
interchange arrangement aspects of the program. 101808

(2) As used in division (KKK)(1) of this section: 101809

(a) "Affiliated group" has the same meaning as in division 101810
(B)(3)(e) of this section. 101811

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (KKK)(1)(e) of this section.

(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.

(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (KKK)(1)(e) of this section.

(LLL) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials;

editorials, columns, reader commentary, or features; photos or 101844
images; archival or research material; legal notices, identity 101845
verification, or public records; scientific, educational, 101846
instructional, technical, professional, trade, or other literary 101847
materials; or other similar information which has been gathered 101848
and made available by the provider to the consumer in an 101849
electronic format. Providing electronic publishing includes the 101850
functions necessary for the acquisition, formatting, editing, 101851
storage, and dissemination of data or information that is the 101852
subject of a sale. 101853

(MMM) "Medicaid health insuring corporation" means a health 101854
insuring corporation that holds a certificate of authority under 101855
Chapter 1751. of the Revised Code and is under contract with the 101856
department of job and family services pursuant to section 5111.17 101857
of the Revised Code. 101858

(NNN) "Managed care premium" means any premium, capitation, 101859
or other payment a medicaid health insuring corporation receives 101860
for providing or arranging for the provision of health care 101861
services to its members or enrollees residing in this state. 101862

(OOO) "Captive deer" means deer and other cervidae that have 101863
been legally acquired, or their offspring, that are privately 101864
owned for agricultural or farming purposes. 101865

(PPP) "Gift card" means a document, card, certificate, or 101866
other record, whether tangible or intangible, that may be redeemed 101867
by a consumer for a dollar value when making a purchase of 101868
tangible personal property or services. 101869

(QQQ) "Specified digital product" means an electronically 101870
transferred digital audiovisual work, digital audio work, or 101871
digital book. 101872

As used in division (QQQ) of this section: 101873

(1) "Digital audiovisual work" means a series of related 101874

images that, when shown in succession, impart an impression of 101875
motion, together with accompanying sounds, if any. 101876

(2) "Digital audio work" means a work that results from the 101877
fixation of a series of musical, spoken, or other sounds, 101878
including digitized sound files that are downloaded onto a device 101879
and that may be used to alert the customer with respect to a 101880
communication. 101881

(3) "Digital book" means a work that is generally recognized 101882
in the ordinary and usual sense as a book. 101883

(4) "Electronically transferred" means obtained by the 101884
purchaser by means other than tangible storage media. 101885

Sec. 5739.02. For the purpose of providing revenue with which 101886
to meet the needs of the state, for the use of the general revenue 101887
fund of the state, for the purpose of securing a thorough and 101888
efficient system of common schools throughout the state, for the 101889
purpose of affording revenues, in addition to those from general 101890
property taxes, permitted under constitutional limitations, and 101891
from other sources, for the support of local governmental 101892
functions, and for the purpose of reimbursing the state for the 101893
expense of administering this chapter, an excise tax is hereby 101894
levied on each retail sale made in this state. 101895

(A)(1) The tax shall be collected as provided in section 101896
5739.025 of the Revised Code. The rate of the tax shall be five 101897
and three-fourths per cent. The tax applies and is collectible 101898
when the sale is made, regardless of the time when the price is 101899
paid or delivered. 101900

(2) In the case of the lease or rental, with a fixed term of 101901
more than thirty days or an indefinite term with a minimum period 101902
of more than thirty days, of any motor vehicles designed by the 101903
manufacturer to carry a load of not more than one ton, watercraft, 101904

outboard motor, or aircraft, or of any tangible personal property, 101905
other than motor vehicles designed by the manufacturer to carry a 101906
load of more than one ton, to be used by the lessee or renter 101907
primarily for business purposes, the tax shall be collected by the 101908
vendor at the time the lease or rental is consummated and shall be 101909
calculated by the vendor on the basis of the total amount to be 101910
paid by the lessee or renter under the lease agreement. If the 101911
total amount of the consideration for the lease or rental includes 101912
amounts that are not calculated at the time the lease or rental is 101913
executed, the tax shall be calculated and collected by the vendor 101914
at the time such amounts are billed to the lessee or renter. In 101915
the case of an open-end lease or rental, the tax shall be 101916
calculated by the vendor on the basis of the total amount to be 101917
paid during the initial fixed term of the lease or rental, and for 101918
each subsequent renewal period as it comes due. As used in this 101919
division, "motor vehicle" has the same meaning as in section 101920
4501.01 of the Revised Code, and "watercraft" includes an outdrive 101921
unit attached to the watercraft. 101922

A lease with a renewal clause and a termination penalty or 101923
similar provision that applies if the renewal clause is not 101924
exercised is presumed to be a sham transaction. In such a case, 101925
the tax shall be calculated and paid on the basis of the entire 101926
length of the lease period, including any renewal periods, until 101927
the termination penalty or similar provision no longer applies. 101928
The taxpayer shall bear the burden, by a preponderance of the 101929
evidence, that the transaction or series of transactions is not a 101930
sham transaction. 101931

(3) Except as provided in division (A)(2) of this section, in 101932
the case of a sale, the price of which consists in whole or in 101933
part of the lease or rental of tangible personal property, the tax 101934
shall be measured by the installments of that lease or rental. 101935

(4) In the case of a sale of a physical fitness facility 101936

service or recreation and sports club service, the price of which 101937
consists in whole or in part of a membership for the receipt of 101938
the benefit of the service, the tax applicable to the sale shall 101939
be measured by the installments thereof. 101940

(B) The tax does not apply to the following: 101941

(1) Sales to the state or any of its political subdivisions, 101942
or to any other state or its political subdivisions if the laws of 101943
that state exempt from taxation sales made to this state and its 101944
political subdivisions; 101945

(2) Sales of food for human consumption off the premises 101946
where sold; 101947

(3) Sales of food sold to students only in a cafeteria, 101948
dormitory, fraternity, or sorority maintained in a private, 101949
public, or parochial school, college, or university; 101950

(4) Sales of newspapers and sales or transfers of magazines 101951
distributed as controlled circulation publications; 101952

(5) The furnishing, preparing, or serving of meals without 101953
charge by an employer to an employee provided the employer records 101954
the meals as part compensation for services performed or work 101955
done; 101956

(6) Sales of motor fuel upon receipt, use, distribution, or 101957
sale of which in this state a tax is imposed by the law of this 101958
state, but this exemption shall not apply to the sale of motor 101959
fuel on which a refund of the tax is allowable under division (A) 101960
of section 5735.14 of the Revised Code; and the tax commissioner 101961
may deduct the amount of tax levied by this section applicable to 101962
the price of motor fuel when granting a refund of motor fuel tax 101963
pursuant to division (A) of section 5735.14 of the Revised Code 101964
and shall cause the amount deducted to be paid into the general 101965
revenue fund of this state; 101966

(7) Sales of natural gas by a natural gas company, of water 101967
by a water-works company, or of steam by a heating company, if in 101968
each case the thing sold is delivered to consumers through pipes 101969
or conduits, and all sales of communications services by a 101970
telegraph company, all terms as defined in section 5727.01 of the 101971
Revised Code, and sales of electricity delivered through wires; 101972

(8) Casual sales by a person, or auctioneer employed directly 101973
by the person to conduct such sales, except as to such sales of 101974
motor vehicles, watercraft or outboard motors required to be 101975
titled under section 1548.06 of the Revised Code, watercraft 101976
documented with the United States coast guard, snowmobiles, and 101977
all-purpose vehicles as defined in section 4519.01 of the Revised 101978
Code; 101979

(9)(a) Sales of services or tangible personal property, other 101980
than motor vehicles, mobile homes, and manufactured homes, by 101981
churches, organizations exempt from taxation under section 101982
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 101983
organizations operated exclusively for charitable purposes as 101984
defined in division (B)(12) of this section, provided that the 101985
number of days on which such tangible personal property or 101986
services, other than items never subject to the tax, are sold does 101987
not exceed six in any calendar year, except as otherwise provided 101988
in division (B)(9)(b) of this section. If the number of days on 101989
which such sales are made exceeds six in any calendar year, the 101990
church or organization shall be considered to be engaged in 101991
business and all subsequent sales by it shall be subject to the 101992
tax. In counting the number of days, all sales by groups within a 101993
church or within an organization shall be considered to be sales 101994
of that church or organization. 101995

(b) The limitation on the number of days on which tax-exempt 101996
sales may be made by a church or organization under division 101997
(B)(9)(a) of this section does not apply to sales made by student 101998

clubs and other groups of students of a primary or secondary 101999
school, or a parent-teacher association, booster group, or similar 102000
organization that raises money to support or fund curricular or 102001
extracurricular activities of a primary or secondary school. 102002

(c) Divisions (B)(9)(a) and (b) of this section do not apply 102003
to sales by a noncommercial educational radio or television 102004
broadcasting station. 102005

(10) Sales not within the taxing power of this state under 102006
the Constitution or laws of the United States or the Constitution 102007
of this state; 102008

(11) Except for transactions that are sales under division 102009
(B)(3)(r) of section 5739.01 of the Revised Code, the 102010
transportation of persons or property, unless the transportation 102011
is by a private investigation and security service; 102012

(12) Sales of tangible personal property or services to 102013
churches, to organizations exempt from taxation under section 102014
501(c)(3) of the Internal Revenue Code of 1986, and to any other 102015
nonprofit organizations operated exclusively for charitable 102016
purposes in this state, no part of the net income of which inures 102017
to the benefit of any private shareholder or individual, and no 102018
substantial part of the activities of which consists of carrying 102019
on propaganda or otherwise attempting to influence legislation; 102020
sales to offices administering one or more homes for the aged or 102021
one or more hospital facilities exempt under section 140.08 of the 102022
Revised Code; and sales to organizations described in division (D) 102023
of section 5709.12 of the Revised Code. 102024

"Charitable purposes" means the relief of poverty; the 102025
improvement of health through the alleviation of illness, disease, 102026
or injury; the operation of an organization exclusively for the 102027
provision of professional, laundry, printing, and purchasing 102028
services to hospitals or charitable institutions; the operation of 102029

a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music, dramatics, and the arts; or the promotion of education by an organization engaged in carrying on research in, or the dissemination of, scientific and technological knowledge and information primarily for the public.

Nothing in this division shall be deemed to exempt sales to any organization for use in the operation or carrying on of a trade or business, or sales to a home for the aged for use in the operation of independent living facilities as defined in division (A) of section 5709.12 of the Revised Code.

(13) Building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property under a construction contract with this state or a political subdivision of this state, or with the United States government or any of its agencies; building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to

real property that are accepted for ownership by this state or any 102062
of its political subdivisions, or by the United States government 102063
or any of its agencies at the time of completion of the structures 102064
or improvements; building and construction materials sold to 102065
construction contractors for incorporation into a horticulture 102066
structure or livestock structure for a person engaged in the 102067
business of horticulture or producing livestock; building 102068
materials and services sold to a construction contractor for 102069
incorporation into a house of public worship or religious 102070
education, or a building used exclusively for charitable purposes 102071
under a construction contract with an organization whose purpose 102072
is as described in division (B)(12) of this section; building 102073
materials and services sold to a construction contractor for 102074
incorporation into a building under a construction contract with 102075
an organization exempt from taxation under section 501(c)(3) of 102076
the Internal Revenue Code of 1986 when the building is to be used 102077
exclusively for the organization's exempt purposes; building and 102078
construction materials sold for incorporation into the original 102079
construction of a sports facility under section 307.696 of the 102080
Revised Code; building and construction materials and services 102081
sold to a construction contractor for incorporation into real 102082
property outside this state if such materials and services, when 102083
sold to a construction contractor in the state in which the real 102084
property is located for incorporation into real property in that 102085
state, would be exempt from a tax on sales levied by that state; 102086
building and construction materials for incorporation into a 102087
transportation facility pursuant to a public-private agreement 102088
entered into under sections 5501.70 to 5501.83 of the Revised 102089
Code; and, until one calendar year after the construction of a 102090
convention center that qualifies for property tax exemption under 102091
section 5709.084 of the Revised Code is completed, building and 102092
construction materials and services sold to a construction 102093
contractor for incorporation into the real property comprising 102094

that convention center; 102095

(14) Sales of ships or vessels or rail rolling stock used or 102096
to be used principally in interstate or foreign commerce, and 102097
repairs, alterations, fuel, and lubricants for such ships or 102098
vessels or rail rolling stock; 102099

(15) Sales to persons primarily engaged in any of the 102100
activities mentioned in division (B)(42)(a), (g), or (h) of this 102101
section, to persons engaged in making retail sales, or to persons 102102
who purchase for sale from a manufacturer tangible personal 102103
property that was produced by the manufacturer in accordance with 102104
specific designs provided by the purchaser, of packages, including 102105
material, labels, and parts for packages, and of machinery, 102106
equipment, and material for use primarily in packaging tangible 102107
personal property produced for sale, including any machinery, 102108
equipment, and supplies used to make labels or packages, to 102109
prepare packages or products for labeling, or to label packages or 102110
products, by or on the order of the person doing the packaging, or 102111
sold at retail. "Packages" includes bags, baskets, cartons, 102112
crates, boxes, cans, bottles, bindings, wrappings, and other 102113
similar devices and containers, but does not include motor 102114
vehicles or bulk tanks, trailers, or similar devices attached to 102115
motor vehicles. "Packaging" means placing in a package. Division 102116
(B)(15) of this section does not apply to persons engaged in 102117
highway transportation for hire. 102118

(16) Sales of food to persons using supplemental nutrition 102119
assistance program benefits to purchase the food. As used in this 102120
division, "food" has the same meaning as in 7 U.S.C. 2012 and 102121
federal regulations adopted pursuant to the Food and Nutrition Act 102122
of 2008. 102123

(17) Sales to persons engaged in farming, agriculture, 102124
horticulture, or floriculture, of tangible personal property for 102125
use or consumption primarily in the production by farming, 102126

agriculture, horticulture, or floriculture of other tangible 102127
personal property for use or consumption primarily in the 102128
production of tangible personal property for sale by farming, 102129
agriculture, horticulture, or floriculture; or material and parts 102130
for incorporation into any such tangible personal property for use 102131
or consumption in production; and of tangible personal property 102132
for such use or consumption in the conditioning or holding of 102133
products produced by and for such use, consumption, or sale by 102134
persons engaged in farming, agriculture, horticulture, or 102135
floriculture, except where such property is incorporated into real 102136
property; 102137

(18) Sales of drugs for a human being that may be dispensed 102138
only pursuant to a prescription; insulin as recognized in the 102139
official United States pharmacopoeia; urine and blood testing 102140
materials when used by diabetics or persons with hypoglycemia to 102141
test for glucose or acetone; hypodermic syringes and needles when 102142
used by diabetics for insulin injections; epoetin alfa when 102143
purchased for use in the treatment of persons with medical 102144
disease; hospital beds when purchased by hospitals, nursing homes, 102145
or other medical facilities; and medical oxygen and medical 102146
oxygen-dispensing equipment when purchased by hospitals, nursing 102147
homes, or other medical facilities; 102148

(19) Sales of prosthetic devices, durable medical equipment 102149
for home use, or mobility enhancing equipment, when made pursuant 102150
to a prescription and when such devices or equipment are for use 102151
by a human being. 102152

(20) Sales of emergency and fire protection vehicles and 102153
equipment to nonprofit organizations for use solely in providing 102154
fire protection and emergency services, including trauma care and 102155
emergency medical services, for political subdivisions of the 102156
state; 102157

(21) Sales of tangible personal property manufactured in this 102158

state, if sold by the manufacturer in this state to a retailer for 102159
use in the retail business of the retailer outside of this state 102160
and if possession is taken from the manufacturer by the purchaser 102161
within this state for the sole purpose of immediately removing the 102162
same from this state in a vehicle owned by the purchaser; 102163

(22) Sales of services provided by the state or any of its 102164
political subdivisions, agencies, instrumentalities, institutions, 102165
or authorities, or by governmental entities of the state or any of 102166
its political subdivisions, agencies, instrumentalities, 102167
institutions, or authorities; 102168

(23) Sales of motor vehicles to nonresidents of this state 102169
under the circumstances described in division (B) of section 102170
5739.029 of the Revised Code; 102171

(24) Sales to persons engaged in the preparation of eggs for 102172
sale of tangible personal property used or consumed directly in 102173
such preparation, including such tangible personal property used 102174
for cleaning, sanitizing, preserving, grading, sorting, and 102175
classifying by size; packages, including material and parts for 102176
packages, and machinery, equipment, and material for use in 102177
packaging eggs for sale; and handling and transportation equipment 102178
and parts therefor, except motor vehicles licensed to operate on 102179
public highways, used in intraplant or interplant transfers or 102180
shipment of eggs in the process of preparation for sale, when the 102181
plant or plants within or between which such transfers or 102182
shipments occur are operated by the same person. "Packages" 102183
includes containers, cases, baskets, flats, fillers, filler flats, 102184
cartons, closure materials, labels, and labeling materials, and 102185
"packaging" means placing therein. 102186

(25)(a) Sales of water to a consumer for residential use; 102187

(b) Sales of water by a nonprofit corporation engaged 102188
exclusively in the treatment, distribution, and sale of water to 102189

consumers, if such water is delivered to consumers through pipes	102190
or tubing.	102191
(26) Fees charged for inspection or reinspection of motor	102192
vehicles under section 3704.14 of the Revised Code;	102193
(27) Sales to persons licensed to conduct a food service	102194
operation pursuant to section 3717.43 of the Revised Code, of	102195
tangible personal property primarily used directly for the	102196
following:	102197
(a) To prepare food for human consumption for sale;	102198
(b) To preserve food that has been or will be prepared for	102199
human consumption for sale by the food service operator, not	102200
including tangible personal property used to display food for	102201
selection by the consumer;	102202
(c) To clean tangible personal property used to prepare or	102203
serve food for human consumption for sale.	102204
(28) Sales of animals by nonprofit animal adoption services	102205
or county humane societies;	102206
(29) Sales of services to a corporation described in division	102207
(A) of section 5709.72 of the Revised Code, and sales of tangible	102208
personal property that qualifies for exemption from taxation under	102209
section 5709.72 of the Revised Code;	102210
(30) Sales and installation of agricultural land tile, as	102211
defined in division (B)(5)(a) of section 5739.01 of the Revised	102212
Code;	102213
(31) Sales and erection or installation of portable grain	102214
bins, as defined in division (B)(5)(b) of section 5739.01 of the	102215
Revised Code;	102216
(32) The sale, lease, repair, and maintenance of, parts for,	102217
or items attached to or incorporated in, motor vehicles that are	102218
primarily used for transporting tangible personal property	102219

belonging to others by a person engaged in highway transportation 102220
for hire, except for packages and packaging used for the 102221
transportation of tangible personal property; 102222

(33) Sales to the state headquarters of any veterans' 102223
organization in this state that is either incorporated and issued 102224
a charter by the congress of the United States or is recognized by 102225
the United States veterans administration, for use by the 102226
headquarters; 102227

(34) Sales to a telecommunications service vendor, mobile 102228
telecommunications service vendor, or satellite broadcasting 102229
service vendor of tangible personal property and services used 102230
directly and primarily in transmitting, receiving, switching, or 102231
recording any interactive, one- or two-way electromagnetic 102232
communications, including voice, image, data, and information, 102233
through the use of any medium, including, but not limited to, 102234
poles, wires, cables, switching equipment, computers, and record 102235
storage devices and media, and component parts for the tangible 102236
personal property. The exemption provided in this division shall 102237
be in lieu of all other exemptions under division (B)(42)(a) or 102238
(n) of this section to which the vendor may otherwise be entitled, 102239
based upon the use of the thing purchased in providing the 102240
telecommunications, mobile telecommunications, or satellite 102241
broadcasting service. 102242

(35)(a) Sales where the purpose of the consumer is to use or 102243
consume the things transferred in making retail sales and 102244
consisting of newspaper inserts, catalogues, coupons, flyers, gift 102245
certificates, or other advertising material that prices and 102246
describes tangible personal property offered for retail sale. 102247

(b) Sales to direct marketing vendors of preliminary 102248
materials such as photographs, artwork, and typesetting that will 102249
be used in printing advertising material; and of printed matter 102250
that offers free merchandise or chances to win sweepstake prizes 102251

and that is mailed to potential customers with advertising 102252
material described in division (B)(35)(a) of this section; 102253

(c) Sales of equipment such as telephones, computers, 102254
facsimile machines, and similar tangible personal property 102255
primarily used to accept orders for direct marketing retail sales. 102256

(d) Sales of automatic food vending machines that preserve 102257
food with a shelf life of forty-five days or less by refrigeration 102258
and dispense it to the consumer. 102259

For purposes of division (B)(35) of this section, "direct 102260
marketing" means the method of selling where consumers order 102261
tangible personal property by United States mail, delivery 102262
service, or telecommunication and the vendor delivers or ships the 102263
tangible personal property sold to the consumer from a warehouse, 102264
catalogue distribution center, or similar fulfillment facility by 102265
means of the United States mail, delivery service, or common 102266
carrier. 102267

(36) Sales to a person engaged in the business of 102268
horticulture or producing livestock of materials to be 102269
incorporated into a horticulture structure or livestock structure; 102270

(37) Sales of personal computers, computer monitors, computer 102271
keyboards, modems, and other peripheral computer equipment to an 102272
individual who is licensed or certified to teach in an elementary 102273
or a secondary school in this state for use by that individual in 102274
preparation for teaching elementary or secondary school students; 102275

(38) Sales to a professional racing team of any of the 102276
following: 102277

(a) Motor racing vehicles; 102278

(b) Repair services for motor racing vehicles; 102279

(c) Items of property that are attached to or incorporated in 102280
motor racing vehicles, including engines, chassis, and all other 102281

components of the vehicles, and all spare, replacement, and 102282
rebuilt parts or components of the vehicles; except not including 102283
tires, consumable fluids, paint, and accessories consisting of 102284
instrumentation sensors and related items added to the vehicle to 102285
collect and transmit data by means of telemetry and other forms of 102286
communication. 102287

(39) Sales of used manufactured homes and used mobile homes, 102288
as defined in section 5739.0210 of the Revised Code, made on or 102289
after January 1, 2000; 102290

(40) Sales of tangible personal property and services to a 102291
provider of electricity used or consumed directly and primarily in 102292
generating, transmitting, or distributing electricity for use by 102293
others, including property that is or is to be incorporated into 102294
and will become a part of the consumer's production, transmission, 102295
or distribution system and that retains its classification as 102296
tangible personal property after incorporation; fuel or power used 102297
in the production, transmission, or distribution of electricity; 102298
energy conversion equipment as defined in section 5727.01 of the 102299
Revised Code; and tangible personal property and services used in 102300
the repair and maintenance of the production, transmission, or 102301
distribution system, including only those motor vehicles as are 102302
specially designed and equipped for such use. The exemption 102303
provided in this division shall be in lieu of all other exemptions 102304
in division (B)(42)(a) or (n) of this section to which a provider 102305
of electricity may otherwise be entitled based on the use of the 102306
tangible personal property or service purchased in generating, 102307
transmitting, or distributing electricity. 102308

(41) Sales to a person providing services under division 102309
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 102310
personal property and services used directly and primarily in 102311
providing taxable services under that section. 102312

(42) Sales where the purpose of the purchaser is to do any of 102313

the following: 102314

(a) To incorporate the thing transferred as a material or a 102315
part into tangible personal property to be produced for sale by 102316
manufacturing, assembling, processing, or refining; or to use or 102317
consume the thing transferred directly in producing tangible 102318
personal property for sale by mining, including, without 102319
limitation, the extraction from the earth of all substances that 102320
are classed geologically as minerals, production of crude oil and 102321
natural gas, or directly in the rendition of a public utility 102322
service, except that the sales tax levied by this section shall be 102323
collected upon all meals, drinks, and food for human consumption 102324
sold when transporting persons. Persons engaged in rendering 102325
services in the exploration for, and production of, crude oil and 102326
natural gas for others are deemed engaged directly in the 102327
exploration for, and production of, crude oil and natural gas. 102328
This paragraph does not exempt from "retail sale" or "sales at 102329
retail" the sale of tangible personal property that is to be 102330
incorporated into a structure or improvement to real property. 102331

(b) To hold the thing transferred as security for the 102332
performance of an obligation of the vendor; 102333

(c) To resell, hold, use, or consume the thing transferred as 102334
evidence of a contract of insurance; 102335

(d) To use or consume the thing directly in commercial 102336
fishing; 102337

(e) To incorporate the thing transferred as a material or a 102338
part into, or to use or consume the thing transferred directly in 102339
the production of, magazines distributed as controlled circulation 102340
publications; 102341

(f) To use or consume the thing transferred in the production 102342
and preparation in suitable condition for market and sale of 102343
printed, imprinted, overprinted, lithographic, multilithic, 102344

blueprinted, photostatic, or other productions or reproductions of 102345
written or graphic matter; 102346

(g) To use the thing transferred, as described in section 102347
5739.011 of the Revised Code, primarily in a manufacturing 102348
operation to produce tangible personal property for sale; 102349

(h) To use the benefit of a warranty, maintenance or service 102350
contract, or similar agreement, as described in division (B)(7) of 102351
section 5739.01 of the Revised Code, to repair or maintain 102352
tangible personal property, if all of the property that is the 102353
subject of the warranty, contract, or agreement would not be 102354
subject to the tax imposed by this section; 102355

(i) To use the thing transferred as qualified research and 102356
development equipment; 102357

(j) To use or consume the thing transferred primarily in 102358
storing, transporting, mailing, or otherwise handling purchased 102359
sales inventory in a warehouse, distribution center, or similar 102360
facility when the inventory is primarily distributed outside this 102361
state to retail stores of the person who owns or controls the 102362
warehouse, distribution center, or similar facility, to retail 102363
stores of an affiliated group of which that person is a member, or 102364
by means of direct marketing. This division does not apply to 102365
motor vehicles registered for operation on the public highways. As 102366
used in this division, "affiliated group" has the same meaning as 102367
in division (B)(3)(e) of section 5739.01 of the Revised Code and 102368
"direct marketing" has the same meaning as in division (B)(35) of 102369
this section. 102370

(k) To use or consume the thing transferred to fulfill a 102371
contractual obligation incurred by a warrantor pursuant to a 102372
warranty provided as a part of the price of the tangible personal 102373
property sold or by a vendor of a warranty, maintenance or service 102374
contract, or similar agreement the provision of which is defined 102375

as a sale under division (B)(7) of section 5739.01 of the Revised Code; 102376
102377

(l) To use or consume the thing transferred in the production 102378
of a newspaper for distribution to the public; 102379

(m) To use tangible personal property to perform a service 102380
listed in division (B)(3) of section 5739.01 of the Revised Code, 102381
if the property is or is to be permanently transferred to the 102382
consumer of the service as an integral part of the performance of 102383
the service; 102384

(n) To use or consume the thing transferred primarily in 102385
producing tangible personal property for sale by farming, 102386
agriculture, horticulture, or floriculture. Persons engaged in 102387
rendering farming, agriculture, horticulture, or floriculture 102388
services for others are deemed engaged primarily in farming, 102389
agriculture, horticulture, or floriculture. This paragraph does 102390
not exempt from "retail sale" or "sales at retail" the sale of 102391
tangible personal property that is to be incorporated into a 102392
structure or improvement to real property. 102393

(o) To use or consume the thing transferred in acquiring, 102394
formatting, editing, storing, and disseminating data or 102395
information by electronic publishing; 102396

(p) To provide the thing transferred to the owner or lessee 102397
of a motor vehicle that is being repaired or serviced, if the 102398
thing transferred is a rented motor vehicle and the purchaser is 102399
reimbursed for the cost of the rented motor vehicle by a 102400
manufacturer, warrantor, or provider of a maintenance, service, or 102401
other similar contract or agreement, with respect to the motor 102402
vehicle that is being repaired or serviced. 102403

As used in division (B)(42) of this section, "thing" includes 102404
all transactions included in divisions (B)(3)(a), (b), and (e) of 102405
section 5739.01 of the Revised Code. 102406

(43) Sales conducted through a coin operated device that 102407
activates vacuum equipment or equipment that dispenses water, 102408
whether or not in combination with soap or other cleaning agents 102409
or wax, to the consumer for the consumer's use on the premises in 102410
washing, cleaning, or waxing a motor vehicle, provided no other 102411
personal property or personal service is provided as part of the 102412
transaction. 102413

(44) Sales of replacement and modification parts for engines, 102414
airframes, instruments, and interiors in, and paint for, aircraft 102415
used primarily in a fractional aircraft ownership program, and 102416
sales of services for the repair, modification, and maintenance of 102417
such aircraft, and machinery, equipment, and supplies primarily 102418
used to provide those services. 102419

(45) Sales of telecommunications service that is used 102420
directly and primarily to perform the functions of a call center. 102421
As used in this division, "call center" means any physical 102422
location where telephone calls are placed or received in high 102423
volume for the purpose of making sales, marketing, customer 102424
service, technical support, or other specialized business 102425
activity, and that employs at least fifty individuals that engage 102426
in call center activities on a full-time basis, or sufficient 102427
individuals to fill fifty full-time equivalent positions. 102428

(46) Sales by a telecommunications service vendor of 900 102429
service to a subscriber. This division does not apply to 102430
information services, as defined in division (FF) of section 102431
5739.01 of the Revised Code. 102432

(47) Sales of value-added non-voice data service. This 102433
division does not apply to any similar service that is not 102434
otherwise a telecommunications service. 102435

(48)(a) Sales of machinery, equipment, and software to a 102436
qualified direct selling entity for use in a warehouse or 102437

distribution center primarily for storing, transporting, or 102438
otherwise handling inventory that is held for sale to independent 102439
salespersons who operate as direct sellers and that is held 102440
primarily for distribution outside this state; 102441

(b) As used in division (B)(48)(a) of this section: 102442

(i) "Direct seller" means a person selling consumer products 102443
to individuals for personal or household use and not from a fixed 102444
retail location, including selling such product at in-home product 102445
demonstrations, parties, and other one-on-one selling. 102446

(ii) "Qualified direct selling entity" means an entity 102447
selling to direct sellers at the time the entity enters into a tax 102448
credit agreement with the tax credit authority pursuant to section 102449
122.17 of the Revised Code, provided that the agreement was 102450
entered into on or after January 1, 2007. Neither contingencies 102451
relevant to the granting of, nor later developments with respect 102452
to, the tax credit shall impair the status of the qualified direct 102453
selling entity under division (B)(48) of this section after 102454
execution of the tax credit agreement by the tax credit authority. 102455

(c) Division (B)(48) of this section is limited to machinery, 102456
equipment, and software first stored, used, or consumed in this 102457
state within the period commencing June 24, 2008, and ending on 102458
the date that is five years after that date. 102459

(49) Sales of materials, parts, equipment, or engines used in 102460
the repair or maintenance of aircraft or avionics systems of such 102461
aircraft, and sales of repair, remodeling, replacement, or 102462
maintenance services in this state performed on aircraft or on an 102463
aircraft's avionics, engine, or component materials or parts. As 102464
used in division (B)(49) of this section, "aircraft" means 102465
aircraft of more than six thousand pounds maximum certified 102466
takeoff weight or used exclusively in general aviation. 102467

(50) Sales of full flight simulators that are used for pilot 102468

or flight-crew training, sales of repair or replacement parts or 102469
components, and sales of repair or maintenance services for such 102470
full flight simulators. "Full flight simulator" means a replica of 102471
a specific type, or make, model, and series of aircraft cockpit. 102472
It includes the assemblage of equipment and computer programs 102473
necessary to represent aircraft operations in ground and flight 102474
conditions, a visual system providing an out-of-the-cockpit view, 102475
and a system that provides cues at least equivalent to those of a 102476
three-degree-of-freedom motion system, and has the full range of 102477
capabilities of the systems installed in the device as described 102478
in appendices A and B of part 60 of chapter 1 of title 14 of the 102479
Code of Federal Regulations. 102480

(51) Any transfer or lease of tangible personal property 102481
between the state and JobsOhio in accordance with section 4313.02 102482
of the Revised Code. 102483

(52)(a) Sales to a qualifying corporation. 102484

(b) As used in division (B)(52) of this section: 102485

(i) "Qualifying corporation" means a nonprofit corporation 102486
organized in this state that leases from an eligible county land, 102487
buildings, structures, fixtures, and improvements to the land that 102488
are part of or used in a public recreational facility used by a 102489
major league professional athletic team or a class A to class AAA 102490
minor league affiliate of a major league professional athletic 102491
team for a significant portion of the team's home schedule, 102492
provided the following apply: 102493

(I) The facility is leased from the eligible county pursuant 102494
to a lease that requires substantially all of the revenue from the 102495
operation of the business or activity conducted by the nonprofit 102496
corporation at the facility in excess of operating costs, capital 102497
expenditures, and reserves to be paid to the eligible county at 102498
least once per calendar year. 102499

(II) Upon dissolution and liquidation of the nonprofit corporation, all of its net assets are distributable to the board of commissioners of the eligible county from which the corporation leases the facility.

(ii) "Eligible county" has the same meaning as in section 307.695 of the Revised Code.

(53) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of cable service or programming, video service or programming, audio service or programming, or electronically transferred digital audiovisual or audio work. As used in division (B)(53) of this section, "cable service" and "cable service provider" have the same meanings as in section 1332.01 of the Revised Code, and "video service," "video service provider," and "video programming" have the same meanings as in section 1332.21 of the Revised Code.

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and

the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

Sec. 5739.026. (A) A board of county commissioners may levy a tax of one-fourth or one-half of one per cent on every retail sale in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and may increase an existing rate of one-fourth of one per cent to one-half of one per cent, to pay the expenses of administering the tax and, except as provided in division (A)(6) of this section, for any one or more of the following purposes provided that the aggregate levy for all such purposes does not exceed one-half of one per cent:

(1) To provide additional revenues for the payment of bonds or notes issued in anticipation of bonds issued by a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code and to provide additional operating revenues for the convention facilities authority;

(2) To provide additional revenues for a transit authority operating in the county;

(3) To provide additional revenue for the county's general fund;

(4) To provide additional revenue for permanent improvements within the county to be distributed by the community improvements board in accordance with section 307.283 and to pay principal, interest, and premium on bonds issued under section 307.284 of the Revised Code;

(5) To provide additional revenue for the acquisition, 102561
construction, equipping, or repair of any specific permanent 102562
improvement or any class or group of permanent improvements, which 102563
improvement or class or group of improvements shall be enumerated 102564
in the resolution required by division (D) of this section, and to 102565
pay principal, interest, premium, and other costs associated with 102566
the issuance of bonds or notes in anticipation of bonds issued 102567
pursuant to Chapter 133. of the Revised Code for the acquisition, 102568
construction, equipping, or repair of the specific permanent 102569
improvement or class or group of permanent improvements; 102570

(6) To provide revenue for the implementation and operation 102571
of a 9-1-1 system in the county. If the tax is levied or the rate 102572
increased exclusively for such purpose, the tax shall not be 102573
levied or the rate increased for more than five years. At the end 102574
of the last year the tax is levied or the rate increased, any 102575
balance remaining in the special fund established for such purpose 102576
shall remain in that fund and be used exclusively for such purpose 102577
until the fund is completely expended, and, notwithstanding 102578
section 5705.16 of the Revised Code, the board of county 102579
commissioners shall not petition for the transfer of money from 102580
such special fund, and the tax commissioner shall not approve such 102581
a petition. 102582

If the tax is levied or the rate increased for such purpose 102583
for more than five years, the board of county commissioners also 102584
shall levy the tax or increase the rate of the tax for one or more 102585
of the purposes described in divisions (A)(1) to (5) of this 102586
section and shall prescribe the method for allocating the revenues 102587
from the tax each year in the manner required by division (C) of 102588
this section. 102589

(7) To provide additional revenue for the operation or 102590
maintenance of a detention facility, as that term is defined under 102591
division (F) of section 2921.01 of the Revised Code; 102592

(8) To provide revenue to finance the construction or 102593
renovation of a sports facility, but only if the tax is levied for 102594
that purpose in the manner prescribed by section 5739.028 of the 102595
Revised Code. 102596

As used in division (A)(8) of this section: 102597

(a) "Sports facility" means a facility intended to house 102598
major league professional athletic teams. 102599

(b) "Constructing" or "construction" includes providing 102600
fixtures, furnishings, and equipment. 102601

(9) To provide additional revenue for the acquisition of 102602
agricultural easements, as defined in section 5301.67 of the 102603
Revised Code; to pay principal, interest, and premium on bonds 102604
issued under section 133.60 of the Revised Code; and for the 102605
supervision and enforcement of agricultural easements held by the 102606
county; 102607

(10) To provide revenue for the provision of ambulance, 102608
paramedic, or other emergency medical services; 102609

(11) To provide revenue for the operation of a lake 102610
facilities authority and the remediation of an impacted watershed 102611
by a lake facilities authority, as provided in Chapter 353. of the 102612
Revised Code. 102613

Pursuant to section 755.171 of the Revised Code, a board of 102614
county commissioners may pledge and contribute revenue from a tax 102615
levied for the purpose of division (A)(5) of this section to the 102616
payment of debt charges on bonds issued under section 755.17 of 102617
the Revised Code. 102618

The rate of tax shall be a multiple of one-fourth of one per 102619
cent, unless a portion of the rate of an existing tax levied under 102620
section 5739.023 of the Revised Code has been reduced, and the 102621
rate of tax levied under this section has been increased, pursuant 102622

to section 5739.028 of the Revised Code, in which case the 102623
aggregate of the rates of tax levied under this section and 102624
section 5739.023 of the Revised Code shall be a multiple of 102625
one-fourth of one per cent. The tax shall be levied and the rate 102626
increased pursuant to a resolution adopted by a majority of the 102627
members of the board. The board shall deliver a certified copy of 102628
the resolution to the tax commissioner, not later than the 102629
sixty-fifth day prior to the date on which the tax is to become 102630
effective, which shall be the first day of a calendar quarter. 102631

Prior to the adoption of any resolution to levy the tax or to 102632
increase the rate of tax exclusively for the purpose set forth in 102633
division (A)(3) of this section, the board of county commissioners 102634
shall conduct two public hearings on the resolution, the second 102635
hearing to be no fewer than three nor more than ten days after the 102636
first. Notice of the date, time, and place of the hearings shall 102637
be given by publication in a newspaper of general circulation in 102638
the county, or as provided in section 7.16 of the Revised Code, 102639
once a week on the same day of the week for two consecutive weeks. 102640
The second publication shall be no fewer than ten nor more than 102641
thirty days prior to the first hearing. Except as provided in 102642
division (E) of this section, the resolution shall be subject to a 102643
referendum as provided in sections 305.31 to 305.41 of the Revised 102644
Code. If the resolution is adopted as an emergency measure 102645
necessary for the immediate preservation of the public peace, 102646
health, or safety, it must receive an affirmative vote of all of 102647
the members of the board of county commissioners and shall state 102648
the reasons for the necessity. 102649

If the tax is for more than one of the purposes set forth in 102650
divisions (A)(1) to (7), (9), and (10) of this section, or is 102651
exclusively for one of the purposes set forth in division (A)(1), 102652
(2), (4), (5), (6), (7), (9), or (10) of this section, the 102653
resolution shall not go into effect unless it is approved by a 102654

majority of the electors voting on the question of the tax. 102655

(B) The board of county commissioners shall adopt a 102656
resolution under section 351.02 of the Revised Code creating the 102657
convention facilities authority, or under section 307.283 of the 102658
Revised Code creating the community improvements board, before 102659
adopting a resolution levying a tax for the purpose of a 102660
convention facilities authority under division (A)(1) of this 102661
section or for the purpose of a community improvements board under 102662
division (A)(4) of this section. 102663

(C)(1) If the tax is to be used for more than one of the 102664
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 102665
this section, the board of county commissioners shall establish 102666
the method that will be used to determine the amount or proportion 102667
of the tax revenue received by the county during each year that 102668
will be distributed for each of those purposes, including, if 102669
applicable, provisions governing the reallocation of a convention 102670
facilities authority's allocation if the authority is dissolved 102671
while the tax is in effect. The allocation method may provide that 102672
different proportions or amounts of the tax shall be distributed 102673
among the purposes in different years, but it shall clearly 102674
describe the method that will be used for each year. Except as 102675
otherwise provided in division (C)(2) of this section, the 102676
allocation method established by the board is not subject to 102677
amendment during the life of the tax. 102678

(2) Subsequent to holding a public hearing on the proposed 102679
amendment, the board of county commissioners may amend the 102680
allocation method established under division (C)(1) of this 102681
section for any year, if the amendment is approved by the 102682
governing board of each entity whose allocation for the year would 102683
be reduced by the proposed amendment. In the case of a tax that is 102684
levied for a continuing period of time, the board may not so amend 102685
the allocation method for any year before the sixth year that the 102686

tax is in effect. 102687

(a) If the additional revenues provided to the convention 102688
facilities authority are pledged by the authority for the payment 102689
of convention facilities authority revenue bonds for as long as 102690
such bonds are outstanding, no reduction of the authority's 102691
allocation of the tax shall be made for any year except to the 102692
extent that the reduced authority allocation, when combined with 102693
the authority's other revenues pledged for that purpose, is 102694
sufficient to meet the debt service requirements for that year on 102695
such bonds. 102696

(b) If the additional revenues provided to the county are 102697
pledged by the county for the payment of bonds or notes described 102698
in division (A)(4) or (5) of this section, for as long as such 102699
bonds or notes are outstanding, no reduction of the county's or 102700
the community improvements board's allocation of the tax shall be 102701
made for any year, except to the extent that the reduced county or 102702
community improvements board allocation is sufficient to meet the 102703
debt service requirements for that year on such bonds or notes. 102704

(c) If the additional revenues provided to the transit 102705
authority are pledged by the authority for the payment of revenue 102706
bonds issued under section 306.37 of the Revised Code, for as long 102707
as such bonds are outstanding, no reduction of the authority's 102708
allocation of tax shall be made for any year, except to the extent 102709
that the authority's reduced allocation, when combined with the 102710
authority's other revenues pledged for that purpose, is sufficient 102711
to meet the debt service requirements for that year on such bonds. 102712

(d) If the additional revenues provided to the county are 102713
pledged by the county for the payment of bonds or notes issued 102714
under section 133.60 of the Revised Code, for so long as the bonds 102715
or notes are outstanding, no reduction of the county's allocation 102716
of the tax shall be made for any year, except to the extent that 102717
the reduced county allocation is sufficient to meet the debt 102718

service requirements for that year on the bonds or notes. 102719

(D)(1) The resolution levying the tax or increasing the rate 102720
of tax shall state the rate of the tax or the rate of the 102721
increase; the purpose or purposes for which it is to be levied; 102722
the number of years for which it is to be levied or that it is for 102723
a continuing period of time; the allocation method required by 102724
division (C) of this section; and if required to be submitted to 102725
the electors of the county under division (A) of this section, the 102726
date of the election at which the proposal shall be submitted to 102727
the electors of the county, which shall be not less than ninety 102728
days after the certification of a copy of the resolution to the 102729
board of elections and, if the tax is to be levied exclusively for 102730
the purpose set forth in division (A)(3) of this section, shall 102731
not occur in ~~February or~~ August of any year. Upon certification of 102732
the resolution to the board of elections, the board of county 102733
commissioners shall notify the tax commissioner in writing of the 102734
levy question to be submitted to the electors. If approved by a 102735
majority of the electors, the tax shall become effective on the 102736
first day of a calendar quarter next following the sixty-fifth day 102737
following the date the board of county commissioners and tax 102738
commissioner receive from the board of elections the certification 102739
of the results of the election, except as provided in division (E) 102740
of this section. 102741

(2)(a) A resolution specifying that the tax is to be used 102742
exclusively for the purpose set forth in division (A)(3) of this 102743
section that is not adopted as an emergency measure may direct the 102744
board of elections to submit the question of levying the tax or 102745
increasing the rate of the tax to the electors of the county at a 102746
special election held on the date specified by the board of county 102747
commissioners in the resolution, provided that the election occurs 102748
not less than ninety days after the resolution is certified to the 102749
board of elections and the election is not held in ~~February or~~ 102750

August of any year. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. No resolution adopted under division (D)(2)(a) of this section shall go into effect unless approved by a majority of those voting upon it and, except as provided in division (E) of this section, not until the first day of a calendar quarter following the expiration of sixty-five days from the date the tax commissioner receives notice from the board of elections of the affirmative vote.

(b) A resolution specifying that the tax is to be used exclusively for the purpose set forth in division (A)(3) of this section that is adopted as an emergency measure shall become effective as provided in division (A) of this section, but may direct the board of elections to submit the question of repealing the tax or increase in the rate of the tax to the electors of the county at the next general election in the county occurring not less than ninety days after the resolution is certified to the board of elections. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. The ballot question shall be the same as that prescribed in section 5739.022 of the Revised Code. The board of elections shall notify the board of county commissioners and the tax commissioner of the result of the election immediately after the result has been declared. If a majority of the qualified electors voting on the question of repealing the tax or increase in the rate of the tax vote for repeal of the tax or repeal of the increase, the board of county commissioners, on the first day of a calendar quarter following the expiration of sixty-five days after the date the board and tax commissioner received notice of the result of the election, shall, in the case of a repeal of the tax, cease to levy the tax, or, in the case of a repeal of an increase

in the rate of the tax, cease to levy the increased rate and levy 102784
the tax at the rate at which it was imposed immediately prior to 102785
the increase in rate. 102786

(c) A board of county commissioners, by resolution, may 102787
reduce the rate of a tax levied exclusively for the purpose set 102788
forth in division (A)(3) of this section to a lower rate 102789
authorized by this section. Any such reduction shall be made 102790
effective on the first day of the calendar quarter next following 102791
the sixty-fifth day after the tax commissioner receives a 102792
certified copy of the resolution from the board. 102793

(E) If a vendor makes a sale in this state by printed catalog 102794
and the consumer computed the tax on the sale based on local rates 102795
published in the catalog, any tax levied or repealed or rate 102796
changed under this section shall not apply to such a sale until 102797
the first day of a calendar quarter following the expiration of 102798
one hundred twenty days from the date of notice by the tax 102799
commissioner pursuant to division (G) of this section. 102800

(F) The tax levied pursuant to this section shall be in 102801
addition to the tax levied by section 5739.02 of the Revised Code 102802
and any tax levied pursuant to section 5739.021 or 5739.023 of the 102803
Revised Code. 102804

A county that levies a tax pursuant to this section shall 102805
levy a tax at the same rate pursuant to section 5741.023 of the 102806
Revised Code. 102807

The additional tax levied by the county shall be collected 102808
pursuant to section 5739.025 of the Revised Code. 102809

Any tax levied pursuant to this section is subject to the 102810
exemptions provided in section 5739.02 of the Revised Code and in 102811
addition shall not be applicable to sales not within the taxing 102812
power of a county under the Constitution of the United States or 102813
the Ohio Constitution. 102814

(G) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) of this section, or from the board of elections a notice of the results of an election required by division (D)(1), (2)(a), (b), or (c) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, and except as otherwise provided in division (B) of this section, the tax due under this chapter on the sale of a motor vehicle required to be titled under Chapter 4505. of the Revised Code by a motor vehicle dealer to a consumer that is a nonresident of this state shall be the lesser of the amount of tax that would be due under this chapter and Chapter 5741. of the Revised Code if the total combined rate were six per cent, or the amount of tax that would be due to the state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use.

(B) No tax is due under this section, any other section of this chapter, or Chapter 5741. of the Revised Code under any of the following circumstances:

(1)(a) The consumer intends to immediately remove the motor vehicle from this state for use outside this state;

(b) Upon removal of the motor vehicle from this state, the consumer intends to title or register the vehicle in another state if such titling or registration is required;

(c) The consumer executes an affidavit as required under

division (C) of this section affirming the consumer's intentions 102846
under divisions (B)(1)(a) and (b) of this section; and 102847

(d) The state in which the consumer titles or registers the 102848
motor vehicle or to which the consumer removes the vehicle for use 102849
provides an exemption under circumstances substantially similar to 102850
those described in division (B)(1) of this section. 102851

(2) The state in which the consumer titles or registers the 102852
motor vehicle or to which the consumer removes the vehicle for use 102853
does not provide a credit against its sales or use tax or similar 102854
excise tax for sales or use tax paid to this state. 102855

(3) The state in which the consumer titles or registers the 102856
motor vehicle or to which the consumer removes the vehicle for use 102857
does not impose a sales or use tax or similar excise tax on the 102858
ownership or use of motor vehicles. 102859

(C) Any nonresident consumer that purchases a motor vehicle 102860
from a motor vehicle dealer in this state under the circumstances 102861
described in divisions (B)(1)(a) and (b) of this section shall 102862
execute an affidavit affirming the intentions described in those 102863
divisions. The affidavit shall be executed in triplicate and in 102864
the form specified by the tax commissioner. The affidavit shall be 102865
given to the motor vehicle dealer. 102866

A motor vehicle dealer that accepts in good faith an 102867
affidavit presented under this division by a nonresident consumer 102868
may rely upon the representations made in the affidavit. 102869

(D) A motor vehicle dealer making a sale subject to the tax 102870
under division (A) of this section shall collect the tax due 102871
unless the sale is subject to the exception under division (B) of 102872
this section or unless the sale is not otherwise subject to taxes 102873
levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 102874
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In 102875
the case of a sale under the circumstances described in division 102876

(B)(1) of this section, the dealer shall retain one copy of the affidavit and file the original and the other copy with the clerk of the court of common pleas. If tax is due under division (A) of this section, the dealer shall remit the tax collected ~~to the clerk at the time the dealer obtains the Ohio certificate of title in the name of the consumer~~ as required under section 4505.06 of the Revised Code. The clerk shall forward the original affidavit to the tax commissioner in the manner prescribed by the commissioner.

Unless a sale is excepted from taxation under division (B) of this section or the dealer makes an election under division (B)(5) of section 4505.06 of the Revised Code, upon receipt of an application for certificate of title a clerk of the court of common pleas shall collect the sales tax due under division (A) of this section. ~~The clerk shall~~ and remit the tax collected to the tax commissioner in the manner prescribed by the commissioner.

(E) If a motor vehicle is purchased by a corporation described in division (B)(6) of section 5739.01 of the Revised Code, the state of residence of the consumer for the purposes of this section is the state of residence of the corporation's principal shareholder.

(F) Any provision of this chapter or of Chapter 5741. of the Revised Code that is not inconsistent with this section applies to sales described in division (A) of this section.

(G) As used in this section:

(1) For the purposes of this section only, the sale or purchase of a motor vehicle does not include a lease or rental of a motor vehicle subject to division (A)(2) or (3) of section 5739.02 or division (A)(2) or (3) of section 5741.02 of the Revised Code;

(2) "State," except in reference to "this state," means any

state, district, commonwealth, or territory of the United States 102908
and any province of Canada. 102909

Sec. 5739.09. (A)(1) A board of county commissioners may, by 102910
resolution adopted by a majority of the members of the board, levy 102911
an excise tax not to exceed three per cent on transactions by 102912
which lodging by a hotel is or is to be furnished to transient 102913
guests. The board shall establish all regulations necessary to 102914
provide for the administration and allocation of the tax. The 102915
regulations may prescribe the time for payment of the tax, and may 102916
provide for the imposition of a penalty or interest, or both, for 102917
late payments, provided that the penalty does not exceed ten per 102918
cent of the amount of tax due, and the rate at which interest 102919
accrues does not exceed the rate per annum prescribed pursuant to 102920
section 5703.47 of the Revised Code. Except as provided in 102921
divisions (A)(2), (3), (4), (5), (6), ~~and (7), (8), (9), and (10)~~ 102922
of this section, the regulations shall provide, after deducting 102923
the real and actual costs of administering the tax, for the return 102924
to each municipal corporation or township that does not levy an 102925
excise tax on the transactions, a uniform percentage of the tax 102926
collected in the municipal corporation or in the unincorporated 102927
portion of the township from each transaction, not to exceed 102928
thirty-three and one-third per cent. The remainder of the revenue 102929
arising from the tax shall be deposited in a separate fund and 102930
shall be spent solely to make contributions to the convention and 102931
visitors' bureau operating within the county, including a pledge 102932
and contribution of any portion of the remainder pursuant to an 102933
agreement authorized by section 307.678 or 307.695 of the Revised 102934
Code, provided that if the board of county commissioners of an 102935
eligible county as defined in section 307.678 or 307.695 of the 102936
Revised Code adopts a resolution amending a resolution levying a 102937
tax under this division to provide that revenue from the tax shall 102938
be used by the board as described in either division (D) of 102939

section 307.678 or division (H) of section 307.695 of the Revised Code, the remainder of the revenue shall be used as described in the resolution making that amendment. Except as provided in division (A)(2), (3), (4), (5), (6), ~~or (7), (8), (9), or (10)~~ or (H) of this section, on and after May 10, 1994, a board of county commissioners may not levy an excise tax pursuant to this division in any municipal corporation or township located wholly or partly within the county that has in effect an ordinance or resolution levying an excise tax pursuant to division (B) of this section. The board of a county that has levied a tax under division (C) of this section may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, amend the resolution levying a tax under this division to provide for a portion of that tax to be pledged and contributed in accordance with an agreement entered into under section 307.695 of the Revised Code. A tax, any revenue from which is pledged pursuant to such an agreement, shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue from the tax has been so pledged.

The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend a resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, in which case the tax shall remain in effect at the rate at which it was imposed for the duration of any agreement entered into by the board under section 307.695 of the Revised Code, the duration during which any securities issued by the board under that section are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

The board of county commissioners of an eligible county as defined in section 307.678 of the Revised Code may, by resolution, amend a resolution levying a tax under this division to provide that revenue from the tax, not to exceed five hundred thousand dollars each year, may be used as described in division (D) of section 307.678 of the Revised Code.

The board of county commissioners of a county described in division (A)(9) of this section may, by resolution, amend a resolution levying a tax under this division to provide that all or a portion of the revenue from the tax may be used for the purposes described in section 307.679 of the Revised Code.

(2) A board of county commissioners that levies an excise tax under division (A)(1) of this section on June 30, 1997, at a rate of three per cent, and that has pledged revenue from the tax to an agreement entered into under section 307.695 of the Revised Code or, in the case of the board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code, has amended a resolution levying a tax under division (C) of this section to provide that proceeds from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax up to seven per cent on each transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; and to provide that the rate in excess of the three per cent levied under division (A)(1) of this section shall remain in effect at the rate at which it is

imposed for the duration of the period during which any agreement 103004
is in effect that was entered into under section 307.695 of the 103005
Revised Code by the board of county commissioners levying a tax 103006
under division (A)(1) of this section, the duration of the period 103007
during which any securities issued by the board under division (I) 103008
of section 307.695 of the Revised Code are outstanding, or the 103009
duration of the period during which the board owns a project as 103010
defined in section 307.695 of the Revised Code, whichever duration 103011
is longest. The amendment also shall provide that no portion of 103012
that revenue need be returned to townships or municipal 103013
corporations as would otherwise be required under division (A)(1) 103014
of this section. 103015

(3) A board of county commissioners that levies a tax under 103016
division (A)(1) of this section on March 18, 1999, at a rate of 103017
three per cent may, by resolution adopted not later than 103018
forty-five days after March 18, 1999, amend the resolution levying 103019
the tax to provide for all of the following: 103020

(a) That the rate of the tax shall be increased by not more 103021
than an additional four per cent on each transaction; 103022

(b) That all of the revenue from the increase in the rate 103023
shall be pledged and contributed to a convention facilities 103024
authority established by the board of county commissioners under 103025
Chapter 351. of the Revised Code on or before November 15, 1998, 103026
and used to pay costs of constructing, maintaining, operating, and 103027
promoting a facility in the county, including paying bonds, or 103028
notes issued in anticipation of bonds, as provided by that 103029
chapter; 103030

(c) That no portion of the revenue arising from the increase 103031
in rate need be returned to municipal corporations or townships as 103032
otherwise required under division (A)(1) of this section; 103033

(d) That the increase in rate shall not be subject to 103034

diminution by initiative or referendum or by law while any bonds, 103035
or notes in anticipation of bonds, issued by the authority under 103036
Chapter 351. of the Revised Code to which the revenue is pledged, 103037
remain outstanding in accordance with their terms, unless 103038
provision is made by law or by the board of county commissioners 103039
for an adequate substitute therefor that is satisfactory to the 103040
trustee if a trust agreement secures the bonds. 103041

Division (A)(3) of this section does not apply to the board 103042
of county commissioners of any county in which a convention center 103043
or facility exists or is being constructed on November 15, 1998, 103044
or of any county in which a convention facilities authority levies 103045
a tax pursuant to section 351.021 of the Revised Code on that 103046
date. 103047

As used in division (A)(3) of this section, "cost" and 103048
"facility" have the same meanings as in section 351.01 of the 103049
Revised Code, and "convention center" has the same meaning as in 103050
section 307.695 of the Revised Code. 103051

(4)(a) A board of county commissioners that levies a tax 103052
under division (A)(1) of this section on June 30, 2002, at a rate 103053
of three per cent may, by resolution adopted not later than 103054
September 30, 2002, amend the resolution levying the tax to 103055
provide for all of the following: 103056

(i) That the rate of the tax shall be increased by not more 103057
than an additional three and one-half per cent on each 103058
transaction; 103059

(ii) That all of the revenue from the increase in rate shall 103060
be pledged and contributed to a convention facilities authority 103061
established by the board of county commissioners under Chapter 103062
351. of the Revised Code on or before May 15, 2002, and be used to 103063
pay costs of constructing, expanding, maintaining, operating, or 103064
promoting a convention center in the county, including paying 103065

bonds, or notes issued in anticipation of bonds, as provided by 103066
that chapter; 103067

(iii) That no portion of the revenue arising from the 103068
increase in rate need be returned to municipal corporations or 103069
townships as otherwise required under division (A)(1) of this 103070
section; 103071

(iv) That the increase in rate shall not be subject to 103072
diminution by initiative or referendum or by law while any bonds, 103073
or notes in anticipation of bonds, issued by the authority under 103074
Chapter 351. of the Revised Code to which the revenue is pledged, 103075
remain outstanding in accordance with their terms, unless 103076
provision is made by law or by the board of county commissioners 103077
for an adequate substitute therefor that is satisfactory to the 103078
trustee if a trust agreement secures the bonds. 103079

(b) Any board of county commissioners that, pursuant to 103080
division (A)(4)(a) of this section, has amended a resolution 103081
levying the tax authorized by division (A)(1) of this section may 103082
further amend the resolution to provide that the revenue referred 103083
to in division (A)(4)(a)(ii) of this section shall be pledged and 103084
contributed both to a convention facilities authority to pay the 103085
costs of constructing, expanding, maintaining, or operating one or 103086
more convention centers in the county, including paying bonds, or 103087
notes issued in anticipation of bonds, as provided in Chapter 351. 103088
of the Revised Code, and to a convention and visitors' bureau to 103089
pay the costs of promoting one or more convention centers in the 103090
county. 103091

As used in division (A)(4) of this section, "cost" has the 103092
same meaning as in section 351.01 of the Revised Code, and 103093
"convention center" has the same meaning as in section 307.695 of 103094
the Revised Code. 103095

(5)(a) As used in division (A)(5) of this section: 103096

(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.

(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.

(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:

(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;

(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(6) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3,

Ohio Constitution, and that levies an excise tax under division 103128
(A)(1) of this section at a rate of three per cent and levies an 103129
additional excise tax under division (E) of this section at a rate 103130
of one and one-half per cent may, by resolution adopted not later 103131
than January 1, 2008, by a majority of the members of the board, 103132
amend the resolution levying a tax under division (A)(1) of this 103133
section to provide for an increase in the rate of that tax by not 103134
more than an additional one per cent on transactions by which 103135
lodging by a hotel is or is to be furnished to transient guests. 103136
Notwithstanding divisions (A)(1) and (E) of this section, the 103137
resolution shall provide that all of the revenue from the increase 103138
in rate, after deducting the real and actual costs of 103139
administering the tax, shall be used to pay the costs of 103140
improving, expanding, equipping, financing, or operating a 103141
convention center by a convention and visitors' bureau in the 103142
county. The increase in rate shall remain in effect for the period 103143
specified in the resolution, not to exceed ten years. The increase 103144
in rate shall be subject to the regulations adopted under division 103145
(A)(1) of this section, except that the resolution may provide 103146
that no portion of the revenue from the increase in the rate shall 103147
be returned to townships or municipal corporations as would 103148
otherwise be required under that division. 103149

(7) Division (A)(7) of this section applies only to a county 103150
with a population greater than sixty-five thousand and less than 103151
seventy thousand according to the most recent federal decennial 103152
census and in which, on December 31, 2006, an excise tax is levied 103153
under division (A)(1) of this section at a rate not less than and 103154
not greater than three per cent, and in which the most recent 103155
increase in the rate of that tax was enacted or took effect in 103156
November 1984. 103157

The board of county commissioners of a county to which this 103158
division applies, by resolution adopted by a majority of the 103159

members of the board, may increase the rate of the tax by not more 103160
than one per cent on transactions by which lodging by a hotel is 103161
or is to be furnished to transient guests. The increase in rate 103162
shall be for the purpose of paying expenses deemed necessary by 103163
the convention and visitors' bureau operating in the county to 103164
promote travel and tourism. The increase in rate shall remain in 103165
effect for the period specified in the resolution, not to exceed 103166
twenty years, provided that the increase in rate may not continue 103167
beyond the time when the purpose for which the increase is levied 103168
ceases to exist. If revenue from the increase in rate is pledged 103169
to the payment of debt charges on securities, the increase in rate 103170
is not subject to diminution by initiative or referendum or by law 103171
for so long as the securities are outstanding, unless provision is 103172
made by law or by the board of county commissioners for an 103173
adequate substitute for that revenue that is satisfactory to the 103174
trustee if a trust agreement secures payment of the debt charges. 103175
The increase in rate shall be subject to the regulations adopted 103176
under division (A)(1) of this section, except that the resolution 103177
may provide that no portion of the revenue from the increase in 103178
the rate shall be returned to townships or municipal corporations 103179
as would otherwise be required under division (A)(1) of this 103180
section. A resolution adopted under division (A)(7) of this 103181
section is subject to referendum under sections 305.31 to 305.99 103182
of the Revised Code. 103183

(8)(a) Division (A)(8) of this section applies only to a 103184
county satisfying all of the following: 103185

(i) The population of the county is greater than one hundred 103186
seventy-five thousand and less than two hundred twenty-five 103187
thousand according to the most recent federal decennial census. 103188

(ii) An amusement park with an average yearly attendance in 103189
excess of two million guests is located in the county. 103190

(iii) On December 31, 2014, an excise tax was levied in the 103191

county under division (A)(1) of this section at a rate of three 103192
per cent. 103193

(b) The board of county commissioners of a county to which 103194
this division applies, by resolution adopted by a majority of the 103195
members of the board, may increase the rate of the tax by not more 103196
than one per cent on transactions by which lodging by a hotel is 103197
or is to be furnished to transient guests. The increase in rate 103198
shall be for the purpose of paying the costs of constructing and 103199
maintaining county-owned facilities designed to host sporting 103200
events and paying expenses deemed necessary by the convention and 103201
visitors' bureau operating in the county to promote travel and 103202
tourism with reference to the sports facilities. The increase in 103203
rate shall remain in effect for the period specified in the 103204
resolution. If revenue from the increase in rate is pledged to the 103205
payment of debt charges on securities, the increase in rate is not 103206
subject to diminution by initiative or referendum or by law for so 103207
long as the securities are outstanding, unless provision is made 103208
by law or by the board of county commissioners for an adequate 103209
substitute for that revenue that is satisfactory to the trustee if 103210
a trust agreement secures payment of the debt charges. The 103211
increase in rate shall be subject to the regulations adopted under 103212
division (A)(1) of this section, except that the resolution may 103213
provide that no portion of the revenue from the increase in the 103214
rate shall be returned to townships or municipal corporations as 103215
would otherwise be required under division (A)(1) of this section. 103216

(9) The board of county commissioners of a county with a 103217
population greater than seventy-five thousand and less than 103218
seventy-eight thousand, by resolution adopted by a majority of the 103219
members of the board not later than October 15, 2015, may increase 103220
the rate of the tax by not more than one per cent on transactions 103221
by which lodging by a hotel is or is to be furnished to transient 103222
guests. The increase in rate shall be for the purposes described 103223

in section 307.679 of the Revised Code or for the promotion of 103224
travel and tourism in the county, including travel and tourism to 103225
sports facilities. The increase in rate shall remain in effect for 103226
the period specified in the resolution and as necessary to fulfill 103227
the county's obligations under a cooperative agreement entered 103228
into under section 307.679 of the Revised Code. If the resolution 103229
is adopted by the board before the effective date of the enactment 103230
of this division but after that enactment becomes law, the 103231
increase in rate shall become effective beginning on the effective 103232
date of the enactment of this division. If revenue from the 103233
increase in rate is pledged to the payment of debt charges on 103234
securities, or to substitute for other revenues pledged to the 103235
payment of such debt, the increase in rate is not subject to 103236
diminution by initiative or referendum or by law for so long as 103237
the securities are outstanding, unless provision is made by law or 103238
by the board of county commissioners for an adequate substitute 103239
for that revenue that is satisfactory to the trustee if a trust 103240
agreement secures payment of the debt charges. The increase in 103241
rate shall be subject to the regulations adopted under division 103242
(A)(1) of this section, except that no portion of the revenue from 103243
the increase in the rate shall be returned to townships or 103244
municipal corporations as would otherwise be required under 103245
division (A)(1) of this section. 103246

(10) Division (A)(10) of this section applies only to 103247
counties satisfying either of the following: 103248

(a) A county that, on July 1, 2015, does not levy an excise 103249
tax under division (A)(1) of this section and that has a 103250
population of at least thirty-nine thousand but not more than 103251
forty thousand according to the 2010 federal decennial census; 103252

(b) A county that, on July 1, 2015, levies an excise tax 103253
under division (A)(1) of this section at a rate of three per cent 103254
and that has a population of at least seventy-one thousand but not 103255

more than seventy-five thousand according to 2010 federal 103256
decennial census. 103257

The board of county commissioners of a county to which 103258
division (A)(10) of this section applies, by resolution adopted by 103259
a majority of the members of the board, may levy an excise tax at 103260
a rate not to exceed three per cent on transactions by which 103261
lodging by a hotel is or is to be furnished to transient guests 103262
for the purpose of acquiring, constructing, equipping, or 103263
repairing permanent improvements, as defined in section 133.01 of 103264
the Revised Code. If the board does not levy a tax under division 103265
(A)(1) of this section, the board shall establish regulations 103266
necessary to provide for the administration of the tax, which may 103267
prescribe the time for payment of the tax and the imposition of 103268
penalty or interest subject to the limitations on penalty and 103269
interest provided in division (A)(1) of this section. No portion 103270
of the revenue shall be returned to townships or municipal 103271
corporations in the county unless otherwise provided by resolution 103272
of the board. The tax shall apply throughout the territory of the 103273
county, including in any township or municipal corporation levying 103274
an excise tax under division (B) of this section or division (A) 103275
of section 5739.08 of the Revised Code. The levy of the tax is 103276
subject to referendum as provided under section 305.31 of the 103277
Revised Code. 103278

The tax shall remain in effect for the period specified in 103279
the resolution. If revenue from the increase in rate is pledged to 103280
the payment of debt charges on securities, the increase in rate is 103281
not subject to diminution by initiative or referendum or by law 103282
for so long as the securities are outstanding unless provision is 103283
made by law or by the board for an adequate substitute for that 103284
revenue that is satisfactory to the trustee if a trust agreement 103285
secures payment of the debt charges. 103286

(B)(1) The legislative authority of a municipal corporation 103287

or the board of trustees of a township that is not wholly or 103288
partly located in a county that has in effect a resolution levying 103289
an excise tax pursuant to division (A)(1) of this section may, by 103290
ordinance or resolution, levy an excise tax not to exceed three 103291
per cent on transactions by which lodging by a hotel is or is to 103292
be furnished to transient guests. The legislative authority of the 103293
municipal corporation or the board of trustees of the township 103294
shall deposit at least fifty per cent of the revenue from the tax 103295
levied pursuant to this division into a separate fund, which shall 103296
be spent solely to make contributions to convention and visitors' 103297
bureaus operating within the county in which the municipal 103298
corporation or township is wholly or partly located, and the 103299
balance of that revenue shall be deposited in the general fund. 103300
The municipal corporation or township shall establish all 103301
regulations necessary to provide for the administration and 103302
allocation of the tax. The regulations may prescribe the time for 103303
payment of the tax, and may provide for the imposition of a 103304
penalty or interest, or both, for late payments, provided that the 103305
penalty does not exceed ten per cent of the amount of tax due, and 103306
the rate at which interest accrues does not exceed the rate per 103307
annum prescribed pursuant to section 5703.47 of the Revised Code. 103308
The levy of a tax under this division is in addition to any tax 103309
imposed on the same transaction by a municipal corporation or a 103310
township as authorized by division (A) of section 5739.08 of the 103311
Revised Code. 103312

(2)(a) The legislative authority of the most populous 103313
municipal corporation located wholly or partly in a county in 103314
which the board of county commissioners has levied a tax under 103315
division (A)(4) of this section may amend, on or before September 103316
30, 2002, that municipal corporation's ordinance or resolution 103317
that levies an excise tax on transactions by which lodging by a 103318
hotel is or is to be furnished to transient guests, to provide for 103319
all of the following: 103320

(i) That the rate of the tax shall be increased by not more 103321
than an additional one per cent on each transaction; 103322

(ii) That all of the revenue from the increase in rate shall 103323
be pledged and contributed to a convention facilities authority 103324
established by the board of county commissioners under Chapter 103325
351. of the Revised Code on or before May 15, 2002, and be used to 103326
pay costs of constructing, expanding, maintaining, operating, or 103327
promoting a convention center in the county, including paying 103328
bonds, or notes issued in anticipation of bonds, as provided by 103329
that chapter; 103330

(iii) That the increase in rate shall not be subject to 103331
diminution by initiative or referendum or by law while any bonds, 103332
or notes in anticipation of bonds, issued by the authority under 103333
Chapter 351. of the Revised Code to which the revenue is pledged, 103334
remain outstanding in accordance with their terms, unless 103335
provision is made by law, by the board of county commissioners, or 103336
by the legislative authority, for an adequate substitute therefor 103337
that is satisfactory to the trustee if a trust agreement secures 103338
the bonds. 103339

(b) The legislative authority of a municipal corporation 103340
that, pursuant to division (B)(2)(a) of this section, has amended 103341
its ordinance or resolution to increase the rate of the tax 103342
authorized by division (B)(1) of this section may further amend 103343
the ordinance or resolution to provide that the revenue referred 103344
to in division (B)(2)(a)(ii) of this section shall be pledged and 103345
contributed both to a convention facilities authority to pay the 103346
costs of constructing, expanding, maintaining, or operating one or 103347
more convention centers in the county, including paying bonds, or 103348
notes issued in anticipation of bonds, as provided in Chapter 351. 103349
of the Revised Code, and to a convention and visitors' bureau to 103350
pay the costs of promoting one or more convention centers in the 103351
county. 103352

As used in division (B)(2) of this section, "cost" has the
same meaning as in section 351.01 of the Revised Code, and
"convention center" has the same meaning as in section 307.695 of
the Revised Code.

(C) For the purposes described in section 307.695 of the
Revised Code and to cover the costs of administering the tax, a
board of county commissioners of a county where a tax imposed
under division (A)(1) of this section is in effect may, by
resolution adopted within ninety days after July 15, 1985, by a
majority of the members of the board, levy an additional excise
tax not to exceed three per cent on transactions by which lodging
by a hotel is or is to be furnished to transient guests. The tax
authorized by this division shall be in addition to any tax that
is levied pursuant to division (A) of this section, but it shall
not apply to transactions subject to a tax levied by a municipal
corporation or township pursuant to the authorization granted by
division (A) of section 5739.08 of the Revised Code. The board
shall establish all regulations necessary to provide for the
administration and allocation of the tax. The regulations may
prescribe the time for payment of the tax, and may provide for the
imposition of a penalty or interest, or both, for late payments,
provided that the penalty does not exceed ten per cent of the
amount of tax due, and the rate at which interest accrues does not
exceed the rate per annum prescribed pursuant to section 5703.47
of the Revised Code. All revenues arising from the tax shall be
expended in accordance with section 307.695 of the Revised Code.
The board of county commissioners of an eligible county as defined
in section 307.695 of the Revised Code may, by resolution adopted
by a majority of the members of the board, amend the resolution
levying a tax under this division to provide that the revenue from
the tax shall be used by the board as described in division (H) of
section 307.695 of the Revised Code. A tax imposed under this
division shall remain in effect at the rate at which it is imposed

for the duration of the period during which any agreement entered 103386
into by the board under section 307.695 of the Revised Code is in 103387
effect, the duration of the period during which any securities 103388
issued by the board under division (I) of section 307.695 of the 103389
Revised Code are outstanding, or the duration of the period during 103390
which the board owns a project as defined in section 307.695 of 103391
the Revised Code, whichever duration is longest. 103392

(D) For the purpose of providing contributions under division 103393
(B)(1) of section 307.671 of the Revised Code to enable the 103394
acquisition, construction, and equipping of a port authority 103395
educational and cultural facility in the county and, to the extent 103396
provided for in the cooperative agreement authorized by that 103397
section, for the purpose of paying debt service charges on bonds, 103398
or notes in anticipation of bonds, described in division (B)(1)(b) 103399
of that section, a board of county commissioners, by resolution 103400
adopted within ninety days after December 22, 1992, by a majority 103401
of the members of the board, may levy an additional excise tax not 103402
to exceed one and one-half per cent on transactions by which 103403
lodging by a hotel is or is to be furnished to transient guests. 103404
The excise tax authorized by this division shall be in addition to 103405
any tax that is levied pursuant to divisions (A), (B), and (C) of 103406
this section, to any excise tax levied pursuant to section 5739.08 103407
of the Revised Code, and to any excise tax levied pursuant to 103408
section 351.021 of the Revised Code. The board of county 103409
commissioners shall establish all regulations necessary to provide 103410
for the administration and allocation of the tax that are not 103411
inconsistent with this section or section 307.671 of the Revised 103412
Code. The regulations may prescribe the time for payment of the 103413
tax, and may provide for the imposition of a penalty or interest, 103414
or both, for late payments, provided that the penalty does not 103415
exceed ten per cent of the amount of tax due, and the rate at 103416
which interest accrues does not exceed the rate per annum 103417
prescribed pursuant to section 5703.47 of the Revised Code. All 103418

revenues arising from the tax shall be expended in accordance with 103419
section 307.671 of the Revised Code and division (D) of this 103420
section. The levy of a tax imposed under this division may not 103421
commence prior to the first day of the month next following the 103422
execution of the cooperative agreement authorized by section 103423
307.671 of the Revised Code by all parties to that agreement. The 103424
tax shall remain in effect at the rate at which it is imposed for 103425
the period of time described in division (C) of section 307.671 of 103426
the Revised Code for which the revenue from the tax has been 103427
pledged by the county to the corporation pursuant to that section, 103428
but, to any extent provided for in the cooperative agreement, for 103429
no lesser period than the period of time required for payment of 103430
the debt service charges on bonds, or notes in anticipation of 103431
bonds, described in division (B)(1)(b) of that section. 103432

(E) For the purpose of paying the costs of acquiring, 103433
constructing, equipping, and improving a municipal educational and 103434
cultural facility, including debt service charges on bonds 103435
provided for in division (B) of section 307.672 of the Revised 103436
Code, and for any additional purposes determined by the county in 103437
the resolution levying the tax or amendments to the resolution, 103438
including subsequent amendments providing for paying costs of 103439
acquiring, constructing, renovating, rehabilitating, equipping, 103440
and improving a port authority educational and cultural performing 103441
arts facility, as defined in section 307.674 of the Revised Code, 103442
and including debt service charges on bonds provided for in 103443
division (B) of section 307.674 of the Revised Code, the 103444
legislative authority of a county, by resolution adopted within 103445
ninety days after June 30, 1993, by a majority of the members of 103446
the legislative authority, may levy an additional excise tax not 103447
to exceed one and one-half per cent on transactions by which 103448
lodging by a hotel is or is to be furnished to transient guests. 103449
The excise tax authorized by this division shall be in addition to 103450
any tax that is levied pursuant to divisions (A), (B), (C), and 103451

(D) of this section, to any excise tax levied pursuant to section 103452
5739.08 of the Revised Code, and to any excise tax levied pursuant 103453
to section 351.021 of the Revised Code. The legislative authority 103454
of the county shall establish all regulations necessary to provide 103455
for the administration and allocation of the tax. The regulations 103456
may prescribe the time for payment of the tax, and may provide for 103457
the imposition of a penalty or interest, or both, for late 103458
payments, provided that the penalty does not exceed ten per cent 103459
of the amount of tax due, and the rate at which interest accrues 103460
does not exceed the rate per annum prescribed pursuant to section 103461
5703.47 of the Revised Code. All revenues arising from the tax 103462
shall be expended in accordance with section 307.672 of the 103463
Revised Code and this division. The levy of a tax imposed under 103464
this division shall not commence prior to the first day of the 103465
month next following the execution of the cooperative agreement 103466
authorized by section 307.672 of the Revised Code by all parties 103467
to that agreement. The tax shall remain in effect at the rate at 103468
which it is imposed for the period of time determined by the 103469
legislative authority of the county. That period of time shall not 103470
exceed fifteen years, except that the legislative authority of a 103471
county with a population of less than two hundred fifty thousand 103472
according to the most recent federal decennial census, by 103473
resolution adopted by a majority of its members before the 103474
original tax expires, may extend the duration of the tax for an 103475
additional period of time. The additional period of time by which 103476
a legislative authority extends a tax levied under this division 103477
shall not exceed fifteen years. 103478

(F) The legislative authority of a county that has levied a 103479
tax under division (E) of this section may, by resolution adopted 103480
within one hundred eighty days after January 4, 2001, by a 103481
majority of the members of the legislative authority, amend the 103482
resolution levying a tax under that division to provide for the 103483
use of the proceeds of that tax, to the extent that it is no 103484

longer needed for its original purpose as determined by the 103485
parties to a cooperative agreement amendment pursuant to division 103486
(D) of section 307.672 of the Revised Code, to pay costs of 103487
acquiring, constructing, renovating, rehabilitating, equipping, 103488
and improving a port authority educational and cultural performing 103489
arts facility, including debt service charges on bonds provided 103490
for in division (B) of section 307.674 of the Revised Code, and to 103491
pay all obligations under any guaranty agreements, reimbursement 103492
agreements, or other credit enhancement agreements described in 103493
division (C) of section 307.674 of the Revised Code. The 103494
resolution may also provide for the extension of the tax at the 103495
same rate for the longer of the period of time determined by the 103496
legislative authority of the county, but not to exceed an 103497
additional twenty-five years, or the period of time required to 103498
pay all debt service charges on bonds provided for in division (B) 103499
of section 307.672 of the Revised Code and on port authority 103500
revenue bonds provided for in division (B) of section 307.674 of 103501
the Revised Code. All revenues arising from the amendment and 103502
extension of the tax shall be expended in accordance with section 103503
307.674 of the Revised Code, this division, and division (E) of 103504
this section. 103505

(G) For purposes of a tax levied by a county, township, or 103506
municipal corporation under this section or section 5739.08 of the 103507
Revised Code, a board of county commissioners, board of township 103508
trustees, or the legislative authority of a municipal corporation 103509
may adopt a resolution or ordinance at any time specifying that 103510
"hotel," as otherwise defined in section 5739.01 of the Revised 103511
Code, includes the following: 103512

(1) Establishments in which fewer than five rooms are used 103513
for the accommodation of guests. 103514

(2) Establishments at which rooms are used for the 103515
accommodation of guests regardless of whether each room is 103516

accessible through its own keyed entry or several rooms are 103517
accessible through the same keyed entry; and, in determining the 103518
number of rooms, all rooms are included regardless of the number 103519
of structures in which the rooms are situated or the number of 103520
parcels of land on which the structures are located if the 103521
structures are under the same ownership and the structures are not 103522
identified in advertisements of the accommodations as distinct 103523
establishments. For the purposes of division (G)(2) of this 103524
section, two or more structures are under the same ownership if 103525
they are owned by the same person, or if they are owned by two or 103526
more persons the majority of the ownership interests of which are 103527
owned by the same person. 103528

The resolution or ordinance may apply to a tax imposed 103529
pursuant to this section prior to the adoption of the resolution 103530
or ordinance if the resolution or ordinance so states, but the tax 103531
shall not apply to transactions by which lodging by such an 103532
establishment is provided to transient guests prior to the 103533
adoption of the resolution or ordinance. 103534

(H)(1) As used in this division: 103535

(a) "Convention facilities authority" has the same meaning as 103536
in section 351.01 of the Revised Code. 103537

(b) "Convention center" has the same meaning as in section 103538
307.695 of the Revised Code. 103539

(2) Notwithstanding any contrary provision of division (D) of 103540
this section, the legislative authority of a county with a 103541
population of one million or more according to the most recent 103542
federal decennial census that has levied a tax under division (D) 103543
of this section may, by resolution adopted by a majority of the 103544
members of the legislative authority, provide for the extension of 103545
such levy and may provide that the proceeds of that tax, to the 103546
extent that they are no longer needed for their original purpose 103547

as defined by a cooperative agreement entered into under section 103548
307.671 of the Revised Code, shall be deposited into the county 103549
general revenue fund. The resolution shall provide for the 103550
extension of the tax at a rate not to exceed the rate specified in 103551
division (D) of this section for a period of time determined by 103552
the legislative authority of the county, but not to exceed an 103553
additional forty years. 103554

(3) The legislative authority of a county with a population 103555
of one million or more that has levied a tax under division (A)(1) 103556
of this section may, by resolution adopted by a majority of the 103557
members of the legislative authority, increase the rate of the tax 103558
levied by such county under division (A)(1) of this section to a 103559
rate not to exceed five per cent on transactions by which lodging 103560
by a hotel is or is to be furnished to transient guests. 103561
Notwithstanding any contrary provision of division (A)(1) of this 103562
section, the resolution may provide that all collections resulting 103563
from the rate levied in excess of three per cent, after deducting 103564
the real and actual costs of administering the tax, shall be 103565
deposited in the county general fund. 103566

(4) The legislative authority of a county with a population 103567
of one million or more that has levied a tax under division (A)(1) 103568
of this section may, by resolution adopted on or before August 30, 103569
2004, by a majority of the members of the legislative authority, 103570
provide that all or a portion of the proceeds of the tax levied 103571
under division (A)(1) of this section, after deducting the real 103572
and actual costs of administering the tax and the amounts required 103573
to be returned to townships and municipal corporations with 103574
respect to the first three per cent levied under division (A)(1) 103575
of this section, shall be deposited in the county general fund, 103576
provided that such proceeds shall be used to satisfy any pledges 103577
made in connection with an agreement entered into under section 103578
307.695 of the Revised Code. 103579

(5) No amount collected from a tax levied, extended, or 103580
required to be deposited in the county general fund under division 103581
(H) of this section shall be contributed to a convention 103582
facilities authority, corporation, or other entity created after 103583
July 1, 2003, for the principal purpose of constructing, 103584
improving, expanding, equipping, financing, or operating a 103585
convention center unless the mayor of the municipal corporation in 103586
which the convention center is to be operated by that convention 103587
facilities authority, corporation, or other entity has consented 103588
to the creation of that convention facilities authority, 103589
corporation, or entity. Notwithstanding any contrary provision of 103590
section 351.04 of the Revised Code, if a tax is levied by a county 103591
under division (H) of this section, the board of county 103592
commissioners of that county may determine the manner of 103593
selection, the qualifications, the number, and terms of office of 103594
the members of the board of directors of any convention facilities 103595
authority, corporation, or other entity described in division 103596
(H)(5) of this section. 103597

(6)(a) No amount collected from a tax levied, extended, or 103598
required to be deposited in the county general fund under division 103599
(H) of this section may be used for any purpose other than paying 103600
the direct and indirect costs of constructing, improving, 103601
expanding, equipping, financing, or operating a convention center 103602
and for the real and actual costs of administering the tax, 103603
unless, prior to the adoption of the resolution of the legislative 103604
authority of the county authorizing the levy, extension, increase, 103605
or deposit, the county and the mayor of the most populous 103606
municipal corporation in that county have entered into an 103607
agreement as to the use of such amounts, provided that such 103608
agreement has been approved by a majority of the mayors of the 103609
other municipal corporations in that county. The agreement shall 103610
provide that the amounts to be used for purposes other than paying 103611
the convention center or administrative costs described in 103612

division (H)(6)(a) of this section be used only for the direct and 103613
indirect costs of capital improvements, including the financing of 103614
capital improvements. 103615

(b) If the county in which the tax is levied has an 103616
association of mayors and city managers, the approval of that 103617
association of an agreement described in division (H)(6)(a) of 103618
this section shall be considered to be the approval of the 103619
majority of the mayors of the other municipal corporations for 103620
purposes of that division. 103621

(7) Each year, the auditor of state shall conduct an audit of 103622
the uses of any amounts collected from taxes levied, extended, or 103623
deposited under division (H) of this section and shall prepare a 103624
report of the auditor of state's findings. The auditor of state 103625
shall submit the report to the legislative authority of the county 103626
that has levied, extended, or deposited the tax, the speaker of 103627
the house of representatives, the president of the senate, and the 103628
leaders of the minority parties of the house of representatives 103629
and the senate. 103630

(I)(1) As used in this division: 103631

(a) "Convention facilities authority" has the same meaning as 103632
in section 351.01 of the Revised Code. 103633

(b) "Convention center" has the same meaning as in section 103634
307.695 of the Revised Code. 103635

(2) Notwithstanding any contrary provision of division (D) of 103636
this section, the legislative authority of a county with a 103637
population of one million two hundred thousand or more according 103638
to the most recent federal decennial census or the most recent 103639
annual population estimate published or released by the United 103640
States census bureau at the time the resolution is adopted placing 103641
the levy on the ballot, that has levied a tax under division (D) 103642
of this section may, by resolution adopted by a majority of the 103643

members of the legislative authority, provide for the extension of 103644
such levy and may provide that the proceeds of that tax, to the 103645
extent that the proceeds are no longer needed for their original 103646
purpose as defined by a cooperative agreement entered into under 103647
section 307.671 of the Revised Code and after deducting the real 103648
and actual costs of administering the tax, shall be used for 103649
paying the direct and indirect costs of constructing, improving, 103650
expanding, equipping, financing, or operating a convention center. 103651
The resolution shall provide for the extension of the tax at a 103652
rate not to exceed the rate specified in division (D) of this 103653
section for a period of time determined by the legislative 103654
authority of the county, but not to exceed an additional forty 103655
years. 103656

(3) The legislative authority of a county with a population 103657
of one million two hundred thousand or more that has levied a tax 103658
under division (A)(1) of this section may, by resolution adopted 103659
by a majority of the members of the legislative authority, 103660
increase the rate of the tax levied by such county under division 103661
(A)(1) of this section to a rate not to exceed five per cent on 103662
transactions by which lodging by a hotel is or is to be furnished 103663
to transient guests. Notwithstanding any contrary provision of 103664
division (A)(1) of this section, the resolution shall provide that 103665
all collections resulting from the rate levied in excess of three 103666
per cent, after deducting the real and actual costs of 103667
administering the tax, shall be used for paying the direct and 103668
indirect costs of constructing, improving, expanding, equipping, 103669
financing, or operating a convention center. 103670

(4) The legislative authority of a county with a population 103671
of one million two hundred thousand or more that has levied a tax 103672
under division (A)(1) of this section may, by resolution adopted 103673
on or before July 1, 2008, by a majority of the members of the 103674
legislative authority, provide that all or a portion of the 103675

proceeds of the tax levied under division (A)(1) of this section, 103676
after deducting the real and actual costs of administering the tax 103677
and the amounts required to be returned to townships and municipal 103678
corporations with respect to the first three per cent levied under 103679
division (A)(1) of this section, shall be used to satisfy any 103680
pledges made in connection with an agreement entered into under 103681
section 307.695 of the Revised Code or shall otherwise be used for 103682
paying the direct and indirect costs of constructing, improving, 103683
expanding, equipping, financing, or operating a convention center. 103684

(5) Any amount collected from a tax levied or extended under 103685
division (I) of this section may be contributed to a convention 103686
facilities authority created before July 1, 2005, but no amount 103687
collected from a tax levied or extended under division (I) of this 103688
section may be contributed to a convention facilities authority, 103689
corporation, or other entity created after July 1, 2005, unless 103690
the mayor of the municipal corporation in which the convention 103691
center is to be operated by that convention facilities authority, 103692
corporation, or other entity has consented to the creation of that 103693
convention facilities authority, corporation, or entity. 103694

(J)(1) Except as provided in division (J)(2) of this section, 103695
money collected by a county and distributed under this section to 103696
a convention and visitors' bureau in existence as of June 30, 103697
2013, the effective date of H.B. 59 of the 130th general assembly, 103698
except for any such money pledged, as of that effective date, to 103699
the payment of debt service charges on bonds, notes, securities, 103700
or lease agreements, shall be used solely for tourism sales, 103701
marketing and promotion, and their associated costs, including, 103702
but not limited to, operational and administrative costs of the 103703
bureau, sales and marketing, and maintenance of the physical 103704
bureau structure. 103705

(2) A convention and visitors' bureau that has entered into 103706
an agreement under section 307.678 of the Revised Code may use 103707

revenue it receives from a tax levied under division (A)(1) of 103708
this section as described in division (D) of section 307.678 of 103709
the Revised Code. 103710

(K) The board of county commissioners of a county with a 103711
population between one hundred three thousand and one hundred 103712
seven thousand according to the most recent federal decennial 103713
census, by resolution adopted by a majority of the members of the 103714
board within six months after September 15, 2014, the effective 103715
date of H.B. 483 of the 130th general assembly, may levy a tax not 103716
to exceed three per cent on transactions by which a hotel is or is 103717
to be furnished to transient guests. The purpose of the tax shall 103718
be to pay the costs of expanding, maintaining, or operating a 103719
soldiers' memorial and the costs of administering the tax. All 103720
revenue arising from the tax shall be credited to one or more 103721
special funds in the county treasury and shall be spent solely for 103722
the purposes of paying those costs. The board of county 103723
commissioners shall adopt all rules necessary to provide for the 103724
administration of the tax subject to the same limitations on 103725
imposing penalty or interest under division (A)(1) of this 103726
section. 103727

As used in this division "soldiers' memorial" means a 103728
memorial constructed and funded under Chapter 345. of the Revised 103729
Code. 103730

(L) A board of county commissioners of an eligible county, by 103731
resolution adopted by a majority of the members of the board, may 103732
levy an excise tax at the rate of up to three per cent on 103733
transactions by which lodging by a hotel is or is to be furnished 103734
to transient guests for the purpose of paying the costs of 103735
permanent improvements at sites at which one or more agricultural 103736
societies conduct fairs or exhibits, paying the costs of 103737
maintaining or operating such permanent improvements, and paying 103738
the costs of administering the tax. A resolution adopted under 103739

this division shall direct the board of elections to submit the 103740
question of the proposed lodging tax to the electors of the county 103741
at a special election held on the date specified by the board in 103742
the resolution, provided that the election occurs not less than 103743
ninety days after a certified copy of the resolution is 103744
transmitted to the board of elections. A resolution submitted to 103745
the electors under this division shall not go into effect unless 103746
it is approved by a majority of those voting upon it. The 103747
resolution takes effect on the date the board of county 103748
commissioners receives notification from the board of elections of 103749
an affirmative vote. 103750

The tax shall remain in effect for the period specified in 103751
the resolution, not to exceed five years. All revenue arising from 103752
the tax shall be credited to one or more special funds in the 103753
county treasury and shall be spent solely for the purposes of 103754
paying the costs of such permanent improvements and maintaining or 103755
operating the improvements. Revenue allocated for the use of a 103756
county agricultural society may be credited to the county 103757
agricultural society fund created in section 1711.16 of the 103758
Revised Code upon appropriation by the board. If revenue is 103759
credited to that fund, it shall be expended only as provided in 103760
that section. 103761

The board of county commissioners shall adopt all rules 103762
necessary to provide for the administration of the tax. The rules 103763
may prescribe the time for payment of the tax, and may provide for 103764
the imposition or penalty or interest, or both, for late payments, 103765
provided that the penalty does not exceed ten per cent of the 103766
amount of tax due, and the rate at which interest accrues does not 103767
exceed the rate per annum prescribed in section 5703.47 of the 103768
Revised Code. 103769

As used in this division, "eligible county" means a county in 103770
which a county agricultural society or independent agricultural 103771

society is organized under section 1711.01 or 1711.02 of the 103772
Revised Code, provided the agricultural society owns a facility or 103773
site in the county at which an annual harness horse race is 103774
conducted where one-day attendance equals at least forty thousand 103775
attendees. 103776

(M) As used in this division, "eligible county" means a 103777
county in which a tax is levied under division (A) of this section 103778
at a rate of three per cent and whose territory includes a part of 103779
Lake Erie the shoreline of which represents at least fifty per 103780
cent of the linear length of the county's border with other 103781
counties of this state. 103782

The board of county commissioners of an eligible county that 103783
has entered into an agreement with a port authority in the county 103784
under section 4582.56 of the Revised Code may levy an additional 103785
lodging tax on transactions by which lodging by a hotel is or is 103786
to be furnished to transient guests for the purpose of financing 103787
lakeshore improvement projects constructed or financed by the port 103788
authority under that section. The resolution levying the tax shall 103789
specify the purpose of the tax, the rate of the tax, which shall 103790
not exceed two per cent, and the number of years the tax will be 103791
levied or that it will be levied for a continuing period of time. 103792
The tax shall be administered pursuant to the regulations adopted 103793
by the board under division (A) of this section, except that all 103794
the proceeds of the tax levied under this division shall be 103795
pledged to the payment of the costs, including debt charges, of 103796
lakeshore improvements undertaken by a port authority pursuant to 103797
the agreement under section 4582.56 of the Revised Code. No 103798
revenue from the tax may be used to pay the current expenses of 103799
the port authority. 103800

A resolution levying a tax under this division is subject to 103801
referendum under sections 305.31 to 305.41 and 305.99 of the 103802
Revised Code. 103803

Sec. 5739.101. (A) The legislative authority of a municipal corporation, by ordinance or resolution, or of a township, by resolution, may declare the municipal corporation or township to be a resort area for the purposes of this section, if all of the following criteria are met:

(1) According to statistics published by the federal government based on data compiled during the most recent decennial census of the United States, at least sixty-two per cent of total housing units in the municipal corporation or township are classified as "for seasonal, recreational, or occasional use";

(2) Entertainment and recreation facilities are provided within the municipal corporation or township that are primarily intended to provide seasonal leisure time activities for persons other than permanent residents of the municipal corporation or township;

(3) The municipal corporation or township experiences seasonal peaks of employment and demand for government services as a direct result of the seasonal population increase.

(B) For the purpose of providing revenue for its general fund, the legislative authority of a municipal corporation or township, in its ordinance or resolution declaring itself a resort area under this section, may levy a tax on the privilege of engaging in the business of either of the following:

(1) Making sales in the municipal corporation or township, whether wholesale or retail, but including sales of food only to the extent such sales are subject to the tax levied under section 5739.02 of the Revised Code;

(2) Intrastate transportation of passengers or property primarily to or from the municipal corporation or township by a railroad, watercraft, or motor vehicle subject to regulation by

the public utilities commission, except not including 103834
transportation of passengers as part of a tour or cruise in which 103835
the passengers will stay in the municipal corporation or township 103836
for no more than one hour. 103837

The tax is imposed upon and shall be paid by the person 103838
making the sales or transporting the passengers or property. The 103839
rate of the tax shall be one-half, one, or one and one-half per 103840
cent of the person's gross receipts derived from making the sales 103841
or transporting the passengers or property to or from the 103842
municipal corporation or township. 103843

(C) The tax For the purpose of fostering and developing 103844
tourism in a tourism development district designated under section 103845
503.56 or 715.014 of the Revised Code, the legislative authority 103846
of a municipal corporation or township, by ordinance or resolution 103847
adopted on or before December 31, 2018, may levy a tax on the 103848
privilege of engaging in the business of making sales in the 103849
tourism development district, whether wholesale or retail, but 103850
including sales of food only to the extent such sales are subject 103851
to the tax levied under section 5739.02 of the Revised Code. 103852

The tax is imposed upon and shall be paid by the person 103853
making the sales. The rate of the tax shall be one-half, one, one 103854
and one-half, or two per cent of the person's gross receipts 103855
derived from making the sales in the tourism development district. 103856

(D) A tax levied under division (B) or (C) of this section 103857
shall take effect on the first day of the month that begins at 103858
least sixty days after the effective date of the ordinance or 103859
resolution ~~in~~ by which it is levied. The legislative authority 103860
shall certify copies of the ordinance or resolution to the tax 103861
commissioner and treasurer of state within five days after its 103862
adoption. In addition, one time each week during the two weeks 103863
following the adoption of the ordinance or resolution, the 103864
legislative authority shall cause to be published in a newspaper 103865

of general circulation in the municipal corporation or township, 103866
or as provided in section 7.16 of the Revised Code, a notice 103867
explaining the tax and stating the rate of the tax, the date it 103868
will take effect, and that persons subject to the tax must 103869
register with the tax commissioner under section 5739.103 of the 103870
Revised Code. 103871

~~(D)~~(E) No more than once a year, and subject to the rates 103872
prescribed in division (B) or (C) of this section, the legislative 103873
authority of the municipal corporation or township, by ordinance 103874
or resolution, may increase or decrease the rate of a tax levied 103875
under this section. The legislative authority, by ordinance or 103876
resolution, at any time may repeal such a tax. The legislative 103877
authority shall certify to the tax commissioner and treasurer of 103878
state copies of the ordinance or resolution repealing or changing 103879
the rate of the tax within five days after its adoption. In 103880
addition, one time each week during the two weeks following the 103881
adoption of the ordinance or resolution, the legislative authority 103882
shall cause to be published in a newspaper of general circulation 103883
in the municipal corporation or township, or as provided in 103884
section 7.16 of the Revised Code, notice of the repeal or change. 103885

(F) A person may separately or proportionately bill or 103886
invoice a tax levied pursuant to division (B) or (C) of this 103887
section to another person. 103888

Sec. 5739.102. A person who is liable for a tax levied under 103889
section 5739.101 of the Revised Code shall file a return with the 103890
tax commissioner showing the person's taxable gross receipts from 103891
sales described under division (B)(1) or (2) or (C) of that 103892
section. The tax commissioner shall prescribe the form of the 103893
return, and the six- or twelve-month reporting period. The person 103894
shall file the return on or before the last day of the month 103895
following the end of the reporting period prescribed by the 103896

commissioner, and shall include with the return payment of the tax 103897
for the period. The remittance shall be made payable to the 103898
treasurer of state. 103899

Upon receipt of a return, the tax commissioner shall credit 103900
any money included with it to the resort area excise tax fund, 103901
which is hereby created. Within forty-five days after the end of 103902
each month, the commissioner shall provide for the distribution of 103903
all money paid during that month into the resort area excise tax 103904
fund to the appropriate municipal corporations and townships, 103905
after first subtracting and crediting to the general revenue fund 103906
one per cent to cover the costs of administering the excise tax. 103907

If a person liable for the tax fails to file a return or pay 103908
the tax as required under this section and the rules of the tax 103909
commissioner, the person shall pay an additional charge of the 103910
greater of fifty dollars or ten per cent of the tax due for the 103911
return period. The additional charge shall be considered revenue 103912
arising from the tax levied under section 5739.101 of the Revised 103913
Code, and may be collected by assessment in the manner provided in 103914
section 5739.13 of the Revised Code. The tax commissioner may 103915
remit all or a portion of the charge. 103916

Sec. 5739.103. No person shall exercise the privilege of 103917
engaging in a business described under division (B)(1) or (2) or 103918
(C) of section 5739.101 of the Revised Code in a municipal 103919
corporation or township that has imposed a tax under division (B) 103920
or (C) of that section without first registering with the tax 103921
commissioner. The tax commissioner shall prescribe the form of the 103922
registration. 103923

Sec. 5739.13. (A) If any vendor collects the tax imposed by 103924
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 103925
the Revised Code, and fails to remit the tax to the state as 103926

prescribed, or on the sale of a motor vehicle, watercraft, or 103927
outboard motor required to be titled, fails to remit payment to a 103928
~~clerk of a court of common pleas~~ as provided in section 1548.06 or 103929
4505.06 of the Revised Code, the vendor shall be personally liable 103930
for any tax collected and not remitted. The tax commissioner may 103931
make an assessment against such vendor based upon any information 103932
in the commissioner's possession. 103933

If any vendor fails to collect the tax or any consumer fails 103934
to pay the tax imposed by or pursuant to section 5739.02, 103935
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 103936
transaction subject to the tax, the vendor or consumer shall be 103937
personally liable for the amount of the tax applicable to the 103938
transaction. The commissioner may make an assessment against 103939
either the vendor or consumer, as the facts may require, based 103940
upon any information in the commissioner's possession. 103941

An assessment against a vendor when the tax imposed by or 103942
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 103943
the Revised Code has not been collected or paid, shall not 103944
discharge the purchaser's or consumer's liability to reimburse the 103945
vendor for the tax applicable to such transaction. 103946

An assessment issued against either, pursuant to this 103947
section, shall not be considered an election of remedies, nor a 103948
bar to an assessment against the other for the tax applicable to 103949
the same transaction, provided that no assessment shall be issued 103950
against any person for the tax due on a particular transaction if 103951
the tax on that transaction actually has been paid by another. 103952

The commissioner may make an assessment against any vendor 103953
who fails to file a return or remit the proper amount of tax 103954
required by this chapter, or against any consumer who fails to pay 103955
the proper amount of tax required by this chapter. When 103956
information in the possession of the commissioner indicates that 103957
the amount required to be collected or paid under this chapter is 103958

greater than the amount remitted by the vendor or paid by the consumer, the commissioner may audit a sample of the vendor's sales or the consumer's purchases for a representative period, to ascertain the per cent of exempt or taxable transactions or the effective tax rate and may issue an assessment based on the audit. The commissioner shall make a good faith effort to reach agreement with the vendor or consumer in selecting a representative sample.

The commissioner may make an assessment, based on any information in the commissioner's possession, against any person who fails to file a return or remit the proper amount of tax required by section 5739.102 of the Revised Code.

The commissioner may issue an assessment on any transaction for which any tax imposed under this chapter or Chapter 5741. of the Revised Code was due and unpaid on the date the vendor or consumer was informed by an agent of the tax commissioner of an investigation or audit. If the vendor or consumer remits any payment of the tax for the period covered by the assessment after the vendor or consumer was informed of the investigation or audit, the payment shall be credited against the amount of the assessment.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due from the party assessed and payable to the treasurer of state and remitted

to the tax commissioner. The petition shall indicate the 103991
objections of the party assessed, but additional objections may be 103992
raised in writing if received by the commissioner prior to the 103993
date shown on the final determination. If the petition has been 103994
properly filed, the commissioner shall proceed under section 103995
5703.60 of the Revised Code. 103996

(C) After an assessment becomes final, if any portion of the 103997
assessment remains unpaid, including accrued interest, a certified 103998
copy of the commissioner's entry making the assessment final may 103999
be filed in the office of the clerk of the court of common pleas 104000
in the county in which the place of business of the party assessed 104001
is located or the county in which the party assessed resides. If 104002
the party assessed maintains no place of business in this state 104003
and is not a resident of this state, the certified copy of the 104004
entry may be filed in the office of the clerk of the court of 104005
common pleas of Franklin county. 104006

Immediately upon the filing of the entry, the clerk shall 104007
enter a judgment for the state against the party assessed in the 104008
amount shown on the entry. The judgment may be filed by the clerk 104009
in a loose-leaf book entitled "special judgments for state, 104010
county, and transit authority retail sales tax" or, if 104011
appropriate, "special judgments for resort area excise tax," and 104012
shall have the same effect as other judgments. Execution shall 104013
issue upon the judgment upon the request of the tax commissioner, 104014
and all laws applicable to sales on execution shall apply to sales 104015
made under the judgment except as otherwise provided in this 104016
chapter. 104017

If the assessment is not paid in its entirety within sixty 104018
days after the date the assessment was issued, the portion of the 104019
assessment consisting of tax due shall bear interest at the rate 104020
per annum prescribed by section 5703.47 of the Revised Code from 104021
the day the tax commissioner issues the assessment until the 104022

assessment is paid or until it is certified to the attorney 104023
general for collection under section 131.02 of the Revised Code, 104024
whichever comes first. If the unpaid portion of the assessment is 104025
certified to the attorney general for collection, the entire 104026
unpaid portion of the assessment shall bear interest at the rate 104027
per annum prescribed by section 5703.47 of the Revised Code from 104028
the date of certification until the date it is paid in its 104029
entirety. Interest shall be paid in the same manner as the tax and 104030
may be collected by issuing an assessment under this section. 104031

(D) All money collected by the tax commissioner under this 104032
section shall be paid to the treasurer of state, and when paid 104033
shall be considered as revenue arising from the taxes imposed by 104034
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 104035

Sec. 5739.213. (A) As used in this section: 104036

(1) "Tourism development district" means a tourism 104037
development district designated by a township or municipal 104038
corporation under section 503.56 or 715.014 of the Revised Code, 104039
respectively. 104040

(2) "Incremental sales tax growth" means one of the 104041
following: 104042

(a) For a county, the amount of revenue from a tax levied 104043
under section 5739.021 or 5739.026 of the Revised Code and 104044
received by the county under division (B) of section 5739.21 of 104045
the Revised Code from vendors located within a tourism development 104046
district during the preceding calendar year minus the amount of 104047
such revenue so received by the county during the calendar year 104048
ending immediately before the date the district is designated; 104049

(b) For a transit authority, the amount of revenue from a tax 104050
levied under section 5739.023 of the Revised Code received by the 104051
transit authority under division (B) of section 5739.21 of the 104052

Revised Code from vendors located within a tourism development 104053
district during the preceding calendar year minus the amount of 104054
such revenue so received by the transit authority during the 104055
calendar year ending immediately before the date the district is 104056
designated. 104057

(3) The "fiscal officer" of a municipal corporation means the 104058
city auditor, village clerk, or other municipal officer having the 104059
duties and functions of a city auditor or village clerk. 104060

(B)(1) The legislative authority of a municipal corporation 104061
or board of trustees of a township that has designated a tourism 104062
development district may adopt a resolution or ordinance 104063
expressing the legislative authority's or board's intent to 104064
receive annual payments from the county or transit authority whose 104065
territory overlaps with the territory of that district equal to 104066
the incremental sales tax growth from vendors located in the 104067
district. The legislative authority or board shall certify the 104068
ordinance or resolution to the board of county commissioners or 104069
transit authority. The resolution shall specify the municipal 104070
corporation's or township's intent to receive such payments and 104071
describe the boundaries of the tourism development district. That 104072
description shall include sufficient information for the county or 104073
transit authority to determine if the address of a vendor is 104074
within the boundaries of the district. 104075

(2) The board of county commissioners, within thirty days 104076
after receiving a certification under division (B)(1) of this 104077
section, may adopt and certify to that municipal corporation or 104078
township a resolution requiring the county to make payments to the 104079
municipal corporation or township under division (B)(4) of this 104080
section. The resolution shall prescribe the date by which the 104081
county annually shall make such payments, including the year of 104082
the first such payment. 104083

(3) The transit authority, within thirty days after receiving 104084

a certification under division (B)(1) of this section, may adopt 104085
and certify to that municipal corporation or township a resolution 104086
requiring the transit authority to make payments to the municipal 104087
corporation or township under division (B)(4) of this section. The 104088
resolution shall prescribe the date by which the transit authority 104089
annually shall make such payments, including the year of the first 104090
such payment. 104091

(4) A county or transit authority certifying a resolution 104092
under division (B)(2) or (3), respectively, shall annually pay 104093
from its general fund to the municipal corporation or township 104094
that designated the tourism development district an amount equal 104095
to the county's or transit authority's incremental sales tax 104096
growth from vendors located in the tourism development district. 104097

(C) A municipal corporation or township shall use revenue 104098
received under this section exclusively for fostering and 104099
developing tourism in the tourism development district. 104100

(D) On or before the annual date prescribed in a resolution 104101
adopted under division (B)(2) or (3) of this section, the fiscal 104102
officer of a municipal corporation or township receiving revenue 104103
from a county or transit authority under this section shall 104104
certify a list of vendors located within the tourism development 104105
district to the county or transit authority, which shall include 104106
the name, address, and vendor's license number for each vendor. 104107
The board of county commissioners or transit authority required to 104108
make payments under this section may require vendors located 104109
within the tourism development district to report their taxable 104110
sales and other necessary information to the county or transit 104111
authority for the purposes of calculating incremental sales tax 104112
growth. 104113

(E) If a municipal corporation or township receiving revenue 104114
under this section increases the territory of a tourism 104115
development district, the legislative authority of the municipal 104116

corporation or board of township trustees shall certify a copy of 104117
the resolution or ordinance expanding the territory of the 104118
district to the county or transit authority making payments under 104119
this section. That ordinance or resolution shall describe the 104120
boundaries of the tourism development district with sufficient 104121
information for the county or transit authority to determine if 104122
the address of a vendor is within the boundaries of the district. 104123
Upon receipt of such an ordinance or resolution, the county or 104124
transit authority shall recalculate its payments to the municipal 104125
corporation or township under division (B) of this section, except 104126
that "incremental sales tax growth" shall mean, in the context of 104127
the additional territory added to the tourism development 104128
district, the amount of revenue from taxes levied under sections 104129
5739.021 and 5739.026 or section 5739.023 of the Revised Code 104130
received by the county or transit authority under division (B) of 104131
section 5739.21 of the Revised Code from vendors located within 104132
the tourism development district during the preceding calendar 104133
year minus the amount of such revenue so received by the county or 104134
transit authority ending before the date the territory is added to 104135
an existing district. 104136

Sec. 5741.01. As used in this chapter: 104137

(A) "Person" includes individuals, receivers, assignees, 104138
trustees in bankruptcy, estates, firms, partnerships, 104139
associations, joint-stock companies, joint ventures, clubs, 104140
societies, corporations, business trusts, governments, and 104141
combinations of individuals of any form. 104142

(B) "Storage" means and includes any keeping or retention in 104143
this state for use or other consumption in this state. 104144

(C) "Use" means and includes the exercise of any right or 104145
power incidental to the ownership of the thing used. A thing is 104146
also "used" in this state if its consumer gives or otherwise 104147

distributes it, without charge, to recipients in this state. 104148

(D) "Purchase" means acquired or received for a 104149
consideration, whether such acquisition or receipt was effected by 104150
a transfer of title, or of possession, or of both, or a license to 104151
use or consume; whether such transfer was absolute or conditional, 104152
and by whatever means the transfer was effected; and whether the 104153
consideration was money, credit, barter, or exchange. Purchase 104154
includes production, even though the article produced was used, 104155
stored, or consumed by the producer. The transfer of copyrighted 104156
motion picture films for exhibition purposes is not a purchase, 104157
except such films as are used solely for advertising purposes. 104158

(E) "Seller" means the person from whom a purchase is made, 104159
and includes every person engaged in this state or elsewhere in 104160
the business of selling tangible personal property or providing a 104161
service for storage, use, or other consumption or benefit in this 104162
state; and when, in the opinion of the tax commissioner, it is 104163
necessary for the efficient administration of this chapter, to 104164
regard any salesperson, representative, peddler, or canvasser as 104165
the agent of a dealer, distributor, supervisor, or employer under 104166
whom the person operates, or from whom the person obtains tangible 104167
personal property, sold by the person for storage, use, or other 104168
consumption in this state, irrespective of whether or not the 104169
person is making such sales on the person's own behalf, or on 104170
behalf of such dealer, distributor, supervisor, or employer, the 104171
commissioner may regard the person as such agent, and may regard 104172
such dealer, distributor, supervisor, or employer as the seller. 104173
"Seller" does not include any person to the extent the person 104174
provides a communications medium, such as, but not limited to, 104175
newspapers, magazines, radio, television, or cable television, by 104176
means of which sellers solicit purchases of their goods or 104177
services. 104178

(F) "Consumer" means any person who has purchased tangible 104179

personal property or has been provided a service for storage, use, 104180
or other consumption or benefit in this state. "Consumer" does not 104181
include a person who receives, without charge, tangible personal 104182
property or a service. 104183

A person who performs a facility management or similar 104184
service contract for a contractee is a consumer of all tangible 104185
personal property and services purchased for use in connection 104186
with the performance of such contract, regardless of whether title 104187
to any such property vests in the contractee. The purchase of such 104188
property and services is not subject to the exception for resale 104189
under division (E) of section 5739.01 of the Revised Code. 104190

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 104191
of this section, has the same meaning as in division (H)(1) of 104192
section 5739.01 of the Revised Code. 104193

(2) In the case of watercraft, outboard motors, or new motor 104194
vehicles, "price" has the same meaning as in divisions (H)(2) and 104195
(3) of section 5739.01 of the Revised Code. 104196

(3) In the case of a nonresident business consumer that 104197
purchases and uses tangible personal property outside this state 104198
and subsequently temporarily stores, uses, or otherwise consumes 104199
such tangible personal property in the conduct of business in this 104200
state, the consumer or the tax commissioner may determine the 104201
price based on the value of the temporary storage, use, or other 104202
consumption, in lieu of determining the price pursuant to division 104203
(G)(1) of this section. A price determination made by the consumer 104204
is subject to review and redetermination by the commissioner. 104205

(4) In the case of tangible personal property held in this 104206
state as inventory for sale or lease, and that is temporarily 104207
stored, used, or otherwise consumed in a taxable manner, the price 104208
is the value of the temporary use. A price determination made by 104209
the consumer is subject to review and redetermination by the 104210

commissioner. 104211

(5) In the case of tangible personal property originally 104212
purchased and used by the consumer outside this state, and that 104213
becomes permanently stored, used, or otherwise consumed in this 104214
state more than six months after its acquisition by the consumer, 104215
the consumer or the commissioner may determine the price based on 104216
the current value of such tangible personal property, in lieu of 104217
determining the price pursuant to division (G)(1) of this section. 104218
A price determination made by the consumer is subject to review 104219
and redetermination by the commissioner. 104220

(6) If a consumer produces tangible personal property for 104221
sale and removes that property from inventory for the consumer's 104222
own use, the price is the produced cost of that tangible personal 104223
property. 104224

(H) "Nexus with this state" means that the seller engages in 104225
continuous and widespread solicitation of purchases from residents 104226
of this state or otherwise purposefully directs its business 104227
activities at residents of this state. 104228

(I)(1) "Substantial nexus with this state" means that the 104229
seller has sufficient contact with this state, in accordance with 104230
Section 8 of Article I of the Constitution of the United States, 104231
to allow the state to require the seller to collect and remit use 104232
tax on sales of tangible personal property or services made to 104233
consumers in this state. "Substantial 104234

(2) "Substantial nexus with this state" exists is presumed to 104235
exist when the seller does any of the following: 104236

(1) Maintains a (a) Uses an office, distribution facility, 104237
warehouse, storage facility, or similar place of business within 104238
this state, whether operated by employees or agents of the seller, 104239
by a member of an affiliated group, as defined in division 104240
(B)(3)(e) of section 5739.01 of the Revised Code, of which the 104241

~~seller is a member, or by a franchisee using a trade name of the~~ 104242
~~seller; or any other person, other than a common carrier acting in~~ 104243
~~its capacity as a common carrier.~~ 104244

~~(2)(b) Regularly has~~ uses employees, agents, representatives, 104245
solicitors, installers, ~~repairmen, salesmen repairers,~~ 104246
salespersons, or other ~~individuals~~ persons in this state for the 104247
purpose of conducting the business of the seller; or either to 104248
engage in a business with the same or a similar industry 104249
classification as the seller selling a similar product or line of 104250
products as the seller, or to use trademarks, service marks, or 104251
trade names in this state that are the same or substantially 104252
similar to those used by the seller. 104253

~~(3)(c) Uses a~~ any person, other than a common carrier acting 104254
in its capacity as a common carrier, in this state for any of the 104255
~~purpose of receiving~~ following purposes: 104256

(i) Receiving or processing orders of the seller's goods or 104257
services; 104258

(ii) Using that person's employees or facilities in this 104259
state to advertise, promote, or facilitate sales by the seller to 104260
customers; 104261

(iii) Delivering, installing, assembling, or performing 104262
maintenance services for the seller's customers; 104263

(iv) Facilitating the seller's delivery of tangible personal 104264
property to customers in this state by allowing the seller's 104265
customers to pick up property sold by the seller at an office, 104266
distribution facility, warehouse, storage facility, or similar 104267
place of business. 104268

~~(4)(d) Makes regular deliveries of tangible personal property~~ 104269
~~into this state by means other than common carrier;.~~ 104270

~~(5)(e) Has membership in an affiliated group, as described in~~ 104271

~~division (B)(3)(e) of section 5739.01 of the Revised Code, at 104272~~
~~least one other member of which person that has substantial nexus 104273~~
~~with this state;. 104274~~

~~(6)(f) Owns tangible personal property that is rented or 104275~~
~~leased to a consumer in this state, or offers tangible personal 104276~~
~~property, on approval, to consumers in this state;. 104277~~

~~(7) Except as provided in section 5703.65 of the Revised 104278~~
~~Code, is registered with the secretary of state to do business in 104279~~
~~this state or is registered or licensed by any state agency, 104280~~
~~board, or commission to transact business in this state or to make 104281~~
~~sales to persons in this state;. 104282~~

~~(8) Has any other contact with this state that would allow 104283~~
~~this state to require the seller to collect and remit use tax 104284~~
~~under Section 8 of Article I of the Constitution of the United 104285~~
~~States. 104286~~

~~(g) Enters into an agreement with one or more residents of 104287~~
~~this state under which the resident, for a commission or other 104288~~
~~consideration, directly or indirectly refers potential customers 104289~~
~~to the seller, whether by a link on a web site, an in-person oral 104290~~
~~presentation, telemarketing, or otherwise, provided the cumulative 104291~~
~~gross receipts from sales to consumers referred to the seller by 104292~~
~~all such residents exceeded ten thousand dollars during the 104293~~
~~preceding twelve months. 104294~~

~~(3) A seller presumed to have substantial nexus with this 104295~~
~~state under divisions (I)(2)(a) to (f) of this section may rebut 104296~~
~~that presumption by demonstrating that activities described in any 104297~~
~~of those divisions that are conducted by a person in this state on 104298~~
~~the seller's behalf are not significantly associated with the 104299~~
~~seller's ability to establish or maintain a market in this state 104300~~
~~for the seller's sales. 104301~~

~~(4) A seller presumed to have substantial nexus with this 104302~~

state under division (I)(2)(g) of this section may rebut that 104303
presumption by submitting proof that each resident engaged by the 104304
seller as described in that division did not engage in any 104305
activity within this state during the preceding twelve months that 104306
was significantly associated with the seller's ability to 104307
establish or maintain the seller's market in this state during the 104308
preceding twelve months. Such proof may consist of sworn written 104309
statements from all the residents with whom the seller has an 104310
agreement stating that the resident did not engage in any 104311
solicitation in this state on behalf of the seller during the 104312
preceding twelve months if such statements are provided and 104313
obtained in good faith. 104314

(5) A seller that does not have substantial nexus with this 104315
state, and any affiliated person of the seller, before selling or 104316
leasing tangible personal property or services to a state agency, 104317
shall register with the tax commissioner in the same manner as a 104318
seller described in division (A)(1) of section 5741.17 of the 104319
Revised Code. 104320

(6) As used in division (I) of this section: 104321

(a) "Affiliated person" means any person that is a member of 104322
the same controlled group of corporations as the seller or any 104323
other person that, notwithstanding the form of organization, bears 104324
the same ownership relationship to the seller as a corporation 104325
that is a member of the same controlled group of corporations. 104326

(b) "Controlled group of corporations" has the same meaning 104327
as in section 1563(a) of the Internal Revenue Code. 104328

(c) "State agency" has the same meaning as in section 1.60 of 104329
the Revised Code. 104330

(J) "Fiscal officer" means, with respect to a regional 104331
transit authority, the secretary-treasurer thereof, and with 104332
respect to a county which is a transit authority, the fiscal 104333

officer of the county transit board appointed pursuant to section 104334
306.03 of the Revised Code or, if the board of county 104335
commissioners operates the county transit system, the county 104336
auditor. 104337

(K) "Territory of the transit authority" means all of the 104338
area included within the territorial boundaries of a transit 104339
authority as they from time to time exist. Such territorial 104340
boundaries must at all times include all the area of a single 104341
county or all the area of the most populous county which is a part 104342
of such transit authority. County population shall be measured by 104343
the most recent census taken by the United States census bureau. 104344

(L) "Transit authority" means a regional transit authority 104345
created pursuant to section 306.31 of the Revised Code or a county 104346
in which a county transit system is created pursuant to section 104347
306.01 of the Revised Code. For the purposes of this chapter, a 104348
transit authority must extend to at least the entire area of a 104349
single county. A transit authority which includes territory in 104350
more than one county must include all the area of the most 104351
populous county which is a part of such transit authority. County 104352
population shall be measured by the most recent census taken by 104353
the United States census bureau. 104354

(M) "Providing a service" has the same meaning as in ~~division~~ 104355
~~(X)~~ of section 5739.01 of the Revised Code. 104356

(N) "Other consumption" includes receiving the benefits of a 104357
service. 104358

(O) "Lease" or "rental" has the same meaning as in ~~division~~ 104359
~~(UU)~~ of section 5739.01 of the Revised Code. 104360

(P) "Certified service provider" has the same meaning as in 104361
section 5740.01 of the Revised Code. 104362

(Q) "Remote sale" means a sale for which the seller could not 104363
be legally required to pay, collect, or remit a tax imposed under 104364

this chapter or Chapter 5739. of the Revised Code, unless 104365
otherwise provided by the laws of the United States. 104366

(R) "Remote seller" means a seller that ~~makes remote sales to~~ 104367
~~one or more consumers~~ lacks substantial nexus with this state but 104368
is required to register with the tax commissioner under section 104369
5741.17 of the Revised Code pursuant to federal law authorizing 104370
states to require such sellers to register, collect, and remit use 104371
tax. A seller that is not required to register with the 104372
commissioner under division (A) of section 5741.17 of the Revised 104373
Code but registers voluntarily under division (B) of that section 104374
is not a "remote seller." A seller that registers with the 104375
commissioner under section 5741.17 of the Revised Code after the 104376
effective date of any federal law that authorizes states to 104377
require sellers that lack substantial nexus with the state to 104378
register, collect, and remit use tax is presumed to be a "remote 104379
seller." The seller or the commissioner may rebut this presumption 104380
with evidence that the seller has substantial nexus with this 104381
state. 104382

(S) "Remote small seller" means a remote seller that has 104383
gross annual receipts from remote sales in the United States not 104384
exceeding one million dollars for the preceding calendar year. For 104385
the purposes of determining whether a person is a small remote 104386
seller, the sales of all persons related within the meaning of 104387
subsection (b) or (c) of section 267 or section 707(b)(1) of the 104388
Internal Revenue Code shall be aggregated, and persons with one or 104389
more ownership relationships shall be aggregated if those 104390
relationships were designed with the principal purpose to qualify 104391
as a remote small seller. 104392

Sec. 5741.03. (A) One hundred per cent of all money deposited 104393
into the state treasury under sections 5741.01 to 5741.22 of the 104394
Revised Code that is not required to be distributed as provided in 104395

division (B) of this section shall be credited to the general 104396
revenue fund. 104397

(B) In any case where any county or transit authority has 104398
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 104399
5741.023 of the Revised Code, the tax commissioner shall, within 104400
forty-five days after the end of each month, determine and certify 104401
to the director of budget and management the amount of the 104402
proceeds of such tax or taxes from billings and assessments 104403
received during that month, or shown on tax returns or reports 104404
filed during that month, to be returned to the county or transit 104405
authority levying the tax or taxes, which amounts shall be 104406
determined in the manner provided in section 5739.21 of the 104407
Revised Code. The director of budget and management shall 104408
transfer, from the general revenue fund, to the permissive tax 104409
distribution fund created by division (B)(1) of section 4301.423 104410
of the Revised Code and to the local sales tax administrative fund 104411
created by division (C) of section 5739.21 of the Revised Code, 104412
the amounts certified by the tax commissioner. The tax 104413
commissioner shall then, on or before the twentieth day of the 104414
month in which such certification is made, provide for payment of 104415
such respective amounts to the county treasurer or to the fiscal 104416
officer of the transit authority levying the tax or taxes. The 104417
amount transferred to the local sales tax administrative fund is 104418
for use by the tax commissioner in defraying costs the 104419
commissioner incurs in administering such taxes levied by a county 104420
or transit authority. 104421

(C)(1) Not later than the first day of each January and ~~of~~ 104422
~~July each calendar year beginning July 1, 2015~~ following the date 104423
remote sellers are first required to register, collect, and remit 104424
use tax under this chapter, the tax commissioner and the director 104425
of budget and management shall jointly determine the amount of tax 104426
imposed by section 5741.02 of the Revised Code and remitted under 104427

this chapter by remote sellers during the six-month period ending 104428
on the preceding last day of November and of May, respectively, 104429
reduced by ~~any such tax remitted by sellers pursuant to an~~ 104430
~~agreement entered into under section 5740.03 of the Revised Code~~ 104431
~~during the six-month period and by~~ any refunds issued during the 104432
six-month period to remote sellers from the tax refund fund on 104433
account of that tax. 104434

(2) Not later than that ~~first~~ last day of each January and ~~of~~ 104435
~~July of the calendar year beginning July 1, 2015~~ following the 104436
date the commissioner and the director make a determination under 104437
division (C)(1) of this section, the director of budget and 104438
management shall transfer from the general revenue fund to the 104439
income tax reduction fund the amount determined under that 104440
~~division (C)(1) of this section, less one-half of the amount of~~ 104441
~~that tax remitted during fiscal year 2013 by remote sellers that~~ 104442
~~voluntarily registered under section 5741.17 of the Revised Code.~~ 104443
Amounts transferred to the income tax reduction fund under this 104444
~~section~~ division shall be included in the determination of the 104445
percentage under division (B)(2) of section 131.44 of the Revised 104446
Code required to be made by the thirty-first day of July of the 104447
calendar year in which the commissioner makes the certifications 104448
under this division. 104449

Sec. 5741.12. (A) Each seller required by section 5741.17 of 104450
the Revised Code to register with the tax commissioner, and any 104451
seller authorized by the commissioner to collect the tax imposed 104452
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 104453
of the Revised Code is subject to the same requirements and 104454
entitled to the same deductions and discount for prompt payments 104455
as are vendors under section 5739.12 of the Revised Code, and the 104456
same monetary allowances as are vendors under section 5739.06 of 104457
the Revised Code. The powers and duties of the commissioner with 104458
respect to returns and tax remittances under this section shall be 104459

identical with those prescribed in section 5739.12 of the Revised Code. 104460
104461

(B) Every person storing, using, or consuming tangible 104462
personal property or receiving the benefit of a service, the 104463
storage, use, consumption, or receipt of which is subject to the 104464
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 104465
or 5741.023 of the Revised Code, when such tax was not paid to a 104466
seller, shall, on or before the twenty-third day of each month, 104467
file with the tax commissioner a return for the preceding month in 104468
such form as is prescribed by the commissioner, showing such 104469
information as the commissioner deems necessary, and shall pay the 104470
tax shown on the return to be due. Remittance shall be made 104471
payable to the treasurer of state. The commissioner may require 104472
consumers to file returns and pay the tax at other than monthly 104473
intervals, if the commissioner determines that such filing is 104474
necessary for the efficient administration of the tax. If the 104475
commissioner determines that a consumer's tax liability is not 104476
such as to merit monthly filing, the commissioner may authorize 104477
the consumer to file returns and pay tax at less frequent 104478
intervals. 104479

Any consumer required to file a return and pay the tax under 104480
this section whose payment for any year equals or exceeds the 104481
amount shown in division (A) of section 5741.121 of the Revised 104482
Code is subject to the accelerated tax payment requirements in 104483
divisions (B) and (C) of that section. 104484

(C) Every Except as provided in division (B)(5) of section 104485
4505.06 of the Revised Code, every person storing, using, or 104486
consuming a motor vehicle, watercraft, or outboard motor, the 104487
ownership of which must be evidenced by certificate of title, 104488
shall file the return required by this section and pay the tax due 104489
at or prior to the time of filing an application for certificate 104490
of title. 104491

Sec. 5741.17. (A)(1) Except as otherwise provided in 104492
divisions (A)(2), (3), and (4) of this section, every seller of 104493
tangible personal property or services who has substantial nexus 104494
with this state shall register with the tax commissioner and 104495
supply any information concerning the seller's contacts with this 104496
state that may be required by the commissioner. 104497

(2) A seller who is licensed as a vendor pursuant to section 104498
5739.17 of the Revised Code shall not be required to register with 104499
the commissioner pursuant to this section if all sales to 104500
consumers in this state are made under the authority of the 104501
seller's vendor's license. 104502

(3) A Unless the seller has substantial nexus with this state 104503
pursuant to division (I)(2)(g) of section 5741.01 of the Revised 104504
Code, a seller is not required to register under this section if 104505
the seller has no contact with this state other than an agency 104506
relationship with a person engaged in the business of 104507
telemarketing in this state and engaged by the seller exclusively 104508
for the purpose of solicitation of customers in other states. 104509

(4) A seller is not required to register under this section 104510
if the seller has no contact with this state other than the 104511
ownership of property that is located at the facility of a printer 104512
with which the seller has contracted for printing and that 104513
consists of the final printed product, property that becomes a 104514
part of the final printed product, or copy from which the final 104515
printed product is produced. 104516

(B) A seller who does not have substantial nexus with this 104517
state may voluntarily register with the commissioner. A seller who 104518
voluntarily registers with the commissioner under this section is 104519
entitled to the same benefits and is subject to the same duties 104520
and requirements as a seller required to be registered with the 104521
commissioner under this chapter. 104522

The commissioner shall maintain an alphabetical index of all
sellers registered under this chapter and records of the use tax
reported and paid. Upon request, this information shall be made
available to the treasurer of state.

(C) A remote small seller is not required to register under
this section.

Sec. 5743.02. To provide revenues for the general revenue
fund, an excise tax on sales of cigarettes is hereby levied at the
rate of ~~sixty-two and one-half~~ eighty mills on each cigarette.

Only one sale of the same article shall be used in computing
the amount of tax due.

The treasurer of state shall place to the credit of the tax
refund fund created by section 5703.052 of the Revised Code, out
of receipts from the tax levied by this section, amounts equal to
the refunds certified by the tax commissioner pursuant to section
5743.05 of the Revised Code. The balance of taxes collected under
such section, after the credits to the tax refund fund, shall be
paid into the general revenue fund.

Sec. 5743.05. The tax commissioner shall sell all stamps
provided for by section 5743.03 of the Revised Code. The stamps
shall be sold at their face value, except the commissioner shall,
by rule, authorize the sale of stamps to wholesale dealers in this
state, or to wholesale dealers outside this state, at a discount
of not less than one and eight-tenths per cent or more than ten
per cent of their face value, as a commission for affixing and
canceling the stamps.

The commissioner, by rule, shall authorize the delivery of
stamps to wholesale dealers in this state and to wholesale dealers
outside this state on credit. If such a dealer has not been in
good credit standing with this state for five consecutive years

preceding the purchase, the commissioner shall require the dealer 104553
to file with the commissioner a bond to the state in the amount 104554
and in the form prescribed by the commissioner, with surety to the 104555
satisfaction of the commissioner, conditioned on payment to the 104556
treasurer of state or the commissioner within thirty days or the 104557
following twenty-third day of June, whichever comes first for 104558
stamps delivered within that time. If such a dealer has been in 104559
good credit standing with this state for five consecutive years 104560
preceding the purchase, the commissioner shall not require that 104561
the dealer file such a bond but shall require payment for the 104562
stamps within thirty days after purchase of the stamps or the 104563
following twenty-third day of June, whichever comes first. Stamps 104564
sold to a dealer not required to file a bond shall be sold at face 104565
value. The maximum amount that may be sold on credit to a dealer 104566
not required to file a bond shall equal one hundred ten per cent 104567
of the dealer's average monthly purchases over the preceding 104568
calendar year. The maximum amount shall be adjusted to reflect any 104569
changes in the tax rate and may be adjusted, upon application to 104570
the commissioner by the dealer, to reflect changes in the business 104571
operations of the dealer. The maximum amount shall be applicable 104572
to the period ~~of~~ between the first day of July through April to 104573
the following twenty-third day of June. Payment by a dealer not 104574
required to file a bond shall be remitted by electronic funds 104575
transfer as prescribed by section 5743.051 of the Revised Code. If 104576
a dealer not required to file a bond fails to make the payment in 104577
full within the ~~thirty-day~~ required payment period, the 104578
commissioner shall not thereafter sell stamps to that dealer until 104579
the dealer pays the outstanding amount, including penalty and 104580
interest on that amount as prescribed in this chapter, and the 104581
commissioner thereafter may require the dealer to file a bond 104582
until the dealer is restored to good standing. The commissioner 104583
shall limit delivery of stamps on credit to the period running 104584
from the first day of July of the fiscal year until the ~~first~~ 104585

twenty-third day of the following ~~May~~ June. Any discount allowed 104586
as a commission for affixing and canceling stamps shall be allowed 104587
with respect to sales of stamps on credit. 104588

The commissioner shall redeem and pay for any destroyed, 104589
unused, or spoiled tax stamps at their net value, and shall refund 104590
to wholesale dealers the net amount of state and county taxes paid 104591
erroneously or paid on cigarettes that have been sold in 104592
interstate or foreign commerce or that have become unsalable, and 104593
the net amount of county taxes that were paid on cigarettes that 104594
have been sold at retail or for retail sale outside a taxing 104595
county. 104596

An application for a refund of tax shall be filed with the 104597
commissioner, on the form prescribed by the commissioner for that 104598
purpose, within three years from the date the tax stamps are 104599
destroyed or spoiled, from the date of the erroneous payment, or 104600
from the date that cigarettes on which taxes have been paid have 104601
been sold in interstate or foreign commerce or have become 104602
unsalable. 104603

On the filing of the application, the commissioner shall 104604
determine the amount of refund to which the applicant is entitled, 104605
payable from receipts of the state tax, and, if applicable, 104606
payable from receipts of a county tax. If the amount is less than 104607
that claimed, the commissioner shall certify the amount to the 104608
director of budget and management and treasurer of state for 104609
payment from the tax refund fund created by section 5703.052 of 104610
the Revised Code. If the amount is less than that claimed, the 104611
commissioner shall proceed in accordance with section 5703.70 of 104612
the Revised Code. 104613

If a refund is granted for payment of an illegal or erroneous 104614
assessment issued by the department, the refund shall include 104615
interest on the amount of the refund from the date of the 104616
overpayment. The interest shall be computed at the rate per annum 104617

prescribed by section 5703.47 of the Revised Code. 104618

Sec. 5743.32. To provide revenue for the general revenue fund 104619
of the state, an excise tax is hereby levied on the use, 104620
consumption, or storage for consumption of cigarettes by consumers 104621
in this state at the rate of ~~sixty-two and one-half~~ eighty mills 104622
on each cigarette. The tax shall not apply if the tax levied by 104623
section 5743.02 of the Revised Code has been paid. 104624

The money received into the state treasury from the excise 104625
tax levied by this section shall be credited to the general 104626
revenue fund. 104627

Sec. 5747.01. Except as otherwise expressly provided or 104628
clearly appearing from the context, any term used in this chapter 104629
that is not otherwise defined in this section has the same meaning 104630
as when used in a comparable context in the laws of the United 104631
States relating to federal income taxes or if not used in a 104632
comparable context in those laws, has the same meaning as in 104633
section 5733.40 of the Revised Code. Any reference in this chapter 104634
to the Internal Revenue Code includes other laws of the United 104635
States relating to federal income taxes. 104636

As used in this chapter: 104637

(A) "Adjusted gross income" or "Ohio adjusted gross income" 104638
means federal adjusted gross income, as defined and used in the 104639
Internal Revenue Code, adjusted as provided in this section: 104640

(1) Add interest or dividends on obligations or securities of 104641
any state or of any political subdivision or authority of any 104642
state, other than this state and its subdivisions and authorities. 104643

(2) Add interest or dividends on obligations of any 104644
authority, commission, instrumentality, territory, or possession 104645
of the United States to the extent that the interest or dividends 104646
are exempt from federal income taxes but not from state income 104647

taxes. 104648

(3) Deduct interest or dividends on obligations of the United 104649
States and its territories and possessions or of any authority, 104650
commission, or instrumentality of the United States to the extent 104651
that the interest or dividends are included in federal adjusted 104652
gross income but exempt from state income taxes under the laws of 104653
the United States. 104654

(4) Deduct disability and survivor's benefits to the extent 104655
included in federal adjusted gross income. 104656

(5) Deduct benefits under Title II of the Social Security Act 104657
and tier 1 railroad retirement benefits to the extent included in 104658
federal adjusted gross income under section 86 of the Internal 104659
Revenue Code. 104660

(6) In the case of a taxpayer who is a beneficiary of a trust 104661
that makes an accumulation distribution as defined in section 665 104662
of the Internal Revenue Code, add, for the beneficiary's taxable 104663
years beginning before 2002, the portion, if any, of such 104664
distribution that does not exceed the undistributed net income of 104665
the trust for the three taxable years preceding the taxable year 104666
in which the distribution is made to the extent that the portion 104667
was not included in the trust's taxable income for any of the 104668
trust's taxable years beginning in 2002 or thereafter. 104669

"Undistributed net income of a trust" means the taxable income of 104670
the trust increased by (a)(i) the additions to adjusted gross 104671
income required under division (A) of this section and (ii) the 104672
personal exemptions allowed to the trust pursuant to section 104673
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 104674
deductions to adjusted gross income required under division (A) of 104675
this section, (ii) the amount of federal income taxes attributable 104676
to such income, and (iii) the amount of taxable income that has 104677
been included in the adjusted gross income of a beneficiary by 104678
reason of a prior accumulation distribution. Any undistributed net 104679

income included in the adjusted gross income of a beneficiary 104680
shall reduce the undistributed net income of the trust commencing 104681
with the earliest years of the accumulation period. 104682

(7) Deduct the amount of wages and salaries, if any, not 104683
otherwise allowable as a deduction but that would have been 104684
allowable as a deduction in computing federal adjusted gross 104685
income for the taxable year, had the targeted jobs credit allowed 104686
and determined under sections 38, 51, and 52 of the Internal 104687
Revenue Code not been in effect. 104688

(8) Deduct any interest or interest equivalent on public 104689
obligations and purchase obligations to the extent that the 104690
interest or interest equivalent is included in federal adjusted 104691
gross income. 104692

(9) Add any loss or deduct any gain resulting from the sale, 104693
exchange, or other disposition of public obligations to the extent 104694
that the loss has been deducted or the gain has been included in 104695
computing federal adjusted gross income. 104696

(10) Deduct or add amounts, as provided under section 5747.70 104697
of the Revised Code, related to contributions to variable college 104698
savings program accounts made or tuition units purchased pursuant 104699
to Chapter 3334. of the Revised Code. 104700

(11)(a) Deduct, to the extent not otherwise allowable as a 104701
deduction or exclusion in computing federal or Ohio adjusted gross 104702
income for the taxable year, the amount the taxpayer paid during 104703
the taxable year for medical care insurance and qualified 104704
long-term care insurance for the taxpayer, the taxpayer's spouse, 104705
and dependents. No deduction for medical care insurance under 104706
division (A)(11) of this section shall be allowed either to any 104707
taxpayer who is eligible to participate in any subsidized health 104708
plan maintained by any employer of the taxpayer or of the 104709
taxpayer's spouse, or to any taxpayer who is entitled to, or on 104710

application would be entitled to, benefits under part A of Title 104711
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 104712
301, as amended. For the purposes of division (A)(11)(a) of this 104713
section, "subsidized health plan" means a health plan for which 104714
the employer pays any portion of the plan's cost. The deduction 104715
allowed under division (A)(11)(a) of this section shall be the net 104716
of any related premium refunds, related premium reimbursements, or 104717
related insurance premium dividends received during the taxable 104718
year. 104719

(b) Deduct, to the extent not otherwise deducted or excluded 104720
in computing federal or Ohio adjusted gross income during the 104721
taxable year, the amount the taxpayer paid during the taxable 104722
year, not compensated for by any insurance or otherwise, for 104723
medical care of the taxpayer, the taxpayer's spouse, and 104724
dependents, to the extent the expenses exceed seven and one-half 104725
per cent of the taxpayer's federal adjusted gross income. 104726

(c) Deduct, to the extent not otherwise deducted or excluded 104727
in computing federal or Ohio adjusted gross income, any amount 104728
included in federal adjusted gross income under section 105 or not 104729
excluded under section 106 of the Internal Revenue Code solely 104730
because it relates to an accident and health plan for a person who 104731
otherwise would be a "qualifying relative" and thus a "dependent" 104732
under section 152 of the Internal Revenue Code but for the fact 104733
that the person fails to meet the income and support limitations 104734
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 104735

(d) For purposes of division (A)(11) of this section, 104736
"medical care" has the meaning given in section 213 of the 104737
Internal Revenue Code, subject to the special rules, limitations, 104738
and exclusions set forth therein, and "qualified long-term care" 104739
has the same meaning given in section 7702B(c) of the Internal 104740
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 104741
of this section, "dependent" includes a person who otherwise would 104742

be a "qualifying relative" and thus a "dependent" under section 104743
152 of the Internal Revenue Code but for the fact that the person 104744
fails to meet the income and support limitations under section 104745
152(d)(1)(B) and (C) of the Internal Revenue Code. 104746

(12)(a) Deduct any amount included in federal adjusted gross 104747
income solely because the amount represents a reimbursement or 104748
refund of expenses that in any year the taxpayer had deducted as 104749
an itemized deduction pursuant to section 63 of the Internal 104750
Revenue Code and applicable United States department of the 104751
treasury regulations. The deduction otherwise allowed under 104752
division (A)(12)(a) of this section shall be reduced to the extent 104753
the reimbursement is attributable to an amount the taxpayer 104754
deducted under this section in any taxable year. 104755

(b) Add any amount not otherwise included in Ohio adjusted 104756
gross income for any taxable year to the extent that the amount is 104757
attributable to the recovery during the taxable year of any amount 104758
deducted or excluded in computing federal or Ohio adjusted gross 104759
income in any taxable year. 104760

(13) Deduct any portion of the deduction described in section 104761
1341(a)(2) of the Internal Revenue Code, for repaying previously 104762
reported income received under a claim of right, that meets both 104763
of the following requirements: 104764

(a) It is allowable for repayment of an item that was 104765
included in the taxpayer's adjusted gross income for a prior 104766
taxable year and did not qualify for a credit under division (A) 104767
or (B) of section 5747.05 of the Revised Code for that year; 104768

(b) It does not otherwise reduce the taxpayer's adjusted 104769
gross income for the current or any other taxable year. 104770

(14) Deduct an amount equal to the deposits made to, and net 104771
investment earnings of, a medical savings account during the 104772
taxable year, in accordance with section 3924.66 of the Revised 104773

Code. The deduction allowed by division (A)(14) of this section 104774
does not apply to medical savings account deposits and earnings 104775
otherwise deducted or excluded for the current or any other 104776
taxable year from the taxpayer's federal adjusted gross income. 104777

(15)(a) Add an amount equal to the funds withdrawn from a 104778
medical savings account during the taxable year, and the net 104779
investment earnings on those funds, when the funds withdrawn were 104780
used for any purpose other than to reimburse an account holder 104781
for, or to pay, eligible medical expenses, in accordance with 104782
section 3924.66 of the Revised Code; 104783

(b) Add the amounts distributed from a medical savings 104784
account under division (A)(2) of section 3924.68 of the Revised 104785
Code during the taxable year. 104786

(16) Add any amount claimed as a credit under section 104787
5747.059 or 5747.65 of the Revised Code to the extent that such 104788
amount satisfies either of the following: 104789

(a) The amount was deducted or excluded from the computation 104790
of the taxpayer's federal adjusted gross income as required to be 104791
reported for the taxpayer's taxable year under the Internal 104792
Revenue Code; 104793

(b) The amount resulted in a reduction of the taxpayer's 104794
federal adjusted gross income as required to be reported for any 104795
of the taxpayer's taxable years under the Internal Revenue Code. 104796

(17) Deduct the amount contributed by the taxpayer to an 104797
individual development account program established by a county 104798
department of job and family services pursuant to sections 329.11 104799
to 329.14 of the Revised Code for the purpose of matching funds 104800
deposited by program participants. On request of the tax 104801
commissioner, the taxpayer shall provide any information that, in 104802
the tax commissioner's opinion, is necessary to establish the 104803
amount deducted under division (A)(17) of this section. 104804

(18) Beginning in taxable year 2001 but not for any taxable
year beginning after December 31, 2005, if the taxpayer is married
and files a joint return and the combined federal adjusted gross
income of the taxpayer and the taxpayer's spouse for the taxable
year does not exceed one hundred thousand dollars, or if the
taxpayer is single and has a federal adjusted gross income for the
taxable year not exceeding fifty thousand dollars, deduct amounts
paid during the taxable year for qualified tuition and fees paid
to an eligible institution for the taxpayer, the taxpayer's
spouse, or any dependent of the taxpayer, who is a resident of
this state and is enrolled in or attending a program that
culminates in a degree or diploma at an eligible institution. The
deduction may be claimed only to the extent that qualified tuition
and fees are not otherwise deducted or excluded for any taxable
year from federal or Ohio adjusted gross income. The deduction may
not be claimed for educational expenses for which the taxpayer
claims a credit under section 5747.27 of the Revised Code.

(19) Add any reimbursement received during the taxable year
of any amount the taxpayer deducted under division (A)(18) of this
section in any previous taxable year to the extent the amount is
not otherwise included in Ohio adjusted gross income.

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and
(v) of this section, add five-sixths of the amount of depreciation
expense allowed by subsection (k) of section 168 of the Internal
Revenue Code, including the taxpayer's proportionate or
distributive share of the amount of depreciation expense allowed
by that subsection to a pass-through entity in which the taxpayer
has a direct or indirect ownership interest.

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of
this section, add five-sixths of the amount of qualifying section
179 depreciation expense, including the taxpayer's proportionate
or distributive share of the amount of qualifying section 179

depreciation expense allowed to any pass-through entity in which 104837
the taxpayer has a direct or indirect ownership interest. 104838

(iii) Subject to division (A)(20)(a)(v) of this section, for 104839
taxable years beginning in 2012 or thereafter, if the increase in 104840
income taxes withheld by the taxpayer is equal to or greater than 104841
ten per cent of income taxes withheld by the taxpayer during the 104842
taxpayer's immediately preceding taxable year, "two-thirds" shall 104843
be substituted for "five-sixths" for the purpose of divisions 104844
(A)(20)(a)(i) and (ii) of this section. 104845

(iv) Subject to division (A)(20)(a)(v) of this section, for 104846
taxable years beginning in 2012 or thereafter, a taxpayer is not 104847
required to add an amount under division (A)(20) of this section 104848
if the increase in income taxes withheld by the taxpayer and by 104849
any pass-through entity in which the taxpayer has a direct or 104850
indirect ownership interest is equal to or greater than the sum of 104851
(I) the amount of qualifying section 179 depreciation expense and 104852
(II) the amount of depreciation expense allowed to the taxpayer by 104853
subsection (k) of section 168 of the Internal Revenue Code, and 104854
including the taxpayer's proportionate or distributive shares of 104855
such amounts allowed to any such pass-through entities. 104856

(v) If a taxpayer directly or indirectly incurs a net 104857
operating loss for the taxable year for federal income tax 104858
purposes, to the extent such loss resulted from depreciation 104859
expense allowed by subsection (k) of section 168 of the Internal 104860
Revenue Code and by qualifying section 179 depreciation expense, 104861
"the entire" shall be substituted for "five-sixths of the" for the 104862
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 104863

The tax commissioner, under procedures established by the 104864
commissioner, may waive the add-backs related to a pass-through 104865
entity if the taxpayer owns, directly or indirectly, less than 104866
five per cent of the pass-through entity. 104867

(b) Nothing in division (A)(20) of this section shall be 104868
construed to adjust or modify the adjusted basis of any asset. 104869

(c) To the extent the add-back required under division 104870
(A)(20)(a) of this section is attributable to property generating 104871
nonbusiness income or loss allocated under section 5747.20 of the 104872
Revised Code, the add-back shall be situated to the same location 104873
as the nonbusiness income or loss generated by the property for 104874
the purpose of determining the credit under division (A) of 104875
section 5747.05 of the Revised Code. Otherwise, the add-back shall 104876
be apportioned, subject to one or more of the four alternative 104877
methods of apportionment enumerated in section 5747.21 of the 104878
Revised Code. 104879

(d) For the purposes of division (A)(20)(a)(v) of this 104880
section, net operating loss carryback and carryforward shall not 104881
include the allowance of any net operating loss deduction 104882
carryback or carryforward to the taxable year to the extent such 104883
loss resulted from depreciation allowed by section 168(k) of the 104884
Internal Revenue Code and by the qualifying section 179 104885
depreciation expense amount. 104886

(e) For the purposes of divisions (A)(20) and (21) of this 104887
section: 104888

(i) "Income taxes withheld" means the total amount withheld 104889
and remitted under sections 5747.06 and 5747.07 of the Revised 104890
Code by an employer during the employer's taxable year. 104891

(ii) "Increase in income taxes withheld" means the amount by 104892
which the amount of income taxes withheld by an employer during 104893
the employer's current taxable year exceeds the amount of income 104894
taxes withheld by that employer during the employer's immediately 104895
preceding taxable year. 104896

(iii) "Qualifying section 179 depreciation expense" means the 104897
difference between (I) the amount of depreciation expense directly 104898

or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following:

(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code;

(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense;

(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added.

(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(21)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such

depreciation results in or increases a federal net operating loss 104930
carryback or carryforward. If no such deduction is available for a 104931
taxable year, the taxpayer may carry forward the amount not 104932
deducted in such taxable year to the next taxable year and add 104933
that amount to any deduction otherwise available under division 104934
(A)(21)(a) of this section for that next taxable year. The 104935
carryforward of amounts not so deducted shall continue until the 104936
entire addition required by division (A)(20)(a) of this section 104937
has been deducted. 104938

(d) No refund shall be allowed as a result of adjustments 104939
made by division (A)(21) of this section. 104940

(22) Deduct, to the extent not otherwise deducted or excluded 104941
in computing federal or Ohio adjusted gross income for the taxable 104942
year, the amount the taxpayer received during the taxable year as 104943
reimbursement for life insurance premiums under section 5919.31 of 104944
the Revised Code. 104945

(23) Deduct, to the extent not otherwise deducted or excluded 104946
in computing federal or Ohio adjusted gross income for the taxable 104947
year, the amount the taxpayer received during the taxable year as 104948
a death benefit paid by the adjutant general under section 5919.33 104949
of the Revised Code. 104950

(24) Deduct, to the extent included in federal adjusted gross 104951
income and not otherwise allowable as a deduction or exclusion in 104952
computing federal or Ohio adjusted gross income for the taxable 104953
year, military pay and allowances received by the taxpayer during 104954
the taxable year for active duty service in the United States 104955
army, air force, navy, marine corps, or coast guard or reserve 104956
components thereof or the national guard. The deduction may not be 104957
claimed for military pay and allowances received by the taxpayer 104958
while the taxpayer is stationed in this state. 104959

(25) Deduct, to the extent not otherwise allowable as a 104960

deduction or exclusion in computing federal or Ohio adjusted gross 104961
income for the taxable year and not otherwise compensated for by 104962
any other source, the amount of qualified organ donation expenses 104963
incurred by the taxpayer during the taxable year, not to exceed 104964
ten thousand dollars. A taxpayer may deduct qualified organ 104965
donation expenses only once for all taxable years beginning with 104966
taxable years beginning in 2007. 104967

For the purposes of division (A)(25) of this section: 104968

(a) "Human organ" means all or any portion of a human liver, 104969
pancreas, kidney, intestine, or lung, and any portion of human 104970
bone marrow. 104971

(b) "Qualified organ donation expenses" means travel 104972
expenses, lodging expenses, and wages and salary forgone by a 104973
taxpayer in connection with the taxpayer's donation, while living, 104974
of one or more of the taxpayer's human organs to another human 104975
being. 104976

(26) Deduct, to the extent not otherwise deducted or excluded 104977
in computing federal or Ohio adjusted gross income for the taxable 104978
year, amounts received by the taxpayer as retired personnel pay 104979
for service in the uniformed services or reserve components 104980
thereof, or the national guard, or received by the surviving 104981
spouse or former spouse of such a taxpayer under the survivor 104982
benefit plan on account of such a taxpayer's death. If the 104983
taxpayer receives income on account of retirement paid under the 104984
federal civil service retirement system or federal employees 104985
retirement system, or under any successor retirement program 104986
enacted by the congress of the United States that is established 104987
and maintained for retired employees of the United States 104988
government, and such retirement income is based, in whole or in 104989
part, on credit for the taxpayer's uniformed service, the 104990
deduction allowed under this division shall include only that 104991
portion of such retirement income that is attributable to the 104992

taxpayer's uniformed service, to the extent that portion of such 104993
retirement income is otherwise included in federal adjusted gross 104994
income and is not otherwise deducted under this section. Any 104995
amount deducted under division (A)(26) of this section is not 104996
included in a taxpayer's adjusted gross income for the purposes of 104997
section 5747.055 of the Revised Code. No amount may be deducted 104998
under division (A)(26) of this section on the basis of which a 104999
credit was claimed under section 5747.055 of the Revised Code. 105000

(27) Deduct, to the extent not otherwise deducted or excluded 105001
in computing federal or Ohio adjusted gross income for the taxable 105002
year, the amount the taxpayer received during the taxable year 105003
from the military injury relief fund created in section ~~5101.98~~ 105004
5902.05 of the Revised Code. 105005

(28) Deduct, to the extent not otherwise deducted or excluded 105006
in computing federal or Ohio adjusted gross income for the taxable 105007
year, the amount the taxpayer received as a veterans bonus during 105008
the taxable year from the Ohio department of veterans services as 105009
authorized by Section 2r of Article VIII, Ohio Constitution. 105010

(29) Deduct, to the extent not otherwise deducted or excluded 105011
in computing federal or Ohio adjusted gross income for the taxable 105012
year, any income derived from a transfer agreement or from the 105013
enterprise transferred under that agreement under section 4313.02 105014
of the Revised Code. 105015

(30) Deduct, to the extent not otherwise deducted or excluded 105016
in computing federal or Ohio adjusted gross income for the taxable 105017
year, Ohio college opportunity or federal Pell grant amounts 105018
received by the taxpayer or the taxpayer's spouse or dependent 105019
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 105020
1070a, et seq., and used to pay room or board furnished by the 105021
educational institution for which the grant was awarded at the 105022
institution's facilities, including meal plans administered by the 105023
institution. For the purposes of this division, receipt of a grant 105024

includes the distribution of a grant directly to an educational 105025
institution and the crediting of the grant to the enrollee's 105026
account with the institution. 105027

~~(31) Deduct one-half of the taxpayer's Ohio small business 105028
investor income, the deduction not to exceed sixty-two thousand 105029
five hundred dollars for each spouse if spouses file separate 105030
returns under section 5747.08 of the Revised Code or one hundred 105031
twenty-five thousand dollars for all other taxpayers. No 105032
pass-through entity may claim a deduction under this division. 105033~~

~~For the purposes of this division, "Ohio small business 105034
investor income" means the portion of a taxpayer's adjusted gross 105035
income that is business income reduced by deductions from business 105036
income and apportioned or allocated to this state under sections 105037
5747.21 and 5747.22 of the Revised Code, all business income to 105038
the extent not otherwise deducted or excluded in computing federal 105039
or Ohio adjusted gross income for the taxable year. 105040~~

~~(32) Deduct an amount equal to the fair market value of 105041
services provided free of charge by dentists and dental hygienists 105042
under the hope for a smile program established by section 3701.139 105043
of the Revised Code. 105044~~

(B) "Business income" means income, including gain or loss, 105045
arising from transactions, activities, and sources in the regular 105046
course of a trade or business and includes income, gain, or loss 105047
from real property, tangible property, and intangible property if 105048
the acquisition, rental, management, and disposition of the 105049
property constitute integral parts of the regular course of a 105050
trade or business operation. "Business income" includes income, 105051
including gain or loss, from a partial or complete liquidation of 105052
a business, including, but not limited to, gain or loss from the 105053
sale or other disposition of goodwill. 105054

(C) "Nonbusiness income" means all income other than business 105055

income and may include, but is not limited to, compensation, rents 105056
and royalties from real or tangible personal property, capital 105057
gains, interest, dividends and distributions, patent or copyright 105058
royalties, or lottery winnings, prizes, and awards. 105059

(D) "Compensation" means any form of remuneration paid to an 105060
employee for personal services. 105061

(E) "Fiduciary" means a guardian, trustee, executor, 105062
administrator, receiver, conservator, or any other person acting 105063
in any fiduciary capacity for any individual, trust, or estate. 105064

(F) "Fiscal year" means an accounting period of twelve months 105065
ending on the last day of any month other than December. 105066

(G) "Individual" means any natural person. 105067

(H) "Internal Revenue Code" means the "Internal Revenue Code 105068
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 105069

(I) "Resident" means any of the following, provided that 105070
division (I)(3) of this section applies only to taxable years of a 105071
trust beginning in 2002 or thereafter: 105072

(1) An individual who is domiciled in this state, subject to 105073
section 5747.24 of the Revised Code; 105074

(2) The estate of a decedent who at the time of death was 105075
domiciled in this state. The domicile tests of section 5747.24 of 105076
the Revised Code are not controlling for purposes of division 105077
(I)(2) of this section. 105078

(3) A trust that, in whole or part, resides in this state. If 105079
only part of a trust resides in this state, the trust is a 105080
resident only with respect to that part. 105081

For the purposes of division (I)(3) of this section: 105082

(a) A trust resides in this state for the trust's current 105083
taxable year to the extent, as described in division (I)(3)(d) of 105084
this section, that the trust consists directly or indirectly, in 105085

whole or in part, of assets, net of any related liabilities, that 105086
were transferred, or caused to be transferred, directly or 105087
indirectly, to the trust by any of the following: 105088

(i) A person, a court, or a governmental entity or 105089
instrumentality on account of the death of a decedent, but only if 105090
the trust is described in division (I)(3)(e)(i) or (ii) of this 105091
section; 105092

(ii) A person who was domiciled in this state for the 105093
purposes of this chapter when the person directly or indirectly 105094
transferred assets to an irrevocable trust, but only if at least 105095
one of the trust's qualifying beneficiaries is domiciled in this 105096
state for the purposes of this chapter during all or some portion 105097
of the trust's current taxable year; 105098

(iii) A person who was domiciled in this state for the 105099
purposes of this chapter when the trust document or instrument or 105100
part of the trust document or instrument became irrevocable, but 105101
only if at least one of the trust's qualifying beneficiaries is a 105102
resident domiciled in this state for the purposes of this chapter 105103
during all or some portion of the trust's current taxable year. If 105104
a trust document or instrument became irrevocable upon the death 105105
of a person who at the time of death was domiciled in this state 105106
for purposes of this chapter, that person is a person described in 105107
division (I)(3)(a)(iii) of this section. 105108

(b) A trust is irrevocable to the extent that the transferor 105109
is not considered to be the owner of the net assets of the trust 105110
under sections 671 to 678 of the Internal Revenue Code. 105111

(c) With respect to a trust other than a charitable lead 105112
trust, "qualifying beneficiary" has the same meaning as "potential 105113
current beneficiary" as defined in section 1361(e)(2) of the 105114
Internal Revenue Code, and with respect to a charitable lead trust 105115
"qualifying beneficiary" is any current, future, or contingent 105116

beneficiary, but with respect to any trust "qualifying 105117
beneficiary" excludes a person or a governmental entity or 105118
instrumentality to any of which a contribution would qualify for 105119
the charitable deduction under section 170 of the Internal Revenue 105120
Code. 105121

(d) For the purposes of division (I)(3)(a) of this section, 105122
the extent to which a trust consists directly or indirectly, in 105123
whole or in part, of assets, net of any related liabilities, that 105124
were transferred directly or indirectly, in whole or part, to the 105125
trust by any of the sources enumerated in that division shall be 105126
ascertained by multiplying the fair market value of the trust's 105127
assets, net of related liabilities, by the qualifying ratio, which 105128
shall be computed as follows: 105129

(i) The first time the trust receives assets, the numerator 105130
of the qualifying ratio is the fair market value of those assets 105131
at that time, net of any related liabilities, from sources 105132
enumerated in division (I)(3)(a) of this section. The denominator 105133
of the qualifying ratio is the fair market value of all the 105134
trust's assets at that time, net of any related liabilities. 105135

(ii) Each subsequent time the trust receives assets, a 105136
revised qualifying ratio shall be computed. The numerator of the 105137
revised qualifying ratio is the sum of (1) the fair market value 105138
of the trust's assets immediately prior to the subsequent 105139
transfer, net of any related liabilities, multiplied by the 105140
qualifying ratio last computed without regard to the subsequent 105141
transfer, and (2) the fair market value of the subsequently 105142
transferred assets at the time transferred, net of any related 105143
liabilities, from sources enumerated in division (I)(3)(a) of this 105144
section. The denominator of the revised qualifying ratio is the 105145
fair market value of all the trust's assets immediately after the 105146
subsequent transfer, net of any related liabilities. 105147

(iii) Whether a transfer to the trust is by or from any of 105148

the sources enumerated in division (I)(3)(a) of this section shall 105149
be ascertained without regard to the domicile of the trust's 105150
beneficiaries. 105151

(e) For the purposes of division (I)(3)(a)(i) of this 105152
section: 105153

(i) A trust is described in division (I)(3)(e)(i) of this 105154
section if the trust is a testamentary trust and the testator of 105155
that testamentary trust was domiciled in this state at the time of 105156
the testator's death for purposes of the taxes levied under 105157
Chapter 5731. of the Revised Code. 105158

(ii) A trust is described in division (I)(3)(e)(ii) of this 105159
section if the transfer is a qualifying transfer described in any 105160
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 105161
irrevocable inter vivos trust, and at least one of the trust's 105162
qualifying beneficiaries is domiciled in this state for purposes 105163
of this chapter during all or some portion of the trust's current 105164
taxable year. 105165

(f) For the purposes of division (I)(3)(e)(ii) of this 105166
section, a "qualifying transfer" is a transfer of assets, net of 105167
any related liabilities, directly or indirectly to a trust, if the 105168
transfer is described in any of the following: 105169

(i) The transfer is made to a trust, created by the decedent 105170
before the decedent's death and while the decedent was domiciled 105171
in this state for the purposes of this chapter, and, prior to the 105172
death of the decedent, the trust became irrevocable while the 105173
decedent was domiciled in this state for the purposes of this 105174
chapter. 105175

(ii) The transfer is made to a trust to which the decedent, 105176
prior to the decedent's death, had directly or indirectly 105177
transferred assets, net of any related liabilities, while the 105178
decedent was domiciled in this state for the purposes of this 105179

chapter, and prior to the death of the decedent the trust became 105180
irrevocable while the decedent was domiciled in this state for the 105181
purposes of this chapter. 105182

(iii) The transfer is made on account of a contractual 105183
relationship existing directly or indirectly between the 105184
transferor and either the decedent or the estate of the decedent 105185
at any time prior to the date of the decedent's death, and the 105186
decedent was domiciled in this state at the time of death for 105187
purposes of the taxes levied under Chapter 5731. of the Revised 105188
Code. 105189

(iv) The transfer is made to a trust on account of a 105190
contractual relationship existing directly or indirectly between 105191
the transferor and another person who at the time of the 105192
decedent's death was domiciled in this state for purposes of this 105193
chapter. 105194

(v) The transfer is made to a trust on account of the will of 105195
a testator who was domiciled in this state at the time of the 105196
testator's death for purposes of the taxes levied under Chapter 105197
5731. of the Revised Code. 105198

(vi) The transfer is made to a trust created by or caused to 105199
be created by a court, and the trust was directly or indirectly 105200
created in connection with or as a result of the death of an 105201
individual who, for purposes of the taxes levied under Chapter 105202
5731. of the Revised Code, was domiciled in this state at the time 105203
of the individual's death. 105204

(g) The tax commissioner may adopt rules to ascertain the 105205
part of a trust residing in this state. 105206

(J) "Nonresident" means an individual or estate that is not a 105207
resident. An individual who is a resident for only part of a 105208
taxable year is a nonresident for the remainder of that taxable 105209
year. 105210

(K) "Pass-through entity" has the same meaning as in section 105211
5733.04 of the Revised Code. 105212

(L) "Return" means the notifications and reports required to 105213
be filed pursuant to this chapter for the purpose of reporting the 105214
tax due and includes declarations of estimated tax when so 105215
required. 105216

(M) "Taxable year" means the calendar year or the taxpayer's 105217
fiscal year ending during the calendar year, or fractional part 105218
thereof, upon which the adjusted gross income is calculated 105219
pursuant to this chapter. 105220

(N) "Taxpayer" means any person subject to the tax imposed by 105221
section 5747.02 of the Revised Code or any pass-through entity 105222
that makes the election under division (D) of section 5747.08 of 105223
the Revised Code. 105224

(O) "Dependents" means dependents as defined in the Internal 105225
Revenue Code and as claimed in the taxpayer's federal income tax 105226
return for the taxable year or which the taxpayer would have been 105227
permitted to claim had the taxpayer filed a federal income tax 105228
return. 105229

(P) "Principal county of employment" means, in the case of a 105230
nonresident, the county within the state in which a taxpayer 105231
performs services for an employer or, if those services are 105232
performed in more than one county, the county in which the major 105233
portion of the services are performed. 105234

(Q) As used in sections 5747.50 to 5747.55 of the Revised 105235
Code: 105236

(1) "Subdivision" means any county, municipal corporation, 105237
park district, or township. 105238

(2) "Essential local government purposes" includes all 105239
functions that any subdivision is required by general law to 105240

exercise, including like functions that are exercised under a 105241
charter adopted pursuant to the Ohio Constitution. 105242

(R) "Overpayment" means any amount already paid that exceeds 105243
the figure determined to be the correct amount of the tax. 105244

(S) "Taxable income" or "Ohio taxable income" applies only to 105245
estates and trusts, and means federal taxable income, as defined 105246
and used in the Internal Revenue Code, adjusted as follows: 105247

(1) Add interest or dividends, net of ordinary, necessary, 105248
and reasonable expenses not deducted in computing federal taxable 105249
income, on obligations or securities of any state or of any 105250
political subdivision or authority of any state, other than this 105251
state and its subdivisions and authorities, but only to the extent 105252
that such net amount is not otherwise includible in Ohio taxable 105253
income and is described in either division (S)(1)(a) or (b) of 105254
this section: 105255

(a) The net amount is not attributable to the S portion of an 105256
electing small business trust and has not been distributed to 105257
beneficiaries for the taxable year; 105258

(b) The net amount is attributable to the S portion of an 105259
electing small business trust for the taxable year. 105260

(2) Add interest or dividends, net of ordinary, necessary, 105261
and reasonable expenses not deducted in computing federal taxable 105262
income, on obligations of any authority, commission, 105263
instrumentality, territory, or possession of the United States to 105264
the extent that the interest or dividends are exempt from federal 105265
income taxes but not from state income taxes, but only to the 105266
extent that such net amount is not otherwise includible in Ohio 105267
taxable income and is described in either division (S)(1)(a) or 105268
(b) of this section; 105269

(3) Add the amount of personal exemption allowed to the 105270
estate pursuant to section 642(b) of the Internal Revenue Code; 105271

(4) Deduct interest or dividends, net of related expenses 105272
deducted in computing federal taxable income, on obligations of 105273
the United States and its territories and possessions or of any 105274
authority, commission, or instrumentality of the United States to 105275
the extent that the interest or dividends are exempt from state 105276
taxes under the laws of the United States, but only to the extent 105277
that such amount is included in federal taxable income and is 105278
described in either division (S)(1)(a) or (b) of this section; 105279

(5) Deduct the amount of wages and salaries, if any, not 105280
otherwise allowable as a deduction but that would have been 105281
allowable as a deduction in computing federal taxable income for 105282
the taxable year, had the targeted jobs credit allowed under 105283
sections 38, 51, and 52 of the Internal Revenue Code not been in 105284
effect, but only to the extent such amount relates either to 105285
income included in federal taxable income for the taxable year or 105286
to income of the S portion of an electing small business trust for 105287
the taxable year; 105288

(6) Deduct any interest or interest equivalent, net of 105289
related expenses deducted in computing federal taxable income, on 105290
public obligations and purchase obligations, but only to the 105291
extent that such net amount relates either to income included in 105292
federal taxable income for the taxable year or to income of the S 105293
portion of an electing small business trust for the taxable year; 105294

(7) Add any loss or deduct any gain resulting from sale, 105295
exchange, or other disposition of public obligations to the extent 105296
that such loss has been deducted or such gain has been included in 105297
computing either federal taxable income or income of the S portion 105298
of an electing small business trust for the taxable year; 105299

(8) Except in the case of the final return of an estate, add 105300
any amount deducted by the taxpayer on both its Ohio estate tax 105301
return pursuant to section 5731.14 of the Revised Code, and on its 105302
federal income tax return in determining federal taxable income; 105303

(9)(a) Deduct any amount included in federal taxable income 105304
solely because the amount represents a reimbursement or refund of 105305
expenses that in a previous year the decedent had deducted as an 105306
itemized deduction pursuant to section 63 of the Internal Revenue 105307
Code and applicable treasury regulations. The deduction otherwise 105308
allowed under division (S)(9)(a) of this section shall be reduced 105309
to the extent the reimbursement is attributable to an amount the 105310
taxpayer or decedent deducted under this section in any taxable 105311
year. 105312

(b) Add any amount not otherwise included in Ohio taxable 105313
income for any taxable year to the extent that the amount is 105314
attributable to the recovery during the taxable year of any amount 105315
deducted or excluded in computing federal or Ohio taxable income 105316
in any taxable year, but only to the extent such amount has not 105317
been distributed to beneficiaries for the taxable year. 105318

(10) Deduct any portion of the deduction described in section 105319
1341(a)(2) of the Internal Revenue Code, for repaying previously 105320
reported income received under a claim of right, that meets both 105321
of the following requirements: 105322

(a) It is allowable for repayment of an item that was 105323
included in the taxpayer's taxable income or the decedent's 105324
adjusted gross income for a prior taxable year and did not qualify 105325
for a credit under division (A) or (B) of section 5747.05 of the 105326
Revised Code for that year. 105327

(b) It does not otherwise reduce the taxpayer's taxable 105328
income or the decedent's adjusted gross income for the current or 105329
any other taxable year. 105330

(11) Add any amount claimed as a credit under section 105331
5747.059 or 5747.65 of the Revised Code to the extent that the 105332
amount satisfies either of the following: 105333

(a) The amount was deducted or excluded from the computation 105334

of the taxpayer's federal taxable income as required to be 105335
reported for the taxpayer's taxable year under the Internal 105336
Revenue Code; 105337

(b) The amount resulted in a reduction in the taxpayer's 105338
federal taxable income as required to be reported for any of the 105339
taxpayer's taxable years under the Internal Revenue Code. 105340

(12) Deduct any amount, net of related expenses deducted in 105341
computing federal taxable income, that a trust is required to 105342
report as farm income on its federal income tax return, but only 105343
if the assets of the trust include at least ten acres of land 105344
satisfying the definition of "land devoted exclusively to 105345
agricultural use" under section 5713.30 of the Revised Code, 105346
regardless of whether the land is valued for tax purposes as such 105347
land under sections 5713.30 to 5713.38 of the Revised Code. If the 105348
trust is a pass-through entity investor, section 5747.231 of the 105349
Revised Code applies in ascertaining if the trust is eligible to 105350
claim the deduction provided by division (S)(12) of this section 105351
in connection with the pass-through entity's farm income. 105352

Except for farm income attributable to the S portion of an 105353
electing small business trust, the deduction provided by division 105354
(S)(12) of this section is allowed only to the extent that the 105355
trust has not distributed such farm income. Division (S)(12) of 105356
this section applies only to taxable years of a trust beginning in 105357
2002 or thereafter. 105358

(13) Add the net amount of income described in section 641(c) 105359
of the Internal Revenue Code to the extent that amount is not 105360
included in federal taxable income. 105361

(14) Add or deduct the amount the taxpayer would be required 105362
to add or deduct under division (A)(20) or (21) of this section if 105363
the taxpayer's Ohio taxable income were computed in the same 105364
manner as an individual's Ohio adjusted gross income is computed 105365

under this section. In the case of a trust, division (S)(14) of 105366
this section applies only to any of the trust's taxable years 105367
beginning in 2002 or thereafter. 105368

(T) "School district income" and "school district income tax" 105369
have the same meanings as in section 5748.01 of the Revised Code. 105370

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 105371
of this section, "public obligations," "purchase obligations," and 105372
"interest or interest equivalent" have the same meanings as in 105373
section 5709.76 of the Revised Code. 105374

(V) "Limited liability company" means any limited liability 105375
company formed under Chapter 1705. of the Revised Code or under 105376
the laws of any other state. 105377

(W) "Pass-through entity investor" means any person who, 105378
during any portion of a taxable year of a pass-through entity, is 105379
a partner, member, shareholder, or equity investor in that 105380
pass-through entity. 105381

(X) "Banking day" has the same meaning as in section 1304.01 105382
of the Revised Code. 105383

(Y) "Month" means a calendar month. 105384

(Z) "Quarter" means the first three months, the second three 105385
months, the third three months, or the last three months of the 105386
taxpayer's taxable year. 105387

(AA)(1) "Eligible institution" means a state university or 105388
state institution of higher education as defined in section 105389
3345.011 of the Revised Code, or a private, nonprofit college, 105390
university, or other post-secondary institution located in this 105391
state that possesses a certificate of authorization issued by the 105392
~~Ohio board of regents~~ chancellor of higher education pursuant to 105393
Chapter 1713. of the Revised Code or a certificate of registration 105394
issued by the state board of career colleges and schools under 105395

Chapter 3332. of the Revised Code. 105396

(2) "Qualified tuition and fees" means tuition and fees 105397
imposed by an eligible institution as a condition of enrollment or 105398
attendance, not exceeding two thousand five hundred dollars in 105399
each of the individual's first two years of post-secondary 105400
education. If the individual is a part-time student, "qualified 105401
tuition and fees" includes tuition and fees paid for the academic 105402
equivalent of the first two years of post-secondary education 105403
during a maximum of five taxable years, not exceeding a total of 105404
five thousand dollars. "Qualified tuition and fees" does not 105405
include: 105406

(a) Expenses for any course or activity involving sports, 105407
games, or hobbies unless the course or activity is part of the 105408
individual's degree or diploma program; 105409

(b) The cost of books, room and board, student activity fees, 105410
athletic fees, insurance expenses, or other expenses unrelated to 105411
the individual's academic course of instruction; 105412

(c) Tuition, fees, or other expenses paid or reimbursed 105413
through an employer, scholarship, grant in aid, or other 105414
educational benefit program. 105415

(BB)(1) "Modified business income" means the business income 105416
included in a trust's Ohio taxable income after such taxable 105417
income is first reduced by the qualifying trust amount, if any. 105418

(2) "Qualifying trust amount" of a trust means capital gains 105419
and losses from the sale, exchange, or other disposition of equity 105420
or ownership interests in, or debt obligations of, a qualifying 105421
investee to the extent included in the trust's Ohio taxable 105422
income, but only if the following requirements are satisfied: 105423

(a) The book value of the qualifying investee's physical 105424
assets in this state and everywhere, as of the last day of the 105425
qualifying investee's fiscal or calendar year ending immediately 105426

prior to the date on which the trust recognizes the gain or loss, 105427
is available to the trust. 105428

(b) The requirements of section 5747.011 of the Revised Code 105429
are satisfied for the trust's taxable year in which the trust 105430
recognizes the gain or loss. 105431

Any gain or loss that is not a qualifying trust amount is 105432
modified business income, qualifying investment income, or 105433
modified nonbusiness income, as the case may be. 105434

(3) "Modified nonbusiness income" means a trust's Ohio 105435
taxable income other than modified business income, other than the 105436
qualifying trust amount, and other than qualifying investment 105437
income, as defined in section 5747.012 of the Revised Code, to the 105438
extent such qualifying investment income is not otherwise part of 105439
modified business income. 105440

(4) "Modified Ohio taxable income" applies only to trusts, 105441
and means the sum of the amounts described in divisions (BB)(4)(a) 105442
to (c) of this section: 105443

(a) The fraction, calculated under section 5747.013, and 105444
applying section 5747.231 of the Revised Code, multiplied by the 105445
sum of the following amounts: 105446

(i) The trust's modified business income; 105447

(ii) The trust's qualifying investment income, as defined in 105448
section 5747.012 of the Revised Code, but only to the extent the 105449
qualifying investment income does not otherwise constitute 105450
modified business income and does not otherwise constitute a 105451
qualifying trust amount. 105452

(b) The qualifying trust amount multiplied by a fraction, the 105453
numerator of which is the sum of the book value of the qualifying 105454
investee's physical assets in this state on the last day of the 105455
qualifying investee's fiscal or calendar year ending immediately 105456

prior to the day on which the trust recognizes the qualifying 105457
trust amount, and the denominator of which is the sum of the book 105458
value of the qualifying investee's total physical assets 105459
everywhere on the last day of the qualifying investee's fiscal or 105460
calendar year ending immediately prior to the day on which the 105461
trust recognizes the qualifying trust amount. If, for a taxable 105462
year, the trust recognizes a qualifying trust amount with respect 105463
to more than one qualifying investee, the amount described in 105464
division (BB)(4)(b) of this section shall equal the sum of the 105465
products so computed for each such qualifying investee. 105466

(c)(i) With respect to a trust or portion of a trust that is 105467
a resident as ascertained in accordance with division (I)(3)(d) of 105468
this section, its modified nonbusiness income. 105469

(ii) With respect to a trust or portion of a trust that is 105470
not a resident as ascertained in accordance with division 105471
(I)(3)(d) of this section, the amount of its modified nonbusiness 105472
income satisfying the descriptions in divisions (B)(2) to (5) of 105473
section 5747.20 of the Revised Code, except as otherwise provided 105474
in division (BB)(4)(c)(ii) of this section. With respect to a 105475
trust or portion of a trust that is not a resident as ascertained 105476
in accordance with division (I)(3)(d) of this section, the trust's 105477
portion of modified nonbusiness income recognized from the sale, 105478
exchange, or other disposition of a debt interest in or equity 105479
interest in a section 5747.212 entity, as defined in section 105480
5747.212 of the Revised Code, without regard to division (A) of 105481
that section, shall not be allocated to this state in accordance 105482
with section 5747.20 of the Revised Code but shall be apportioned 105483
to this state in accordance with division (B) of section 5747.212 105484
of the Revised Code without regard to division (A) of that 105485
section. 105486

If the allocation and apportionment of a trust's income under 105487
divisions (BB)(4)(a) and (c) of this section do not fairly 105488

represent the modified Ohio taxable income of the trust in this 105489
state, the alternative methods described in division (C) of 105490
section 5747.21 of the Revised Code may be applied in the manner 105491
and to the same extent provided in that section. 105492

(5)(a) Except as set forth in division (BB)(5)(b) of this 105493
section, "qualifying investee" means a person in which a trust has 105494
an equity or ownership interest, or a person or unit of government 105495
the debt obligations of either of which are owned by a trust. For 105496
the purposes of division (BB)(2)(a) of this section and for the 105497
purpose of computing the fraction described in division (BB)(4)(b) 105498
of this section, all of the following apply: 105499

(i) If the qualifying investee is a member of a qualifying 105500
controlled group on the last day of the qualifying investee's 105501
fiscal or calendar year ending immediately prior to the date on 105502
which the trust recognizes the gain or loss, then "qualifying 105503
investee" includes all persons in the qualifying controlled group 105504
on such last day. 105505

(ii) If the qualifying investee, or if the qualifying 105506
investee and any members of the qualifying controlled group of 105507
which the qualifying investee is a member on the last day of the 105508
qualifying investee's fiscal or calendar year ending immediately 105509
prior to the date on which the trust recognizes the gain or loss, 105510
separately or cumulatively own, directly or indirectly, on the 105511
last day of the qualifying investee's fiscal or calendar year 105512
ending immediately prior to the date on which the trust recognizes 105513
the qualifying trust amount, more than fifty per cent of the 105514
equity of a pass-through entity, then the qualifying investee and 105515
the other members are deemed to own the proportionate share of the 105516
pass-through entity's physical assets which the pass-through 105517
entity directly or indirectly owns on the last day of the 105518
pass-through entity's calendar or fiscal year ending within or 105519
with the last day of the qualifying investee's fiscal or calendar 105520

year ending immediately prior to the date on which the trust 105521
recognizes the qualifying trust amount. 105522

(iii) For the purposes of division (BB)(5)(a)(iii) of this 105523
section, "upper level pass-through entity" means a pass-through 105524
entity directly or indirectly owning any equity of another 105525
pass-through entity, and "lower level pass-through entity" means 105526
that other pass-through entity. 105527

An upper level pass-through entity, whether or not it is also 105528
a qualifying investee, is deemed to own, on the last day of the 105529
upper level pass-through entity's calendar or fiscal year, the 105530
proportionate share of the lower level pass-through entity's 105531
physical assets that the lower level pass-through entity directly 105532
or indirectly owns on the last day of the lower level pass-through 105533
entity's calendar or fiscal year ending within or with the last 105534
day of the upper level pass-through entity's fiscal or calendar 105535
year. If the upper level pass-through entity directly and 105536
indirectly owns less than fifty per cent of the equity of the 105537
lower level pass-through entity on each day of the upper level 105538
pass-through entity's calendar or fiscal year in which or with 105539
which ends the calendar or fiscal year of the lower level 105540
pass-through entity and if, based upon clear and convincing 105541
evidence, complete information about the location and cost of the 105542
physical assets of the lower pass-through entity is not available 105543
to the upper level pass-through entity, then solely for purposes 105544
of ascertaining if a gain or loss constitutes a qualifying trust 105545
amount, the upper level pass-through entity shall be deemed as 105546
owning no equity of the lower level pass-through entity for each 105547
day during the upper level pass-through entity's calendar or 105548
fiscal year in which or with which ends the lower level 105549
pass-through entity's calendar or fiscal year. Nothing in division 105550
(BB)(5)(a)(iii) of this section shall be construed to provide for 105551
any deduction or exclusion in computing any trust's Ohio taxable 105552

income. 105553

(b) With respect to a trust that is not a resident for the 105554
taxable year and with respect to a part of a trust that is not a 105555
resident for the taxable year, "qualifying investee" for that 105556
taxable year does not include a C corporation if both of the 105557
following apply: 105558

(i) During the taxable year the trust or part of the trust 105559
recognizes a gain or loss from the sale, exchange, or other 105560
disposition of equity or ownership interests in, or debt 105561
obligations of, the C corporation. 105562

(ii) Such gain or loss constitutes nonbusiness income. 105563

(6) "Available" means information is such that a person is 105564
able to learn of the information by the due date plus extensions, 105565
if any, for filing the return for the taxable year in which the 105566
trust recognizes the gain or loss. 105567

(CC) "Qualifying controlled group" has the same meaning as in 105568
section 5733.04 of the Revised Code. 105569

(DD) "Related member" has the same meaning as in section 105570
5733.042 of the Revised Code. 105571

(EE)(1) For the purposes of division (EE) of this section: 105572

(a) "Qualifying person" means any person other than a 105573
qualifying corporation. 105574

(b) "Qualifying corporation" means any person classified for 105575
federal income tax purposes as an association taxable as a 105576
corporation, except either of the following: 105577

(i) A corporation that has made an election under subchapter 105578
S, chapter one, subtitle A, of the Internal Revenue Code for its 105579
taxable year ending within, or on the last day of, the investor's 105580
taxable year; 105581

(ii) A subsidiary that is wholly owned by any corporation 105582

that has made an election under subchapter S, chapter one, 105583
subtitle A of the Internal Revenue Code for its taxable year 105584
ending within, or on the last day of, the investor's taxable year. 105585

(2) For the purposes of this chapter, unless expressly stated 105586
otherwise, no qualifying person indirectly owns any asset directly 105587
or indirectly owned by any qualifying corporation. 105588

(FF) For purposes of this chapter and Chapter 5751. of the 105589
Revised Code: 105590

(1) "Trust" does not include a qualified pre-income tax 105591
trust. 105592

(2) A "qualified pre-income tax trust" is any pre-income tax 105593
trust that makes a qualifying pre-income tax trust election as 105594
described in division (FF)(3) of this section. 105595

(3) A "qualifying pre-income tax trust election" is an 105596
election by a pre-income tax trust to subject to the tax imposed 105597
by section 5751.02 of the Revised Code the pre-income tax trust 105598
and all pass-through entities of which the trust owns or controls, 105599
directly, indirectly, or constructively through related interests, 105600
five per cent or more of the ownership or equity interests. The 105601
trustee shall notify the tax commissioner in writing of the 105602
election on or before April 15, 2006. The election, if timely 105603
made, shall be effective on and after January 1, 2006, and shall 105604
apply for all tax periods and tax years until revoked by the 105605
trustee of the trust. 105606

(4) A "pre-income tax trust" is a trust that satisfies all of 105607
the following requirements: 105608

(a) The document or instrument creating the trust was 105609
executed by the grantor before January 1, 1972; 105610

(b) The trust became irrevocable upon the creation of the 105611
trust; and 105612

(c) The grantor was domiciled in this state at the time the trust was created.

(GG) "Uniformed services" has the same meaning as in 10 U.S.C. 101.

(HH) "Taxable business income" means business income reduced by deductions from business income and by one of the following amounts, provided that "taxable business income" shall not be less than zero:

(1) For taxable years beginning in 2015, the lesser of seventy-five per cent of Ohio business income or (a) ninety-three thousand seven hundred fifty dollars for each spouse if spouses file separate returns under section 5747.08 of the Revised Code or (b) one hundred eighty-seven thousand five hundred dollars for all other taxpayers;

(2) For taxable years beginning in 2016 and thereafter, one hundred twenty-five thousand dollars for each spouse if spouses file separate returns under section 5747.08 of the Revised Code or two hundred fifty thousand dollars for all other individuals.

Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, on every individual, trust, and estate earning or receiving winnings on casino gaming, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured ~~in the case of individuals by Ohio adjusted~~

~~gross income less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code; measured in the case of trusts by modified Ohio taxable income under division (D) of this section; and measured in the case of estates by Ohio taxable income as prescribed in divisions (A)(1) to (4) of this section.~~

(1) In the case of trusts, the tax imposed by this section shall be measured by modified Ohio taxable income under division (D) of this section and levied at the same rates prescribed in division (A)(3) of this section for individuals.

(2) In the case of estates, the tax imposed by this section shall be measured by Ohio taxable income and levied at the same rates prescribed in division (A)(3) of this section for individuals. The tax imposed by this section on the balance thus obtained is hereby levied as follows:

~~(1) For taxable years beginning in 2004:~~		105659
~~OHIO ADJUSTED GROSS INCOME LESS~~		105660
~~EXEMPTIONS (INDIVIDUALS)~~		
~~OR~~		105661
~~MODIFIED OHIO~~		105662
~~TAXABLE INCOME (TRUSTS)~~		105663
~~OR~~		105664
~~OHIO TAXABLE INCOME (ESTATES)~~	~~TAX~~	105665
~~\$5,000 or less~~	~~.743%~~	105666
~~More than \$5,000 but not more than \$10,000~~	~~\$37.15 plus 1.486% of the amount in excess of \$5,000~~	105667
~~More than \$10,000 but not more than \$15,000~~	~~\$111.45 plus 2.972% of the amount in excess of \$10,000~~	105668
~~More than \$15,000 but not more than \$20,000~~	~~\$260.05 plus 3.715% of the amount in excess of \$15,000~~	105669
~~More than \$20,000 but not more than \$40,000~~	~~\$445.80 plus 4.457% of the amount in excess of \$20,000~~	105670

~~More than \$40,000 but not more than \$80,000~~	~~\$1,337.20 plus 5.201% of the amount in excess of \$40,000~~	105671
~~More than \$80,000 but not more than \$100,000~~	~~\$3,417.60 plus 5.943% of the amount in excess of \$80,000~~	105672
~~More than \$100,000 but not more than \$200,000~~	~~\$4,606.20 plus 6.9% of the amount in excess of \$100,000~~	105673
~~More than \$200,000~~	~~\$11,506.20 plus 7.5% of the amount in excess of \$200,000~~	105674
~~(2) For taxable years beginning in 2005:-~~		105675
~~OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)~~		105676
~~OR~~		105677
~~MODIFIED OHIO~~		105678
~~TAXABLE INCOME (TRUSTS)~~		105679
~~OR~~		105680
~~OHIO TAXABLE INCOME (ESTATES)~~	~~TAX~~	105681
~~\$5,000 or less~~	~~.712%~~	105682
~~More than \$5,000 but not more than \$10,000~~	~~\$35.60 plus 1.424% of the amount in excess of \$5,000~~	105683
~~More than \$10,000 but not more than \$15,000~~	~~\$106.80 plus 2.847% of the amount in excess of \$10,000~~	105684
~~More than \$15,000 but not more than \$20,000~~	~~\$249.15 plus 3.559% of the amount in excess of \$15,000~~	105685
~~More than \$20,000 but not more than \$40,000~~	~~\$427.10 plus 4.27% of the amount in excess of \$20,000~~	105686
~~More than \$40,000 but not more than \$80,000~~	~~\$1,281.10 plus 4.983% of the amount in excess of \$40,000~~	105687
~~More than \$80,000 but not more than \$100,000~~	~~\$3,274.30 plus 5.693% of the amount in excess of \$80,000~~	105688
~~More than \$100,000 but not more than \$200,000~~	~~\$4,412.90 plus 6.61% of the amount in excess of \$100,000~~	105689
~~More than \$200,000~~	~~\$11,022.90 plus 7.185% of the amount in excess of \$200,000~~	105690

~~(3) For taxable years beginning in 2006:~~		105691
~~OHIO ADJUSTED GROSS INCOME LESS~~		105692
~~EXEMPTIONS (INDIVIDUALS)~~		
~~OR~~		105693
~~MODIFIED OHIO~~		105694
~~TAXABLE INCOME (TRUSTS)~~		105695
~~OR~~		105696
~~OHIO TAXABLE INCOME (ESTATES)~~	~~TAX~~	105697
~~\$5,000 or less~~	~~.681%~~	105698
~~More than \$5,000 but not more than \$10,000~~	~~\$34.05 plus 1.361% of the amount in excess of \$5,000~~	105699
~~More than \$10,000 but not more than \$15,000~~	~~\$102.10 plus 2.722% of the amount in excess of \$10,000~~	105700
~~More than \$15,000 but not more than \$20,000~~	~~\$238.20 plus 3.403% of the amount in excess of \$15,000~~	105701
~~More than \$20,000 but not more than \$40,000~~	~~\$408.35 plus 4.083% of the amount in excess of \$20,000~~	105702
~~More than \$40,000 but not more than \$80,000~~	~~\$1,224.95 plus 4.764% of the amount in excess of \$40,000~~	105703
~~More than \$80,000 but not more than \$100,000~~	~~\$3,130.55 plus 5.444% of the amount in excess of \$80,000~~	105704
~~More than \$100,000 but not more than \$200,000~~	~~\$4,219.35 plus 6.32% of the amount in excess of \$100,000~~	105705
~~More than \$200,000~~	~~\$10,539.35 plus 6.87% of the amount in excess of \$200,000~~	105706
~~(4) For taxable years beginning in 2007:~~		105707
~~OHIO ADJUSTED GROSS INCOME LESS~~		105708
~~EXEMPTIONS (INDIVIDUALS)~~		
~~OR~~		105709
~~MODIFIED OHIO~~		105710
~~TAXABLE INCOME (TRUSTS)~~		105711
~~OR~~		105712

~~OHIO TAXABLE INCOME (ESTATES)~~	~~TAX~~	105713
~~\$5,000 or less~~	~~.649%~~	105714
~~More than \$5,000 but not more than \$10,000~~	~~\$32.45 plus 1.299% of the amount in excess of \$5,000~~	105715
~~More than \$10,000 but not more than \$15,000~~	~~\$97.40 plus 2.598% of the amount in excess of \$10,000~~	105716
~~More than \$15,000 but not more than \$20,000~~	~~\$227.30 plus 3.247% of the amount in excess of \$15,000~~	105717
~~More than \$20,000 but not more than \$40,000~~	~~\$389.65 plus 3.895% of the amount in excess of \$20,000~~	105718
~~More than \$40,000 but not more than \$80,000~~	~~\$1,168.65 plus 4.546% of the amount in excess of \$40,000~~	105719
~~More than \$80,000 but not more than \$100,000~~	~~\$2,987.05 plus 5.194% of the amount in excess of \$80,000~~	105720
~~More than \$100,000 but not more than \$200,000~~	~~\$4,025.85 plus 6.031% of the amount in excess of \$100,000~~	105721
~~More than \$200,000~~	~~\$10,056.85 plus 6.555% of the amount in excess of \$200,000~~	105722
~~(5) For taxable years beginning in 2008, 2009, or 2010:~~		105723
~~OHIO ADJUSTED GROSS INCOME LESS~~		105724
~~EXEMPTIONS (INDIVIDUALS)~~		
~~OR~~		105725
~~MODIFIED OHIO~~		105726
~~TAXABLE INCOME (TRUSTS)~~		105727
~~OR~~		105728
~~OHIO TAXABLE INCOME (ESTATES)~~	~~TAX~~	105729
~~\$5,000 or less~~	~~.618%~~	105730
~~More than \$5,000 but not more than \$10,000~~	~~\$30.90 plus 1.236% of the amount in excess of \$5,000~~	105731
~~More than \$10,000 but not more than \$15,000~~	~~\$92.70 plus 2.473% of the amount in excess of \$10,000~~	105732
~~More than \$15,000 but not more than \$20,000~~	~~\$216.35 plus 3.091% of the amount in excess of \$15,000~~	105733

~~More than \$20,000 but not more than \$40,000~~	~~\$370.90 plus 3.708% of the amount in excess of \$20,000~~	105734
~~More than \$40,000 but not more than \$80,000~~	~~\$1,112.50 plus 4.327% of the amount in excess of \$40,000~~	105735
~~More than \$80,000 but not more than \$100,000~~	~~\$2,843.30 plus 4.945% of the amount in excess of \$80,000~~	105736
~~More than \$100,000 but not more than \$200,000~~	~~\$3,832.30 plus 5.741% of the amount in excess of \$100,000~~	105737
~~More than \$200,000~~	~~\$9,573.30 plus 6.24% of the amount in excess of \$200,000~~	105738
~~(6) For taxable years beginning in 2011 or 2012:~~		105739
~~OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)~~		105740
~~OR~~		105741
~~MODIFIED OHIO TAXABLE INCOME (TRUSTS)~~		105742
~~OR~~		105743
~~OHIO TAXABLE INCOME (ESTATES)~~	~~TAX~~	105744
~~\$5,000 or less~~	~~.587%~~	105745
~~More than \$5,000 but not more than \$10,000~~	~~\$29.35 plus 1.174% of the amount in excess of \$5,000~~	105746
~~More than \$10,000 but not more than \$15,000~~	~~\$88.05 plus 2.348% of the amount in excess of \$10,000~~	105747
~~More than \$15,000 but not more than \$20,000~~	~~\$205.45 plus 2.935% of the amount in excess of \$15,000~~	105748
~~More than \$20,000 but not more than \$40,000~~	~~\$352.20 plus 3.521% of the amount in excess of \$20,000~~	105749
~~More than \$40,000 but not more than \$80,000~~	~~\$1,056.40 plus 4.109% of the amount in excess of \$40,000~~	105750
~~More than \$80,000 but not more than \$100,000~~	~~\$2,700.00 plus 4.695% of the amount in excess of \$80,000~~	105751
~~More than \$100,000 but not more than \$200,000~~	~~\$3,639.00 plus 5.451% of the amount in excess of \$100,000~~	105752
		105753

~~More than \$200,000~~	~~\$9,090.00 plus 5.925% of the amount in excess of \$200,000~~	105754
~~(7) For taxable years beginning in 2013:~~		105755
~~OHIO ADJUSTED GROSS INCOME LESS~~		105756
~~EXEMPTIONS (INDIVIDUALS)~~		
~~OR~~		105757
~~MODIFIED OHIO~~		105758
~~TAXABLE INCOME (TRUSTS)~~		105759
~~OR~~		105760
~~OHIO TAXABLE INCOME (ESTATES)~~	~~TAX~~	105761
~~\$5,000 or less~~	~~.537%~~	105762
~~More than \$5,000 but not more than \$10,000~~	~~\$26.86 plus 1.074% of the amount in excess of \$5,000~~	105763
~~More than \$10,000 but not more than \$15,000~~	~~\$80.57 plus 2.148% of the amount in excess of \$10,000~~	105764
~~More than \$15,000 but not more than \$20,000~~	~~\$187.99 plus 2.686% of the amount in excess of \$15,000~~	105765
~~More than \$20,000 but not more than \$40,000~~	~~\$322.26 plus 3.222% of the amount in excess of \$20,000~~	105766
~~More than \$40,000 but not more than \$80,000~~	~~\$966.61 plus 3.760% of the amount in excess of \$40,000~~	105767
~~More than \$80,000 but not more than \$100,000~~	~~\$2,470.50 plus 4.296% of the amount in excess of \$80,000~~	105768
~~More than \$100,000 but not more than \$200,000~~	~~\$3,329.68 plus 4.988% of the amount in excess of \$100,000~~	105769
~~More than \$200,000~~	~~\$8,317.35 plus 5.421% of the amount in excess of \$200,000~~	105770
~~(8) For taxable years beginning in 2014 or thereafter:~~		105771
~~OHIO ADJUSTED GROSS INCOME LESS~~		105772
~~EXEMPTIONS (INDIVIDUALS)~~		
~~OR~~		105773
~~MODIFIED OHIO~~		105774

~~TAXABLE INCOME (TRUSTS)~~		105775
~~OR~~		105776
~~OHIO TAXABLE INCOME (ESTATES)~~	~~TAX~~	105777
~~\$5,000 or less~~	~~.528%~~	105778
~~More than \$5,000 but not more than \$10,000~~	~~\$26.41 plus 1.057% of the amount in excess of \$5,000~~	105779
~~More than \$10,000 but not more than \$15,000~~	~~\$79.24 plus 2.113% of the amount in excess of \$10,000~~	105780
~~More than \$15,000 but not more than \$20,000~~	~~\$184.90 plus 2.642% of the amount in excess of \$15,000~~	105781
~~More than \$20,000 but not more than \$40,000~~	~~\$316.98 plus 3.169% of the amount in excess of \$20,000~~	105782
~~More than \$40,000 but not more than \$80,000~~	~~\$950.76 plus 3.698% of the amount in excess of \$40,000~~	105783
~~More than \$80,000 but not more than \$100,000~~	~~\$2,430.00 plus 4.226% of the amount in excess of \$80,000~~	105784
~~More than \$100,000 but not more than \$200,000~~	~~\$3,275.10 plus 4.906% of the amount in excess of \$100,000~~	105785
~~More than \$200,000~~	~~\$8,181.00 plus 5.333% of the amount in excess of \$200,000~~	105786
<u>(3) In the case of individuals, for taxable years beginning in 2015 or thereafter, the tax imposed by this section on income other than business income shall be measured by Ohio adjusted gross income less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code. The tax imposed on the balance thus obtained is hereby levied as follows:</u>		105787
		105788
		105789
		105790
		105791
		105792
		105793
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		105794
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		105795
<u>MODIFIED OHIO</u>		105796
<u>TAXABLE INCOME (TRUSTS)</u>		105797
<u>OR</u>		105798

<u>OHIO TAXABLE INCOME (ESTATES)</u>	TAX	105799
<u>\$5,000 or less</u>	<u>.495%</u>	105800
<u>More than \$5,000 but not more than \$10,000</u>	<u>\$24.75 plus .990% of the amount in excess of \$5,000</u>	105801
<u>More than \$10,000 but not more than \$15,000</u>	<u>\$74.25 plus 1.980% of the amount in excess of \$10,000</u>	105802
<u>More than \$15,000 but not more than \$20,000</u>	<u>\$173.25 plus 2.476% of the amount in excess of \$15,000</u>	105803
<u>More than \$20,000 but not more than \$40,000</u>	<u>\$297.05 plus 2.969% of the amount in excess of \$20,000</u>	105804
<u>More than \$40,000 but not more than \$80,000</u>	<u>\$890.85 plus 3.465% of the amount in excess of \$40,000</u>	105805
<u>More than \$80,000 but not more than \$100,000</u>	<u>\$2,276.85 plus 3.960% of the amount in excess of \$80,000</u>	105806
<u>More than \$100,000 but not more than \$200,000</u>	<u>\$3,068.85 plus 4.597% of the amount in excess of \$100,000</u>	105807
<u>More than \$200,000</u>	<u>\$7,665.85 plus 4.997% of the amount in excess of \$200,000</u>	105808
<u>(4) In the case of individuals, for taxable years beginning in 2015 or thereafter, the tax imposed by this section on business income shall equal three per cent of the taxpayer's taxable business income.</u>		105809
		105810
		105811
		105812
Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in ~~this~~ division <u>(A)(3) of this section</u> by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts		105813
		105814
		105815
		105816
		105817
		105818
		105819
		105820
		105821
		105822
		105823

to the extent necessary to reflect the new adjustment of the 105824
income amounts. The rates of taxation shall not be adjusted. 105825

The adjusted amounts apply to taxable years beginning in the 105826
calendar year in which the adjustments are made and to taxable 105827
years beginning in each ensuing calendar year until a calendar 105828
year in which a new adjustment is made pursuant to this division. 105829
The tax commissioner shall not make a new adjustment in any year 105830
in which the amount resulting from the adjustment would be less 105831
than the amount resulting from the adjustment in the preceding 105832
year. The commissioner shall not make a new adjustment for taxable 105833
years beginning in 2013, 2014, or 2015. 105834

(B) If the director of budget and management makes a 105835
certification to the tax commissioner under division (B) of 105836
section 131.44 of the Revised Code, the amount of tax as 105837
determined under ~~division (A)~~ divisions (A)(1) to (3) of this 105838
section shall be reduced by the percentage prescribed in that 105839
certification for taxable years beginning in the calendar year in 105840
which that certification is made. 105841

(C) The levy of this tax on income does not prevent a 105842
municipal corporation, a joint economic development zone created 105843
under section 715.691, or a joint economic development district 105844
created under section 715.70 or 715.71 or sections 715.72 to 105845
715.81 of the Revised Code from levying a tax on income. 105846

(D) This division applies only to taxable years of a trust 105847
beginning in 2002 or thereafter. 105848

(1) The tax imposed by this section on a trust shall be 105849
computed by multiplying the Ohio modified taxable income of the 105850
trust by the rates prescribed by division (A) of this section. 105851

(2) A resident trust may claim a credit against the tax 105852
computed under division (D) of this section equal to the lesser of 105853
(1) the tax paid to another state or the District of Columbia on 105854

the resident trust's modified nonbusiness income, other than the 105855
portion of the resident trust's nonbusiness income that is 105856
qualifying investment income as defined in section 5747.012 of the 105857
Revised Code, or (2) the effective tax rate, based on modified 105858
Ohio taxable income, multiplied by the resident trust's modified 105859
nonbusiness income other than the portion of the resident trust's 105860
nonbusiness income that is qualifying investment income. The 105861
credit applies before any other applicable credits. 105862

(3) The credits enumerated in ~~divisions~~ division (A)(1) ~~to~~ 105863
~~(13) or (2)~~ of section 5747.98 of the Revised Code do not apply to 105864
a trust subject to division (D) of this section. Any credits 105865
enumerated in ~~other divisions~~ division (A)(3) or (4) of section 105866
5747.98 of the Revised Code apply to a trust subject to division 105867
(D) of this section. To the extent that the trust distributes 105868
income for the taxable year for which a credit is available to the 105869
trust, the credit shall be shared by the trust and its 105870
beneficiaries. The tax commissioner and the trust shall be guided 105871
by applicable regulations of the United States treasury regarding 105872
the sharing of credits. 105873

(E) For the purposes of this section, "trust" means any trust 105874
described in Subchapter J of Chapter 1 of the Internal Revenue 105875
Code, excluding trusts that are not irrevocable as defined in 105876
division (I)(3)(b) of section 5747.01 of the Revised Code and that 105877
have no modified Ohio taxable income for the taxable year, 105878
charitable remainder trusts, qualified funeral trusts and preneed 105879
funeral contract trusts established pursuant to sections 4717.31 105880
to 4717.38 of the Revised Code that are not qualified funeral 105881
trusts, endowment and perpetual care trusts, qualified settlement 105882
trusts and funds, designated settlement trusts and funds, and 105883
trusts exempted from taxation under section 501(a) of the Internal 105884
Revenue Code. 105885

Sec. 5747.05. As used in this section, "income tax" includes 105886
both a tax on net income and a tax measured by net income. 105887

The following credits shall be allowed against the income tax 105888
imposed by section 5747.02 of the Revised Code on individuals and 105889
estates: 105890

(A)(1) The amount of tax otherwise due under section 5747.02 105891
of the Revised Code on such portion of the combined adjusted gross 105892
income and business income of any nonresident taxpayer that is not 105893
allocable or apportionable to this state pursuant to sections 105894
5747.20 to 5747.23 of the Revised Code; 105895

~~(2).~~ The credit provided under this division shall not exceed 105896
~~the portion of~~ the total tax due under section 5747.02 of the 105897
Revised Code ~~that the amount of the nonresident taxpayer's~~ 105898
~~adjusted gross income not allocated to this state pursuant to~~ 105899
~~sections 5747.20 to 5747.23 of the Revised Code bears to the total~~ 105900
~~adjusted gross income of the nonresident taxpayer derived from all~~ 105901
~~sources everywhere.~~ 105902

~~(3)~~(2) The tax commissioner may enter into an agreement with 105903
the taxing authorities of any state or of the District of Columbia 105904
that imposes an income tax to provide that compensation paid in 105905
this state to a nonresident taxpayer shall not be subject to the 105906
tax levied in section 5747.02 of the Revised Code so long as 105907
compensation paid in such other state or in the District of 105908
Columbia to a resident taxpayer shall likewise not be subject to 105909
the income tax of such other state or of the District of Columbia. 105910

(B) The lesser of division (B)(1) or (2) of this section: 105911

(1) The amount of tax otherwise due under section 5747.02 of 105912
the Revised Code on such portion of the combined adjusted gross 105913
income and business income of a resident taxpayer that in another 105914
state or in the District of Columbia is subjected to an income 105915

tax. The credit provided under division (B)(1) of this section 105916
shall not exceed ~~the portion of~~ the total tax due under section 105917
5747.02 of the Revised Code ~~that the amount of the resident~~ 105918
~~taxpayer's adjusted gross income subjected to an income tax in the~~ 105919
~~other state or in the District of Columbia bears to the total~~ 105920
~~adjusted gross income of the resident taxpayer derived from all~~ 105921
~~sources everywhere.~~ 105922

(2) The amount of income tax liability to another state or 105923
the District of Columbia on the portion of the combined adjusted 105924
gross income and business income of a resident taxpayer that in 105925
another state or in the District of Columbia is subjected to an 105926
income tax. The credit provided under division (B)(2) of this 105927
section shall not exceed the amount of tax otherwise due under 105928
section 5747.02 of the Revised Code. 105929

(3) If the credit provided under division (B) of this section 105930
is affected by a change in either the portion of the combined 105931
adjusted gross income and business income of a resident taxpayer 105932
subjected to an income tax in another state or the District of 105933
Columbia or the amount of income tax liability that has been paid 105934
to another state or the District of Columbia, the taxpayer shall 105935
report the change to the tax commissioner within sixty days of the 105936
change in such form as the commissioner requires. 105937

(a) In the case of an underpayment, the report shall be 105938
accompanied by payment of any additional tax due as a result of 105939
the reduction in credit together with interest on the additional 105940
tax and is a return subject to assessment under section 5747.13 of 105941
the Revised Code solely for the purpose of assessing any 105942
additional tax due under this division, together with any 105943
applicable penalty and interest. It shall not reopen the 105944
computation of the taxpayer's tax liability under this chapter 105945
from a previously filed return no longer subject to assessment 105946
except to the extent that such liability is affected by an 105947

adjustment to the credit allowed by division (B) of this section. 105948

(b) In the case of an overpayment, an application for refund 105949
may be filed under this division within the sixty-day period 105950
prescribed for filing the report even if it is beyond the period 105951
prescribed in section 5747.11 of the Revised Code if it otherwise 105952
conforms to the requirements of such section. An application filed 105953
under this division shall only claim refund of overpayments 105954
resulting from an adjustment to the credit allowed by division (B) 105955
of this section unless it is also filed within the time prescribed 105956
in section 5747.11 of the Revised Code. It shall not reopen the 105957
computation of the taxpayer's tax liability except to the extent 105958
that such liability is affected by an adjustment to the credit 105959
allowed by division (B) of this section. 105960

(4) No credit shall be allowed under division (B) of this 105961
section ~~for~~: 105962

(a) For income tax paid or accrued to another state or to the 105963
District of Columbia if the taxpayer, when computing federal 105964
adjusted gross income, has directly or indirectly deducted, or was 105965
required to directly or indirectly deduct, the amount of that 105966
income tax; 105967

(b) For compensation that is not subject to the income tax of 105968
another state or the District of Columbia as the result of an 105969
agreement entered into by the tax commissioner under division 105970
(A)(3) of this section; or 105971

(c) For income tax paid or accrued to another state or the 105972
District of Columbia if the taxpayer fails to furnish such proof 105973
as the tax commissioner shall require that such income tax 105974
liability has been paid. 105975

~~(C) For a taxpayer sixty-five years of age or older during~~ 105976
~~the taxable year, a credit for such year equal to fifty dollars~~ 105977
~~for each return required to be filed under section 5747.08 of the~~ 105978

~~Revised Code.~~ 105979

~~(D) A taxpayer sixty five years of age or older during the taxable year who has received a lump sum distribution from a pension, retirement, or profit sharing plan in the taxable year may elect to receive a credit under this division in lieu of the credit to which the taxpayer is entitled under division (C) of this section. A taxpayer making such election shall receive a credit for the taxable year equal to fifty dollars times the taxpayer's expected remaining life as shown by annuity tables issued under the provisions of the Internal Revenue Code and in effect for the calendar year which includes the last day of the taxable year. A taxpayer making an election under this division is not entitled to the credit authorized under division (C) of this section in subsequent taxable years except that if such election was made prior to July 1, 1983, the taxpayer is entitled to one half the credit authorized under such division in subsequent taxable years but may not make another election under this division.~~ 105980
105981
105982
105983
105984
105985
105986
105987
105988
105989
105990
105991
105992
105993
105994
105995
105996

~~(E) A taxpayer who is not sixty five years of age or older during the taxable year who has received a lump sum distribution from a pension, retirement, or profit sharing plan in a taxable year ending on or before July 31, 1991, may elect to take a credit against the tax otherwise due under this chapter for such year equal to fifty dollars times the expected remaining life of a taxpayer sixty five years of age as shown by annuity tables issued under the provisions of the Internal Revenue Code and in effect for the calendar year which includes the last day of the taxable year. A taxpayer making an election under this division is not entitled to a credit under division (C) or (D) of this section in any subsequent year except that if such election was made prior to July 1, 1983, the taxpayer is entitled to one half the credit authorized under division (C) of this section in subsequent years~~ 105997
105998
105999
106000
106001
106002
106003
106004
106005
106006
106007
106008
106009
106010

~~but may not make another election under this division. No taxpayer~~ 106011
~~may make an election under this division for a taxable year ending~~ 106012
~~on or after August 1, 1991.~~ 106013

~~(F) A taxpayer making an election under either division (D)~~ 106014
~~or (E) of this section may make only one such election in the~~ 106015
~~taxpayer's lifetime.~~ 106016

~~(G) An individual who is a resident for part of a taxable~~ 106017
~~year and a nonresident for the remainder of the taxable year is~~ 106018
~~allowed the credits under divisions (A) and (B) of this section in~~ 106019
~~accordance with rules prescribed by the tax commissioner. In no~~ 106020
~~event shall the same income be subject to both credits.~~ 106021

~~(D) The credit allowed under division (A) of this section~~ 106022
~~shall be calculated based upon the amount of tax due under section~~ 106023
~~5747.02 of the Revised Code after subtracting any other credits~~ 106024
~~that precede the credit under that division in the order required~~ 106025
~~under section 5747.98 of the Revised Code. The credit allowed~~ 106026
~~under division (B) of this section shall be calculated based upon~~ 106027
~~the amount of tax due under section 5747.02 of the Revised Code~~ 106028
~~after subtracting any other credits that precede the credit under~~ 106029
~~that division in the order required under section 5747.98 of the~~ 106030
~~Revised Code.~~ 106031

~~(E)(1) On a joint return filed by a husband and wife, each of~~ 106032
~~whom had adjusted gross income of at least five hundred dollars,~~ 106033
~~exclusive of interest, dividends and distributions, royalties,~~ 106034
~~rent, and capital gains, a credit equal to the percentage shown in~~ 106035
~~the table contained in this division of the amount of tax due~~ 106036
~~after allowing for any other credit that precedes the credit under~~ 106037
~~this division in the order required under section 5747.98 of the~~ 106038
~~Revised Code.~~ 106039

~~(2) The credit to which a taxpayer is entitled under this~~ 106040
~~division in any taxable year is the percentage shown in column B~~ 106041

that corresponds with the taxpayer's adjusted gross income, less 106042
exemptions for the taxable year: 106043

A.	B.	
IF THE ADJUSTED GROSS INCOME,	THE CREDIT FOR THE TAXABLE	106045
LESS EXEMPTIONS, FOR THE TAX YEAR	YEAR IS:	
IS:		

\$25,000 or less	20%	106046
More than \$25,000 but not more than \$50,000	15%	106047
More than \$50,000 but not more than \$75,000	10%	106048
More than \$75,000	5%	106049

(3) The credit allowed under this division shall not exceed 106050
six hundred fifty dollars in any taxable year. 106051

(4) The credit shall be claimed in the order required under 106052
section 5747.98 of the Revised Code. 106053

~~(H)(F) No claim for credit under this section shall be 106054~~
~~allowed unless the claimant furnishes such supporting information 106055~~
~~as the tax commissioner prescribes by rules. Each credit under 106056~~
~~this section shall be claimed in the order required under section 106057~~
~~5747.98 of the Revised Code.~~ 106058

~~(I) An individual who is a resident for part of a taxable 106059~~
~~year and a nonresident for the remainder of the taxable year is 106060~~
~~allowed the credits under divisions (A) and (B) of this section in 106061~~
~~accordance with rules prescribed by the tax commissioner. In no 106062~~
~~event shall the same income be subject to both credits.~~ 106063

~~(J) The credit allowed under division (A) of this section 106064~~
~~shall be calculated based upon the amount of tax due under section 106065~~
~~5747.02 of the Revised Code after subtracting any other credits 106066~~
~~that precede the credit under that division in the order required 106067~~
~~under section 5747.98 of the Revised Code. The credit allowed 106068~~

~~under division (B) of this section shall be calculated based upon~~ 106069
~~the amount of tax due under section 5747.02 of the Revised Code~~ 106070
~~after subtracting any other credits that precede the credit under~~ 106071
~~that division in the order required under section 5747.98 of the~~ 106072
~~Revised Code.~~ 106073

~~(K) No credit shall be allowed under division (B) of this~~ 106074
~~section unless the taxpayer furnishes such proof as the tax~~ 106075
~~commissioner shall require that the income tax liability has been~~ 106076
~~paid to another state or the District of Columbia.~~ 106077

~~(L) No credit shall be allowed under division (B) of this~~ 106078
~~section for compensation that is not subject to the income tax of~~ 106079
~~another state or the District of Columbia as the result of an~~ 106080
~~agreement entered into by the tax commissioner under division~~ 106081
~~(A)(3) of this section.~~ 106082

Sec. 5747.055. (A) As used in this section "retirement 106083
income" means retirement benefits, annuities, or distributions 106084
that are made from or pursuant to a pension, retirement, or 106085
profit-sharing plan and that: 106086

(1) In the case of an individual, are received by the 106087
individual on account of retirement and are included in the 106088
individual's adjusted gross income; 106089

(2) In the case of an estate, are payable to the estate for 106090
the benefit of the surviving spouse of the decedent and are 106091
included in the estate's taxable income. 106092

(B) A credit shall be allowed against the tax imposed by 106093
section 5747.02 of the Revised Code for taxpayers who received 106094
retirement income during the taxable year and whose adjusted gross 106095
income for the taxable year, less applicable exemptions under 106096
section 5747.025 of the Revised Code, as shown on an individual or 106097
joint annual return is less than one hundred thousand dollars. 106098

Only one such credit shall be allowed for each return, and the
amount of the credit shall be computed in accordance with the
following schedule, ~~subject to the limitation provided in division~~
~~(F) of this section:~~

AMOUNT OF RETIREMENT INCOME RECEIVED DURING THE TAXABLE YEAR	CREDIT FOR THE TAXABLE YEAR	
\$500 or less	\$ 0	
Over \$500 but not more than \$1,500	\$ 25	
Over \$1,500 but not more than \$3,000	\$ 50	
Over \$3,000 but not more than \$5,000	\$ 80	
Over \$5,000 but not more than \$8,000	\$130	
Over \$8,000	\$200	

(C) ~~At the election of a~~ A taxpayer who ~~receives~~ received a
lump-sum distribution from a pension, retirement, or
profit-sharing plan ~~within one~~ in the taxable year and whose
adjusted gross income for the taxable year, less applicable
exemptions under section 5747.025 of the Revised Code, as shown on
an individual or joint annual return is less than one hundred
thousand dollars, the credit allowed by this section for that year
shall be may elect to receive a credit under this division in lieu
of the credit allowed under division (B) of this section. A
taxpayer making such an election is not entitled to the credit
authorized under this division or division (B) of this section in
subsequent taxable years. A taxpayer electing the credit under
this division shall receive a credit for the taxable year against
the tax imposed by section 5747.02 of the Revised Code computed as
follows:

(1) Divide the amount of retirement income received during
the taxable year by the taxpayer's expected remaining life on the
last day of the taxable year, as shown by annuity tables issued
under the provisions of the Internal Revenue Code and in effect
for the calendar year that includes the last day of the taxable

year; 106131

(2) Using the quotient thus obtained as the amount of 106132
retirement income received during the taxable year, compute the 106133
credit for the taxable year in accordance with division (B) of 106134
this section; 106135

(3) Multiply the credit thus obtained by the taxpayer's 106136
expected remaining life. The product thus obtained shall be the 106137
credit under this division for the taxable year. ~~A taxpayer who 106138
elects to receive a credit under this division is not entitled to 106139
receive a credit under this section for any subsequent year except 106140
as provided in divisions (D) and (E) of this section. 106141~~

(D) If the credit under division (C) or (E) of this section 106142
exceeds the tax due for the taxable year after allowing for any 106143
other credit that precedes that credit in the order required under 106144
section 5747.98 of the Revised Code, the taxpayer may elect to 106145
receive a credit for each subsequent taxable year. The amount of 106146
the credit for each such year shall be computed as follows: 106147

(1) Determine the amount by which the unused credit elected 106148
under division (C) or (E) of this section exceeded the tax due for 106149
the taxable year after allowing for any preceding credit in the 106150
required order; 106151

(2) Divide the amount of such excess by one year less than 106152
the taxpayer's expected remaining life on the last day of the 106153
taxable year of the distribution for which the credit was allowed 106154
under division (C) or (E) of this section. The quotient thus 106155
obtained shall be the credit for each subsequent year. 106156

(E) If subsequent to the receipt of a lump-sum distribution 106157
and an election under division (C) of this section an individual 106158
receives another lump-sum distribution within one taxable year, 106159
and the taxpayer's adjusted gross income for the taxable year, 106160
less applicable exemptions under section 5747.025 of the Revised 106161

Code, as shown on an individual or joint annual return is less 106162
than one hundred thousand dollars, the taxpayer may elect to 106163
receive a credit for that taxable year. The credit shall equal the 106164
lesser of: 106165

(1) A credit computed in the manner prescribed in division 106166
(C) of this section; 106167

(2) The amount of credit, if any, to which the taxpayer would 106168
otherwise be entitled for the taxable year under division (D) of 106169
this section times the taxpayer's expected remaining life on the 106170
last day of the taxable year. A taxpayer who elects to receive a 106171
credit under this division is not entitled to a credit under this 106172
division or division (B) or (C) of this section for any subsequent 106173
year except as provided in division (D) of this section. 106174

~~(F) In the case of a taxpayer who elected to take an~~ 106175
~~exclusion under division (A)(1) or (3) of former section 5747.01~~ 106176
~~of the Revised Code based upon the taxpayer's expected remaining~~ 106177
~~life, and who was entitled immediately preceding the effective~~ 106178
~~date of this section under division (A)(2) or (3) of such section~~ 106179
~~to a further exclusion, any credit computed in accordance with the~~ 106180
~~schedule in division (B) of this section, including the credit~~ 106181
~~computed under division (C)(2) of this section, shall not exceed~~ 106182
~~the credit available upon an amount of retirement income received~~ 106183
~~during the taxable year equal to the sum of such former exclusion~~ 106184
~~plus four thousand dollars~~ A credit equal to fifty dollars for 106185
each return required to be filed under section 5747.08 of the 106186
Revised Code shall be allowed against the tax imposed by section 106187
5747.02 of the Revised Code for taxpayers sixty-five years of age 106188
or older during the taxable year whose adjusted gross income, less 106189
applicable exemptions under section 5747.025 of the Revised Code, 106190
as shown on an individual or joint annual return is less than one 106191
hundred thousand dollars for that taxable year. 106192

(G) A taxpayer sixty-five years of age or older during the 106193

taxable year who has received a lump-sum distribution from a 106194
pension, retirement, or profit-sharing plan in the taxable year, 106195
and whose adjusted gross income, less applicable exemptions under 106196
section 5747.025 of the Revised Code, as shown on an individual or 106197
joint annual return is less than one hundred thousand dollars for 106198
that taxable year may elect to receive a credit under this 106199
division in lieu of the credit to which the taxpayer is entitled 106200
under division (F) of this section. A taxpayer making such an 106201
election shall receive a credit for the taxable year against the 106202
tax imposed by section 5747.02 of the Revised Code equal to fifty 106203
dollars times the taxpayer's expected remaining life as shown by 106204
annuity tables issued under the Internal Revenue Code and in 106205
effect for the calendar year that includes the last day of the 106206
taxable year. A taxpayer making an election under this division is 106207
not entitled to the credit authorized under this division or 106208
division (F) of this section in subsequent taxable years. 106209

(H) The credits allowed by this section shall be claimed in 106210
the order required under section 5747.98 of the Revised Code. The 106211
tax commissioner may require a taxpayer to furnish any information 106212
necessary to support a claim for credit under this section, and no 106213
credit shall be allowed unless such information is provided. 106214

Sec. 5747.058. (A) A refundable income tax credit granted by 106215
the tax credit authority under section 122.17 or former division 106216
(B)(2) or (3) of section 122.171 of the Revised Code, as those 106217
divisions existed before the effective date of the amendment of 106218
this section by H.B. 64 of the 131st general assembly, may be 106219
claimed under this chapter, in the order required under section 106220
5747.98 of the Revised Code. For purposes of making tax payments 106221
under this chapter, taxes equal to the amount of the refundable 106222
credit shall be considered to be paid to this state on the first 106223
day of the taxable year. The refundable credit shall not be 106224
claimed for any taxable years ending with or following the 106225

calendar year in which a relocation of employment positions occurs 106226
in violation of an agreement entered into under section 122.17 or 106227
122.171 of the Revised Code. 106228

(B) A nonrefundable income tax credit granted by the tax 106229
credit authority under division (B)~~(1)~~ of section 122.171 of the 106230
Revised Code may be claimed under this chapter, in the order 106231
required under section 5747.98 of the Revised Code. 106232

Sec. 5747.08. An annual return with respect to the tax 106233
imposed by section 5747.02 of the Revised Code and each tax 106234
imposed under Chapter 5748. of the Revised Code shall be made by 106235
every taxpayer for any taxable year for which the taxpayer is 106236
liable for the tax imposed by that section or under that chapter, 106237
unless the total credits allowed under ~~divisions~~ division (E)~~,~~ 106238
~~(F), and (G)~~ of section 5747.05 and divisions (F) and (G) of 106239
section 5747.055 of the Revised Code for the year are equal to or 106240
exceed the tax imposed by section 5747.02 of the Revised Code, in 106241
which case no return shall be required unless the taxpayer is 106242
liable for a tax imposed pursuant to Chapter 5748. of the Revised 106243
Code. 106244

(A) If an individual is deceased, any return or notice 106245
required of that individual under this chapter shall be made and 106246
filed by that decedent's executor, administrator, or other person 106247
charged with the property of that decedent. 106248

(B) If an individual is unable to make a return or notice 106249
required by this chapter, the return or notice required of that 106250
individual shall be made and filed by the individual's duly 106251
authorized agent, guardian, conservator, fiduciary, or other 106252
person charged with the care of the person or property of that 106253
individual. 106254

(C) Returns or notices required of an estate or a trust shall 106255
be made and filed by the fiduciary of the estate or trust. 106256

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 106257
of this section, any pass-through entity may file a single return 106258
on behalf of one or more of the entity's investors other than an 106259
investor that is a person subject to the tax imposed under section 106260
5733.06 of the Revised Code. The single return shall set forth the 106261
name, address, and social security number or other identifying 106262
number of each of those pass-through entity investors and shall 106263
indicate the distributive share of each of those pass-through 106264
entity investor's income taxable in this state in accordance with 106265
sections 5747.20 to 5747.231 of the Revised Code. Such 106266
pass-through entity investors for whom the pass-through entity 106267
elects to file a single return are not entitled to the exemption 106268
or credit provided for by sections 5747.02 and 5747.022 of the 106269
Revised Code; shall calculate the tax before business credits at 106270
the highest rate of tax set forth in section 5747.02 of the 106271
Revised Code for the taxable year for which the return is filed; 106272
and are entitled to only their distributive share of the business 106273
credits as defined in division (D)(2) of this section. A single 106274
check drawn by the pass-through entity shall accompany the return 106275
in full payment of the tax due, as shown on the single return, for 106276
such investors, other than investors who are persons subject to 106277
the tax imposed under section 5733.06 of the Revised Code. 106278

(b)(i) A pass-through entity shall not include in such a 106279
single return any investor that is a trust to the extent that any 106280
direct or indirect current, future, or contingent beneficiary of 106281
the trust is a person subject to the tax imposed under section 106282
5733.06 of the Revised Code. 106283

(ii) A pass-through entity shall not include in such a single 106284
return any investor that is itself a pass-through entity to the 106285
extent that any direct or indirect investor in the second 106286
pass-through entity is a person subject to the tax imposed under 106287
section 5733.06 of the Revised Code. 106288

(c) Nothing in division (D) of this section precludes the tax commissioner from requiring such investors to file the return and make the payment of taxes and related interest, penalty, and interest penalty required by this section or section 5747.02, 5747.09, or 5747.15 of the Revised Code. Nothing in division (D) of this section precludes such an investor from filing the annual return under this section, utilizing the refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor under division (I) of this section, and making the payment of taxes imposed under section 5747.02 of the Revised Code. Nothing in division (D) of this section shall be construed to provide to such an investor or pass-through entity any additional deduction or credit, other than the credit provided by division (I) of this section, solely on account of the entity's filing a return in accordance with this section. Such a pass-through entity also shall make the filing and payment of estimated taxes on behalf of the pass-through entity investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(2) For the purposes of this section, "business credits" means the credits listed in section 5747.98 of the Revised Code excluding the following credits:

(a) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(b) The senior citizen credit under division ~~(C)~~(F) of section ~~5747.05~~ 5747.055 of the Revised Code;

(c) The lump sum distribution credit under division ~~(D)~~(G) of section ~~5747.05~~ 5747.055 of the Revised Code;

(d) The dependent care credit under section 5747.054 of the Revised Code;

(e) The lump sum retirement income credit under division (C)

of section 5747.055 of the Revised Code;	106320
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	106321 106322
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	106323 106324
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	106325 106326
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	106327 106328
(j) The joint filing credit under division ~~(G)~~ (E) of section 5747.05 of the Revised Code;	106329 106330
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	106331 106332
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	106333 106334
(m) The low-income credit under section 5747.056 of the Revised Code;	106335 106336
(n) The earned income tax credit under section 5747.71 of the Revised Code.	106337 106338
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	106339 106340 106341 106342 106343 106344 106345 106346
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or	106347 106348 106349

penalties imposed by this chapter if the tax commissioner finds 106350
that the single return does not reflect the correct tax due by the 106351
pass-through entity investors covered by that return. Nothing in 106352
this division shall be construed to limit or alter the liability, 106353
if any, imposed on pass-through entity investors for unpaid or 106354
underpaid taxes, interest, interest penalty, or penalties as a 106355
result of the pass-through entity's making the election provided 106356
for under division (D) of this section. For the purposes of 106357
division (D) of this section, "correct tax due" means the tax that 106358
would have been paid by the pass-through entity had the single 106359
return been filed in a manner reflecting the commissioner's 106360
findings. Nothing in division (D) of this section shall be 106361
construed to make or hold a pass-through entity liable for tax 106362
attributable to a pass-through entity investor's income from a 106363
source other than the pass-through entity electing to file the 106364
single return. 106365

(E) If a husband and wife file a joint federal income tax 106366
return for a taxable year, they shall file a joint return under 106367
this section for that taxable year, and their liabilities are 106368
joint and several, but, if the federal income tax liability of 106369
either spouse is determined on a separate federal income tax 106370
return, they shall file separate returns under this section. 106371

If either spouse is not required to file a federal income tax 106372
return and either or both are required to file a return pursuant 106373
to this chapter, they may elect to file separate or joint returns, 106374
and, pursuant to that election, their liabilities are separate or 106375
joint and several. If a husband and wife file separate returns 106376
pursuant to this chapter, each must claim the taxpayer's own 106377
exemption, but not both, as authorized under section 5747.02 of 106378
the Revised Code on the taxpayer's own return. 106379

(F) Each return or notice required to be filed under this 106380
section shall contain the signature of the taxpayer or the 106381

taxpayer's duly authorized agent and of the person who prepared 106382
the return for the taxpayer, and shall include the taxpayer's 106383
social security number. Each return shall be verified by a 106384
declaration under the penalties of perjury. The tax commissioner 106385
shall prescribe the form that the signature and declaration shall 106386
take. 106387

(G) Each return or notice required to be filed under this 106388
section shall be made and filed as required by section 5747.04 of 106389
the Revised Code, on or before the fifteenth day of April of each 106390
year, on forms that the tax commissioner shall prescribe, together 106391
with remittance made payable to the treasurer of state in the 106392
combined amount of the state and all school district income taxes 106393
shown to be due on the form. 106394

Upon good cause shown, the commissioner may extend the period 106395
for filing any notice or return required to be filed under this 106396
section and may adopt rules relating to extensions. If the 106397
extension results in an extension of time for the payment of any 106398
state or school district income tax liability with respect to 106399
which the return is filed, the taxpayer shall pay at the time the 106400
tax liability is paid an amount of interest computed at the rate 106401
per annum prescribed by section 5703.47 of the Revised Code on 106402
that liability from the time that payment is due without extension 106403
to the time of actual payment. Except as provided in section 106404
5747.132 of the Revised Code, in addition to all other interest 106405
charges and penalties, all taxes imposed under this chapter or 106406
Chapter 5748. of the Revised Code and remaining unpaid after they 106407
become due, except combined amounts due of one dollar or less, 106408
bear interest at the rate per annum prescribed by section 5703.47 106409
of the Revised Code until paid or until the day an assessment is 106410
issued under section 5747.13 of the Revised Code, whichever occurs 106411
first. 106412

If the commissioner considers it necessary in order to ensure 106413

the payment of the tax imposed by section 5747.02 of the Revised Code or any tax imposed under Chapter 5748. of the Revised Code, the commissioner may require returns and payments to be made otherwise than as provided in this section.

To the extent that any provision in this division conflicts with any provision in section 5747.026 of the Revised Code, the provision in that section prevails.

(H) The amounts withheld by an employer pursuant to section 5747.06 of the Revised Code, a casino operator pursuant to section 5747.063 of the Revised Code, or a lottery sales agent pursuant to section 5747.064 of the Revised Code shall be allowed to the recipient of the compensation casino winnings, or lottery prize award as credits against payment of the appropriate taxes imposed on the recipient by section 5747.02 and under Chapter 5748. of the Revised Code.

(I) If a pass-through entity elects to file a single return under division (D) of this section and if any investor is required to file the annual return and make the payment of taxes required by this chapter on account of the investor's other income that is not included in a single return filed by a pass-through entity or any other investor elects to file the annual return, the investor is entitled to a refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor. The investor shall claim the credit for the investor's taxable year in which or with which ends the taxable year of the pass-through entity. Nothing in this chapter shall be construed to allow any credit provided in this chapter to be claimed more than once. For the purpose of computing any interest, penalty, or interest penalty, the investor shall be deemed to have paid the refundable credit provided by this division on the day that the pass-through entity paid the estimated tax or the tax giving rise to the credit.

(J) The tax commissioner shall ensure that each return 106446
required to be filed under this section includes a box that the 106447
taxpayer may check to authorize a paid tax preparer who prepared 106448
the return to communicate with the department of taxation about 106449
matters pertaining to the return. The return or instructions 106450
accompanying the return shall indicate that by checking the box 106451
the taxpayer authorizes the department of taxation to contact the 106452
preparer concerning questions that arise during the processing of 106453
the return and authorizes the preparer only to provide the 106454
department with information that is missing from the return, to 106455
contact the department for information about the processing of the 106456
return or the status of the taxpayer's refund or payments, and to 106457
respond to notices about mathematical errors, offsets, or return 106458
preparation that the taxpayer has received from the department and 106459
has shown to the preparer. 106460

(K) The tax commissioner shall permit individual taxpayers to 106461
instruct the department of taxation to cause any refund of 106462
overpaid taxes to be deposited directly into a checking account, 106463
savings account, or an individual retirement account or individual 106464
retirement annuity, or preexisting college savings plan or program 106465
account offered by the Ohio tuition trust authority under Chapter 106466
3334. of the Revised Code, as designated by the taxpayer, when the 106467
taxpayer files the annual return required by this section 106468
electronically. 106469

(L) The tax commissioner may adopt rules to administer this 106470
section. 106471

Sec. 5747.113. (A) Any taxpayer claiming a refund under 106472
section 5747.11 of the Revised Code who wishes to contribute any 106473
part of the taxpayer's refund to the natural areas and preserves 106474
fund created in section 1517.11 of the Revised Code, the nongame 106475
and endangered wildlife fund created in section 1531.26 of the 106476

Revised Code, the military injury relief fund created in section 106477
~~5101.98~~ 5902.05 of the Revised Code, the Ohio historical society 106478
income tax contribution fund created in section 149.308 of the 106479
Revised Code, the breast and cervical cancer project income tax 106480
contribution fund created in section 3701.601 of the Revised Code, 106481
the wishes for sick children income tax contribution fund created 106482
in section 3701.602 of the Revised Code, or all of those funds may 106483
designate on the taxpayer's income tax return the amount that the 106484
taxpayer wishes to contribute to the fund or funds. A designated 106485
contribution is irrevocable upon the filing of the return and 106486
shall be made in the full amount designated if the refund found 106487
due the taxpayer upon the initial processing of the taxpayer's 106488
return, after any deductions including those required by section 106489
5747.12 of the Revised Code, is greater than or equal to the 106490
designated contribution. If the refund due as initially determined 106491
is less than the designated contribution, the contribution shall 106492
be made in the full amount of the refund. The tax commissioner 106493
shall subtract the amount of the contribution from the amount of 106494
the refund initially found due the taxpayer and shall certify the 106495
difference to the director of budget and management and treasurer 106496
of state for payment to the taxpayer in accordance with section 106497
5747.11 of the Revised Code. For the purpose of any subsequent 106498
determination of the taxpayer's net tax payment, the contribution 106499
shall be considered a part of the refund paid to the taxpayer. 106500

(B) The tax commissioner shall provide a space on the income 106501
tax return form in which a taxpayer may indicate that the taxpayer 106502
wishes to make a donation in accordance with this section. The tax 106503
commissioner shall also print in the instructions accompanying the 106504
income tax return form a description of the purposes for which the 106505
natural areas and preserves fund, the nongame and endangered 106506
wildlife fund, the military injury relief fund, the Ohio 106507
historical society income tax contribution fund, ~~and~~ the breast 106508
and cervical cancer project income tax contribution fund, and the 106509

wishes for sick children income tax contribution fund were created 106510
and the use of moneys from the income tax refund contribution 106511
system established in this section. No person shall designate on 106512
the person's income tax return any part of a refund claimed under 106513
section 5747.11 of the Revised Code as a contribution to any fund 106514
other than the natural areas and preserves fund, the nongame and 106515
endangered wildlife fund, the military injury relief fund, the 106516
Ohio historical society income tax contribution fund, ~~or~~ the 106517
breast and cervical cancer project income tax contribution fund, 106518
or the wishes for sick children income tax contribution fund. 106519

(C) The money collected under the income tax refund 106520
contribution system established in this section shall be deposited 106521
by the tax commissioner into the natural areas and preserves fund, 106522
the nongame and endangered wildlife fund, the military injury 106523
relief fund, the Ohio historical society income tax contribution 106524
fund, ~~and~~ the breast and cervical cancer project income tax 106525
contribution fund, and the wishes for sick children income tax 106526
contribution fund in the amounts designated on the tax returns. 106527

(D) No later than the thirtieth day of September each year, 106528
the tax commissioner shall determine the total amount contributed 106529
to each fund under this section during the preceding eight months, 106530
any adjustments to prior months, and the cost to the department of 106531
taxation of administering the income tax refund contribution 106532
system during that eight-month period. The commissioner shall make 106533
an additional determination no later than the thirty-first day of 106534
January of each year of the total amount contributed to each fund 106535
under this section during the preceding four calendar months, any 106536
adjustments to prior years made during that four-month period, and 106537
the cost to the department of taxation of administering the income 106538
tax contribution system during that period. The cost of 106539
administering the income tax contribution system shall be 106540
certified by the tax commissioner to the director of budget and 106541

management, who shall transfer an amount equal to ~~one-fifth~~ 106542
one-sixth of such administrative costs from each of the ~~five~~ six 106543
funds to the income tax contribution fund, which is hereby 106544
created, provided that the moneys that the department receives to 106545
pay the cost of administering the income tax refund contribution 106546
system in any year shall not exceed two and one-half per cent of 106547
the total amount contributed under that system during that year. 106548

(E) If the total amount contributed to a fund under this 106549
section in each of two consecutive calendar years is less than one 106550
hundred fifty thousand dollars, no person may designate a 106551
contribution to that fund for any taxable year ending after the 106552
last day of that two-year period. In such a case, the tax 106553
commissioner shall remove the space dedicated to the fund on the 106554
income tax return and the description of the fund in the 106555
instructions accompanying the income tax return. 106556

(F) The general assembly may authorize taxpayer refund 106557
contributions to no more than six funds under the income tax 106558
refund contribution system established in this section. If the 106559
general assembly authorizes income tax refund contributions to a 106560
fund other than the natural areas and preserves fund, the nongame 106561
and endangered wildlife fund, the military injury relief fund, the 106562
Ohio historical society income tax contribution fund, ~~or~~ the 106563
breast and cervical cancer project income tax contribution fund, 106564
or the wishes for sick children income tax contribution fund, such 106565
contributions may be authorized only for a period of two calendar 106566
years. 106567

With the exception of the Ohio historical society income tax 106568
contribution fund, the general assembly may authorize income tax 106569
refund contributions to a fund only if all the money in the fund 106570
will be expended or distributed by a state agency as defined in 106571
section 1.60 of the Revised Code. 106572

(G)(1) The director of natural resources, in January of every 106573

odd-numbered year, shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the natural areas and preserves fund and the nongame and endangered wildlife fund. The report shall include the amount of money contributed to each fund in each of the previous five years, the amount of money contributed directly to each fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended.

(2) The director of ~~job and family~~ veterans services, the director of the Ohio historical society, and the director of health, in January of every odd-numbered year, each shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the military injury relief fund, the Ohio historical society income tax contribution fund, ~~and~~ the breast and cervical cancer project income tax contribution fund, and the wishes for sick children income tax contribution fund respectively. The report shall include the amount of money contributed to the fund in each of the previous five years, the amount of money contributed directly to the fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended.

Sec. 5747.21. (A) This section applies solely for the purposes of computing the credit allowed under division (A) of section 5747.05 of the Revised Code, computing income taxable in this state under division (D) of section 5747.08 of the Revised Code, computing the deduction under division (A)(31) of section 5747.01 of the Revised Code, and computing the credit allowed under section 5747.057 of the Revised Code.

(B) Except as otherwise provided under section 5747.212 of

the Revised Code, all items of business income and business 106605
deduction shall be apportioned to this state by multiplying the 106606
~~adjusted-gross~~ business income by the fraction calculated under 106607
division (B)(2) of section 5733.05 and section 5733.057 of the 106608
Revised Code as if the taxpayer's business were a corporation 106609
subject to the tax imposed by section 5733.06 of the Revised Code. 106610

(C) If the allocation and apportionment provisions of 106611
sections 5747.20 to 5747.23 of the Revised Code or of any rule 106612
adopted by the tax commissioner, do not fairly represent the 106613
extent of business activity in this state of a taxpayer or 106614
pass-through entity, the taxpayer or pass-through entity may 106615
request, which request must be in writing accompanying a timely 106616
filed return or timely filed amended return, or the tax 106617
commissioner may require, in respect of all or any part of the 106618
business activity, if reasonable, any one or more of the 106619
following: 106620

(1) Separate accounting; 106621

(2) The exclusion of one or more factors; 106622

(3) The inclusion of one or more additional factors which 106623
will fairly represent the business activity in this state; 106624

(4) The employment of any other method to effectuate an 106625
equitable allocation and apportionment of such business in this 106626
state. An alternative method will be effective only with approval 106627
of the tax commissioner. 106628

The tax commissioner may adopt rules in the manner provided 106629
by sections 5703.14 and 5747.18 of the Revised Code providing for 106630
alternative methods of calculating business income and nonbusiness 106631
income applicable to all taxpayers and pass-through entities, to 106632
classes of taxpayers and pass-through entities, or only to 106633
taxpayers and pass-through entities within a certain industry. 106634

Sec. 5747.37. (A) As used in this section: 106635

(1) "Minor child" means a person under eighteen years of age. 106636

(2) "Legally adopt" means to adopt a minor child pursuant to 106637
Chapter 3107. of the Revised Code, or pursuant to the laws of any 106638
other state or nation if such an adoption is recognizable under 106639
section 3107.18 of the Revised Code. For the purposes of this 106640
section, a minor child is legally adopted when the final decree or 106641
order of adoption is issued by the proper court under the laws of 106642
the state or nation under which the child is adopted, or, in the 106643
case of an interlocutory order of adoption, when the order becomes 106644
final under the laws of the state or nation. "Legally adopt" does 106645
not include the adoption of a minor child by the child's 106646
stepparent. 106647

(B) There is hereby granted a credit against the tax imposed 106648
by section 5747.02 of the Revised Code for the legal adoption by a 106649
taxpayer of a minor child. The total amount of the credit applied 106650
against the taxes imposed under divisions (A)(3) and (4) of 106651
section 5747.02 of the Revised Code for each minor child legally 106652
adopted by the taxpayer shall equal the greater of the following: 106653

(1) One thousand five hundred dollars; 106654

(2) The amount of expenses incurred by the taxpayer and the 106655
taxpayer's spouse to legally adopt the child, not to exceed ten 106656
thousand dollars. For the purposes of this division, expenses 106657
incurred to legally adopt a child include expenses described in 106658
division (C) of section 3107.055 of the Revised Code. 106659

The taxpayer shall claim the credit for each child beginning 106660
with the taxable year in which the child was legally adopted. If 106661
the sum of the credit to which the taxpayer would otherwise be 106662
entitled under this section is greater than the total tax due 106663
under section 5747.02 of the Revised Code for that taxable year 106664

after allowing for any other credits that precede the credit under 106665
this section in the order required under section 5747.98 of the 106666
Revised Code, such excess shall be allowed as a credit in each of 106667
the ensuing five taxable years, but the amount of any excess 106668
credit allowed in any such taxable year shall be deducted from the 106669
balance carried forward to the ensuing taxable year. The credit 106670
shall be claimed in the order required under section 5747.98 of 106671
the Revised Code. For the purposes of making tax payments under 106672
this chapter, taxes equal to the amount of the credit shall be 106673
considered to be paid to this state on the first day of the 106674
taxable year. 106675

The taxpayer shall provide to the tax commissioner any 106676
receipts or other documentation of the expenses incurred to 106677
legally adopt the child upon the request of the tax commissioner 106678
for the purpose of division (B)(2) of this section. 106679

Sec. 5747.50. (A) As used in this section: 106680

(1) "County's proportionate share of the calendar year 2007 106681
LGF and LGRAf distributions" means the percentage computed for the 106682
county under division (B)(1)(a) of section 5747.501 of the Revised 106683
Code. 106684

(2) "County's proportionate share of the total amount of the 106685
local government fund additional revenue formula" means each 106686
county's proportionate share of the state's population as 106687
determined for and certified to the county for distributions to be 106688
made during the current calendar year under division (B)(2)(a) of 106689
section 5747.501 of the Revised Code. If prior to the first day of 106690
January of the current calendar year the federal government has 106691
issued a revision to the population figures reflected in the 106692
estimate produced pursuant to division (B)(2)(a) of section 106693
5747.501 of the Revised Code, such revised population figures 106694
shall be used for making the distributions during the current 106695

calendar year. 106696

(3) "2007 LGF and LGRAF county distribution base available in 106697
that month" means the lesser of the amounts described in division 106698
(A)(3)(a) and (b) of this section, provided that the amount shall 106699
not be less than zero: 106700

(a) The total amount available for distribution to counties 106701
from the local government fund during the current month. 106702

(b) The total amount distributed to counties from the local 106703
government fund and the local government revenue assistance fund 106704
to counties in calendar year 2007 less the total amount 106705
distributed to counties under division (B)(1) of this section 106706
during previous months of the current calendar year. 106707

(4) "Local government fund additional revenue distribution 106708
base available during that month" means the total amount available 106709
for distribution to counties during the month from the local 106710
government fund, less any amounts to be distributed in that month 106711
from the local government fund under division (B)(1) of this 106712
section, provided that the local government fund additional 106713
revenue distribution base available during that month shall not be 106714
less than zero. 106715

(5) "Total amount available for distribution to counties" 106716
means the total amount available for distribution from the local 106717
government fund during the current month less the total amount 106718
available for distribution to municipal corporations during the 106719
current month under division (C) of this section. 106720

(B) On or before the tenth day of each month, the tax 106721
commissioner shall provide for payment to each county an amount 106722
equal to the sum of: 106723

(1) The county's proportionate share of the calendar year 106724
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 106725
LGRAF county distribution base available in that month, provided 106726

that if the 2007 LGF and LGRAF county distribution base available 106727
in that month is zero, no payment shall be made under division 106728
(B)(1) of this section for the month or the remainder of the 106729
calendar year; and 106730

(2) The county's proportionate share of the total amount of 106731
the local government fund additional revenue formula multiplied by 106732
the local government fund additional revenue distribution base 106733
available during that month. 106734

Money received into the treasury of a county under this 106735
division shall be credited to the undivided local government fund 106736
in the treasury of the county on or before the fifteenth day of 106737
each month. On or before the twentieth day of each month, the 106738
county auditor shall issue warrants against all of the undivided 106739
local government fund in the county treasury in the respective 106740
amounts allowed as provided in section 5747.51 of the Revised 106741
Code, and the treasurer shall distribute and pay such sums to the 106742
subdivision therein. 106743

(C)(1) As used in division (C) of this section: 106744

(a) "Total amount available for distribution to 106745
municipalities during the current month" means the product 106746
obtained by multiplying the total amount available for 106747
distribution from the local government fund during the current 106748
month by the aggregate municipal share. 106749

(b) "Aggregate municipal share" means the quotient obtained 106750
by dividing the total amount distributed directly from the local 106751
government fund to municipal corporations during calendar year 106752
2007 by the total distributions from the local government fund and 106753
local government revenue assistance fund during calendar year 106754
2007. 106755

(2) On or before the tenth day of each month, the tax 106756
commissioner shall provide for payment from the local government 106757

fund to each municipal corporation an amount equal to the product 106758
derived by multiplying the municipal corporation's percentage of 106759
the total amount distributed to all such municipal corporations 106760
under this division during calendar year 2007 by the total amount 106761
available for distribution to municipal corporations during the 106762
current month. 106763

(3) Payments received by a municipal corporation under this 106764
division shall be paid into its general fund and may be used for 106765
any lawful purpose. 106766

(4) The amount distributed to municipal corporations under 106767
this division during any calendar year shall not exceed the amount 106768
distributed directly from the local government fund to municipal 106769
corporations during calendar year 2007. If that maximum amount is 106770
reached during any month, distributions to municipal corporations 106771
in that month shall be as provided in divisions (C)(1) and (2) of 106772
this section, but no further distributions shall be made to 106773
municipal corporations under division (C) of this section during 106774
the remainder of the calendar year. 106775

(5) Upon being informed of a municipal corporation's 106776
dissolution, the tax commissioner shall cease providing for 106777
payments to that municipal corporation under division (C) of this 106778
section. The proportionate shares of the total amount available 106779
for distribution to each of the remaining municipal corporations 106780
under this division shall be increased on a pro rata basis. 106781

The tax commissioner shall reduce payments under division (C) 106782
of this section to municipal corporations for which reduced 106783
payments are required under section 5747.502 of the Revised Code. 106784

(D) Each municipal corporation which has in effect a tax 106785
imposed under Chapter 718. of the Revised Code shall, no later 106786
than the thirty-first day of August of each year, certify to the 106787
tax commissioner, on a form prescribed by the commissioner, the 106788

amount of income tax revenue collected and refunded by such 106789
municipal corporation pursuant to such chapter during the 106790
preceding calendar year, arranged, when possible, by the type of 106791
income from which the revenue was collected or the refund was 106792
issued. The municipal corporation shall also report the amount of 106793
income tax revenue collected and refunded on behalf of a joint 106794
economic development district or a joint economic development zone 106795
that levies an income tax administered by the municipal 106796
corporation and the amount of such revenue distributed to 106797
contracting parties during the preceding calendar year. The tax 106798
commissioner may withhold payment of local government fund moneys 106799
pursuant to division (C) of this section from any municipal 106800
corporation for failure to comply with this reporting requirement. 106801

Sec. 5747.502. (A) As used in this section: 106802

(1) "Delinquent subdivision" means a municipal corporation, 106803
township, or county that has not filed a report or signed 106804
statement under section 4511.0915 of the Revised Code, as required 106805
under that section. 106806

(2) "Noncompliant subdivision" means a municipal corporation, 106807
township, or county that files a report under division (A)(1) of 106808
section 4511.0915 of the Revised Code for the most recent calendar 106809
quarter. 106810

(B)(1)(a) Upon receiving notification of a delinquent 106811
subdivision under division (C)(2) of section 4511.0915 of the 106812
Revised Code, the tax commissioner shall do both of the following: 106813

(i) If the delinquent subdivision is a municipal corporation, 106814
cease providing for payments to the municipal corporation under 106815
division (C) of section 5747.50 of the Revised Code, beginning 106816
with the next required payment; 106817

(ii) Immediately notify the county auditor and county 106818

treasurer required to provide for payments to the delinquent 106819
subdivision from a county undivided local government fund that 106820
such payments are to cease until the tax commissioner notifies the 106821
auditor and treasurer under division (B)(3)(a)(ii) of this 106822
section. 106823

(b) A county treasurer receiving the notice under division 106824
(B)(1)(a)(ii) of this section shall cease providing for payments 106825
to the delinquent subdivision from a county undivided local 106826
government fund, beginning with the next required payment. 106827

(2)(a) Upon receiving notification that a county, township, 106828
or municipal corporation is no longer a delinquent subdivision 106829
under division (C)(3) of section 4511.0915 of the Revised Code, 106830
the tax commissioner shall do both of the following: 106831

(i) If the formerly delinquent subdivision is a municipal 106832
corporation, begin providing for payments to the municipal 106833
corporation as required under division (C) of section 5747.50 of 106834
the Revised Code, beginning with the next required payment. 106835

(ii) Immediately notify the county auditor and county 106836
treasurer who ceased payments to the formerly delinquent 106837
subdivision under division (B)(1)(b) of this section that the 106838
treasurer shall begin providing for payment from a county 106839
undivided local government fund to the formerly delinquent 106840
subdivision under section 5747.51 or 5747.53 of the Revised Code. 106841

(b) A county treasurer receiving notice under division 106842
(B)(2)(a)(ii) of this section shall provide for payments to the 106843
formerly delinquent subdivision from a county undivided local 106844
government fund, beginning with the next required payment. 106845

(C)(1) Upon receiving notification of a noncompliant 106846
subdivision under division (C)(1) of section 4511.0915 of the 106847
Revised Code, the tax commissioner shall do both of the following: 106848

(a) If the delinquent subdivision is a municipal corporation, 106849

reduce the amount of each of the next three local government fund 106850
payments the noncompliant subdivision would otherwise receive 106851
under division (C) of section 5747.50 of the Revised Code in an 106852
amount equal to one-third of the gross amount of fines reported by 106853
the noncompliant subdivision on the report filed for the calendar 106854
quarter. 106855

(b) If the reduction described in division (C)(1)(a) of this 106856
section exceeds the amount of money the noncompliant subdivision 106857
would otherwise receive under division (C) of section 5747.50 of 106858
the Revised Code, immediately notify the county auditor and county 106859
treasurer required to provide for payments to the noncompliant 106860
subdivision from a county undivided local government fund that 106861
each of the next three such payments are to be reduced to that 106862
subdivision in an amount equal to one-third of that excess. 106863

(2) A county treasurer receiving notice under division 106864
(C)(1)(b) of this section shall reduce the payments to the 106865
noncompliant subdivision from a county undivided local government 106866
fund as required by the notice. 106867

(D)(1) The tax commissioner shall provide for payment of an 106868
amount equal to amounts withheld from municipal corporations under 106869
divisions (B)(1)(a)(i) and (C)(1)(a) of this section to the 106870
undivided local government fund of the county from which the 106871
municipal corporation receives payments under section 5747.51 or 106872
5747.53 of the Revised Code. The county treasurer shall distribute 106873
that money among subdivisions that are not delinquent or 106874
noncompliant subdivisions and that are entitled to receive 106875
distributions under those sections by increasing each such 106876
subdivision's distribution on a pro rata basis. 106877

(2) A county treasurer shall distribute any amount withheld 106878
from a delinquent or noncompliant subdivision under division 106879
(B)(1)(b) or (C)(2) of this section among other subdivisions that 106880
are not delinquent or noncompliant subdivisions by increasing each 106881

such subdivision's distribution from the county's undivided local 106882
government fund on a pro rata basis. 106883

(E) A county, township, or municipal corporation receiving an 106884
increased distribution under division (B) or (C) of this section 106885
shall use such money for the current operating expenses of the 106886
subdivision. 106887

Sec. 5747.51. (A) On or before the twenty-fifth day of July 106888
of each year, the tax commissioner shall make and certify to the 106889
county auditor of each county an estimate of the amount of the 106890
local government fund to be allocated to the undivided local 106891
government fund of each county for the ensuing calendar year, 106892
adjusting the total as required to account for subdivisions 106893
receiving local government funds under section 5747.502 of the 106894
Revised Code. 106895

(B) At each annual regular session of the county budget 106896
commission convened pursuant to section 5705.27 of the Revised 106897
Code, each auditor shall present to the commission the certificate 106898
of the commissioner, the annual tax budget and estimates, and the 106899
records showing the action of the commission in its last preceding 106900
regular session. The commission, after extending to the 106901
representatives of each subdivision an opportunity to be heard, 106902
under oath administered by any member of the commission, and 106903
considering all the facts and information presented to it by the 106904
auditor, shall determine the amount of the undivided local 106905
government fund needed by and to be apportioned to each 106906
subdivision for current operating expenses, as shown in the tax 106907
budget of the subdivision. This determination shall be made 106908
pursuant to divisions (C) to (I) of this section, unless the 106909
commission has provided for a formula pursuant to section 5747.53 106910
of the Revised Code. The commissioner shall reduce or increase the 106911
amount of funds from the undivided local government fund to a 106912

subdivision required to receive reduced or increased funds under 106913
section 5747.502 of the Revised Code. 106914

Nothing in this section prevents the budget commission, for 106915
the purpose of apportioning the undivided local government fund, 106916
from inquiring into the claimed needs of any subdivision as stated 106917
in its tax budget, or from adjusting claimed needs to reflect 106918
actual needs. For the purposes of this section, "current operating 106919
expenses" means the lawful expenditures of a subdivision, except 106920
those for permanent improvements and except payments for interest, 106921
sinking fund, and retirement of bonds, notes, and certificates of 106922
indebtedness of the subdivision. 106923

(C) The commission shall determine the combined total of the 106924
estimated expenditures, including transfers, from the general fund 106925
and any special funds other than special funds established for 106926
road and bridge; street construction, maintenance, and repair; 106927
state highway improvement; and gas, water, sewer, and electric 106928
public utilities operated by a subdivision, as shown in the 106929
subdivision's tax budget for the ensuing calendar year. 106930

(D) From the combined total of expenditures calculated 106931
pursuant to division (C) of this section, the commission shall 106932
deduct the following expenditures, if included in these funds in 106933
the tax budget: 106934

(1) Expenditures for permanent improvements as defined in 106935
division (E) of section 5705.01 of the Revised Code; 106936

(2) In the case of counties and townships, transfers to the 106937
road and bridge fund, and in the case of municipalities, transfers 106938
to the street construction, maintenance, and repair fund and the 106939
state highway improvement fund; 106940

(3) Expenditures for the payment of debt charges; 106941

(4) Expenditures for the payment of judgments. 106942

(E) In addition to the deductions made pursuant to division 106943
(D) of this section, revenues accruing to the general fund and any 106944
special fund considered under division (C) of this section from 106945
the following sources shall be deducted from the combined total of 106946
expenditures calculated pursuant to division (C) of this section: 106947

(1) Taxes levied within the ten-mill limitation, as defined 106948
in section 5705.02 of the Revised Code; 106949

(2) The budget commission allocation of estimated county 106950
public library fund revenues to be distributed pursuant to section 106951
5747.48 of the Revised Code; 106952

(3) Estimated unencumbered balances as shown on the tax 106953
budget as of the thirty-first day of December of the current year 106954
in the general fund, but not any estimated balance in any special 106955
fund considered in division (C) of this section; 106956

(4) Revenue, including transfers, shown in the general fund 106957
and any special funds other than special funds established for 106958
road and bridge; street construction, maintenance, and repair; 106959
state highway improvement; and gas, water, sewer, and electric 106960
public utilities, from all other sources except those that a 106961
subdivision receives from an additional tax or service charge 106962
voted by its electorate or receives from special assessment or 106963
revenue bond collection. For the purposes of this division, where 106964
the charter of a municipal corporation prohibits the levy of an 106965
income tax, an income tax levied by the legislative authority of 106966
such municipal corporation pursuant to an amendment of the charter 106967
of that municipal corporation to authorize such a levy represents 106968
an additional tax voted by the electorate of that municipal 106969
corporation. For the purposes of this division, any measure 106970
adopted by a board of county commissioners pursuant to section 106971
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, 106972
including those measures upheld by the electorate in a referendum 106973
conducted pursuant to section 322.021, 324.021, 4504.021, or 106974

5739.022 of the Revised Code, shall not be considered an 106975
additional tax voted by the electorate. 106976

Subject to division (G) of section 5705.29 of the Revised 106977
Code, money in a reserve balance account established by a county, 106978
township, or municipal corporation under section 5705.13 of the 106979
Revised Code shall not be considered an unencumbered balance or 106980
revenue under division (E)(3) or (4) of this section. Money in a 106981
reserve balance account established by a township under section 106982
5705.132 of the Revised Code shall not be considered an 106983
unencumbered balance or revenue under division (E)(3) or (4) of 106984
this section. 106985

If a county, township, or municipal corporation has created 106986
and maintains a nonexpendable trust fund under section 5705.131 of 106987
the Revised Code, the principal of the fund, and any additions to 106988
the principal arising from sources other than the reinvestment of 106989
investment earnings arising from such a fund, shall not be 106990
considered an unencumbered balance or revenue under division 106991
(E)(3) or (4) of this section. Only investment earnings arising 106992
from investment of the principal or investment of such additions 106993
to principal may be considered an unencumbered balance or revenue 106994
under those divisions. 106995

(F) The total expenditures calculated pursuant to division 106996
(C) of this section, less the deductions authorized in divisions 106997
(D) and (E) of this section, shall be known as the "relative need" 106998
of the subdivision, for the purposes of this section. 106999

(G) The budget commission shall total the relative need of 107000
all participating subdivisions in the county, and shall compute a 107001
relative need factor by dividing the total estimate of the 107002
undivided local government fund by the total relative need of all 107003
participating subdivisions. 107004

(H) The relative need of each subdivision shall be multiplied 107005

by the relative need factor to determine the proportionate share 107006
of the subdivision in the undivided local government fund of the 107007
county; provided, that the maximum proportionate share of a county 107008
shall not exceed the following maximum percentages of the total 107009
estimate of the undivided local government fund governed by the 107010
relationship of the percentage of the population of the county 107011
that resides within municipal corporations within the county to 107012
the total population of the county as reported in the reports on 107013
population in Ohio by the department of development as of the 107014
twentieth day of July of the year in which the tax budget is filed 107015
with the budget commission: 107016

Percentage of municipal 107017	Percentage share of the county 107017
population within the county:	shall not exceed:

		107018
Less than forty-one per cent	Sixty per cent	107019
Forty-one per cent or more but 107020	Fifty per cent	107020
less than eighty-one per cent		
Eighty-one per cent or more	Thirty per cent	107021

Where the proportionate share of the county exceeds the 107022
limitations established in this division, the budget commission 107023
shall adjust the proportionate shares determined pursuant to this 107024
division so that the proportionate share of the county does not 107025
exceed these limitations, and it shall increase the proportionate 107026
shares of all other subdivisions on a pro rata basis. In counties 107027
having a population of less than one hundred thousand, not less 107028
than ten per cent shall be distributed to the townships therein. 107029

(I) The proportionate share of each subdivision in the 107030
undivided local government fund determined pursuant to division 107031
(H) of this section for any calendar year shall not be less than 107032
the product of the average of the percentages of the undivided 107033
local government fund of the county as apportioned to that 107034
subdivision for the calendar years 1968, 1969, and 1970, 107035

multiplied by the total amount of the undivided local government fund of the county apportioned pursuant to former section 5735.23 of the Revised Code for the calendar year 1970. For the purposes of this division, the total apportioned amount for the calendar year 1970 shall be the amount actually allocated to the county in 1970 from the state collected intangible tax as levied by section 5707.03 of the Revised Code and distributed pursuant to section 5725.24 of the Revised Code, plus the amount received by the county in the calendar year 1970 pursuant to division (B)(1) of former section 5739.21 of the Revised Code, and distributed pursuant to former section 5739.22 of the Revised Code. If the total amount of the undivided local government fund for any calendar year is less than the amount of the undivided local government fund apportioned pursuant to former section 5739.23 of the Revised Code for the calendar year 1970, the minimum amount guaranteed to each subdivision for that calendar year pursuant to this division shall be reduced on a basis proportionate to the amount by which the amount of the undivided local government fund for that calendar year is less than the amount of the undivided local government fund apportioned for the calendar year 1970.

(J) On the basis of such apportionment, the county auditor shall compute the percentage share of each such subdivision in the undivided local government fund and shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. No payment shall be made from the undivided local government fund, except in accordance with such percentage shares.

Within ten days after the budget commission has made its apportionment, whether conducted pursuant to section 5747.51 or 5747.53 of the Revised Code, the auditor shall publish a list of the subdivisions and the amount each is to receive from the undivided local government fund and the percentage share of each subdivision, in a newspaper or newspapers of countywide

circulation, and send a copy of such allocation to the tax 107068
commissioner. 107069

The county auditor shall also send by certified mail, return 107070
receipt requested, a copy of such allocation to the fiscal officer 107071
of each subdivision entitled to participate in the allocation of 107072
the undivided local government fund of the county. This copy shall 107073
constitute the official notice of the commission action referred 107074
to in section 5705.37 of the Revised Code. 107075

All money received into the treasury of a subdivision from 107076
the undivided local government fund in a county treasury shall be 107077
paid into the general fund and used for the current operating 107078
expenses of the subdivision. 107079

If a municipal corporation maintains a municipal university, 107080
such municipal university, when the board of trustees so requests 107081
the legislative authority of the municipal corporation, shall 107082
participate in the money apportioned to such municipal corporation 107083
from the total local government fund, however created and 107084
constituted, in such amount as requested by the board of trustees, 107085
provided such sum does not exceed nine per cent of the total 107086
amount paid to the municipal corporation. 107087

If any public official fails to maintain the records required 107088
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 107089
issued by the tax commissioner, the auditor of state, or the 107090
treasurer of state pursuant to such sections, or fails to comply 107091
with any law relating to the enforcement of such sections, the 107092
local government fund money allocated to the county may be 107093
withheld until such time as the public official has complied with 107094
such sections or such law or the rules issued pursuant thereto. 107095

Sec. 5747.53. (A) As used in this section: 107096

(1) "City, located wholly or partially in the county, with 107097

the greatest population" means the city, located wholly or
partially in the county, with the greatest population residing in
the county; however, if the county budget commission on or before
January 1, 1998, adopted an alternative method of apportionment
that was approved by the legislative authority of the city,
located partially in the county, with the greatest population but
not the greatest population residing in the county, "city, located
wholly or partially in the county, with the greatest population"
means the city, located wholly or partially in the county, with
the greatest population whether residing in the county or not, if
this alternative meaning is adopted by action of the board of
county commissioners and a majority of the boards of township
trustees and legislative authorities of municipal corporations
located wholly or partially in the county.

(2) "Participating political subdivision" means a municipal
corporation or township that satisfies all of the following:

(a) It is located wholly or partially in the county.

(b) It is not the city, located wholly or partially in the
county, with the greatest population.

(c) Undivided local government fund moneys are apportioned to
it under the county's alternative method or formula of
apportionment in the current calendar year.

(B) In lieu of the method of apportionment of the undivided
local government fund of the county provided by section 5747.51 of
the Revised Code, the county budget commission may provide for the
apportionment of the fund under an alternative method or on a
formula basis as authorized by this section. The commissioner
shall reduce or increase the amount of funds from the undivided
local government fund to a subdivision required to receive reduced
or increased funds under section 5747.502 of the Revised Code.

Except as otherwise provided in division (C) of this section,

the alternative method of apportionment shall have first been 107129
approved by all of the following governmental units: the board of 107130
county commissioners; the legislative authority of the city, 107131
located wholly or partially in the county, with the greatest 107132
population; and a majority of the boards of township trustees and 107133
legislative authorities of municipal corporations, located wholly 107134
or partially in the county, excluding the legislative authority of 107135
the city, located wholly or partially in the county, with the 107136
greatest population. In granting or denying approval for an 107137
alternative method of apportionment, the board of county 107138
commissioners, boards of township trustees, and legislative 107139
authorities of municipal corporations shall act by motion. A 107140
motion to approve shall be passed upon a majority vote of the 107141
members of a board of county commissioners, board of township 107142
trustees, or legislative authority of a municipal corporation, 107143
shall take effect immediately, and need not be published. 107144

Any alternative method of apportionment adopted and approved 107145
under this division may be revised, amended, or repealed in the 107146
same manner as it may be adopted and approved. If an alternative 107147
method of apportionment adopted and approved under this division 107148
is repealed, the undivided local government fund of the county 107149
shall be apportioned among the subdivisions eligible to 107150
participate in the fund, commencing in the ensuing calendar year, 107151
under the apportionment provided in section 5747.52 of the Revised 107152
Code, unless the repeal occurs by operation of division (C) of 107153
this section or a new method for apportionment of the fund is 107154
provided in the action of repeal. 107155

(C) This division applies only in counties in which the city, 107156
located wholly or partially in the county, with the greatest 107157
population has a population of twenty thousand or less and a 107158
population that is less than fifteen per cent of the total 107159
population of the county. In such a county, the legislative 107160

authorities or boards of township trustees of two or more 107161
participating political subdivisions, which together have a 107162
population residing in the county that is a majority of the total 107163
population of the county, each may adopt a resolution to exclude 107164
the approval otherwise required of the legislative authority of 107165
the city, located wholly or partially in the county, with the 107166
greatest population. All of the resolutions to exclude that 107167
approval shall be adopted not later than the first Monday of 107168
August of the year preceding the calendar year in which 107169
distributions are to be made under an alternative method of 107170
apportionment. 107171

A motion granting or denying approval of an alternative 107172
method of apportionment under this division shall be adopted by a 107173
majority vote of the members of the board of county commissioners 107174
and by a majority vote of a majority of the boards of township 107175
trustees and legislative authorities of the municipal corporations 107176
located wholly or partially in the county, other than the city, 107177
located wholly or partially in the county, with the greatest 107178
population, shall take effect immediately, and need not be 107179
published. The alternative method of apportionment under this 107180
division shall be adopted and approved annually, not later than 107181
the first Monday of August of the year preceding the calendar year 107182
in which distributions are to be made under it. A motion granting 107183
approval of an alternative method of apportionment under this 107184
division repeals any existing alternative method of apportionment, 107185
effective with distributions to be made from the fund in the 107186
ensuing calendar year. An alternative method of apportionment 107187
under this division shall not be revised or amended after the 107188
first Monday of August of the year preceding the calendar year in 107189
which distributions are to be made under it. 107190

(D) In determining an alternative method of apportionment 107191
authorized by this section, the county budget commission may 107192

include in the method any factor considered to be appropriate and 107193
reliable, in the sole discretion of the county budget commission. 107194

(E) The limitations set forth in section 5747.51 of the 107195
Revised Code, stating the maximum amount that the county may 107196
receive from the undivided local government fund and the minimum 107197
amount the townships in counties having a population of less than 107198
one hundred thousand may receive from the fund, are applicable to 107199
any alternative method of apportionment authorized under this 107200
section. 107201

(F) On the basis of any alternative method of apportionment 107202
adopted and approved as authorized by this section, as certified 107203
by the auditor to the county treasurer, the county treasurer shall 107204
make distribution of the money in the undivided local government 107205
fund to each subdivision eligible to participate in the fund, and 107206
the auditor, when the amount of those shares is in the custody of 107207
the treasurer in the amounts so computed to be due the respective 107208
subdivisions, shall at the same time certify to the tax 107209
commissioner the percentage share of the county as a subdivision. 107210
All money received into the treasury of a subdivision from the 107211
undivided local government fund in a county treasury shall be paid 107212
into the general fund and used for the current operating expenses 107213
of the subdivision. If a municipal corporation maintains a 107214
municipal university, the university, when the board of trustees 107215
so requests the legislative authority of the municipal 107216
corporation, shall participate in the money apportioned to the 107217
municipal corporation from the total local government fund, 107218
however created and constituted, in the amount requested by the 107219
board of trustees, provided that amount does not exceed nine per 107220
cent of the total amount paid to the municipal corporation. 107221

(G) The actions of the county budget commission taken 107222
pursuant to this section are final and may not be appealed to the 107223
board of tax appeals, except on the issues of abuse of discretion 107224

and failure to comply with the formula. 107225

Sec. 5747.71. There is hereby allowed a nonrefundable credit 107226
against the tax imposed by section 5747.02 of the Revised Code for 107227
a taxpayer who is an "eligible individual" as defined in section 107228
32 of the Internal Revenue Code. The credit shall equal five per 107229
cent of the credit allowed on the taxpayer's federal income tax 107230
return pursuant to section 32 of the Internal Revenue Code for 107231
taxable years beginning in 2013, and ten per cent of the federal 107232
credit allowed for taxable years beginning in or after 2014. If 107233
the Ohio adjusted gross income of the taxpayer, or the taxpayer 107234
and the taxpayer's spouse if the taxpayer and the taxpayer's 107235
spouse file a joint return under section 5747.08 of the Revised 107236
Code, less applicable exemptions under section 5747.025 of the 107237
Revised Code, exceeds twenty thousand dollars, the credit 107238
authorized by this section shall not exceed fifty per cent of the 107239
amount of tax otherwise due under section 5747.02 of the Revised 107240
Code after deducting any other nonrefundable credits that precede 107241
the credit allowed under this section in the order prescribed by 107242
section 5747.98 of the Revised Code except for the joint filing 107243
credit authorized under division ~~(G)~~(E) of section 5747.05 of the 107244
Revised Code. In all other cases, the credit authorized by this 107245
section shall not exceed the amount of tax otherwise due under 107246
section 5747.02 of the Revised Code after deducting any other 107247
nonrefundable credits that precede the credit allowed under this 107248
section in the order prescribed by section 5747.98 of the Revised 107249
Code. 107250

The credit shall be claimed in the order prescribed by 107251
section 5747.98 of the Revised Code. 107252

Sec. 5747.98. (A) To provide a uniform procedure for 107253
calculating the amount of tax due under section 5747.02 of the 107254
Revised Code, a taxpayer shall claim any credits to which the 107255

taxpayer is entitled in the following order:	107256
(1) <u>Against the tax imposed by division (A)(3) of section</u>	107257
<u>5747.02 of the Revised Code:</u>	107258
<u>(a)</u> The retirement income credit under division (B) of	107259
section 5747.055 of the Revised Code;	107260
~~(2)~~ <u>(b)</u> The senior citizen credit under division ~~(C)~~ <u>(F)</u> of	107261
section ~~5747.05~~ <u>5747.055</u> of the Revised Code;	107262
~~(3)~~ <u>(c)</u> The lump sum distribution credit under division ~~(D)~~ <u>(G)</u>	107263
of section ~~5747.05~~ <u>5747.055</u> of the Revised Code;	107264
~~(4)~~ <u>(d)</u> The dependent care credit under section 5747.054 of	107265
the Revised Code;	107266
~~(5)~~ <u>(e)</u> The lump sum retirement income credit under division	107267
(C) of section 5747.055 of the Revised Code;	107268
~~(6)~~ <u>(f)</u> The lump sum retirement income credit under division	107269
(D) of section 5747.055 of the Revised Code;	107270
~~(7)~~ <u>(g)</u> The lump sum retirement income credit under division	107271
(E) of section 5747.055 of the Revised Code;	107272
~~(8)~~ <u>(h)</u> The low-income credit under section 5747.056 of the	107273
Revised Code;	107274
~~(9)~~ <u>(i)</u> The credit for displaced workers who pay for job	107275
training under section 5747.27 of the Revised Code;	107276
~~(10)~~ <u>(j)</u> The campaign contribution credit under section	107277
5747.29 of the Revised Code;	107278
~~(11)~~ <u>(k)</u> The twenty-dollar personal exemption credit under	107279
section 5747.022 of the Revised Code;	107280
~~(12)~~ <u>(l)</u> The joint filing credit under division (G) of section	107281
5747.05 of the Revised Code;	107282
~~(13)~~ The nonresident credit under division (A) of section	107283
~~5747.05 of the Revised Code;~~	107284

~~(14) The credit for a resident's out-of-state income under~~	107285
~~division (B) of section 5747.05 of the Revised Code;~~	107286
~~(15)(m) The earned income credit under section 5747.71 of the~~	107287
~~Revised Code;~~	107288
~~(16)(2) Against the tax imposed by division (A)(4) of section~~	107289
~~5747.02 of the Revised Code:~~	107290
~~(a) The credit for employers that reimburse employee child~~	107291
~~care expenses under section 5747.36 of the Revised Code;~~	107292
~~(17)(b) The credit for purchases of lights and reflectors~~	107293
~~under section 5747.38 of the Revised Code;~~	107294
~~(18)(c) The nonrefundable job retention credit under division~~	107295
~~(B) of section 5747.058 of the Revised Code;~~	107296
~~(19)(d) The credit for selling alternative fuel under section~~	107297
~~5747.77 of the Revised Code;~~	107298
~~(20)(e) The second credit for purchases of new manufacturing~~	107299
~~machinery and equipment and the credit for using Ohio coal under~~	107300
~~section 5747.31 of the Revised Code;~~	107301
~~(21)(f) The job training credit under section 5747.39 of the~~	107302
~~Revised Code;~~	107303
~~(22)(g) The enterprise zone credit under section 5709.66 of~~	107304
~~the Revised Code;~~	107305
~~(23)(h) The credit for the eligible costs associated with a~~	107306
~~voluntary action under section 5747.32 of the Revised Code;~~	107307
~~(24) The credit for adoption of a minor child under section~~	107308
~~5747.37 of the Revised Code;~~	107309
~~(25)(i) The credit for employers that establish on-site child~~	107310
~~day-care centers under section 5747.35 of the Revised Code;~~	107311
~~(26)(j) The ethanol plant investment credit under section~~	107312
~~5747.75 of the Revised Code;~~	107313

~~(27)~~ (k) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	107314 107315
~~(28)~~ (l) The small business investment credit under section 5747.81 of the Revised Code;	107316 107317
~~(29)~~ (m) The enterprise zone credits under section 5709.65 of the Revised Code;	107318 107319
~~(30)~~ (n) The research and development credit under section 5747.331 of the Revised Code;	107320 107321
~~(31)~~ (o) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	107322 107323
~~(32)~~ (3) <u>Against the tax imposed by either division (A)(3) or (4) of section 5747.02 of the Revised Code:</u>	107324 107325
<u>(a) The credit for adoption of a minor child under section 5747.37 of the Revised Code;</u>	107326 107327
<u>(b) The nonresident credit under division (A) of section 5747.05 of the Revised Code;</u>	107328 107329
<u>(c) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;</u>	107330 107331
<u>(d) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;</u>	107332 107333
~~(33)~~ (e) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	107334 107335
~~(34)~~ (f) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	107336 107337
~~(35)~~ (g) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	107338 107339 107340
~~(36)~~ (h) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital	107341 107342

program under sections 150.01 to 150.10 of the Revised Code; 107343

~~(37)(i)~~ The refundable motion picture production credit under 107344
section 5747.66 of the Revised Code; 107345

~~(38)(j)~~ The refundable credit for financial institution taxes 107346
paid by a pass-through entity granted under section 5747.65 of the 107347
Revised Code. 107348

(B) For any credit, except the refundable credits enumerated 107349
in this section and the credit granted under division (H) of 107350
section 5747.08 of the Revised Code, the amount of the credit for 107351
a taxable year shall not exceed the tax due under division (A)(3) 107352
or (4) of section 5747.02 of the Revised Code, as applicable, 107353
after allowing for any other credit that precedes it in the order 107354
required under this section. Any excess amount of a particular 107355
credit may be carried forward if authorized under the section 107356
creating that credit. Nothing in this chapter shall be construed 107357
to allow a taxpayer to claim, directly or indirectly, a credit 107358
more than once for a taxable year. 107359

Sec. 5751.01. As used in this chapter: 107360

(A) "Person" means, but is not limited to, individuals, 107361
combinations of individuals of any form, receivers, assignees, 107362
trustees in bankruptcy, firms, companies, joint-stock companies, 107363
business trusts, estates, partnerships, limited liability 107364
partnerships, limited liability companies, associations, joint 107365
ventures, clubs, societies, for-profit corporations, S 107366
corporations, qualified subchapter S subsidiaries, qualified 107367
subchapter S trusts, trusts, entities that are disregarded for 107368
federal income tax purposes, and any other entities. 107369

(B) "Consolidated elected taxpayer" means a group of two or 107370
more persons treated as a single taxpayer for purposes of this 107371
chapter as the result of an election made under section 5751.011 107372

of the Revised Code. 107373

(C) "Combined taxpayer" means a group of two or more persons 107374
treated as a single taxpayer for purposes of this chapter under 107375
section 5751.012 of the Revised Code. 107376

(D) "Taxpayer" means any person, or any group of persons in 107377
the case of a consolidated elected taxpayer or combined taxpayer 107378
treated as one taxpayer, required to register or pay tax under 107379
this chapter. "Taxpayer" does not include excluded persons. 107380

(E) "Excluded person" means any of the following: 107381

(1) Any person with not more than one hundred fifty thousand 107382
dollars of taxable gross receipts during the calendar year. 107383
Division (E)(1) of this section does not apply to a person that is 107384
a member of a consolidated elected taxpayer; 107385

(2) A public utility that paid the excise tax imposed by 107386
section 5727.24 or 5727.30 of the Revised Code based on one or 107387
more measurement periods that include the entire tax period under 107388
this chapter, except that a public utility that is a combined 107389
company is a taxpayer with regard to the following gross receipts: 107390

(a) Taxable gross receipts directly attributed to a public 107391
utility activity, but not directly attributed to an activity that 107392
is subject to the excise tax imposed by section 5727.24 or 5727.30 107393
of the Revised Code; 107394

(b) Taxable gross receipts that cannot be directly attributed 107395
to any activity, multiplied by a fraction whose numerator is the 107396
taxable gross receipts described in division (E)(2)(a) of this 107397
section and whose denominator is the total taxable gross receipts 107398
that can be directly attributed to any activity; 107399

(c) Except for any differences resulting from the use of an 107400
accrual basis method of accounting for purposes of determining 107401
gross receipts under this chapter and the use of the cash basis 107402

method of accounting for purposes of determining gross receipts 107403
under section 5727.24 of the Revised Code, the gross receipts 107404
directly attributed to the activity of a natural gas company shall 107405
be determined in a manner consistent with division (D) of section 107406
5727.03 of the Revised Code. 107407

As used in division (E)(2) of this section, "combined 107408
company" and "public utility" have the same meanings as in section 107409
5727.01 of the Revised Code. 107410

(3) A financial institution, as defined in section 5726.01 of 107411
the Revised Code, that paid the tax imposed by section 5726.02 of 107412
the Revised Code based on one or more taxable years that include 107413
the entire tax period under this chapter; 107414

(4) A person directly or indirectly owned by one or more 107415
financial institutions, as defined in section 5726.01 of the 107416
Revised Code, that paid the tax imposed by section 5726.02 of the 107417
Revised Code based on one or more taxable years that include the 107418
entire tax period under this chapter. 107419

For the purposes of division (E)(4) of this section, a person 107420
owns another person under the following circumstances: 107421

(a) In the case of corporations issuing capital stock, one 107422
corporation owns another corporation if it owns fifty per cent or 107423
more of the other corporation's capital stock with current voting 107424
rights; 107425

(b) In the case of a limited liability company, one person 107426
owns the company if that person's membership interest, as defined 107427
in section 1705.01 of the Revised Code, is fifty per cent or more 107428
of the combined membership interests of all persons owning such 107429
interests in the company; 107430

(c) In the case of a partnership, trust, or other 107431
unincorporated business organization other than a limited 107432
liability company, one person owns the organization if, under the 107433

articles of organization or other instrument governing the affairs 107434
of the organization, that person has a beneficial interest in the 107435
organization's profits, surpluses, losses, or distributions of 107436
fifty per cent or more of the combined beneficial interests of all 107437
persons having such an interest in the organization. 107438

(5) A domestic insurance company or foreign insurance 107439
company, as defined in section 5725.01 of the Revised Code, that 107440
paid the insurance company premiums tax imposed by section 5725.18 107441
or Chapter 5729. of the Revised Code, or an unauthorized insurance 107442
company whose gross premiums are subject to tax under section 107443
3905.36 of the Revised Code based on one or more measurement 107444
periods that include the entire tax period under this chapter; 107445

(6) A person that solely facilitates or services one or more 107446
securitizations of phase-in-recovery property pursuant to a final 107447
financing order as those terms are defined in section 4928.23 of 107448
the Revised Code. For purposes of this division, "securitization" 107449
means transferring one or more assets to one or more persons and 107450
then issuing securities backed by the right to receive payment 107451
from the asset or assets so transferred. 107452

(7) Except as otherwise provided in this division, a 107453
pre-income tax trust as defined in division (FF)(4) of section 107454
5747.01 of the Revised Code and any pass-through entity of which 107455
such pre-income tax trust owns or controls, directly, indirectly, 107456
or constructively through related interests, more than five per 107457
cent of the ownership or equity interests. If the pre-income tax 107458
trust has made a qualifying pre-income tax trust election under 107459
division (FF)(3) of section 5747.01 of the Revised Code, then the 107460
trust and the pass-through entities of which it owns or controls, 107461
directly, indirectly, or constructively through related interests, 107462
more than five per cent of the ownership or equity interests, 107463
shall not be excluded persons for purposes of the tax imposed 107464
under section 5751.02 of the Revised Code. 107465

(8) Nonprofit organizations or the state and its agencies, 107466
instrumentalities, or political subdivisions. 107467

(F) Except as otherwise provided in divisions (F)(2), (3), 107468
and (4) of this section, "gross receipts" means the total amount 107469
realized by a person, without deduction for the cost of goods sold 107470
or other expenses incurred, that contributes to the production of 107471
gross income of the person, including the fair market value of any 107472
property and any services received, and any debt transferred or 107473
forgiven as consideration. 107474

(1) The following are examples of gross receipts: 107475

(a) Amounts realized from the sale, exchange, or other 107476
disposition of the taxpayer's property to or with another; 107477

(b) Amounts realized from the taxpayer's performance of 107478
services for another; 107479

(c) Amounts realized from another's use or possession of the 107480
taxpayer's property or capital; 107481

(d) Any combination of the foregoing amounts. 107482

(2) "Gross receipts" excludes the following amounts: 107483

(a) Interest income except interest on credit sales; 107484

(b) Dividends and distributions from corporations, and 107485
distributive or proportionate shares of receipts and income from a 107486
pass-through entity as defined under section 5733.04 of the 107487
Revised Code; 107488

(c) Receipts from the sale, exchange, or other disposition of 107489
an asset described in section 1221 or 1231 of the Internal Revenue 107490
Code, without regard to the length of time the person held the 107491
asset. Notwithstanding section 1221 of the Internal Revenue Code, 107492
receipts from hedging transactions also are excluded to the extent 107493
the transactions are entered into primarily to protect a financial 107494
position, such as managing the risk of exposure to (i) foreign 107495

currency fluctuations that affect assets, liabilities, profits, 107496
losses, equity, or investments in foreign operations; (ii) 107497
interest rate fluctuations; or (iii) commodity price fluctuations. 107498
As used in division (F)(2)(c) of this section, "hedging 107499
transaction" has the same meaning as used in section 1221 of the 107500
Internal Revenue Code and also includes transactions accorded 107501
hedge accounting treatment under statement of financial accounting 107502
standards number 133 of the financial accounting standards board. 107503
For the purposes of division (F)(2)(c) of this section, the actual 107504
transfer of title of real or tangible personal property to another 107505
entity is not a hedging transaction. 107506

(d) Proceeds received attributable to the repayment, 107507
maturity, or redemption of the principal of a loan, bond, mutual 107508
fund, certificate of deposit, or marketable instrument; 107509

(e) The principal amount received under a repurchase 107510
agreement or on account of any transaction properly characterized 107511
as a loan to the person; 107512

(f) Contributions received by a trust, plan, or other 107513
arrangement, any of which is described in section 501(a) of the 107514
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 107515
1, Subchapter (D) of the Internal Revenue Code applies; 107516

(g) Compensation, whether current or deferred, and whether in 107517
cash or in kind, received or to be received by an employee, former 107518
employee, or the employee's legal successor for services rendered 107519
to or for an employer, including reimbursements received by or for 107520
an individual for medical or education expenses, health insurance 107521
premiums, or employee expenses, or on account of a dependent care 107522
spending account, legal services plan, any cafeteria plan 107523
described in section 125 of the Internal Revenue Code, or any 107524
similar employee reimbursement; 107525

(h) Proceeds received from the issuance of the taxpayer's own 107526

stock, options, warrants, puts, or calls, or from the sale of the	107527
taxpayer's treasury stock;	107528
(i) Proceeds received on the account of payments from	107529
insurance policies, except those proceeds received for the loss of	107530
business revenue;	107531
(j) Gifts or charitable contributions received; membership	107532
dues received by trade, professional, homeowners', or condominium	107533
associations; and payments received for educational courses,	107534
meetings, meals, or similar payments to a trade, professional, or	107535
other similar association; and fundraising receipts received by	107536
any person when any excess receipts are donated or used	107537
exclusively for charitable purposes;	107538
(k) Damages received as the result of litigation in excess of	107539
amounts that, if received without litigation, would be gross	107540
receipts;	107541
(l) Property, money, and other amounts received or acquired	107542
by an agent on behalf of another in excess of the agent's	107543
commission, fee, or other remuneration;	107544
(m) Tax refunds, other tax benefit recoveries, and	107545
reimbursements for the tax imposed under this chapter made by	107546
entities that are part of the same combined taxpayer or	107547
consolidated elected taxpayer group, and reimbursements made by	107548
entities that are not members of a combined taxpayer or	107549
consolidated elected taxpayer group that are required to be made	107550
for economic parity among multiple owners of an entity whose tax	107551
obligation under this chapter is required to be reported and paid	107552
entirely by one owner, pursuant to the requirements of sections	107553
5751.011 and 5751.012 of the Revised Code;	107554
(n) Pension reversions;	107555
(o) Contributions to capital;	107556

(p) Sales or use taxes collected as a vendor or an 107557
out-of-state seller on behalf of the taxing jurisdiction from a 107558
consumer or other taxes the taxpayer is required by law to collect 107559
directly from a purchaser and remit to a local, state, or federal 107560
tax authority; 107561

(q) In the case of receipts from the sale of cigarettes or 107562
tobacco products by a wholesale dealer, retail dealer, 107563
distributor, manufacturer, or seller, all as defined in section 107564
5743.01 of the Revised Code, an amount equal to the federal and 107565
state excise taxes paid by any person on or for such cigarettes or 107566
tobacco products under subtitle E of the Internal Revenue Code or 107567
Chapter 5743. of the Revised Code; 107568

(r) In the case of receipts from the sale, transfer, 107569
exchange, or other disposition of motor fuel as "motor fuel" is 107570
defined in section 5736.01 of the Revised Code, an amount equal to 107571
the value of the motor fuel, including federal and state motor 107572
fuel excise taxes and receipts from billing or invoicing the tax 107573
imposed under section 5736.02 of the Revised Code to another 107574
person; 107575

(s) In the case of receipts from the sale of beer or 107576
intoxicating liquor, as defined in section 4301.01 of the Revised 107577
Code, by a person holding a permit issued under Chapter 4301. or 107578
4303. of the Revised Code, an amount equal to federal and state 107579
excise taxes paid by any person on or for such beer or 107580
intoxicating liquor under subtitle E of the Internal Revenue Code 107581
or Chapter 4301. or 4305. of the Revised Code; 107582

(t) Receipts realized by a new motor vehicle dealer or used 107583
motor vehicle dealer, as defined in section 4517.01 of the Revised 107584
Code, from the sale or other transfer of a motor vehicle, as 107585
defined in that section, to another motor vehicle dealer for the 107586
purpose of resale by the transferee motor vehicle dealer, but only 107587
if the sale or other transfer was based upon the transferee's need 107588

to meet a specific customer's preference for a motor vehicle; 107589

(u) Receipts from a financial institution described in 107590
division (E)(3) of this section for services provided to the 107591
financial institution in connection with the issuance, processing, 107592
servicing, and management of loans or credit accounts, if such 107593
financial institution and the recipient of such receipts have at 107594
least fifty per cent of their ownership interests owned or 107595
controlled, directly or constructively through related interests, 107596
by common owners; 107597

(v) Receipts realized from administering anti-neoplastic 107598
drugs and other cancer chemotherapy, biologicals, therapeutic 107599
agents, and supportive drugs in a physician's office to patients 107600
with cancer; 107601

(w) Funds received or used by a mortgage broker that is not a 107602
dealer in intangibles, other than fees or other consideration, 107603
pursuant to a table-funding mortgage loan or warehouse-lending 107604
mortgage loan. Terms used in division (F)(2)(w) of this section 107605
have the same meanings as in section 1322.01 of the Revised Code, 107606
except "mortgage broker" means a person assisting a buyer in 107607
obtaining a mortgage loan for a fee or other consideration paid by 107608
the buyer or a lender, or a person engaged in table-funding or 107609
warehouse-lending mortgage loans that are first lien mortgage 107610
loans. 107611

(x) Property, money, and other amounts received by a 107612
professional employer organization, as defined in section 4125.01 107613
of the Revised Code, from a client employer, as defined in that 107614
section, in excess of the administrative fee charged by the 107615
professional employer organization to the client employer; 107616

(y) In the case of amounts retained as commissions by a 107617
permit holder under Chapter 3769. of the Revised Code, an amount 107618
equal to the amounts specified under that chapter that must be 107619

paid to or collected by the tax commissioner as a tax and the 107620
amounts specified under that chapter to be used as purse money; 107621

(z) Qualifying distribution center receipts. 107622

(i) For purposes of division (F)(2)(z) of this section: 107623

(I) "Qualifying distribution center receipts" means receipts 107624
of a supplier from qualified property that is delivered to a 107625
qualified distribution center, multiplied by a quantity that 107626
equals one minus the Ohio delivery percentage. If the qualified 107627
distribution center is a refining facility, "supplier" includes 107628
all dealers, brokers, processors, sellers, vendors, cosigners, and 107629
distributors of qualified property. 107630

(II) "Qualified property" means tangible personal property 107631
delivered to a qualified distribution center that is shipped to 107632
that qualified distribution center solely for further shipping by 107633
the qualified distribution center to another location in this 107634
state or elsewhere or, in the case of gold, silver, platinum, or 107635
palladium delivered to a refining facility solely for refining to 107636
a grade and fineness acceptable for delivery to a registered 107637
commodities exchange. "Further shipping" includes storing and 107638
repackaging property into smaller or larger bundles, so long as 107639
the property is not subject to further manufacturing or 107640
processing. "Refining" is limited to extracting impurities from 107641
gold, silver, platinum, or palladium through smelting or some 107642
other process at a refining facility. 107643

(III) "Qualified distribution center" means a warehouse, a 107644
facility similar to a warehouse, or a refining facility in this 107645
state that, for the qualifying year, is operated by a person that 107646
is not part of a combined taxpayer group and that has a qualifying 107647
certificate. All warehouses or facilities similar to warehouses 107648
that are operated by persons in the same taxpayer group and that 107649
are located within one mile of each other shall be treated as one 107650

qualified distribution center. All refining facilities that are 107651
operated by persons in the same taxpayer group and that are 107652
located in the same or adjacent counties may be treated as one 107653
qualified distribution center. 107654

(IV) "Qualifying year" means the calendar year to which the 107655
qualifying certificate applies. 107656

(V) "Qualifying period" means the period of the first day of 107657
July of the second year preceding the qualifying year through the 107658
thirtieth day of June of the year preceding the qualifying year. 107659

(VI) "Qualifying certificate" means the certificate issued by 107660
the tax commissioner after the operator of a distribution center 107661
files an annual application with the commissioner. The application 107662
and annual fee shall be filed and paid for each qualified 107663
distribution center on or before the first day of September before 107664
the qualifying year or within forty-five days after the 107665
distribution center opens, whichever is later. 107666

The applicant must substantiate to the commissioner's 107667
satisfaction that, for the qualifying period, all persons 107668
operating the distribution center have more than fifty per cent of 107669
the cost of the qualified property shipped to a location such that 107670
it would be situated outside this state under the provisions of 107671
division (E) of section 5751.033 of the Revised Code. The 107672
applicant must also substantiate that the distribution center 107673
cumulatively had costs from its suppliers equal to or exceeding 107674
five hundred million dollars during the qualifying period. (For 107675
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 107676
excludes any person that is part of the consolidated elected 107677
taxpayer group, if applicable, of the operator of the qualified 107678
distribution center.) The commissioner may require the applicant 107679
to have an independent certified public accountant certify that 107680
the calculation of the minimum thresholds required for a qualified 107681
distribution center by the operator of a distribution center has 107682

been made in accordance with generally accepted accounting 107683
principles. The commissioner shall issue or deny the issuance of a 107684
certificate within sixty days after the receipt of the 107685
application. A denial is subject to appeal under section 5717.02 107686
of the Revised Code. If the operator files a timely appeal under 107687
section 5717.02 of the Revised Code, the operator shall be granted 107688
a qualifying certificate effective for the remainder of the 107689
qualifying year or until the appeal is finalized, whichever is 107690
earlier. If the operator does not prevail in the appeal, the 107691
operator shall pay the ineligible operator's supplier tax 107692
liability. 107693

(VII) "Ohio delivery percentage" means the proportion of the 107694
total property delivered to a destination inside Ohio from the 107695
qualified distribution center during the qualifying period 107696
compared with total deliveries from such distribution center 107697
everywhere during the qualifying period. 107698

(VIII) "Refining facility" means one or more buildings 107699
located in a county in the Appalachian region of this state as 107700
defined by section 107.21 of the Revised Code and utilized for 107701
refining or smelting gold, silver, platinum, or palladium to a 107702
grade and fineness acceptable for delivery to a registered 107703
commodities exchange. 107704

(IX) "Registered commodities exchange" means a board of 107705
trade, such as New York mercantile exchange, inc. or commodity 107706
exchange, inc., designated as a contract market by the commodity 107707
futures trading commission under the "Commodity Exchange Act," 7 107708
U.S.C. 1 et seq., as amended. 107709

(X) "Ineligible operator's supplier tax liability" means an 107710
amount equal to the tax liability of all suppliers of a 107711
distribution center had the distribution center not been issued a 107712
qualifying certificate for the qualifying year. Ineligible 107713
operator's supplier tax liability shall not include interest or 107714

penalties. The tax commissioner shall determine an ineligible operator's supplier tax liability based on information that the commissioner may request from the operator of the distribution center. An operator shall provide a list of all suppliers of the distribution center and the corresponding costs of qualified property for the qualifying year at issue within sixty days of a request by the commissioner under this division.

(ii)(I) If the distribution center is new and was not open for the entire qualifying period, the operator of the distribution center may request that the commissioner grant a qualifying certificate. If the certificate is granted and it is later determined that more than fifty per cent of the qualified property during that year was not shipped to a location such that it would be situated outside of this state under the provisions of division (E) of section 5751.033 of the Revised Code or if it is later determined that the person that operates the distribution center had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall pay the ineligible operator's supplier tax liability. (For purposes of division (F)(2)(z)(ii) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.)

(II) The commissioner may grant a qualifying certificate to a distribution center that does not qualify as a qualified distribution center for an entire qualifying period if the operator of the distribution center demonstrates that the business operations of the distribution center have changed or will change such that the distribution center will qualify as a qualified distribution center within thirty-six months after the date the operator first applies for a certificate. If, at the end of that thirty-six-month period, the business operations of the

distribution center have not changed such that the distribution 107747
center qualifies as a qualified distribution center, the operator 107748
of the distribution center shall pay the ineligible operator's 107749
supplier tax liability for each year that the distribution center 107750
received a certificate but did not qualify as a qualified 107751
distribution center. For each year the distribution center 107752
receives a certificate under division (F)(2)(z)(ii)(II) of this 107753
section, the distribution center shall pay all applicable fees 107754
required under division (F)(2)(z) of this section and shall submit 107755
an updated business plan showing the progress the distribution 107756
center made toward qualifying as a qualified distribution center 107757
during the preceding year. 107758

(III) An operator may appeal a determination under division 107759
(F)(2)(z)(ii)(I) or (II) of this section that the ineligible 107760
operator is liable for the operator's supplier tax liability as a 107761
result of not qualifying as a qualified distribution center, as 107762
provided in section 5717.02 of the Revised Code. 107763

(iii) When filing an application for a qualifying certificate 107764
under division (F)(2)(z)(i)(VI) of this section, the operator of a 107765
qualified distribution center also shall provide documentation, as 107766
the commissioner requires, for the commissioner to ascertain the 107767
Ohio delivery percentage. The commissioner, upon issuing the 107768
qualifying certificate, also shall certify the Ohio delivery 107769
percentage. The operator of the qualified distribution center may 107770
appeal the commissioner's certification of the Ohio delivery 107771
percentage in the same manner as an appeal is taken from the 107772
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 107773
of this section. 107774

(iv)(I) In the case where the distribution center is new and 107775
not open for the entire qualifying period, the operator shall make 107776
a good faith estimate of an Ohio delivery percentage for use by 107777
suppliers in their reports of taxable gross receipts for the 107778

remainder of the qualifying period. The operator of the facility 107779
shall disclose to the suppliers that such Ohio delivery percentage 107780
is an estimate and is subject to recalculation. By the due date of 107781
the next application for a qualifying certificate, the operator 107782
shall determine the actual Ohio delivery percentage for the 107783
estimated qualifying period and proceed as provided in division 107784
(F)(2)(z)(iii) of this section with respect to the calculation and 107785
recalculation of the Ohio delivery percentage. The supplier is 107786
required to file, within sixty days after receiving notice from 107787
the operator of the qualified distribution center, amended reports 107788
for the impacted calendar quarter or quarters or calendar year, 107789
whichever the case may be. Any additional tax liability or tax 107790
overpayment shall be subject to interest but shall not be subject 107791
to the imposition of any penalty so long as the amended returns 107792
are timely filed. 107793

(II) The operator of a distribution center that receives a 107794
qualifying certificate under division (F)(2)(z)(ii)(II) of this 107795
section shall make a good faith estimate of the Ohio delivery 107796
percentage that the operator estimates will apply to the 107797
distribution center at the end of the thirty-six-month period 107798
after the operator first applied for a qualifying certificate 107799
under that division. The result of the estimate shall be 107800
multiplied by a factor of one and seventy-five one-hundredths. The 107801
product of that calculation shall be the Ohio delivery percentage 107802
used by suppliers in their reports of taxable gross receipts for 107803
each qualifying year that the distribution center receives a 107804
qualifying certificate under division (F)(2)(z)(ii)(II) of this 107805
section, except that, if the product is less than five per cent, 107806
the Ohio delivery percentage used shall be five per cent and that, 107807
if the product exceeds forty-nine per cent, the Ohio delivery 107808
percentage used shall be forty-nine per cent. 107809

(v) Qualifying certificates and Ohio delivery percentages 107810

issued by the commissioner shall be open to public inspection and 107811
shall be timely published by the commissioner. A supplier relying 107812
in good faith on a certificate issued under this division shall 107813
not be subject to tax on the qualifying distribution center 107814
receipts under division (F)(2)(z) of this section. An operator 107815
receiving a qualifying certificate is liable for the ineligible 107816
operator's supplier tax liability for each year the operator 107817
received a certificate but did not qualify as a qualified 107818
distribution center. 107819

(vi) The annual fee for a qualifying certificate shall be one 107820
hundred thousand dollars for each qualified distribution center. 107821
If a qualifying certificate is not issued, the annual fee is 107822
subject to refund after the exhaustion of all appeals provided for 107823
in division (F)(2)(z)(i)(VI) of this section. The first one 107824
hundred thousand dollars of the annual application fees collected 107825
each calendar year shall be credited to the revenue enhancement 107826
fund. The remainder of the annual application fees collected shall 107827
be distributed in the same manner required under section 5751.20 107828
of the Revised Code. 107829

(vii) The tax commissioner may require that adequate security 107830
be posted by the operator of the distribution center on appeal 107831
when the commissioner disagrees that the applicant has met the 107832
minimum thresholds for a qualified distribution center as set 107833
forth in division (F)(2)(z) of this section. 107834

(aa) Receipts of an employer from payroll deductions relating 107835
to the reimbursement of the employer for advancing moneys to an 107836
unrelated third party on an employee's behalf; 107837

(bb) Cash discounts allowed and taken; 107838

(cc) Returns and allowances; 107839

(dd) Bad debts from receipts on the basis of which the tax 107840
imposed by this chapter was paid in a prior quarterly tax payment 107841

period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;

(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;

(ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(gg)(i) As used in this division:

(I) "Qualified uranium receipts" means receipts from the sale, exchange, lease, loan, production, processing, or other disposition of uranium within a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section. "Qualified uranium receipts" does not include any receipts with a situs in this state outside a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section.

(II) "Uranium enrichment zone" means all real property that is part of a uranium enrichment facility licensed by the United States nuclear regulatory commission and that was or is owned or

controlled by the United States department of energy or its 107873
successor. 107874

(ii) Any person that owns, leases, or operates real or 107875
tangible personal property constituting or located within a 107876
uranium enrichment zone may apply to the tax commissioner to have 107877
the uranium enrichment zone certified for the purpose of excluding 107878
qualified uranium receipts under division (F)(2)(gg) of this 107879
section. The application shall include such information that the 107880
tax commissioner prescribes. Within sixty days after receiving the 107881
application, the tax commissioner shall certify the zone for that 107882
purpose if the commissioner determines that the property qualifies 107883
as a uranium enrichment zone as defined in division (F)(2)(gg) of 107884
this section, or, if the tax commissioner determines that the 107885
property does not qualify, the commissioner shall deny the 107886
application or request additional information from the applicant. 107887
If the tax commissioner denies an application, the commissioner 107888
shall state the reasons for the denial. The applicant may appeal 107889
the denial of an application to the board of tax appeals pursuant 107890
to section 5717.02 of the Revised Code. If the applicant files a 107891
timely appeal, the tax commissioner shall conditionally certify 107892
the applicant's property. The conditional certification shall 107893
expire when all of the applicant's appeals are exhausted. Until 107894
final resolution of the appeal, the applicant shall retain the 107895
applicant's records in accordance with section 5751.12 of the 107896
Revised Code, notwithstanding any time limit on the preservation 107897
of records under that section. 107898

(hh) In the case of amounts collected by a licensed casino 107899
operator from casino gaming, amounts in excess of the casino 107900
operator's gross casino revenue. In this division, "casino 107901
operator" and "casino gaming" have the meanings defined in section 107902
3772.01 of the Revised Code, and "gross casino revenue" has the 107903
meaning defined in section 5753.01 of the Revised Code. 107904

(ii) Receipts realized from the sale of agricultural commodities by an agricultural commodity handler, both as defined in section 926.01 of the Revised Code, that is licensed by the director of agriculture to handle agricultural commodities in this state. 107905
107906
107907
107908
107909

(jj) Qualifying integrated supply chain receipts. 107910

As used in division (F)(2)(jj) of this section: 107911

(i) "Qualifying integrated supply chain receipts" means receipts of a qualified integrated supply chain vendor from the sale of qualified property delivered to another qualified integrated supply chain vendor. 107912
107913
107914
107915

(ii) "Qualified property" means either of the following: 107916

(I) Component parts used to hold, contain, package, or dispense qualified products that will be incorporated into the item sold at retail, excluding equipment; 107917
107918
107919

(II) Work-in-process inventory that will become, comprise, or form a component part of a qualified product capable of being sold at retail, excluding equipment. 107920
107921
107922

(iii) "Qualified integrated supply chain vendor" means a person, other than a retailer, that is a direct member of an integrated supply chain and that provides integrated supply chain services within a qualified integrated supply chain district to another qualified integrated supply chain vendor that is located within the same such district as the person but does not share a common owner with that person. 107923
107924
107925
107926
107927
107928
107929

(iv) "Qualified product" means a personal care, health, or beauty product or an aromatic product, including a candle. 107930
107931

(v) "Integrated supply chain" means two or more qualified integrated supply chain vendors that systematically collaborate and coordinate business operations with a retailer on the flow of 107932
107933
107934

tangible personal property from material sourcing through 107935
manufacturing, assembly, packaging, and delivery to the retailer 107936
to improve long-term financial performance of each vendor and the 107937
supply chain. 107938

(vi) "Integrated supply chain services" means manufacturing, 107939
processing, refining, assembling, packaging, or repackaging 107940
tangible personal property that will become finished goods 107941
inventory capable of being sold at retail by a retailer. 107942

(vii) "Retailer" means a person primarily engaged in making 107943
retail sales. 107944

(viii) "Qualified integrated supply chain district" means a 107945
parcel or contiguous parcels of land composed of a total of 107946
between four hundred and seven hundred acres and owned by the same 107947
person on July 1, 2015, to which both of the following apply: 107948

(I) The acreage is located wholly in a county having a 107949
population of greater than one hundred sixty-five thousand but 107950
less than one hundred seventy thousand based on the 2010 federal 107951
decennial census. 107952

(II) The acreage is located wholly in a municipal corporation 107953
with a population greater than seven thousand five hundred and 107954
less than eight thousand based on the 2010 federal decennial 107955
census that is partly located in the county described in division 107956
(F)(2)(jj)(viii)(I) of this section. 107957

(kk) Any receipts for which the tax imposed by this chapter 107958
is prohibited by the constitution or laws of the United States or 107959
the constitution of this state. 107960

(3) In the case of a taxpayer when acting as a real estate 107961
broker, "gross receipts" includes only the portion of any fee for 107962
the service of a real estate broker, or service of a real estate 107963
salesperson associated with that broker, that is retained by the 107964
broker and not paid to an associated real estate salesperson or 107965

another real estate broker. For the purposes of this division, 107966
"real estate broker" and "real estate salesperson" have the same 107967
meanings as in section 4735.01 of the Revised Code. 107968

(4) A taxpayer's method of accounting for gross receipts for 107969
a tax period shall be the same as the taxpayer's method of 107970
accounting for federal income tax purposes for the taxpayer's 107971
federal taxable year that includes the tax period. If a taxpayer's 107972
method of accounting for federal income tax purposes changes, its 107973
method of accounting for gross receipts under this chapter shall 107974
be changed accordingly. 107975

(G) "Taxable gross receipts" means gross receipts situated to 107976
this state under section 5751.033 of the Revised Code. 107977

(H) A person has "substantial nexus with this state" if any 107978
of the following applies. The person: 107979

(1) Owns or uses a part or all of its capital in this state; 107980

(2) Holds a certificate of compliance with the laws of this 107981
state authorizing the person to do business in this state; 107982

(3) Has bright-line presence in this state; 107983

(4) Otherwise has nexus with this state to an extent that the 107984
person can be required to remit the tax imposed under this chapter 107985
under the Constitution of the United States. 107986

(I) A person has "bright-line presence" in this state for a 107987
reporting period and for the remaining portion of the calendar 107988
year if any of the following applies. The person: 107989

(1) Has at any time during the calendar year property in this 107990
state with an aggregate value of at least fifty thousand dollars. 107991
For the purpose of division (I)(1) of this section, owned property 107992
is valued at original cost and rented property is valued at eight 107993
times the net annual rental charge. 107994

(2) Has during the calendar year payroll in this state of at 107995

least fifty thousand dollars. Payroll in this state includes all 107996
of the following: 107997

(a) Any amount subject to withholding by the person under 107998
section 5747.06 of the Revised Code; 107999

(b) Any other amount the person pays as compensation to an 108000
individual under the supervision or control of the person for work 108001
done in this state; and 108002

(c) Any amount the person pays for services performed in this 108003
state on its behalf by another. 108004

(3) Has during the calendar year taxable gross receipts of at 108005
least five hundred thousand dollars. 108006

(4) Has at any time during the calendar year within this 108007
state at least twenty-five per cent of the person's total 108008
property, total payroll, or total gross receipts. 108009

(5) Is domiciled in this state as an individual or for 108010
corporate, commercial, or other business purposes. 108011

(J) "Tangible personal property" has the same meaning as in 108012
section 5739.01 of the Revised Code. 108013

(K) "Internal Revenue Code" means the Internal Revenue Code 108014
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 108015
this chapter that is not otherwise defined has the same meaning as 108016
when used in a comparable context in the laws of the United States 108017
relating to federal income taxes unless a different meaning is 108018
clearly required. Any reference in this chapter to the Internal 108019
Revenue Code includes other laws of the United States relating to 108020
federal income taxes. 108021

(L) "Calendar quarter" means a three-month period ending on 108022
the thirty-first day of March, the thirtieth day of June, the 108023
thirtieth day of September, or the thirty-first day of December. 108024

(M) "Tax period" means the calendar quarter or calendar year 108025

on the basis of which a taxpayer is required to pay the tax 108026
imposed under this chapter. 108027

(N) "Calendar year taxpayer" means a taxpayer for which the 108028
tax period is a calendar year. 108029

(O) "Calendar quarter taxpayer" means a taxpayer for which 108030
the tax period is a calendar quarter. 108031

(P) "Agent" means a person authorized by another person to 108032
act on its behalf to undertake a transaction for the other, 108033
including any of the following: 108034

(1) A person receiving a fee to sell financial instruments; 108035

(2) A person retaining only a commission from a transaction 108036
with the other proceeds from the transaction being remitted to 108037
another person; 108038

(3) A person issuing licenses and permits under section 108039
1533.13 of the Revised Code; 108040

(4) A lottery sales agent holding a valid license issued 108041
under section 3770.05 of the Revised Code; 108042

(5) A person acting as an agent of the division of liquor 108043
control under section 4301.17 of the Revised Code. 108044

(Q) "Received" includes amounts accrued under the accrual 108045
method of accounting. 108046

(R) "Reporting person" means a person in a consolidated 108047
elected taxpayer or combined taxpayer group that is designated by 108048
that group to legally bind the group for all filings and tax 108049
liabilities and to receive all legal notices with respect to 108050
matters under this chapter, or, for the purposes of section 108051
5751.04 of the Revised Code, a separate taxpayer that is not a 108052
member of such a group. 108053

Sec. 5751.02. (A) For the purpose of funding the needs of 108054

this state and its local governments, there is hereby levied a 108055
commercial activity tax on each person with taxable gross receipts 108056
for the privilege of doing business in this state. For the 108057
purposes of this chapter, "doing business" means engaging in any 108058
activity, whether legal or illegal, that is conducted for, or 108059
results in, gain, profit, or income, at any time during a calendar 108060
year. Persons on which the commercial activity tax is levied 108061
include, but are not limited to, persons with substantial nexus 108062
with this state. The tax imposed under this section is not a 108063
transactional tax and is not subject to Public Law No. 86-272, 73 108064
Stat. 555. The tax imposed under this section is in addition to 108065
any other taxes or fees imposed under the Revised Code. The tax 108066
levied under this section is imposed on the person receiving the 108067
gross receipts and is not a tax imposed directly on a purchaser. 108068
The tax imposed by this section is an annual privilege tax for the 108069
calendar year that, in the case of calendar year taxpayers, is the 108070
annual tax period and, in the case of calendar quarter taxpayers, 108071
contains all quarterly tax periods in the calendar year. A 108072
taxpayer is subject to the annual privilege tax for doing business 108073
during any portion of such calendar year. 108074

(B) The tax imposed by this section is a tax on the taxpayer 108075
and shall not be billed or invoiced to another person. Even if the 108076
tax or any portion thereof is billed or invoiced and separately 108077
stated, such amounts remain part of the price for purposes of the 108078
sales and use taxes levied under Chapters 5739. and 5741. of the 108079
Revised Code. Nothing in division (B) of this section prohibits: 108080

(1) A person from including in the price charged for a good 108081
or service an amount sufficient to recover the tax imposed by this 108082
section; or 108083

(2) A lessor from including an amount sufficient to recover 108084
the tax imposed by this section in a lease payment charged, or 108085

from including such an amount on a billing or invoice pursuant to 108086
the terms of a written lease agreement providing for the recovery 108087
of the lessor's tax costs. The recovery of such costs shall be 108088
based on an estimate of the total tax cost of the lessor during 108089
the tax period, as the tax liability of the lessor cannot be 108090
calculated until the end of that period. 108091

(C)(1) The commercial activities tax receipts fund is hereby 108092
created in the state treasury and shall consist of money arising 108093
from the tax imposed under this chapter. Eighty-five 108094
one-hundredths of one per cent of the money credited to that fund 108095
shall be credited to the revenue enhancement fund and shall be 108096
used to defray the costs incurred by the department of taxation in 108097
administering the tax imposed by this chapter and in implementing 108098
tax reform measures. The remainder of the money in the commercial 108099
activities tax receipts fund shall first be credited to the 108100
commercial activity tax motor fuel receipts fund, pursuant to 108101
division (C)(2) of this section, and the remainder shall be 108102
credited in the following percentages each fiscal year to the 108103
general revenue fund, to the school district tangible property tax 108104
replacement fund, which is hereby created in the state treasury 108105
for the purpose of making the payments described in section 108106
5709.92 of the Revised Code, and to the local government tangible 108107
property tax replacement fund, which is hereby created in the 108108
state treasury for the purpose of making the payments described in 108109
section 5709.93 of the Revised Code, in the following percentages: 108110

<u>Fiscal year</u>	<u>General Revenue</u>	<u>School District</u>	<u>Local Government</u>	
	<u>Fund</u>	<u>Tangible</u>	<u>Tangible</u>	
		<u>Property Tax</u>	<u>Property Tax</u>	
		<u>Replacement Fund</u>	<u>Replacement Fund</u>	
<u>2014 and 2015</u>	<u>50.0%</u>	<u>35.0%</u>	<u>15.0%</u>	108112
<u>2016 and</u>	<u>75.0%</u>	<u>20.0%</u>	<u>5.0%</u>	108113
<u>thereafter</u>				

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(D)(1) If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under section 5709.92 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference between the total amount to be paid and the amount in the school district tangible property tax replacement fund.

(2) If the total amount in the local government tangible property tax replacement fund is insufficient to make all payments under section 5709.93 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the local government tangible property tax replacement fund the difference between the total amount to be paid and the amount in the local government tangible property tax replacement fund.

(E)(1) On or after the first day of June of each year, the director of budget and management may transfer any balance in the school district tangible property tax replacement fund to the general revenue fund.

(2) On or after the first day of June of each year, the 108146
director of budget and management may transfer any balance in the 108147
local government tangible property tax replacement fund to the 108148
general revenue fund. 108149

(F)(1) There is hereby created in the state treasury the 108150
commercial activity tax motor fuel receipts fund. 108151

(2) On or before the fifteenth day of June of each fiscal 108152
year beginning with fiscal year 2015, the director of the Ohio 108153
public works commission shall certify to the director of budget 108154
and management the amount of debt service paid from the general 108155
revenue fund in the current fiscal year on bonds issued to finance 108156
or assist in the financing of the cost of local subdivision public 108157
infrastructure capital improvement projects, as provided for in 108158
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 108159
are attributable to costs for construction, reconstruction, 108160
maintenance, or repair of public highways and bridges and other 108161
statutory highway purposes. That certification shall allocate the 108162
total amount of debt service paid from the general revenue fund 108163
and attributable to those costs in the current fiscal year 108164
according to the applicable section of the Ohio Constitution under 108165
which the bonds were originally issued. 108166

(3) On or before the thirtieth day of June of each fiscal 108167
year beginning with fiscal year 2015, the director of budget and 108168
management shall determine an amount up to but not exceeding the 108169
amount certified under division (F)(2) of this section and shall 108170
reserve that amount from the cash balance in the petroleum 108171
activity tax public highways fund or the commercial activity tax 108172
motor fuel receipts fund for transfer to the general revenue fund 108173
at times and in amounts to be determined by the director. The 108174
director shall transfer the cash balance in the petroleum activity 108175
tax public highways fund or the commercial activity tax motor fuel 108176
receipts fund in excess of the amount so reserved to the highway 108177

operating fund on or before the thirtieth day of June of the 108178
current fiscal year. 108179

Sec. 5751.20. ~~(A)~~ No determinations, computations, 108180
certifications, or payments shall be made under this section after 108181
June 30, 2015. 108182

(A) As used in sections 5751.20 to 5751.22 of the Revised 108183
Code: 108184

(1) "School district," "joint vocational school district," 108185
"local taxing unit," "recognized valuation," "fixed-rate levy," 108186
and "fixed-sum levy" have the same meanings as used in section 108187
5727.84 of the Revised Code. 108188

(2) "State education aid" for a school district means the 108189
following: 108190

(a) For fiscal years prior to fiscal year 2010, the sum of 108191
state aid amounts computed for the district under the following 108192
provisions, as they existed for the applicable fiscal year: 108193
division (A) of section 3317.022 of the Revised Code, including 108194
the amounts calculated under former section 3317.029 and section 108195
3317.0217 of the Revised Code; divisions (C)(1), (C)(4), (D), (E), 108196
and (F) of section 3317.022; divisions (B), (C), and (D) of 108197
section 3317.023; divisions (L) and (N) of section 3317.024; 108198
section 3317.0216; and any unit payments for gifted student 108199
services paid under section 3317.05 and former sections 3317.052 108200
and 3317.053 of the Revised Code; except that, for fiscal years 108201
2008 and 2009, the amount computed for the district under Section 108202
269.20.80 of H.B. 119 of the 127th general assembly and as that 108203
section subsequently may be amended shall be substituted for the 108204
amount computed under division (D) of section 3317.022 of the 108205
Revised Code, and the amount computed under Section 269.30.80 of 108206
H.B. 119 of the 127th general assembly and as that section 108207
subsequently may be amended shall be included. 108208

(b) For fiscal years 2010 and 2011, the sum of the amounts
computed under former sections 3306.052, 3306.12, 3306.13,
3306.19, 3306.191, and 3306.192 of the Revised Code;

(c) For fiscal years 2012 and 2013, the sum of the amounts
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B.
153 of the 129th general assembly;

(d) For fiscal year 2014 and each fiscal year thereafter, the
sum of state amounts computed for the district under section
3317.022 of the Revised Code; except that, for fiscal years 2014
and 2015, the amount computed for the district under the section
of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND
EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included.

(3) "State education aid" for a joint vocational school
district means the following:

(a) For fiscal years prior to fiscal year 2010, the sum of
the state aid computed for the district under division (N) of
section 3317.024 and former section 3317.16 of the Revised Code,
except that, for fiscal years 2008 and 2009, the amount computed
under Section 269.30.80 of H.B. 119 of the 127th general assembly
and as that section subsequently may be amended shall be included.

(b) For fiscal years 2010 and 2011, the amount paid in
accordance with Section 265.30.50 of H.B. 1 of the 128th general
assembly.

(c) For fiscal years 2012 and 2013, the amount paid in
accordance with Section 267.30.60 of H.B. 153 of the 129th general
assembly.

(d) For fiscal year 2014 and each fiscal year thereafter, the
amount computed for the district under section 3317.16 of the
Revised Code; except that, for fiscal years 2014 and 2015, the
amount computed for the district under the section of this act
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS"

shall be included.	108240
(4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code.	108241 108242 108243
(5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section.	108244 108245
(6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section.	108246 108247
(7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section.	108248 108249
(8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section.	108250 108251
(9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section.	108252 108253
(10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section.	108254 108255
(11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss.	108256 108257 108258 108259
(12) "Fixed-sum levy loss" means the amount determined under division (E) of this section.	108260 108261
(13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code.	108262 108263 108264
(14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code.	108265 108266 108267
(15) "Furniture and fixtures" means personal property subject	108268

to the assessment rate specified in division (G) of section 108269
5711.22 of the Revised Code. 108270

(16) "Qualifying levies" are levies in effect for tax year 108271
2004 or applicable to tax year 2005 or approved at an election 108272
conducted before September 1, 2005. For the purpose of determining 108273
the rate of a qualifying levy authorized by section 5705.212 or 108274
5705.213 of the Revised Code, the rate shall be the rate that 108275
would be in effect for tax year 2010. 108276

(17) "Telephone property" means tangible personal property of 108277
a telephone, telegraph, or interexchange telecommunications 108278
company subject to an assessment rate specified in section 108279
5727.111 of the Revised Code in tax year 2004. 108280

(18) "Telephone property tax value loss" means the amount 108281
determined under division (C)(4) of this section. 108282

(19) "Telephone property fixed-rate levy loss" means the 108283
amount determined under division (D)(4) of this section. 108284

(20) "Taxes charged and payable" means taxes charged and 108285
payable after the reduction required by section 319.301 of the 108286
Revised Code but before the reductions required by sections 108287
319.302 and 323.152 of the Revised Code. 108288

(21) "Median estate tax collections" means, in the case of a 108289
municipal corporation to which revenue from the taxes levied in 108290
Chapter 5731. of the Revised Code was distributed in each of 108291
calendar years 2006, 2007, 2008, and 2009, the median of those 108292
distributions. In the case of a municipal corporation to which no 108293
distributions were made in one or more of those years, "median 108294
estate tax collections" means zero. 108295

(22) "Total resources," in the case of a school district, 108296
means the sum of the amounts in divisions (A)(22)(a) to (h) of 108297
this section less any reduction required under division (A)(32) or 108298
(33) of this section. 108299

(a) The state education aid for fiscal year 2010;	108300
(b) The sum of the payments received by the school district	108301
in fiscal year 2010 for current expense levy losses pursuant to	108302
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of	108303
section 5751.21 of the Revised Code, excluding the portion of such	108304
payments attributable to levies for joint vocational school	108305
district purposes;	108306
(c) The sum of fixed-sum levy loss payments received by the	108307
school district in fiscal year 2010 pursuant to division (E)(1) of	108308
section 5727.85 and division (E)(1) of section 5751.21 of the	108309
Revised Code for fixed-sum levies charged and payable for a	108310
purpose other than paying debt charges;	108311
(d) Fifty per cent of the school district's taxes charged and	108312
payable against all property on the tax list of real and public	108313
utility property for current expense purposes for tax year 2008,	108314
including taxes charged and payable from emergency levies charged	108315
and payable under section 5709.194 of the Revised Code and	108316
excluding taxes levied for joint vocational school district	108317
purposes;	108318
(e) Fifty per cent of the school district's taxes charged and	108319
payable against all property on the tax list of real and public	108320
utility property for current expenses for tax year 2009, including	108321
taxes charged and payable from emergency levies and excluding	108322
taxes levied for joint vocational school district purposes;	108323
(f) The school district's taxes charged and payable against	108324
all property on the general tax list of personal property for	108325
current expenses for tax year 2009, including taxes charged and	108326
payable from emergency levies;	108327
(g) The amount certified for fiscal year 2010 under division	108328
(A)(2) of section 3317.08 of the Revised Code;	108329
(h) Distributions received during calendar year 2009 from	108330

taxes levied under section 718.09 of the Revised Code.	108331
(23) "Total resources," in the case of a joint vocational	108332
school district, means the sum of amounts in divisions (A)(23)(a)	108333
to (g) of this section less any reduction required under division	108334
(A)(32) of this section.	108335
(a) The state education aid for fiscal year 2010;	108336
(b) The sum of the payments received by the joint vocational	108337
school district in fiscal year 2010 for current expense levy	108338
losses pursuant to division (C)(2) of section 5727.85 and	108339
divisions (C)(8) and (9) of section 5751.21 of the Revised Code;	108340
(c) Fifty per cent of the joint vocational school district's	108341
taxes charged and payable against all property on the tax list of	108342
real and public utility property for current expense purposes for	108343
tax year 2008;	108344
(d) Fifty per cent of the joint vocational school district's	108345
taxes charged and payable against all property on the tax list of	108346
real and public utility property for current expenses for tax year	108347
2009;	108348
(e) Fifty per cent of a city, local, or exempted village	108349
school district's taxes charged and payable against all property	108350
on the tax list of real and public utility property for current	108351
expenses of the joint vocational school district for tax year	108352
2008;	108353
(f) Fifty per cent of a city, local, or exempted village	108354
school district's taxes charged and payable against all property	108355
on the tax list of real and public utility property for current	108356
expenses of the joint vocational school district for tax year	108357
2009;	108358
(g) The joint vocational school district's taxes charged and	108359
payable against all property on the general tax list of personal	108360

property for current expenses for tax year 2009. 108361

(24) "Total resources," in the case of county mental health 108362
and disability related functions, means the sum of the amounts in 108363
divisions (A)(24)(a) and (b) of this section less any reduction 108364
required under division (A)(32) of this section. 108365

(a) The sum of the payments received by the county for mental 108366
health and developmental disability related functions in calendar 108367
year 2010 under division (A)(1) of section 5727.86 and divisions 108368
(A)(1) and (2) of section 5751.22 of the Revised Code as they 108369
existed at that time; 108370

(b) With respect to taxes levied by the county for mental 108371
health and developmental disability related purposes, the taxes 108372
charged and payable for such purposes against all property on the 108373
tax list of real and public utility property for tax year 2009. 108374

(25) "Total resources," in the case of county senior services 108375
related functions, means the sum of the amounts in divisions 108376
(A)(25)(a) and (b) of this section less any reduction required 108377
under division (A)(32) of this section. 108378

(a) The sum of the payments received by the county for senior 108379
services related functions in calendar year 2010 under division 108380
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 108381
5751.22 of the Revised Code as they existed at that time; 108382

(b) With respect to taxes levied by the county for senior 108383
services related purposes, the taxes charged and payable for such 108384
purposes against all property on the tax list of real and public 108385
utility property for tax year 2009. 108386

(26) "Total resources," in the case of county children's 108387
services related functions, means the sum of the amounts in 108388
divisions (A)(26)(a) and (b) of this section less any reduction 108389
required under division (A)(32) of this section. 108390

(a) The sum of the payments received by the county for children's services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner

for calendar year 2010 by the county auditor under division (J) of 108422
section 5747.51 of the Revised Code or division (F) of section 108423
5747.53 of the Revised Code multiplied by the total amount 108424
actually distributed in calendar year 2010 from the county 108425
undivided local government fund; 108426

(c) With respect to taxes levied by the county for all other 108427
purposes, the taxes charged and payable for such purposes against 108428
all property on the tax list of real and public utility property 108429
for tax year 2009, excluding taxes charged and payable for the 108430
purpose of paying debt charges; 108431

(d) The sum of the amounts distributed to the county in 108432
calendar year 2010 for the taxes levied pursuant to sections 108433
5739.021 and 5741.021 of the Revised Code. 108434

(29) "Total resources," in the case of a municipal 108435
corporation, means the sum of the amounts in divisions (A)(29)(a) 108436
to (g) of this section less any reduction required under division 108437
(A)(32) or (33) of this section. 108438

(a) The sum of the payments received by the municipal 108439
corporation in calendar year 2010 for current expense levy losses 108440
under division (A)(1) of section 5727.86 and divisions (A)(1) and 108441
(2) of section 5751.22 of the Revised Code as they existed at that 108442
time; 108443

(b) The municipal corporation's percentage share of county 108444
undivided local government fund allocations as certified to the 108445
tax commissioner for calendar year 2010 by the county auditor 108446
under division (J) of section 5747.51 of the Revised Code or 108447
division (F) of section 5747.53 of the Revised Code multiplied by 108448
the total amount actually distributed in calendar year 2010 from 108449
the county undivided local government fund; 108450

(c) The sum of the amounts distributed to the municipal 108451
corporation in calendar year 2010 pursuant to section 5747.50 of 108452

the Revised Code; 108453

(d) With respect to taxes levied by the municipal 108454
corporation, the taxes charged and payable against all property on 108455
the tax list of real and public utility property for current 108456
expenses, defined in division (A)(35) of this section, for tax 108457
year 2009; 108458

(e) The amount of admissions tax collected by the municipal 108459
corporation in calendar year 2008, or if such information has not 108460
yet been reported to the tax commissioner, in the most recent year 108461
before 2008 for which the municipal corporation has reported data 108462
to the commissioner; 108463

(f) The amount of income taxes collected by the municipal 108464
corporation in calendar year 2008, or if such information has not 108465
yet been reported to the tax commissioner, in the most recent year 108466
before 2008 for which the municipal corporation has reported data 108467
to the commissioner; 108468

(g) The municipal corporation's median estate tax 108469
collections. 108470

(30) "Total resources," in the case of a township, means the 108471
sum of the amounts in divisions (A)(30)(a) to (c) of this section 108472
less any reduction required under division (A)(32) or (33) of this 108473
section. 108474

(a) The sum of the payments received by the township in 108475
calendar year 2010 pursuant to division (A)(1) of section 5727.86 108476
of the Revised Code and divisions (A)(1) and (2) of section 108477
5751.22 of the Revised Code as they existed at that time, 108478
excluding payments received for debt purposes; 108479

(b) The township's percentage share of county undivided local 108480
government fund allocations as certified to the tax commissioner 108481
for calendar year 2010 by the county auditor under division (J) of 108482
section 5747.51 of the Revised Code or division (F) of section 108483

5747.53 of the Revised Code multiplied by the total amount 108484
actually distributed in calendar year 2010 from the county 108485
undivided local government fund; 108486

(c) With respect to taxes levied by the township, the taxes 108487
charged and payable against all property on the tax list of real 108488
and public utility property for tax year 2009 excluding taxes 108489
charged and payable for the purpose of paying debt charges. 108490

(31) "Total resources," in the case of a local taxing unit 108491
that is not a county, municipal corporation, or township, means 108492
the sum of the amounts in divisions (A)(31)(a) to (e) of this 108493
section less any reduction required under division (A)(32) of this 108494
section. 108495

(a) The sum of the payments received by the local taxing unit 108496
in calendar year 2010 pursuant to division (A)(1) of section 108497
5727.86 of the Revised Code and divisions (A)(1) and (2) of 108498
section 5751.22 of the Revised Code as they existed at that time; 108499

(b) The local taxing unit's percentage share of county 108500
undivided local government fund allocations as certified to the 108501
tax commissioner for calendar year 2010 by the county auditor 108502
under division (J) of section 5747.51 of the Revised Code or 108503
division (F) of section 5747.53 of the Revised Code multiplied by 108504
the total amount actually distributed in calendar year 2010 from 108505
the county undivided local government fund; 108506

(c) With respect to taxes levied by the local taxing unit, 108507
the taxes charged and payable against all property on the tax list 108508
of real and public utility property for tax year 2009 excluding 108509
taxes charged and payable for the purpose of paying debt charges; 108510

(d) The amount received from the tax commissioner during 108511
calendar year 2010 for sales or use taxes authorized under 108512
sections 5739.023 and 5741.022 of the Revised Code; 108513

(e) For institutions of higher education receiving tax 108514

revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final state share of instruction allocation for fiscal year 2010 as calculated by the ~~board of regents~~ chancellor of higher education and reported to the state controlling board.

(32) If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "total resources" used to compute payments to be made under division (C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (C)(2) of section 5727.85, division (A)(1) of section 5727.85, divisions (C)(8) and (9) of section 5751.21, or division (A)(1) of section 5751.22 of the Revised Code.

(33) In the case of a county, municipal corporation, school district, or township with fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code, "total resources" used to compute payments to be made under division (C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, division (C)(12) of section 5751.21, or division (A)(1)(c) of section 5751.22 of the Revised Code shall be reduced by the amounts described in divisions (A)(34)(a) to (c) of this section to the extent that those amounts were included in calculating the "total resources" of the school district or local taxing unit under division (A)(22), (28), (29), or (30) of this section.

(34) "Total library resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, means the sum of the amounts in divisions (A)(34)(a) to (c) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county, municipal corporation, school district, or township public library in calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library;

(b) The public library's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding any tax that is charged and payable for the purpose of paying debt charges.

(35) "Municipal current expense property tax levies" means all property tax levies of a municipality, except those with the following levy names: airport resurfacing; bond or any levy name including the word "bond"; capital improvement or any levy name including the word "capital"; debt or any levy name including the word "debt"; equipment or any levy name including the word "equipment," unless the levy is for combined operating and equipment; employee termination fund; fire pension or any levy containing the word "pension," including police pensions; fireman's fund or any practically similar name; sinking fund; road improvements or any levy containing the word "road"; fire truck or apparatus; flood or any levy containing the word "flood"; conservancy district; county health; note retirement; sewage, or

any levy containing the words "sewage" or "sewer"; park 108579
improvement; parkland acquisition; storm drain; street or any levy 108580
name containing the word "street"; lighting, or any levy name 108581
containing the word "lighting"; and water. 108582

(36) "Current expense TPP allocation" means, in the case of a 108583
school district or joint vocational school district, the sum of 108584
the payments received by the school district in fiscal year 2011 108585
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 108586
Revised Code to the extent paid for current expense levies. In the 108587
case of a municipal corporation, "current expense TPP allocation" 108588
means the sum of the payments received by the municipal 108589
corporation in calendar year 2010 pursuant to divisions (A)(1) and 108590
(2) of section 5751.22 of the Revised Code to the extent paid for 108591
municipal current expense property tax levies as defined in 108592
division (A)(35) of this section, excluding any such payments 108593
received for current expense levy losses attributable to a tax 108594
levied under section 5705.23 of the Revised Code. If a fixed-rate 108595
levy that is a qualifying levy is not charged and payable in any 108596
year after tax year 2010, "current expense TPP allocation" used to 108597
compute payments to be made under division (C)(12) of section 108598
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 108599
Revised Code in the tax years following the last year the levy is 108600
charged and payable shall be reduced to the extent that the 108601
payments are attributable to the fixed-rate levy loss of that levy 108602
as would be computed under divisions (C)(10) and (11) of section 108603
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 108604

(37) "TPP allocation" means the sum of payments received by a 108605
local taxing unit in calendar year 2010 pursuant to divisions 108606
(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 108607
any such payments received for fixed-rate levy losses attributable 108608
to a tax levied under section 5705.23 of the Revised Code. If a 108609
fixed-rate levy that is a qualifying levy is not charged and 108610

payable in any year after tax year 2010, "TPP allocation" used to 108611
compute payments to be made under division (A)(1)(b) or (c) of 108612
section 5751.22 of the Revised Code in the tax years following the 108613
last year the levy is charged and payable shall be reduced to the 108614
extent that the payments are attributable to the fixed-rate levy 108615
loss of that levy as would be computed under division (A)(1) of 108616
that section. 108617

(38) "Total TPP allocation" means, in the case of a school 108618
district or joint vocational school district, the sum of the 108619
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 108620
and (11) and (D) of section 5751.21 of the Revised Code. In the 108621
case of a local taxing unit, "total TPP allocation" means the sum 108622
of payments received by the unit in calendar year 2010 pursuant to 108623
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 108624
Code. If a fixed-rate levy that is a qualifying levy is not 108625
charged and payable in any year after tax year 2010, "total TPP 108626
allocation" used to compute payments to be made under division 108627
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 108628
5751.22 of the Revised Code in the tax years following the last 108629
year the levy is charged and payable shall be reduced to the 108630
extent that the payments are attributable to the fixed-rate levy 108631
loss of that levy as would be computed under divisions (C)(10) and 108632
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 108633
the Revised Code. 108634

(39) "Non-current expense TPP allocation" means the 108635
difference of total TPP allocation minus the sum of current 108636
expense TPP allocation and the portion of total TPP allocation 108637
constituting reimbursement for debt levies, pursuant to division 108638
(D) of section 5751.21 of the Revised Code in the case of a school 108639
district or joint vocational school district and pursuant to 108640
division (A)(3) of section 5751.22 of the Revised Code in the case 108641
of a municipal corporation. 108642

(40) "TPP allocation for library purposes" means the sum of payments received by a county, municipal corporation, school district, or township public library in calendar year 2010 pursuant to section 5751.22 of the Revised Code for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy authorized under section 5705.23 of the Revised Code that is a qualifying levy is not charged and payable in any year after tax year 2010, "TPP allocation for library purposes" used to compute payments to be made under division (A)(1)(d) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (A)(1) of section 5751.22 of the Revised Code.

(41) "Threshold per cent" means, in the case of a school district or joint vocational school district, two per cent for fiscal year 2012 and four per cent for fiscal years 2013 and thereafter. In the case of a local taxing unit or public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, "threshold per cent" means two per cent for tax year 2011, four per cent for tax year 2012, and six per cent for tax years 2013 and thereafter.

(B)(1) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. Eighty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the revenue enhancement fund and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder of the money in the commercial activities tax receipts fund shall first be credited to the

commercial activity tax motor fuel receipts fund, pursuant to 108675
division (B)(2) of this section, and the remainder shall be 108676
credited in the following percentages each fiscal year to the 108677
general revenue fund, to the school district tangible property tax 108678
replacement fund, which is hereby created in the state treasury 108679
for the purpose of making the payments described in section 108680
5751.21 of the Revised Code, and to the local government tangible 108681
property tax replacement fund, which is hereby created in the 108682
state treasury for the purpose of making the payments described in 108683
section 5751.22 of the Revised Code, in the following percentages: 108684

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	108686
2007	0%	70.0%	30.0%	108687
2008	0%	70.0%	30.0%	108688
2009	0%	70.0%	30.0%	108689
2010	0%	70.0%	30.0%	108690
2011	0%	70.0%	30.0%	108691
2012	25.0%	52.5%	22.5%	108692
2013 and thereafter	50.0%	35.0%	15.0%	108693

(2) Not later than the twentieth day of February, May, 108694
August, and November of each year, the commissioner shall provide 108695
for payment from the commercial activities tax receipts fund to 108696
the commercial activity tax motor fuel receipts fund an amount 108697
that bears the same ratio to the balance in the commercial 108698
activities tax receipts fund that (a) the taxable gross receipts 108699
attributed to motor fuel used for propelling vehicles on public 108700
highways as indicated by returns filed by the tenth day of that 108701
month for a liability that is due and payable on or after July 1, 108702
2013, for a tax period ending before July 1, 2014, bears to (b) 108703

all taxable gross receipts as indicated by those returns for such 108704
liabilities. 108705

(C) Not later than September 15, 2005, the tax commissioner 108706
shall determine for each school district, joint vocational school 108707
district, and local taxing unit its machinery and equipment, 108708
inventory property, furniture and fixtures property, and telephone 108709
property tax value losses, which are the applicable amounts 108710
described in divisions (C)(1), (2), (3), and (4) of this section, 108711
except as provided in division (C)(5) of this section: 108712

(1) Machinery and equipment property tax value loss is the 108713
taxable value of machinery and equipment property as reported by 108714
taxpayers for tax year 2004 multiplied by: 108715

(a) For tax year 2006, thirty-three and eight-tenths per 108716
cent; 108717

(b) For tax year 2007, sixty-one and three-tenths per cent; 108718

(c) For tax year 2008, eighty-three per cent; 108719

(d) For tax year 2009 and thereafter, one hundred per cent. 108720

(2) Inventory property tax value loss is the taxable value of 108721
inventory property as reported by taxpayers for tax year 2004 108722
multiplied by: 108723

(a) For tax year 2006, a fraction, the numerator of which is 108724
five and three-fourths and the denominator of which is 108725
twenty-three; 108726

(b) For tax year 2007, a fraction, the numerator of which is 108727
nine and one-half and the denominator of which is twenty-three; 108728

(c) For tax year 2008, a fraction, the numerator of which is 108729
thirteen and one-fourth and the denominator of which is 108730
twenty-three; 108731

(d) For tax year 2009 and thereafter a fraction, the 108732
numerator of which is seventeen and the denominator of which is 108733

twenty-three. 108734

(3) Furniture and fixtures property tax value loss is the 108735
taxable value of furniture and fixture property as reported by 108736
taxpayers for tax year 2004 multiplied by: 108737

(a) For tax year 2006, twenty-five per cent; 108738

(b) For tax year 2007, fifty per cent; 108739

(c) For tax year 2008, seventy-five per cent; 108740

(d) For tax year 2009 and thereafter, one hundred per cent. 108741

The taxable value of property reported by taxpayers used in 108742
divisions (C)(1), (2), and (3) of this section shall be such 108743
values as determined to be final by the tax commissioner as of 108744
August 31, 2005. Such determinations shall be final except for any 108745
correction of a clerical error that was made prior to August 31, 108746
2005, by the tax commissioner. 108747

(4) Telephone property tax value loss is the taxable value of 108748
telephone property as taxpayers would have reported that property 108749
for tax year 2004 if the assessment rate for all telephone 108750
property for that year were twenty-five per cent, multiplied by: 108751

(a) For tax year 2006, zero per cent; 108752

(b) For tax year 2007, zero per cent; 108753

(c) For tax year 2008, zero per cent; 108754

(d) For tax year 2009, sixty per cent; 108755

(e) For tax year 2010, eighty per cent; 108756

(f) For tax year 2011 and thereafter, one hundred per cent. 108757

(5) Division (C)(5) of this section applies to any school 108758
district, joint vocational school district, or local taxing unit 108759
in a county in which is located a facility currently or formerly 108760
devoted to the enrichment or commercialization of uranium or 108761
uranium products, and for which the total taxable value of 108762

property listed on the general tax list of personal property for 108763
any tax year from tax year 2001 to tax year 2004 was fifty per 108764
cent or less of the taxable value of such property listed on the 108765
general tax list of personal property for the next preceding tax 108766
year. 108767

In computing the fixed-rate levy losses under divisions 108768
(D)(1), (2), and (3) of this section for any school district, 108769
joint vocational school district, or local taxing unit to which 108770
division (C)(5) of this section applies, the taxable value of such 108771
property as listed on the general tax list of personal property 108772
for tax year 2000 shall be substituted for the taxable value of 108773
such property as reported by taxpayers for tax year 2004, in the 108774
taxing district containing the uranium facility, if the taxable 108775
value listed for tax year 2000 is greater than the taxable value 108776
reported by taxpayers for tax year 2004. For the purpose of making 108777
the computations under divisions (D)(1), (2), and (3) of this 108778
section, the tax year 2000 valuation is to be allocated to 108779
machinery and equipment, inventory, and furniture and fixtures 108780
property in the same proportions as the tax year 2004 values. For 108781
the purpose of the calculations in division (A) of section 5751.21 108782
of the Revised Code, the tax year 2004 taxable values shall be 108783
used. 108784

To facilitate the calculations required under division (C) of 108785
this section, the county auditor, upon request from the tax 108786
commissioner, shall provide by August 1, 2005, the values of 108787
machinery and equipment, inventory, and furniture and fixtures for 108788
all single-county personal property taxpayers for tax year 2004. 108789

(D) Not later than September 15, 2005, the tax commissioner 108790
shall determine for each tax year from 2006 through 2009 for each 108791
school district, joint vocational school district, and local 108792
taxing unit its machinery and equipment, inventory, and furniture 108793
and fixtures fixed-rate levy losses, and for each tax year from 108794

2006 through 2011 its telephone property fixed-rate levy loss. 108795
Except as provided in division (F) of this section, such losses 108796
are the applicable amounts described in divisions (D)(1), (2), 108797
(3), and (4) of this section: 108798

(1) The machinery and equipment fixed-rate levy loss is the 108799
machinery and equipment property tax value loss multiplied by the 108800
sum of the tax rates of fixed-rate qualifying levies. 108801

(2) The inventory fixed-rate loss is the inventory property 108802
tax value loss multiplied by the sum of the tax rates of 108803
fixed-rate qualifying levies. 108804

(3) The furniture and fixtures fixed-rate levy loss is the 108805
furniture and fixture property tax value loss multiplied by the 108806
sum of the tax rates of fixed-rate qualifying levies. 108807

(4) The telephone property fixed-rate levy loss is the 108808
telephone property tax value loss multiplied by the sum of the tax 108809
rates of fixed-rate qualifying levies. 108810

(E) Not later than September 15, 2005, the tax commissioner 108811
shall determine for each school district, joint vocational school 108812
district, and local taxing unit its fixed-sum levy loss. The 108813
fixed-sum levy loss is the amount obtained by subtracting the 108814
amount described in division (E)(2) of this section from the 108815
amount described in division (E)(1) of this section: 108816

(1) The sum of the machinery and equipment property tax value 108817
loss, the inventory property tax value loss, and the furniture and 108818
fixtures property tax value loss, and, for 2008 through 2010, the 108819
telephone property tax value loss of the district or unit 108820
multiplied by the sum of the fixed-sum tax rates of qualifying 108821
levies. For 2006 through 2010, this computation shall include all 108822
qualifying levies remaining in effect for the current tax year and 108823
any school district levies charged and payable under section 108824
5705.194 or 5705.213 of the Revised Code that are qualifying 108825

levies not remaining in effect for the current year. For 2011 108826
through 2017 in the case of school district levies charged and 108827
payable under section 5705.194 or 5705.213 of the Revised Code and 108828
for all years after 2010 in the case of other fixed-sum levies, 108829
this computation shall include only qualifying levies remaining in 108830
effect for the current year. For purposes of this computation, a 108831
qualifying school district levy charged and payable under section 108832
5705.194 or 5705.213 of the Revised Code remains in effect in a 108833
year after 2010 only if, for that year, the board of education 108834
levies a school district levy charged and payable under section 108835
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 108836
an annual sum at least equal to the annual sum levied by the board 108837
in tax year 2004 less the amount of the payment certified under 108838
this division for 2006. 108839

(2) The total taxable value in tax year 2004 less the sum of 108840
the machinery and equipment, inventory, furniture and fixtures, 108841
and telephone property tax value losses in each school district, 108842
joint vocational school district, and local taxing unit multiplied 108843
by one-half of one mill per dollar. 108844

(3) For the calculations in divisions (E)(1) and (2) of this 108845
section, the tax value losses are those that would be calculated 108846
for tax year 2009 under divisions (C)(1), (2), and (3) of this 108847
section and for tax year 2011 under division (C)(4) of this 108848
section. 108849

(4) To facilitate the calculation under divisions (D) and (E) 108850
of this section, not later than September 1, 2005, any school 108851
district, joint vocational school district, or local taxing unit 108852
that has a qualifying levy that was approved at an election 108853
conducted during 2005 before September 1, 2005, shall certify to 108854
the tax commissioner a copy of the county auditor's certificate of 108855
estimated property tax millage for such levy as required under 108856
division (B) of section 5705.03 of the Revised Code, which is the 108857

rate that shall be used in the calculations under such divisions. 108858

If the amount determined under division (E) of this section 108859
for any school district, joint vocational school district, or 108860
local taxing unit is greater than zero, that amount shall equal 108861
the reimbursement to be paid pursuant to division (E) of section 108862
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 108863
and the one-half of one mill that is subtracted under division 108864
(E)(2) of this section shall be apportioned among all contributing 108865
fixed-sum levies in the proportion that each levy bears to the sum 108866
of all fixed-sum levies within each school district, joint 108867
vocational school district, or local taxing unit. 108868

(F) If a school district levies a tax under section 5705.219 108869
of the Revised Code, the fixed-rate levy loss for qualifying 108870
levies, to the extent repealed under that section, shall equal the 108871
sum of the following amounts in lieu of the amounts computed for 108872
such levies under division (D) of this section: 108873

(1) The sum of the rates of qualifying levies to the extent 108874
so repealed multiplied by the sum of the machinery and equipment, 108875
inventory, and furniture and fixtures tax value losses for 2009 as 108876
determined under that division; 108877

(2) The sum of the rates of qualifying levies to the extent 108878
so repealed multiplied by the telephone property tax value loss 108879
for 2011 as determined under that division. 108880

The fixed-rate levy losses for qualifying levies to the 108881
extent not repealed under section 5705.219 of the Revised Code 108882
shall be as determined under division (D) of this section. The 108883
revised fixed-rate levy losses determined under this division and 108884
division (D) of this section first apply in the year following the 108885
first year the district levies the tax under section 5705.219 of 108886
the Revised Code. 108887

(G) Not later than October 1, 2005, the tax commissioner 108888

shall certify to the department of education for every school 108889
district and joint vocational school district the machinery and 108890
equipment, inventory, furniture and fixtures, and telephone 108891
property tax value losses determined under division (C) of this 108892
section, the machinery and equipment, inventory, furniture and 108893
fixtures, and telephone fixed-rate levy losses determined under 108894
division (D) of this section, and the fixed-sum levy losses 108895
calculated under division (E) of this section. The calculations 108896
under divisions (D) and (E) of this section shall separately 108897
display the levy loss for each levy eligible for reimbursement. 108898

(H) Not later than October 1, 2005, the tax commissioner 108899
shall certify the amount of the fixed-sum levy losses to the 108900
county auditor of each county in which a school district, joint 108901
vocational school district, or local taxing unit with a fixed-sum 108902
levy loss reimbursement has territory. 108903

(I) Not later than the twenty-eighth day of February each 108904
year beginning in 2011 and ending in 2014, the tax commissioner 108905
shall certify to the department of education for each school 108906
district first levying a tax under section 5705.219 of the Revised 108907
Code in the preceding year the revised fixed-rate levy losses 108908
determined under divisions (D) and (F) of this section. 108909

(J)(1) There is hereby created in the state treasury the 108910
commercial activity tax motor fuel receipts fund. 108911

(2)(a) On or before June 15, 2014, the director of the Ohio 108912
public works commission shall certify to the director of budget 108913
and management the amount of debt service paid from the general 108914
revenue fund in fiscal years 2013 and 2014 on bonds issued to 108915
finance or assist in the financing of the cost of local 108916
subdivision public infrastructure capital improvement projects, as 108917
provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio 108918
Constitution, that are attributable to costs for construction, 108919
reconstruction, maintenance, or repair of public highways and 108920

bridges and other statutory highway purposes. That certification shall allocate the total amount of debt service paid from the general revenue fund and attributable to those costs in each of fiscal years 2013 and 2014 according to the applicable section of the Ohio Constitution under which the bonds were originally issued.

(b) On or before June 30, 2014, the director of budget and management shall determine an amount up to but not exceeding the amount certified under division (J)(2)(a) of this section and shall reserve that amount from the cash balance in the commercial activity tax motor fuel receipts fund for transfer to the general revenue fund at times and in amounts to be determined by the director. The director shall transfer the cash balance in the commercial activity tax motor fuel receipts fund in excess of the amount so reserved to the highway operating fund on or before June 30, 2014.

(3)(a) On or before the fifteenth day of June of each fiscal year beginning with fiscal year 2015, the director of the Ohio public works commission shall certify to the director of budget and management the amount of debt service paid from the general revenue fund in the current fiscal year on bonds issued to finance or assist in the financing of the cost of local subdivision public infrastructure capital improvement projects, as provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that are attributable to costs for construction, reconstruction, maintenance, or repair of public highways and bridges and other statutory highway purposes. That certification shall allocate the total amount of debt service paid from the general revenue fund and attributable to those costs in the current fiscal year according to the applicable section of the Ohio Constitution under which the bonds were originally issued.

(b) On or before the thirtieth day of June of each fiscal

year beginning with fiscal year 2015, the director of budget and 108953
management shall determine an amount up to but not exceeding the 108954
amount certified under division (J)(3)(a) of this section and 108955
shall reserve that amount from the cash balance in the petroleum 108956
activity tax public highways fund or the commercial activity tax 108957
motor fuel receipts fund for transfer to the general revenue fund 108958
at times and in amounts to be determined by the director. The 108959
director shall transfer the cash balance in the petroleum activity 108960
tax public highways fund or the commercial activity tax motor fuel 108961
receipts fund in excess of the amount so reserved to the highway 108962
operating fund on or before the thirtieth day of June of the 108963
current fiscal year. 108964

Sec. 5751.21. ~~(A) No determinations, computations,~~ 108965
~~certifications, or payments shall be made under this section after~~ 108966
~~June 30, 2015.~~ 108967

(A) Not later than the thirtieth day of July of 2007 through 108968
2010, the department of education shall consult with the director 108969
of budget and management and determine the following for each 108970
school district and each joint vocational school district eligible 108971
for payment under division (B) of this section: 108972

(1) The state education aid offset, which, except as provided 108973
in division (A)(1)(c) of this section, is the difference obtained 108974
by subtracting the amount described in division (A)(1)(b) of this 108975
section from the amount described in division (A)(1)(a) of this 108976
section: 108977

(a) The state education aid computed for the school district 108978
or joint vocational school district for the current fiscal year as 108979
of the thirtieth day of July; 108980

(b) The state education aid that would be computed for the 108981
school district or joint vocational school district for the 108982
current fiscal year as of the thirtieth day of July if the 108983

valuation used in the calculation in division (B)(1) of section 108984
3306.13 of the Revised Code as that division existed for fiscal 108985
years 2010 and 2011 included the machinery and equipment, 108986
inventory, furniture and fixtures, and telephone property tax 108987
value losses for the school district or joint vocational school 108988
district for the second preceding tax year, and if taxes charged 108989
and payable associated with the tax value losses are accounted for 108990
in any state education aid computation dependent on taxes charged 108991
and payable. 108992

(c) The state education aid offset for fiscal year 2010 and 108993
fiscal year 2011 equals the greater of the state education aid 108994
offset calculated for that fiscal year under divisions (A)(1)(a) 108995
and (b) of this section and the state education aid offset 108996
calculated for fiscal year 2009. For fiscal ~~year~~ years 2012 and 108997
2013, the state education aid offset equals the state education 108998
aid offset for fiscal year 2011. 108999

(2) For fiscal years 2008 through 2011, the greater of zero 109000
or the difference obtained by subtracting the state education aid 109001
offset determined under division (A)(1) of this section from the 109002
sum of the machinery and equipment fixed-rate levy loss, the 109003
inventory fixed-rate levy loss, furniture and fixtures fixed-rate 109004
levy loss, and telephone property fixed-rate levy loss certified 109005
under divisions (G) and (I) of section 5751.20 of the Revised Code 109006
for all taxing districts in each school district and joint 109007
vocational school district for the second preceding tax year. 109008

By the thirtieth day of July of each such year, the 109009
department of education and the director of budget and management 109010
shall agree upon the amount to be determined under division (A)(1) 109011
of this section. 109012

(B) On or before the thirty-first day of August of 2008, 109013
2009, and 2010, the department of education shall recalculate the 109014
offset described under division (A) of this section for the 109015

previous fiscal year and recalculate the payments made under 109016
division (C) of this section in the preceding fiscal year using 109017
the offset calculated under this division. If the payments 109018
calculated under this division differ from the payments made under 109019
division (C) of this section in the preceding fiscal year, the 109020
difference shall either be paid to a school district or recaptured 109021
from a school district through an adjustment at the same times 109022
during the current fiscal year that the payments under division 109023
(C) of this section are made. In August and October of the current 109024
fiscal year, the amount of each adjustment shall be three-sevenths 109025
of the amount calculated under this division. In May of the 109026
current fiscal year, the adjustment shall be one-seventh of the 109027
amount calculated under this division. 109028

(C) The department of education shall pay from the school 109029
district tangible property tax replacement fund to each school 109030
district and joint vocational school district all of the following 109031
for fixed-rate levy losses certified under divisions (G) and (I) 109032
of section 5751.20 of the Revised Code: 109033

(1) On or before May 31, 2006, one-seventh of the total 109034
fixed-rate levy loss for tax year 2006; 109035

(2) On or before August 31, 2006, and October 31, 2006, 109036
one-half of six-sevenths of the total fixed-rate levy loss for tax 109037
year 2006; 109038

(3) On or before May 31, 2007, one-seventh of the total 109039
fixed-rate levy loss for tax year 2007; 109040

(4) On or before August 31, 2007, and October 31, 2007, 109041
forty-three per cent of the amount determined under division 109042
(A)(2) of this section for fiscal year 2008, but not less than 109043
zero, plus one-half of six-sevenths of the difference between the 109044
total fixed-rate levy loss for tax year 2007 and the total 109045
fixed-rate levy loss for tax year 2006. 109046

(5) On or before May 31, 2008, fourteen per cent of the
amount determined under division (A)(2) of this section for fiscal
year 2008, but not less than zero, plus one-seventh of the
difference between the total fixed-rate levy loss for tax year
2008 and the total fixed-rate levy loss for tax year 2006.

109047
109048
109049
109050
109051

(6) On or before August 31, 2008, and October 31, 2008,
forty-three per cent of the amount determined under division
(A)(2) of this section for fiscal year 2009, but not less than
zero, plus one-half of six-sevenths of the difference between the
total fixed-rate levy loss in tax year 2008 and the total
fixed-rate levy loss in tax year 2007.

109052
109053
109054
109055
109056
109057

(7) On or before May 31, 2009, fourteen per cent of the
amount determined under division (A)(2) of this section for fiscal
year 2009, but not less than zero, plus one-seventh of the
difference between the total fixed-rate levy loss for tax year
2009 and the total fixed-rate levy loss for tax year 2007.

109058
109059
109060
109061
109062

(8) On or before August 31, 2009, and October 31, 2009,
forty-three per cent of the amount determined under division
(A)(2) of this section for fiscal year 2010, but not less than
zero, plus one-half of six-sevenths of the difference between the
total fixed-rate levy loss in tax year 2009 and the total
fixed-rate levy loss in tax year 2008.

109063
109064
109065
109066
109067
109068

(9) On or before May 31, 2010, fourteen per cent of the
amount determined under division (A)(2) of this section for fiscal
year 2010, but not less than zero, plus one-seventh of the
difference between the total fixed-rate levy loss in tax year 2010
and the total fixed-rate levy loss in tax year 2008.

109069
109070
109071
109072
109073

(10) On or before August 31, 2010, and October 31, 2010,
forty-three per cent of the amount determined under division
(A)(2) of this section for fiscal year 2011, but not less than
zero, plus one-half of six-sevenths of the difference between the

109074
109075
109076
109077

telephone property fixed-rate levy loss for tax year 2010 and the 109078
telephone property fixed-rate levy loss for tax year 2009. 109079

(11) On or before May 31, 2011, fourteen per cent of the 109080
amount determined under division (A)(2) of this section for fiscal 109081
year 2011, but not less than zero, plus one-seventh of the 109082
difference between the telephone property fixed-rate levy loss for 109083
tax year 2011 and the telephone property fixed-rate levy loss for 109084
tax year 2009. 109085

(12) For fiscal years 2012 and thereafter, the sum of the 109086
amounts in divisions (C)(12)(a) or (b) and (c) of this section 109087
shall be paid on or before the last day of November and the last 109088
day of May: 109089

(a) If the ratio of current expense TPP allocation to total 109090
resources is equal to or less than the threshold per cent, zero; 109091

(b) If the ratio of current expense TPP allocation to total 109092
resources is greater than the threshold per cent, fifty per cent 109093
of the difference of current expense TPP allocation minus the 109094
product of total resources multiplied by the threshold per cent; 109095

(c) Fifty per cent of the product of non-current expense TPP 109096
allocation multiplied by seventy-five per cent for fiscal year 109097
2012 and fifty per cent for fiscal years 2013 and thereafter. 109098

The department of education shall report to each school 109099
district and joint vocational school district the apportionment of 109100
the payments among the school district's or joint vocational 109101
school district's funds based on the certifications under 109102
divisions (G) and (I) of section 5751.20 of the Revised Code. 109103

(D) For taxes levied within the ten-mill limitation for debt 109104
purposes in tax year 2005, payments shall be made equal to one 109105
hundred per cent of the loss computed as if the tax were a 109106
fixed-rate levy, but those payments shall extend from fiscal year 109107
2006 through fiscal year 2018, as long as the qualifying levy 109108

continues to be used for debt purposes. If the purpose of such a
qualifying levy is changed, that levy becomes subject to the
payments determined in division (C) of this section.

(E)(1) Not later than January 1, 2006, for each fixed-sum
levy of each school district or joint vocational school district
and for each year for which a determination is made under division
(E) of section 5751.20 of the Revised Code that a fixed-sum levy
loss is to be reimbursed, the tax commissioner shall certify to
the department of education the fixed-sum levy loss determined
under that division. The certification shall cover a time period
sufficient to include all fixed-sum levies for which the
commissioner made such a determination. On or before the last day
of May of the current year, the department shall pay from the
school district property tax replacement fund to the school
district or joint vocational school district one-third of the
fixed-sum levy loss so certified, plus one-third of the amount
certified under division (I) of section 5751.20 of the Revised
Code, and on or before the last day of November, two-thirds of the
fixed-sum levy loss so certified, plus two-thirds of the amount
certified under division (I) of section 5751.20 of the Revised
Code. Payments under this division of the amounts certified under
division (I) of section 5751.20 of the Revised Code shall continue
until the levy adopted under section 5705.219 of the Revised Code
expires.

(2) Beginning in 2006, by the first day of January of each
year, the tax commissioner shall review the certification
originally made under division (E)(1) of this section. If the
commissioner determines that a debt levy that had been scheduled
to be reimbursed in the current year has expired, a revised
certification for that and all subsequent years shall be made to
the department of education.

(F) Beginning in September 2007 and through June 2013, the

director of budget and management shall transfer from the school 109141
district tangible property tax replacement fund to the general 109142
revenue fund each of the following: 109143

(1) On the first day of September, one-fourth of the amount 109144
determined for that fiscal year under division (A)(1) of this 109145
section; 109146

(2) On the first day of December, one-fourth of the amount 109147
determined for that fiscal year under division (A)(1) of this 109148
section; 109149

(3) On the first day of March, one-fourth of the amount 109150
determined for that fiscal year under division (A)(1) of this 109151
section; 109152

(4) On the first day of June, one-fourth of the amount 109153
determined for that fiscal year under division (A)(1) of this 109154
section. 109155

If, when a transfer is required under division (F)(1), (2), 109156
(3), or (4) of this section, there is not sufficient money in the 109157
school district tangible property tax replacement fund to make the 109158
transfer in the required amount, the director shall transfer the 109159
balance in the fund to the general revenue fund and may make 109160
additional transfers on later dates as determined by the director 109161
in a total amount that does not exceed one-fourth of the amount 109162
determined for the fiscal year. 109163

(G) If the total amount in the school district tangible 109164
property tax replacement fund is insufficient to make all payments 109165
under divisions (C), (D), and (E) of this section at the times the 109166
payments are to be made, the director of budget and management 109167
shall transfer from the general revenue fund to the school 109168
district tangible property tax replacement fund the difference 109169
between the total amount to be paid and the amount in the school 109170
district tangible property tax replacement fund. 109171

(H) On the fifteenth day of June of each year, the director
of budget and management may transfer any balance in the school
district tangible property tax replacement fund to the general
revenue fund.

(I) If all of the territory of a school district or joint
vocational school district is merged with another district, or if
a part of the territory of a school district or joint vocational
school district is transferred to an existing or newly created
district, the department of education, in consultation with the
tax commissioner, shall adjust the payments made under this
section as follows:

(1) For a merger of two or more districts, the fixed-sum levy
losses, total resources, current expense TPP allocation, total TPP
allocation, and non-current expense TPP allocation of the
successor district shall be the sum of such items for each of the
districts involved in the merger.

(2) If property is transferred from one district to a
previously existing district, the amount of total resources,
current expense TPP allocation, total TPP allocation, and
non-current expense TPP allocation that shall be transferred to
the recipient district shall be an amount equal to total
resources, current expense TPP allocation, total TPP allocation,
and non-current expense TPP allocation of the transferor district
times a fraction, the numerator of which is the number of pupils
being transferred to the recipient district, measured, in the case
of a school district, by formula ADM as that term is defined in
section 3317.02 of the Revised Code or, in the case of a joint
vocational school district, by formula ADM as defined for a joint
vocational school district in that section, and the denominator of
which is the formula ADM of the transferor district.

(3) After December 31, 2010, if property is transferred from
one or more districts to a district that is newly created out of

the transferred property, the newly created district shall be 109204
deemed not to have any total resources, current expense TPP 109205
allocation, total TPP allocation, or non-current expense TPP 109206
allocation. 109207

(4) If the recipient district under division (I)(2) of this 109208
section or the newly created district under division (I)(3) of 109209
this section is assuming debt from one or more of the districts 109210
from which the property was transferred and any of the districts 109211
losing the property had fixed-sum levy losses, the department of 109212
education, in consultation with the tax commissioner, shall make 109213
an equitable division of the fixed-sum levy loss reimbursements. 109214

Sec. 5751.22. ~~(A) No determinations, computations,~~ 109215
~~certifications, or payments shall be made under this section after~~ 109216
~~June 30, 2015.~~ 109217

~~(A)~~ Not later than January 1, 2006, the tax commissioner 109218
shall compute the payments to be made to each local taxing unit, 109219
and to each public library that receives the proceeds of a tax 109220
levied under section 5705.23 of the Revised Code, for each year 109221
according to divisions (A)(1), (2), (3), and (4) of this section 109222
as this section existed on that date, and shall distribute the 109223
payments in the manner prescribed by division (C) of this section. 109224
The calculation of the fixed-sum levy loss shall cover a time 109225
period sufficient to include all fixed-sum levies for which the 109226
commissioner determined, pursuant to division (E) of section 109227
5751.20 of the Revised Code, that a fixed-sum levy loss is to be 109228
reimbursed. 109229

(1) Except as provided in division (A)(3) of this section, 109230
for fixed-rate levy losses determined under division (D) of 109231
section 5751.20 of the Revised Code, payments shall be made in an 109232
amount equal to the following: 109233

(a) For tax years 2006 through 2010, one hundred per cent of 109234

such losses; 109235

(b) For the payment in tax year 2011 to be made on or before 109236
the twentieth day of November, the sum of the amount in division 109237
(A)(1)(b)(i) or (ii) and division (A)(1)(b)(iii) of this section: 109238

(i) If the ratio of six-sevenths of the TPP allocation to 109239
total resources is equal to or less than the threshold per cent, 109240
zero; 109241

(ii) If the ratio of six-sevenths of the TPP allocation to 109242
total resources is greater than the threshold per cent, the 109243
difference of six-sevenths of the TPP allocation minus the product 109244
of total resources multiplied by the threshold per cent; 109245

(iii) In the case of a municipal corporation, six-sevenths of 109246
the product of the non-current expense TPP allocation multiplied 109247
by seventy-five per cent. 109248

(c) For tax years 2012 and thereafter, the sum of the amount 109249
in division (A)(1)(c)(i) or (ii) and division (A)(1)(c)(iii) of 109250
this section: 109251

(i) If the ratio of TPP allocation to total resources is 109252
equal to or less than the threshold per cent, zero; 109253

(ii) If the ratio of TPP allocation to total resources is 109254
greater than the threshold per cent, the TPP allocation minus the 109255
product of total resources multiplied by the threshold per cent; 109256

(iii) In the case of a municipal corporation, non-current 109257
expense TPP allocation multiplied by fifty per cent for tax year 109258
2012 and twenty-five per cent for tax years 2013 and thereafter; 109259

(d) For tax years 2012 and thereafter, in the case of a 109260
county, school district, municipal corporation, or township public 109261
library, the amount in division (A)(1)(d)(i) or (ii) of this 109262
section: 109263

(i) If the ratio of TPP allocation for library purposes to 109264

total library resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of TPP allocation for library purposes to total library resources is greater than the threshold per cent, the TPP allocation for library purposes minus the product of total library resources multiplied by the threshold per cent.

(2) For fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code, payments shall be made in the amount of one hundred per cent of the fixed-sum levy loss for payments required to be made in 2006 through 2011, except that no payments shall be made for qualifying levies that have expired. For payments required to be made in 2012 and thereafter, payments shall be made in the amount of fifty per cent of the fixed-sum levy loss until the qualifying levy has expired.

(3) For taxes levied within the ten-mill limitation or pursuant to a municipal charter for debt purposes in tax year 2005, payments shall be made based on the schedule in division (A)(1) of this section for each of the calendar years 2006 through 2010. For each of the calendar years 2011 through 2017, the percentages for calendar year 2010 shall be used for taxes levied within the ten-mill limitation or pursuant to a municipal charter for debt purposes in tax year 2010, as long as such levies continue to be used for debt purposes. If the purpose of such a qualifying levy is changed, that levy becomes subject to the payment schedules in divisions (A)(1)(a) to (h) of this section. No payments shall be made for such levies after calendar year 2017. For the purposes of this division, taxes levied pursuant to a municipal charter refer to taxes levied pursuant to a provision of a municipal charter that permits the tax to be levied without prior voter approval.

(B) Beginning in 2007, by the thirty-first day of January of each year, the tax commissioner shall review the calculation

originally made under division (A) of this section of the 109297
fixed-sum levy losses determined under division (E) of section 109298
5751.20 of the Revised Code. If the commissioner determines that a 109299
fixed-sum levy that had been scheduled to be reimbursed in the 109300
current year has expired, a revised calculation for that and all 109301
subsequent years shall be made. 109302

(C) Payments to local taxing units and public libraries 109303
required to be made under division (A) of this section shall be 109304
paid from the local government tangible property tax replacement 109305
fund to the county undivided income tax fund in the proper county 109306
treasury. From May 2006 through November 2010, one-seventh of the 109307
amount determined under that division shall be paid by the last 109308
day of May each year, and three-sevenths shall be paid by the last 109309
day of August and October each year. From May 2011 through 109310
November 2013, one-seventh of the amount determined under that 109311
division shall be paid on or before the last day of May each year, 109312
and six-sevenths shall be paid on or before the thirtieth day of 109313
November each year, except that in November 2011, the payment 109314
shall equal one hundred per cent of the amount calculated for that 109315
payment. Beginning in May 2014, one-half of the amount determined 109316
under that division shall be paid on or before the last day of May 109317
each year, and one-half shall be paid on or before the thirtieth 109318
day of November each year. Within thirty days after receipt of 109319
such payments, the county treasurer shall distribute amounts 109320
determined under division (A) of this section to the proper local 109321
taxing unit or public library as if they had been levied and 109322
collected as taxes, and the local taxing unit or public library 109323
shall apportion the amounts so received among its funds in the 109324
same proportions as if those amounts had been levied and collected 109325
as taxes. 109326

(D) For each of the fiscal years 2006 through 2018, if the 109327
total amount in the local government tangible property tax 109328

replacement fund is insufficient to make all payments under 109329
division (C) of this section at the times the payments are to be 109330
made, the director of budget and management shall transfer from 109331
the general revenue fund to the local government tangible property 109332
tax replacement fund the difference between the total amount to be 109333
paid and the amount in the local government tangible property tax 109334
replacement fund. For each fiscal year after 2018, at the time 109335
payments under division (A)(2) of this section are to be made, the 109336
director of budget and management shall transfer from the general 109337
revenue fund to the local government property tax replacement fund 109338
the amount necessary to make such payments. 109339

(E) On the fifteenth day of June of each year from 2006 109340
through 2018, the director of budget and management may transfer 109341
any balance in the local government tangible property tax 109342
replacement fund to the general revenue fund. 109343

(F) If all or a part of the territories of two or more local 109344
taxing units are merged, or unincorporated territory of a township 109345
is annexed by a municipal corporation, the tax commissioner shall 109346
adjust the payments made under this section to each of the local 109347
taxing units in proportion to the square mileage of the merged or 109348
annexed territory as a percentage of the total square mileage of 109349
the jurisdiction from which the territory originated, or as 109350
otherwise provided by a written agreement between the legislative 109351
authorities of the local taxing units certified to the 109352
commissioner not later than the first day of June of the calendar 109353
year in which the payment is to be made. 109354

Sec. 5751.50. (A) For tax periods beginning on or after 109355
January 1, 2008, a refundable credit granted by the tax credit 109356
authority under section 122.17 or former division (B)(2) or (3) of 109357
section 122.171 of the Revised Code, as those divisions existed 109358
before the effective date of the amendment of this section by H.B. 109359

64 of the 131st general assembly, may be claimed under this 109360
chapter in the order required under section 5751.98 of the Revised 109361
Code. For purposes of making tax payments under this chapter, 109362
taxes equal to the amount of the refundable credit shall be 109363
considered to be paid to this state on the first day of the tax 109364
period. A credit claimed in calendar year 2008 may not be applied 109365
against the tax otherwise due for a tax period beginning before 109366
July 1, 2008. The refundable credit shall not be claimed against 109367
the tax otherwise due for any tax period beginning after the date 109368
on which a relocation of employment positions occurs in violation 109369
of an agreement entered into under section 122.17 or 122.171 of 109370
the Revised Code. 109371

(B) For tax periods beginning on or after January 1, 2008, a 109372
nonrefundable credit granted by the tax credit authority under 109373
division (B)~~(1)~~ of section 122.171 of the Revised Code may be 109374
claimed under this chapter in the order required under section 109375
5751.98 of the Revised Code. A credit claimed in calendar year 109376
2008 may not be applied against the tax otherwise due under this 109377
chapter for a tax period beginning before July 1, 2008. The credit 109378
shall not be claimed against the tax otherwise due for any tax 109379
period beginning after the date on which a relocation of 109380
employment positions occurs in violation of an agreement entered 109381
into under section 122.17 or 122.171 of the Revised Code. No 109382
credit shall be allowed under this chapter if the credit was 109383
available against the tax imposed by section 5733.06 or 5747.02 of 109384
the Revised Code, except to the extent the credit was not applied 109385
against such tax. 109386

Sec. 5902.02. The duties of the director of veterans services 109387
shall include the following: 109388

(A) Furnishing the veterans service commissions of all 109389
counties of the state copies of the state laws, rules, and 109390

legislation relating to the operation of the commissions and their	109391
offices;	109392
(B) Upon application, assisting the general public in	109393
obtaining records of vital statistics pertaining to veterans or	109394
their dependents;	109395
(C) Adopting rules pursuant to Chapter 119. of the Revised	109396
Code pertaining to minimum qualifications for hiring, certifying,	109397
and accrediting county veterans service officers, pertaining to	109398
their required duties, and pertaining to revocation of the	109399
certification of county veterans service officers;	109400
(D) Adopting rules pursuant to Chapter 119. of the Revised	109401
Code for the education, training, certification, and duties of	109402
veterans service commissioners and for the revocation of the	109403
certification of a veterans service commissioner;	109404
(E) Developing and monitoring programs and agreements	109405
enhancing employment and training for veterans in single or	109406
multiple county areas;	109407
(F) Developing and monitoring programs and agreements to	109408
enable county veterans service commissions to address	109409
homelessness, indigency, and other veteran-related issues	109410
individually or jointly;	109411
(G) Developing and monitoring programs and agreements to	109412
enable state agencies, individually or jointly, that provide	109413
services to veterans, including the veterans' homes operated under	109414
Chapter 5907. of the Revised Code and the director of job and	109415
family services, to address homelessness, indigency, employment,	109416
and other veteran-related issues;	109417
(H) Establishing and providing statistical reporting formats	109418
and procedures for county veterans service commissions;	109419
(I) Publishing electronically a listing of county veterans	109420

service offices and county veterans service commissioners. The 109421
listing shall include the expiration dates of commission members' 109422
terms of office and the organizations they represent; the names, 109423
addresses, and telephone numbers of county veterans service 109424
offices; and the addresses and telephone numbers of the Ohio 109425
offices and headquarters of state and national veterans service 109426
organizations. 109427

(J) Establishing a veterans advisory committee to advise and 109428
assist the department of veterans services in its duties. Members 109429
shall include a member of the national guard association of the 109430
United States who is a resident of this state, a member of the 109431
military officers association of America who is a resident of this 109432
state, a state representative of congressionally chartered 109433
veterans organizations referred to in section 5901.02 of the 109434
Revised Code, a representative of any other congressionally 109435
chartered state veterans organization that has at least one 109436
veterans service commissioner in the state, three representatives 109437
of the Ohio state association of county veterans service 109438
commissioners, who shall have a combined vote of one, three 109439
representatives of the state association of county veterans 109440
service officers, who shall have a combined vote of one, one 109441
representative of the county commissioners association of Ohio, 109442
who shall be a county commissioner not from the same county as any 109443
of the other county representatives, a representative of the 109444
advisory committee on women veterans, a representative of a labor 109445
organization, and a representative of the office of the attorney 109446
general. The department of veterans services shall submit to the 109447
advisory committee proposed rules for the committee's operation. 109448
The committee may review and revise these proposed rules prior to 109449
submitting them to the joint committee on agency rule review. 109450

(K) Adopting, with the advice and assistance of the veterans 109451
advisory committee, policy and procedural guidelines that the 109452

veterans service commissions shall adhere to in the development 109453
and implementation of rules, policies, procedures, and guidelines 109454
for the administration of Chapter 5901. of the Revised Code. The 109455
department of veterans services shall adopt no guidelines or rules 109456
regulating the purposes, scope, duration, or amounts of financial 109457
assistance provided to applicants pursuant to sections 5901.01 to 109458
5901.15 of the Revised Code. The director of veterans services may 109459
obtain opinions from the office of the attorney general regarding 109460
rules, policies, procedures, and guidelines of the veterans 109461
service commissions and may enforce compliance with Chapter 5901. 109462
of the Revised Code. 109463

(L) Receiving copies of form DD214 filed in accordance with 109464
the director's guidelines adopted under division (L) of this 109465
section from members of veterans service commissions appointed 109466
under section 5901.02 and from county veterans service officers 109467
employed under section 5901.07 of the Revised Code; 109468

(M) Developing and maintaining and improving a resource, such 109469
as a telephone answering point or a web site, by means of which 109470
veterans and their dependents, through a single portal, can access 109471
multiple sources of information and interaction with regard to the 109472
rights of, and the benefits available to, veterans and their 109473
dependents. The director of veterans services may enter into 109474
agreements with state and federal agencies, with agencies of 109475
political subdivisions, with state and local instrumentalities, 109476
and with private entities as necessary to make the resource as 109477
complete as is possible. 109478

(N) Planning, organizing, advertising, and conducting 109479
outreach efforts, such as conferences and fairs, at which veterans 109480
and their dependents may meet, learn about the organization and 109481
operation of the department of veterans services and of veterans 109482
service commissions, and obtain information about the rights of, 109483
and the benefits and services available to, veterans and their 109484

dependents;	109485
(O) Advertising, in print, on radio and television, and	109486
otherwise, the rights of, and the benefits and services available	109487
to, veterans and their dependents;	109488
(P) Developing and advocating improved benefits and services	109489
for, and improved delivery of benefits and services to, veterans	109490
and their dependents;	109491
(Q) Searching for, identifying, and reviewing statutory and	109492
administrative policies that relate to veterans and their	109493
dependents and reporting to the general assembly statutory and	109494
administrative policies that should be consolidated in whole or in	109495
part within the organization of the department of veterans	109496
services to unify funding, delivery, and accounting of statutory	109497
and administrative policy expressions that relate particularly to	109498
veterans and their dependents;	109499
(R) Encouraging veterans service commissions to innovate and	109500
otherwise to improve efficiency in delivering benefits and	109501
services to veterans and their dependents and to report successful	109502
innovations and efficiencies to the director of veterans services;	109503
(S) Publishing and encouraging adoption of successful	109504
innovations and efficiencies veterans service commissions have	109505
achieved in delivering benefits and services to veterans and their	109506
dependents;	109507
(T) Establishing advisory committees, in addition to the	109508
veterans advisory committee established under division (K) of this	109509
section, on veterans issues;	109510
(U) Developing and maintaining a relationship with the United	109511
States department of veterans affairs, seeking optimal federal	109512
benefits and services for Ohio veterans and their dependents, and	109513
encouraging veterans service commissions to maximize the federal	109514
benefits and services to which veterans and their dependents are	109515

entitled; 109516

(V) Developing and maintaining relationships with the several 109517
veterans organizations, encouraging the organizations in their 109518
efforts at assisting veterans and their dependents, and advocating 109519
for adequate state subsidization of the organizations; 109520

(W) Requiring the several veterans organizations that receive 109521
funding from the state annually, not later than the thirtieth day 109522
of July, to report to the director of veterans services and 109523
prescribing the form and content of the report; 109524

(X) Reviewing the reports submitted to the director under 109525
division (W) of this section within thirty days of receipt and 109526
informing the veterans organization of any deficiencies that exist 109527
in the organization's report and that funding will not be released 109528
until the deficiencies have been corrected and a satisfactory 109529
report submitted; 109530

(Y) Advising the director of budget and management when a 109531
report submitted to the director under division (W) of this 109532
section has been reviewed and determined to be satisfactory; 109533

(Z) Furnishing copies of all reports that the director of 109534
veterans services has determined have been submitted 109535
satisfactorily under division (W) of this section to the 109536
chairperson of the finance committees of the general assembly; 109537

(AA) Investigating complaints against county veterans 109538
services commissioners and county veterans service officers if the 109539
director reasonably believes the investigation to be appropriate 109540
and necessary; 109541

(BB) Developing and maintaining a web site that is accessible 109542
by veterans and their dependents and provides a link to the web 109543
site of each state agency that issues a license, certificate, or 109544
other authorization permitting an individual to engage in an 109545
occupation or occupational activity; 109546

(CC) Encouraging state agencies to conduct outreach efforts 109547
through which veterans and their dependents can learn about 109548
available job and education benefits; 109549

(DD) Informing state agencies about changes in statutes and 109550
rules that affect veterans and their dependents; 109551

(EE) Assisting licensing agencies in adopting rules under 109552
section 5903.03 of the Revised Code; 109553

(FF) Administering the provision of grants from the military 109554
injury relief fund under section 5902.05 of the Revised Code; 109555

(GG) Taking any other actions required by this chapter. 109556

Sec. ~~5101.98~~ 5902.05. (A) There is hereby created in the 109557
state treasury the military injury relief fund, which shall 109558
consist of money contributed to it under sections 4503.535 and 109559
5747.113 of the Revised Code, ~~of incentive grants authorized by~~ 109560
~~the "Jobs for Veterans Act," 116 Stat. 2033 (2002),~~ and of 109561
contributions made directly to it. Any person or entity may 109562
contribute directly to the fund in addition to or independently of 109563
the income tax refund contribution system established in section 109564
5747.113 of the Revised Code. 109565

(B) Upon application, the director of ~~job and family~~ veterans 109566
services shall grant money in the fund to individuals injured 109567
while in active service as a member of the armed forces of the 109568
United States while serving ~~under operation Iraqi freedom,~~ 109569
~~operation new dawn, or operation enduring freedom~~ after October 7, 109570
2001, and to individuals diagnosed with post-traumatic stress 109571
disorder while serving, or after having served, ~~in operation Iraqi~~ 109572
~~freedom, operation new dawn, or operation enduring freedom~~ after 109573
October 7, 2001. 109574

(C) An individual who receives a grant under this section is 109575
precluded from receiving additional grants under this section 109576

during the same state fiscal year but is not precluded from being 109577
considered for or receiving other assistance offered by the 109578
department of ~~job and family~~ veterans services. 109579

(D) The director shall adopt rules under Chapter 119. of the 109580
Revised Code establishing: 109581

(1) Forms and procedures by which individuals may apply for a 109582
grant under this section; 109583

(2) Criteria for reviewing, evaluating, and approving or 109584
denying grant applications; 109585

(3) Criteria for determining the amount of grants awarded 109586
under this section; 109587

(4) Definitions and standards applicable to determining 109588
whether an individual meets the requirements established in 109589
division (B) of this section; 109590

(5) The process for appealing eligibility determinations; and 109591

(6) Any other rules necessary to administer the grant program 109592
established in this section. 109593

(E) An eligibility determination, a grant approval, or a 109594
grant denial made under this section may not be appealed under 109595
Chapter 119., ~~section 5101.35~~, or any other provision of the 109596
Revised Code. 109597

Sec. 5903.12. (A) As used in this section: 109598

"Continuing education" means continuing education required of 109599
a licensee by law and includes, but is not limited to, the 109600
continuing education required of licensees under sections 109601
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 109602
4725.16, 4725.51, 4730.14, 4730.49, ~~4731.281~~ 4731.155, 4731.282, 109603
4734.25, 4735.141, 4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 109604
4757.33, 4759.06, 4761.06, and 4763.07 of the Revised Code. 109605

"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.

(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving the application and proper documentation, the licensing agency shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month.

Sec. 5904.01. (A) There is hereby created the Ohio veterans hall of fame. The department of veterans services shall serve as the veterans hall of fame's administrative agent. The veterans hall of fame shall recognize the post-military achievements of outstanding veterans and spotlight all veterans' contributions to the civilian workplace.

(B) The Ohio veterans hall of fame shall have an executive committee composed of thirteen members, all of whom shall be veterans. The director of veterans services shall be an ex officio member. The department of veterans services' veterans advisory committee, the advisory committee on women veterans, the Ohio veterans hall of fame foundation, the Veterans of Foreign Wars, the Disabled American Veterans, the AMVETS, the Vietnam Veterans of America, and the American Legion shall each appoint one member.

The Ohio veterans hall of fame executive committee shall appoint its final four members, one of whom shall be from any

veterans organization that is incorporated in this state and that 109637
is not otherwise represented on the executive committee, one of 109638
whom was inducted into the veterans hall of fame three years 109639
before the current fiscal year, one of whom was inducted into the 109640
veterans hall of fame two years before the current fiscal year, 109641
and one of whom was inducted into the veterans hall of fame one 109642
year before the current fiscal year. 109643

(C) Terms of office of the members of the Ohio veterans hall 109644
of fame executive committee shall be for three years. Each member 109645
shall serve subsequent to the expiration of the member's term 109646
until the member's successor is appointed, or until sixty days has 109647
elapsed, whichever occurs first. No member shall serve more than 109648
two consecutive terms. 109649

(D) All vacancies in the membership of the Ohio veterans hall 109650
of fame executive committee shall be filled in the same manner as 109651
prescribed for original appointments, and the terms of the 109652
appointees shall be limited to the unexpired terms. 109653

(E) The members of the Ohio veterans hall of fame executive 109654
committee shall serve without compensation, but shall be 109655
reimbursed for their actual and necessary expenses incurred in the 109656
performance of their official duties. 109657

(F) The Ohio veterans hall of fame executive committee shall 109658
elect a chairperson and vice-chairperson from its membership. It 109659
shall meet annually to select inductees for the veterans hall of 109660
fame from the persons nominated in a manner prescribed by the 109661
executive committee. The names of selected inductees shall be 109662
submitted to the governor for final approval. The governor shall 109663
provide any final approval within thirty days after the executive 109664
committee submits the names of the selected inductees. The 109665
governor may reject any of the selected inductees for cause, but 109666
shall not make any additions to the list of those inductees. 109667

(G) ~~Except as otherwise provided in this division, all~~ All 109668
state elected officials, members of the general assembly, members 109669
of the Ohio veterans hall of fame foundation, members of the 109670
veterans hall of fame executive committee, members of the 109671
governor's staff, members of the veterans hall of fame staff, and 109672
members of any county veterans service commission, and the 109673
director of veterans services, shall not be eligible for induction 109674
into the veterans hall of fame until two years after ~~they have~~ 109675
~~left their~~ having vacated that position. The executive committee 109676
may waive the ~~two-years requirement~~ two-year moratorium for 109677
~~nominees~~ such a person who is over the age of seventy years of age 109678
and who currently holds such a position or has vacated such a 109679
position. 109680

(H) The Ohio veterans hall of fame executive committee is not 109681
subject to sections 101.82 to 101.87 of the Revised Code. 109682

Sec. 5910.08. There is hereby created in the state treasury 109683
the war orphans scholarship reserve fund. ~~Not later than the first~~ 109684
~~day of July~~ As soon as possible following the end of each fiscal 109685
year, the chancellor of ~~the Ohio board of regents~~ higher education 109686
shall certify to the director of budget and management the 109687
unencumbered balance of the general revenue fund appropriations 109688
made in the immediately preceding fiscal year for purposes of the 109689
war orphans scholarship program created in Chapter 5910. of the 109690
Revised Code. Upon receipt of the certification, the director of 109691
budget and management may transfer an amount not exceeding the 109692
certified amount from the general revenue fund to the war orphans 109693
scholarship reserve fund. Moneys in the war orphans scholarship 109694
reserve fund shall be used to pay scholarship obligations in 109695
excess of the general revenue fund appropriations made for that 109696
purpose. 109697

The director of budget and management may transfer any 109698

unencumbered balance from the war orphans scholarship reserve fund 109699
to the general revenue fund. 109700

If it is determined that general revenue fund appropriations 109701
are insufficient to meet the obligations of the war orphans 109702
scholarship in a fiscal year, the director of budget and 109703
management may transfer funds from the war orphans scholarship 109704
reserve fund to the general revenue fund in order to meet those 109705
obligations. The amount transferred is hereby appropriated. If the 109706
funds transferred from the war orphans scholarship reserve fund 109707
are not needed, the director of budget and management may transfer 109708
the unexpended balance from the general revenue fund back to the 109709
war orphans scholarship reserve fund. 109710

Sec. 5913.12. (A) As used in sections 5913.12 to 5913.14 of 109711
the Revised Code, "infrastructure capital improvement" includes 109712
projects involving buildings, utilities, roadways, runways, 109713
railways, ramps, gates, fencing, and facilities other than 109714
buildings, including new construction, renovations, energy 109715
conservation measures, security upgrades, site preparation, land 109716
acquisition, clearance, demolition, removal, furnishings, 109717
equipment, design, engineering, and planning studies. 109718

(B) There is hereby created under the adjutant general the 109719
Ohio military facilities commission for the purpose of developing 109720
and implementing a program to finance or assist in the financing 109721
of infrastructure capital improvements on military and defense 109722
installations in the state, including but not limited to those 109723
facilities operated by the national aeronautics and space 109724
administration, and the Ohio national guard. 109725

Sec. 5913.13. (A) The Ohio military facilities commission 109726
shall consist of the following members: 109727

(1) Three members appointed by the speaker of the house of 109728

<u>representatives;</u>	109729
<u>(2) Three members appointed by the president of the senate;</u>	109730
<u>(3) Three members appointed by the governor.</u>	109731
<u>(B)(1) Initial appointments to the commission shall be made</u>	109732
<u>not later than December 31, 2015. The appointed members shall</u>	109733
<u>serve four-year terms.</u>	109734
<u>(2) Members may be reappointed to the commission.</u>	109735
<u>(3) Vacancies on the commission shall be filled in the same</u>	109736
<u>manner as the original appointments.</u>	109737
<u>(4) Members serve at the pleasure of, and may be removed for</u>	109738
<u>just cause by, the member's appointing authority.</u>	109739
<u>(C) The adjutant general shall provide administrative</u>	109740
<u>assistance to the commission.</u>	109741
 <u>Sec. 5913.14. (A) The Ohio military facilities commission</u>	109742
<u>shall accept applications for financial assistance under the</u>	109743
<u>program. The financial assistance may be in the form of grants,</u>	109744
<u>loans, and loan guarantees. It may also be provided for rental or</u>	109745
<u>lease payments that enable new construction in support of the</u>	109746
<u>purposes of sections 5913.12 to 5913.14 of the Revised Code.</u>	109747
<u>(B) Upon receipt of an application, the commission shall</u>	109748
<u>examine the proposed infrastructure capital improvement to</u>	109749
<u>determine if it will support the military value of the</u>	109750
<u>installation as described in section 2913 of the "Defense Base</u>	109751
<u>Closure and Realignment Act of 1990," Public Law Number 101-510,</u>	109752
<u>as amended. Only those improvements that meet this condition are</u>	109753
<u>eligible to receive financial assistance under the program.</u>	109754
 <u>Sec. 5919.341. There is hereby created in the state treasury</u>	109755
<u>the national guard scholarship reserve fund. ~~Not later than the~~</u>	109756
<u>~~first day of July~~ As soon as possible following the end of each</u>	109757

fiscal year, the chancellor of ~~the Ohio board of regents~~ higher 109758
education shall certify to the director of budget and management 109759
the unencumbered balance of the general revenue fund 109760
appropriations made in the immediately preceding fiscal year for 109761
purposes of the Ohio national guard scholarship program created 109762
under division (B) of section 5919.34 of the Revised Code. Upon 109763
receipt of the certification, the director of budget and 109764
management may transfer an amount not exceeding the certified 109765
amount from the general revenue fund to the national guard 109766
scholarship reserve fund. Moneys in the national guard scholarship 109767
reserve fund shall be used to pay scholarship obligations in 109768
excess of the general revenue fund appropriations made for that 109769
purpose. ~~Upon request of the chancellor, the director may seek~~ 109770
~~controlling board approval to establish appropriations as~~ 109771
~~necessary.~~ 109772

The director of budget and management may transfer any 109773
unencumbered balance from the national guard scholarship reserve 109774
fund to the general revenue fund. 109775

If it is determined that general revenue fund appropriations 109776
are insufficient to meet the obligations of the national guard 109777
scholarship in a fiscal year, the director of budget and 109778
management may transfer funds from the national guard scholarship 109779
reserve fund to the general revenue fund in order to meet those 109780
obligations. The amount transferred is hereby appropriated. If the 109781
funds transferred from the national guard scholarship reserve fund 109782
are not needed, the director of budget and management may transfer 109783
the unexpended balance from the general revenue fund back to the 109784
national guard scholarship reserve fund. 109785

Sec. 6101.16. When it is determined to let the work relating 109786
to the improvements for which a conservancy district was 109787
established by contract, contracts in amounts to exceed 109788

~~twenty-five~~ fifty thousand dollars shall be advertised after 109789
notice calling for bids has been published once a week for two 109790
consecutive weeks or as provided in section 7.16 of the Revised 109791
Code, with the last publication to occur at least eight days prior 109792
to the date on which bids will be accepted, in a newspaper of 109793
general circulation within the conservancy district where the work 109794
is to be done. If the bids are for a contract for the 109795
construction, demolition, alteration, repair, or reconstruction of 109796
an improvement, the board of directors of the conservancy district 109797
may let the contract to the lowest responsive and most responsible 109798
bidder who meets the requirements of section 153.54 of the Revised 109799
Code. If the bids are for a contract for any other work relating 109800
to the improvements for which a conservancy district was 109801
established, the board of directors of the district may let the 109802
contract to the lowest responsive and most responsible bidder who 109803
gives a good and approved bond, with ample security, conditioned 109804
on the carrying out of the contract. The contract shall be in 109805
writing and shall be accompanied by or refer to plans and 109806
specifications for the work to be done prepared by the chief 109807
engineer. The plans and specifications shall at all times be made 109808
and considered a part of the contract. The contract shall be 109809
approved by the board and signed by the president of the board and 109810
by the contractor and shall be executed in duplicate. In case of 109811
sudden emergency when it is necessary in order to protect the 109812
district, the advertising of contracts may be waived upon the 109813
consent of the board, with the approval of the court or a judge of 109814
the court of common pleas of the county in which the office of the 109815
district is located. 109816

Sec. 6109.21. (A) Except as provided in divisions (I) and (J) 109817
of this section, no person shall operate a public water system in 109818
this state without a license issued by the director of 109819
environmental protection. 109820

(B) A person who proposes to operate a new public water system, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall obtain an initial license from the director. The person shall submit an application for the initial license at least forty-five days prior to commencing the operation of the system.

(C) A license shall expire on the thirtieth day of January in the year following its issuance.

(D) A license shall be renewed annually. A person proposing to continue operating a public water system shall apply for a license renewal at least thirty days prior to the expiration date of the license.

(E) Each application for a license or license renewal shall be accompanied by the appropriate fee established under division (M) of section 3745.11 of the Revised Code. However, an applicant for an initial license who is proposing to operate a new public water system shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year.

(F) Not later than thirty days after receiving a completed application and the appropriate license fee for a license or license renewal for a public water system, the director shall do one of the following:

(1) Issue the license or license renewal for the public water system;

(2) Issue the license or license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;

(3) Deny the license or license renewal if the director finds that the public water system cannot be operated in substantial compliance with this chapter and rules adopted under it.

(G) The director may condition, suspend, or revoke a license 109852
or license renewal issued under this section at any time if the 109853
director finds that the public water system was not or will not be 109854
operated in substantial compliance with this chapter and rules 109855
adopted under it. 109856

(H) The director shall adopt rules in accordance with Chapter 109857
119. of the Revised Code establishing procedures and requirements 109858
governing both of the following: 109859

(1) Information to be included on applications for licenses 109860
and license renewals issued under this section; 109861

(2) The issuance, conditioning, suspension, revocation, and 109862
denial of licenses and license renewals under this section. 109863

(I)(1) As used in division (I) of this section, "church" 109864
means a fellowship of believers, congregation, society, 109865
corporation, convention, or association that is formed primarily 109866
or exclusively for religious purposes and that is not formed or 109867
operated for the private profit of any person. 109868

(2) This section does not apply to a church that operates or 109869
maintains a public water system solely to provide water for that 109870
church or for a campground that is owned by the church and 109871
operated primarily or exclusively for members of the church and 109872
their families. 109873

(J) This section does not apply to any public or nonpublic 109874
school that meets minimum standards of the state board of 109875
education that operates or maintains a public water system solely 109876
to provide water for that school. 109877

(K) The environmental protection agency shall collect well 109878
log filing fees on behalf of the division of ~~soil and~~ water 109879
resources in the department of natural resources in accordance 109880
with section 1521.05 of the Revised Code and rules adopted under 109881
it. The fees shall be submitted to the division quarterly as 109882

provided in those rules. 109883

Sec. 6109.30. (A) There is hereby created in the state 109884
treasury the drinking water protection fund, which shall be 109885
administered by the director of environmental protection. The fund 109886
shall consist of moneys distributed to it and shall be used for 109887
all of the following purposes: 109888

(1) Administration of this chapter and rules adopted under 109889
it; 109890

(2) Administration in this state of the "Safe Drinking Water 109891
Act"; 109892

(3) Provision of technical assistance to public water systems 109893
in this state for the purposes of this chapter and rules adopted 109894
under it; 109895

(4) Special studies conducted by the director for the 109896
monitoring and testing of drinking water quality in this state; 109897

(5) Support of programs for the prevention of contamination 109898
of surface and ground water supplies in this state that are 109899
sources of drinking water. 109900

~~Moneys in the fund shall not be used to meet any state 109901
matching requirements that are necessary to obtain federal grants. 109902~~

(B) The director may expend not more than two hundred 109903
thousand dollars from the fund in each fiscal year for the purpose 109904
of making loans to owners and operators of public water systems 109905
for emergency remediation of threats of contamination to public 109906
water supplies. The director shall not loan more than twenty-five 109907
thousand dollars to the owner or operator of any single public 109908
water system. The director shall adopt, and may amend and rescind, 109909
rules in accordance with Chapter 119. of the Revised Code 109910
establishing application procedures and requirements for those 109911
loans. The rules shall require that an owner or operator receiving 109912

a loan under this division repay the loan to the fund not later than twelve months after receiving it.

Sec. 6111.01. As used in this chapter:

(A) "Pollution" means the placing of any sewage, sludge, sludge materials, industrial waste, or other wastes in any waters of the state.

(B) "Sewage" means any liquid waste containing sludge, sludge materials, or animal or vegetable matter in suspension or solution, and may include household wastes as commonly discharged from residences and from commercial, institutional, or similar facilities.

(C) "Industrial waste" means any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacture, trade, or business, or from the development, processing, or recovery of any natural resource, together with such sewage as is present.

(D) "Other wastes" means garbage, refuse, decayed wood, sawdust, shavings, bark, and other wood debris, lime, sand, ashes, offal, night soil, oil, tar, coal dust, dredged or fill material, or silt, other substances that are not sewage, sludge, sludge materials, or industrial waste, and any other "pollutants" or "toxic pollutants" as defined in the Federal Water Pollution Control Act that are not sewage, sludge, sludge materials, or industrial waste.

(E) "Sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other constructions, devices, appurtenances, and facilities used for collecting or conducting water-borne sewage, industrial waste, or other wastes to a point of disposal or treatment, but does not include plumbing fixtures, building drains and subdrains, building sewers, and building storm

sewers. 109943

(F) "Treatment works" means any plant, disposal field, 109944
lagoon, dam, pumping station, building sewer connected directly to 109945
treatment works, incinerator, or other works used for the purpose 109946
of treating, stabilizing, blending, composting, or holding sewage, 109947
sludge, sludge materials, industrial waste, or other wastes, 109948
except as otherwise defined. 109949

(G) "Disposal system" means a system for disposing of sewage, 109950
sludge, sludge materials, industrial waste, or other wastes and 109951
includes sewerage systems and treatment works. 109952

(H) "Waters of the state" means all streams, lakes, ponds, 109953
marshes, watercourses, waterways, wells, springs, irrigation 109954
systems, drainage systems, and other bodies or accumulations of 109955
water, surface and underground, natural or artificial, regardless 109956
of the depth of the strata in which underground water is located, 109957
that are situated wholly or partly within, or border upon, this 109958
state, or are within its jurisdiction, except those private waters 109959
that do not combine or effect a junction with natural surface or 109960
underground waters. 109961

(I) "Person" means the state, any municipal corporation, any 109962
other political subdivision of the state, any person as defined in 109963
section 1.59 of the Revised Code, any interstate body created by 109964
compact, or the federal government or any department, agency, or 109965
instrumentality thereof. 109966

(J) "Industrial water pollution control facility" means any 109967
disposal system or any treatment works, pretreatment works, 109968
appliance, equipment, machinery, pipeline or conduit, pumping 109969
station, force main, or installation constructed, used, or placed 109970
in operation primarily for the purpose of collecting or conducting 109971
industrial waste to a point of disposal or treatment; reducing, 109972
controlling, or eliminating water pollution caused by industrial 109973

waste; or reducing, controlling, or eliminating the discharge into 109974
a disposal system of industrial waste or what would be industrial 109975
waste if discharged into the waters of the state. 109976

(K) "Schedule of compliance" means a schedule of remedial 109977
measures including an enforceable sequence of actions or 109978
operations leading to compliance with standards and rules adopted 109979
under sections 6111.041 and 6111.042 of the Revised Code or 109980
compliance with terms and conditions of permits set under division 109981
(J) of section 6111.03 of the Revised Code. 109982

(L) "Federal Water Pollution Control Act" means the "Federal 109983
Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 109984
U.S.C.A. 1251, as amended by the "Clean Water Act of 1977," 91 109985
Stat. 1566, 33 U.S.C.A. 1251, and all other amendments to that 109986
act. 109987

(M) "Historically channelized watercourse" means the portion 109988
of a watercourse on which an improvement, as defined in divisions 109989
(C)(2) to (4) of section 6131.01 of the Revised Code, was 109990
constructed pursuant to Chapter ~~1515.~~ 940., 6131., or 6133. of the 109991
Revised Code or a similar state law that preceded any of those 109992
chapters and authorized such an improvement. 109993

(N) "Sludge" means sewage sludge and a solid, semi-solid, or 109994
liquid residue that is generated from an industrial wastewater 109995
treatment process and that is applied to land for agronomic 109996
benefit. "Sludge" does not include ash generated during the firing 109997
of sludge in a sludge incinerator, grit and screening generated 109998
during preliminary treatment of sewage in a treatment works, 109999
animal manure, residue generated during treatment of animal 110000
manure, or domestic septage. 110001

(O) "Sludge materials" means solid, semi-solid, or liquid 110002
materials derived from sludge and includes products from a 110003
treatment works that result from the treatment, blending, or 110004

composting of sludge. 110005

(P) "Storage of sludge" means the placement of sludge on land 110006
on which the sludge remains for not longer than two years, but 110007
does not include the placement of sludge on land for treatment. 110008

(Q) "Sludge disposal program" means any program used by an 110009
entity that begins with the generation of sludge and includes 110010
treatment or disposal of the sludge, as "treatment" and "disposal" 110011
are defined in division (Y) of section 3745.11 of the Revised 110012
Code. 110013

(R) "Agronomic benefit" means any process that promotes or 110014
enhances plant growth and includes, but is not limited to, a 110015
process that increases soil fertility and moisture retention. 110016

(S) "Sludge management" means the use, storage, treatment, or 110017
disposal of, and management practices related to, sludge and 110018
sludge materials. 110019

(T) "Sludge management permit" means a permit for sludge 110020
management that is issued under division (J) of section 6111.03 of 110021
the Revised Code. 110022

(U) "Sewage sludge" has the same meaning as in division (Y) 110023
of section 3745.11 of the Revised Code. 110024

Sec. 6111.02. As used in this section and sections 6111.021 110025
to 6111.028 of the Revised Code: 110026

(A) "Category 1 wetland," "category 2 wetland," or "category 110027
3 wetland" means a category 1 wetland, category 2 wetland, or 110028
category 3 wetland, respectively, as described in rule 3745-1-54 110029
of the Administrative Code, as that rule existed on July 17, 2001, 110030
and as determined to be a category 1, category 2, or category 3 110031
wetland, respectively, through application of the "Ohio rapid 110032
assessment method for wetlands version 5.0," including the Ohio 110033
rapid assessment method for wetlands version 5.0 quantitative 110034

score calibration dated August 15, 2000, unless an application for 110035
a section 401 water quality certification was submitted prior to 110036
February 28, 2001, in which case the applicant for the permit may 110037
elect to proceed in accordance with Ohio rapid assessment method 110038
for wetlands version 4.1. 110039

(B) "Creation" means the establishment of a wetland where one 110040
did not formerly exist and that involves wetland construction on 110041
nonhydric soils. 110042

(C) "Enhancement" means activities conducted in an existing 110043
wetland to improve or repair existing or natural wetland functions 110044
and values of that wetland. 110045

(D) "Fill material" means any material that is used to fill 110046
an aquatic area, to replace an aquatic area with dry land, or to 110047
change the bottom elevation of a wetland for any purpose and that 110048
consists of suitable material that is free from toxic contaminants 110049
in other than trace quantities. "Fill material" does not include 110050
either of the following: 110051

(1) Material resulting from normal farming, silviculture, and 110052
ranching activities, such as plowing, cultivating, seeding, and 110053
harvesting, for the production of food, fiber, and forest 110054
products; 110055

(2) Material placed for the purpose of maintenance of 110056
existing structures, including emergency reconstruction of 110057
recently damaged parts of currently serviceable structures such as 110058
dikes, dams, levees, groins, riprap, breakwaters, causeways, and 110059
bridge abutments or approaches, and transportation structures. 110060

(E) "Filling" means the addition of fill material into a 110061
wetland for the purpose of creating upland, changing the bottom 110062
elevation of the wetland, or creating impoundments of water. 110063
"Filling" includes, without limitation, the placement of the 110064
following in wetlands: fill material that is necessary for the 110065

construction of any structure; structures or impoundments 110066
requiring rock, sand, dirt, or other material for its 110067
construction; site-development fills for recreational, industrial, 110068
commercial, residential, or other uses; causeways or road fills; 110069
dams and dikes; artificial islands, property protection, or 110070
reclamation devices such as riprap, groins, seawalls, breakwalls, 110071
and bulkheads and fills; beach nourishment; levees; sanitary 110072
landfills; fill material for structures such as sewage treatment 110073
facilities, intake and outfall pipes associated with power plants, 110074
and underwater utility lines; and artificial reefs. 110075

(F) "Isolated wetland" means a wetland that is not subject to 110076
regulation under the Federal Water Pollution Control Act. 110077

(G) "Mitigation" means the restoration, creation, 110078
enhancement, or, in exceptional circumstances, preservation of 110079
wetlands expressly for the purpose of compensating for wetland 110080
impacts. 110081

(H) "Mitigation bank service area" means the designated area 110082
where a mitigation bank can reasonably be expected to provide 110083
appropriate compensation for impacts to wetlands and other aquatic 110084
resources and that is designated as such in accordance with the 110085
process established in 33 C.F.R. 332.8 and 40 C.F.R. 230.98. 110086

(I) "Off-site mitigation" means wetland restoration, 110087
creation, enhancement, or preservation occurring farther than one 110088
mile from a project boundary, but within the same watershed. 110089

(J) "On-site mitigation" means wetland restoration, creation, 110090
enhancement, or preservation occurring within and not more than 110091
one mile from the project boundary and within the same watershed. 110092

(K) "Practicable" means available and capable of being 110093
executed with existing technology and without significant adverse 110094
effect on the economic feasibility of the project in light of the 110095
overall project purposes and in consideration of the relative 110096

environmental benefit. 110097

(L) "Preservation" means the long-term protection of 110098
ecologically important wetlands ~~in perpetuity~~ through the 110099
implementation of appropriate legal mechanisms to prevent harm to 110100
the wetlands. "Preservation" may include protection of adjacent 110101
upland areas as necessary to ensure protection of a wetland. 110102

(M) "Restoration" means the reestablishment of a previously 110103
existing wetland at a site where it has ceased to exist. 110104

(N) "State isolated wetland permit" means a permit issued in 110105
accordance with sections 6111.02 to 6111.027 of the Revised Code 110106
authorizing the filling of an isolated wetland. 110107

(O) "Watershed" means an eight-digit hydrologic unit. 110108

(P) "Wetlands" means those areas that are inundated or 110109
saturated by surface or ground water at a frequency and duration 110110
that are sufficient to support, and that under normal 110111
circumstances do support, a prevalence of vegetation typically 110112
adapted for life in saturated soil conditions. "Wetlands" includes 110113
swamps, marshes, bogs, and similar areas that are delineated in 110114
accordance with the 1987 United States army corps of engineers 110115
wetland delineation manual and any other procedures and 110116
requirements adopted by the United States army corps of engineers 110117
for delineating wetlands. 110118

(Q) "Wetland mitigation bank" means a site where wetlands 110119
have been restored, created, enhanced, or, in exceptional 110120
circumstances, preserved expressly for the purpose of providing 110121
mitigation for impacts to wetlands and that has been approved in 110122
accordance with the process established in 33 C.F.R. 332.8 and 40 110123
C.F.R. 230.98. 110124

(R) "Eight-digit hydrologic unit" means a common surface 110125
drainage area corresponding to one from the list of thirty-seven 110126
adapted from the forty-four cataloging units as depicted on the 110127

hydrologic unit map of Ohio, United States geological survey, 110128
1988, and as described in division (F)(2) of rule 3745-1-54 of the 110129
Administrative Code or as otherwise shown on map number 1 found in 110130
rule 3745-1-54 of the Administrative Code. "Eight-digit hydrologic 110131
unit" is limited to those parts of the cataloging units that 110132
geographically lie within the borders of this state. 110133

(S) "In-lieu fee mitigation" means a payment made by an 110134
applicant to satisfy a wetland mitigation requirement established 110135
in sections 6111.02 to 6111.027 of the Revised Code. 110136

Sec. 6111.027. (A) Mitigation for impacts to isolated 110137
wetlands under sections 6111.02 to 6111.027 shall be conducted in 110138
accordance with the following ratios: 110139

(1) For category 1 and category 2 isolated wetlands, other 110140
than forested category 2 isolated wetlands, mitigation located at 110141
an approved wetland mitigation bank shall be conducted, or 110142
mitigation shall be paid for under an in-lieu fee mitigation 110143
program, at a rate of two times the size of the area of isolated 110144
wetland that is being impacted. 110145

(2) For forested category 2 isolated wetlands, mitigation 110146
located at an approved wetland mitigation bank shall be conducted, 110147
or mitigation shall be paid for under an in-lieu fee mitigation 110148
program, at a rate of two and one-half times the size of the area 110149
of isolated wetland that is being impacted. 110150

(3) All other mitigation shall be subject to mitigation 110151
ratios established in division (F) of rule 3745-1-54 of the 110152
Administrative Code. 110153

(B) Mitigation that involves the enhancement or preservation 110154
of isolated wetlands shall be calculated and performed in 110155
accordance with rule 3745-1-54 of the Administrative Code. 110156

(C) An applicant for coverage under a general state isolated 110157

wetland permit or for an individual state isolated wetland permit 110158
under sections 6111.022 to 6111.024 of the Revised Code shall 110159
demonstrate that the mitigation site will be protected ~~in~~ 110160
~~perpetuity~~ long term and that appropriate practicable management 110161
measures are, or will be, in place to restrict harmful activities 110162
that jeopardize the mitigation. 110163

Sec. 6111.03. The director of environmental protection may do 110164
any of the following: 110165

(A) Develop plans and programs for the prevention, control, 110166
and abatement of new or existing pollution of the waters of the 110167
state; 110168

(B) Advise, consult, and cooperate with other agencies of the 110169
state, the federal government, other states, and interstate 110170
agencies and with affected groups, political subdivisions, and 110171
industries in furtherance of the purposes of this chapter. Before 110172
adopting, amending, or rescinding a standard or rule pursuant to 110173
division (G) of this section or section 6111.041 or 6111.042 of 110174
the Revised Code, the director shall do all of the following: 110175

(1) Mail notice to each statewide organization that the 110176
director determines represents persons who would be affected by 110177
the proposed standard or rule, amendment thereto, or rescission 110178
thereof at least thirty-five days before any public hearing 110179
thereon; 110180

(2) Mail a copy of each proposed standard or rule, amendment 110181
thereto, or rescission thereof to any person who requests a copy, 110182
within five days after receipt of the request therefor; 110183

(3) Consult with appropriate state and local government 110184
agencies or their representatives, including statewide 110185
organizations of local government officials, industrial 110186
representatives, and other interested persons. 110187

Although the director is expected to discharge these duties 110188
diligently, failure to mail any such notice or copy or to so 110189
consult with any person shall not invalidate any proceeding or 110190
action of the director. 110191

(C) Administer grants from the federal government and from 110192
other sources, public or private, for carrying out any of its 110193
functions, all such moneys to be deposited in the state treasury 110194
and kept by the treasurer of state in a separate fund subject to 110195
the lawful orders of the director; 110196

(D) Administer state grants for the construction of sewage 110197
and waste collection and treatment works; 110198

(E) Encourage, participate in, or conduct studies, 110199
investigations, research, and demonstrations relating to water 110200
pollution, and the causes, prevention, control, and abatement 110201
thereof, that are advisable and necessary for the discharge of the 110202
director's duties under this chapter; 110203

(F) Collect and disseminate information relating to water 110204
pollution and prevention, control, and abatement thereof; 110205

(G) Adopt, amend, and rescind rules in accordance with 110206
Chapter 119. of the Revised Code governing the procedure for 110207
hearings, the filing of reports, the issuance of permits, the 110208
issuance of industrial water pollution control certificates, and 110209
all other matters relating to procedure; 110210

(H) Issue, modify, or revoke orders to prevent, control, or 110211
abate water pollution by such means as the following: 110212

(1) Prohibiting or abating discharges of sewage, industrial 110213
waste, or other wastes into the waters of the state; 110214

(2) Requiring the construction of new disposal systems or any 110215
parts thereof, or the modification, extension, or alteration of 110216
existing disposal systems or any parts thereof; 110217

(3) Prohibiting additional connections to or extensions of a sewerage system when the connections or extensions would result in an increase in the polluting properties of the effluent from the system when discharged into any waters of the state;

(4) Requiring compliance with any standard or rule adopted under sections 6111.01 to 6111.05 of the Revised Code or term or condition of a permit.

In the making of those orders, wherever compliance with a rule adopted under section 6111.042 of the Revised Code is not involved, consistent with the Federal Water Pollution Control Act, the director shall give consideration to, and base the determination on, evidence relating to the technical feasibility and economic reasonableness of complying with those orders and to evidence relating to conditions calculated to result from compliance with those orders, and their relation to benefits to the people of the state to be derived from such compliance in accomplishing the purposes of this chapter.

(I) Review plans, specifications, or other data relative to disposal systems or any part thereof in connection with the issuance of orders, permits, and industrial water pollution control certificates under this chapter;

(J)(1) Issue, revoke, modify, or deny sludge management permits and permits for the discharge of sewage, industrial waste, or other wastes into the waters of the state, and for the installation or modification of disposal systems or any parts thereof in compliance with all requirements of the Federal Water Pollution Control Act and mandatory regulations adopted thereunder, including regulations adopted under section 405 of the Federal Water Pollution Control Act, and set terms and conditions of permits, including schedules of compliance, where necessary. In issuing permits for sludge management, the director shall not allow the placement of sewage sludge on frozen ground in conflict

with rules adopted under this chapter. Any person who discharges, 110250
transports, or handles storm water from an animal feeding 110251
facility, as defined in section 903.01 of the Revised Code, or 110252
pollutants from a concentrated animal feeding operation, as both 110253
terms are defined in that section, is not required to obtain a 110254
permit under division (J)(1) of this section for the installation 110255
or modification of a disposal system involving pollutants or storm 110256
water or any parts of such a system on and after the date on which 110257
the director of agriculture has finalized the program required 110258
under division (A)(1) of section 903.02 of the Revised Code. In 110259
addition, any person who discharges, transports, or handles storm 110260
water from an animal feeding facility, as defined in section 110261
903.01 of the Revised Code, or pollutants from a concentrated 110262
animal feeding operation, as both terms are defined in that 110263
section, is not required to obtain a permit under division (J)(1) 110264
of this section for the discharge of storm water from an animal 110265
feeding facility or pollutants from a concentrated animal feeding 110266
operation on and after the date on which the United States 110267
environmental protection agency approves the NPDES program 110268
submitted by the director of agriculture under section 903.08 of 110269
the Revised Code. 110270

Any permit terms and conditions set by the director shall be 110271
designed to achieve and maintain full compliance with the national 110272
effluent limitations, national standards of performance for new 110273
sources, and national toxic and pretreatment effluent standards 110274
set under that act, and any other mandatory requirements of that 110275
act that are imposed by regulation of the administrator of the 110276
United States environmental protection agency. If an applicant for 110277
a sludge management permit also applies for a related permit for 110278
the discharge of sewage, industrial waste, or other wastes into 110279
the waters of the state, the director may combine the two permits 110280
and issue one permit to the applicant. 110281

A sludge management permit is not required for an entity that
treats or transports sewage sludge or for a sanitary landfill when
all of the following apply:

(a) The entity or sanitary landfill does not generate the
sewage sludge.

(b) Prior to receipt at the sanitary landfill, the entity has
ensured that the sewage sludge meets the requirements established
in rules adopted by the director under section 3734.02 of the
Revised Code concerning disposal of municipal solid waste in a
sanitary landfill.

(c) Disposal of the sewage sludge occurs at a sanitary
landfill that complies with rules adopted by the director under
section 3734.02 of the Revised Code.

As used in division (J)(1) of this section, "sanitary
landfill" means a sanitary landfill facility, as defined in rules
adopted under section 3734.02 of the Revised Code, that is
licensed as a solid waste facility under section 3734.05 of the
Revised Code.

(2) An application for a permit or renewal thereof shall be
denied if any of the following applies:

(a) The secretary of the army determines in writing that
anchorage or navigation would be substantially impaired thereby;

(b) The director determines that the proposed discharge or
source would conflict with an areawide waste treatment management
plan adopted in accordance with section 208 of the Federal Water
Pollution Control Act;

(c) The administrator of the United States environmental
protection agency objects in writing to the issuance or renewal of
the permit in accordance with section 402 (d) of the Federal Water
Pollution Control Act;

(d) The application is for the discharge of any radiological, 110312
chemical, or biological warfare agent or high-level radioactive 110313
waste into the waters of the United States. 110314

(3) To achieve and maintain applicable standards of quality 110315
for the waters of the state adopted pursuant to section 6111.041 110316
of the Revised Code, the director shall impose, where necessary 110317
and appropriate, as conditions of each permit, water quality 110318
related effluent limitations in accordance with sections 301, 302, 110319
306, 307, and 405 of the Federal Water Pollution Control Act and, 110320
to the extent consistent with that act, shall give consideration 110321
to, and base the determination on, evidence relating to the 110322
technical feasibility and economic reasonableness of removing the 110323
polluting properties from those wastes and to evidence relating to 110324
conditions calculated to result from that action and their 110325
relation to benefits to the people of the state and to 110326
accomplishment of the purposes of this chapter. 110327

(4) Where a discharge having a thermal component from a 110328
source that is constructed or modified on or after October 18, 110329
1972, meets national or state effluent limitations or more 110330
stringent permit conditions designed to achieve and maintain 110331
compliance with applicable standards of quality for the waters of 110332
the state, which limitations or conditions will ensure protection 110333
and propagation of a balanced, indigenous population of shellfish, 110334
fish, and wildlife in or on the body of water into which the 110335
discharge is made, taking into account the interaction of the 110336
thermal component with sewage, industrial waste, or other wastes, 110337
the director shall not impose any more stringent limitation on the 110338
thermal component of the discharge, as a condition of a permit or 110339
renewal thereof for the discharge, during a ten-year period 110340
beginning on the date of completion of the construction or 110341
modification of the source, or during the period of depreciation 110342
or amortization of the source for the purpose of section 167 or 110343

169 of the Internal Revenue Code of 1954, whichever period ends 110344
first. 110345

(5) The director shall specify in permits for the discharge 110346
of sewage, industrial waste, and other wastes, the net volume, net 110347
weight, duration, frequency, and, where necessary, concentration 110348
of the sewage, industrial waste, and other wastes that may be 110349
discharged into the waters of the state. The director shall 110350
specify in those permits and in sludge management permits that the 110351
permit is conditioned upon payment of applicable fees as required 110352
by section 3745.11 of the Revised Code and upon the right of the 110353
director's authorized representatives to enter upon the premises 110354
of the person to whom the permit has been issued for the purpose 110355
of determining compliance with this chapter, rules adopted 110356
thereunder, or the terms and conditions of a permit, order, or 110357
other determination. The director shall issue or deny an 110358
application for a sludge management permit or a permit for a new 110359
discharge, for the installation or modification of a disposal 110360
system, or for the renewal of a permit, within one hundred eighty 110361
days of the date on which a complete application with all plans, 110362
specifications, construction schedules, and other pertinent 110363
information required by the director is received. 110364

(6) The director may condition permits upon the installation 110365
of discharge or water quality monitoring equipment or devices and 110366
the filing of periodic reports on the amounts and contents of 110367
discharges and the quality of receiving waters that the director 110368
prescribes. The director shall condition each permit for a 110369
government-owned disposal system or any other "treatment works" as 110370
defined in the Federal Water Pollution Control Act upon the 110371
reporting of new introductions of industrial waste or other wastes 110372
and substantial changes in volume or character thereof being 110373
introduced into those systems or works from "industrial users" as 110374
defined in section 502 of that act, as necessary to comply with 110375

section 402(b)(8) of that act; upon the identification of the 110376
character and volume of pollutants subject to pretreatment 110377
standards being introduced into the system or works; and upon the 110378
existence of a program to ensure compliance with pretreatment 110379
standards by "industrial users" of the system or works. In 110380
requiring monitoring devices and reports, the director, to the 110381
extent consistent with the Federal Water Pollution Control Act, 110382
shall give consideration to technical feasibility and economic 110383
reasonableness and shall allow reasonable time for compliance. 110384

(7) A permit may be issued for a period not to exceed five 110385
years and may be renewed upon application for renewal. In renewing 110386
a permit, the director shall consider the compliance history of 110387
the permit holder and may deny the renewal if the director 110388
determines that the permit holder has not complied with the terms 110389
and conditions of the existing permit. A permit may be modified, 110390
suspended, or revoked for cause, including, but not limited to, 110391
violation of any condition of the permit, obtaining a permit by 110392
misrepresentation or failure to disclose fully all relevant facts 110393
of the permitted discharge or of the sludge use, storage, 110394
treatment, or disposal practice, or changes in any condition that 110395
requires either a temporary or permanent reduction or elimination 110396
of the permitted activity. No application shall be denied or 110397
permit revoked or modified without a written order stating the 110398
findings upon which the denial, revocation, or modification is 110399
based. A copy of the order shall be sent to the applicant or 110400
permit holder by certified mail. 110401

(K) Institute or cause to be instituted in any court of 110402
competent jurisdiction proceedings to compel compliance with this 110403
chapter or with the orders of the director issued under this 110404
chapter, or to ensure compliance with sections 204(b), 307, 308, 110405
and 405 of the Federal Water Pollution Control Act; 110406

(L) Issue, deny, revoke, or modify industrial water pollution 110407

control certificates; 110408

(M) Certify to the government of the United States or any 110409
agency thereof that an industrial water pollution control facility 110410
is in conformity with the state program or requirements for the 110411
control of water pollution whenever the certification may be 110412
required for a taxpayer under the Internal Revenue Code of the 110413
United States, as amended; 110414

(N) Issue, modify, and revoke orders requiring any 110415
"industrial user" of any publicly owned "treatment works" as 110416
defined in sections 212(2) and 502(18) of the Federal Water 110417
Pollution Control Act to comply with pretreatment standards; 110418
establish and maintain records; make reports; install, use, and 110419
maintain monitoring equipment or methods, including, where 110420
appropriate, biological monitoring methods; sample discharges in 110421
accordance with methods, at locations, at intervals, and in a 110422
manner that the director determines; and provide other information 110423
that is necessary to ascertain whether or not there is compliance 110424
with toxic and pretreatment effluent standards. In issuing, 110425
modifying, and revoking those orders, the director, to the extent 110426
consistent with the Federal Water Pollution Control Act, shall 110427
give consideration to technical feasibility and economic 110428
reasonableness and shall allow reasonable time for compliance. 110429

(O) Exercise all incidental powers necessary to carry out the 110430
purposes of this chapter; 110431

(P) Certify or deny certification to any applicant for a 110432
federal license or permit to conduct any activity that may result 110433
in any discharge into the waters of the state that the discharge 110434
will comply with the Federal Water Pollution Control Act; 110435

(Q) Administer and enforce the publicly owned treatment works 110436
pretreatment program in accordance with the Federal Water 110437
Pollution Control Act. In the administration of that program, the 110438

director may do any of the following:	110439
(1) Apply and enforce pretreatment standards;	110440
(2) Approve and deny requests for approval of publicly owned	110441
treatment works pretreatment programs, oversee those programs, and	110442
implement, in whole or in part, those programs under any of the	110443
following conditions:	110444
(a) The director has denied a request for approval of the	110445
publicly owned treatment works pretreatment program;	110446
(b) The director has revoked the publicly owned treatment	110447
works pretreatment program;	110448
(c) There is no pretreatment program currently being	110449
implemented by the publicly owned treatment works;	110450
(d) The publicly owned treatment works has requested the	110451
director to implement, in whole or in part, the pretreatment	110452
program.	110453
(3) Require that a publicly owned treatment works	110454
pretreatment program be incorporated in a permit issued to a	110455
publicly owned treatment works as required by the Federal Water	110456
Pollution Control Act, require compliance by publicly owned	110457
treatment works with those programs, and require compliance by	110458
industrial users with pretreatment standards;	110459
(4) Approve and deny requests for authority to modify	110460
categorical pretreatment standards to reflect removal of	110461
pollutants achieved by publicly owned treatment works;	110462
(5) Deny and recommend approval of requests for fundamentally	110463
different factors variances submitted by industrial users;	110464
(6) Make determinations on categorization of industrial	110465
users;	110466
(7) Adopt, amend, or rescind rules and issue, modify, or	110467
revoke orders necessary for the administration and enforcement of	110468

the publicly owned treatment works pretreatment program. 110469

Any approval of a publicly owned treatment works pretreatment 110470
program may contain any terms and conditions, including schedules 110471
of compliance, that are necessary to achieve compliance with this 110472
chapter. 110473

(R) Except as otherwise provided in this division, adopt 110474
rules in accordance with Chapter 119. of the Revised Code 110475
establishing procedures, methods, and equipment and other 110476
requirements for equipment to prevent and contain discharges of 110477
oil and hazardous substances into the waters of the state. The 110478
rules shall be consistent with and equivalent in scope, content, 110479
and coverage to section 311(j)(1)(c) of the Federal Water 110480
Pollution Control Act and regulations adopted under it. The 110481
director shall not adopt rules under this division relating to 110482
discharges of oil from oil production facilities and oil drilling 110483
and workover facilities as those terms are defined in that act and 110484
regulations adopted under it. 110485

(S)(1) Administer and enforce a program for the regulation of 110486
sludge management in this state. In administering the program, the 110487
director, in addition to exercising the authority provided in any 110488
other applicable sections of this chapter, may do any of the 110489
following: 110490

(a) Develop plans and programs for the disposal and 110491
utilization of sludge and sludge materials; 110492

(b) Encourage, participate in, or conduct studies, 110493
investigations, research, and demonstrations relating to the 110494
disposal and use of sludge and sludge materials and the impact of 110495
sludge and sludge materials on land located in the state and on 110496
the air and waters of the state; 110497

(c) Collect and disseminate information relating to the 110498
disposal and use of sludge and sludge materials and the impact of 110499

sludge and sludge materials on land located in the state and on 110500
the air and waters of the state; 110501

(d) Issue, modify, or revoke orders to prevent, control, or 110502
abate the use and disposal of sludge and sludge materials or the 110503
effects of the use of sludge and sludge materials on land located 110504
in the state and on the air and waters of the state; 110505

(e) Adopt and enforce, modify, or rescind rules necessary for 110506
the implementation of division (S) of this section. The rules 110507
reasonably shall protect public health and the environment, 110508
encourage the beneficial reuse of sludge and sludge materials, and 110509
minimize the creation of nuisance odors. 110510

The director may specify in sludge management permits the net 110511
volume, net weight, quality, and pollutant concentration of the 110512
sludge or sludge materials that may be used, stored, treated, or 110513
disposed of, and the manner and frequency of the use, storage, 110514
treatment, or disposal, to protect public health and the 110515
environment from adverse effects relating to those activities. The 110516
director shall impose other terms and conditions to protect public 110517
health and the environment, minimize the creation of nuisance 110518
odors, and achieve compliance with this chapter and rules adopted 110519
under it and, in doing so, shall consider whether the terms and 110520
conditions are consistent with the goal of encouraging the 110521
beneficial reuse of sludge and sludge materials. 110522

The director may condition permits on the implementation of 110523
treatment, storage, disposal, distribution, or application 110524
management methods and the filing of periodic reports on the 110525
amounts, composition, and quality of sludge and sludge materials 110526
that are disposed of, used, treated, or stored. 110527

An approval of a treatment works sludge disposal program may 110528
contain any terms and conditions, including schedules of 110529
compliance, necessary to achieve compliance with this chapter and 110530

rules adopted under it. 110531

(2) As a part of the program established under division 110532
(S)(1) of this section, the director has exclusive authority to 110533
regulate sewage sludge management in this state. For purposes of 110534
division (S)(2) of this section, that program shall be consistent 110535
with section 405 of the Federal Water Pollution Control Act and 110536
regulations adopted under it and with this section, except that 110537
the director may adopt rules under division (S) of this section 110538
that establish requirements that are more stringent than section 110539
405 of the Federal Water Pollution Control Act and regulations 110540
adopted under it with regard to monitoring sewage sludge and 110541
sewage sludge materials and establishing acceptable sewage sludge 110542
management practices and pollutant levels in sewage sludge and 110543
sewage sludge materials. 110544

This chapter authorizes the state to participate in any 110545
national sludge management program and the national pollutant 110546
discharge elimination system, to administer and enforce the 110547
publicly owned treatment works pretreatment program, and to issue 110548
permits for the discharge of dredged or fill materials, in 110549
accordance with the Federal Water Pollution Control Act. This 110550
chapter shall be administered, consistent with the laws of this 110551
state and federal law, in the same manner that the Federal Water 110552
Pollution Control Act is required to be administered. 110553

(T) Develop technical guidance and offer technical 110554
assistance, upon request, for the purpose of minimizing wind or 110555
water erosion of soil, and assist in compliance with permits for 110556
storm water management issued under this chapter and rules adopted 110557
under it. 110558

(U) Study, examine, and calculate nutrient loading from point 110559
and nonpoint sources in order to determine comparative 110560
contributions by those sources and to utilize the information 110561
derived from those calculations to determine the most 110562

environmentally beneficial and cost-effective mechanisms to reduce 110563
nutrient loading to watersheds in the Lake Erie basin and the Ohio 110564
river basin. In order to evaluate nutrient loading contributions, 110565
the director or the director's designee shall conduct a study of 110566
the nutrient mass balance for both point and nonpoint sources in 110567
watersheds in the Lake Erie basin and the Ohio river basin using 110568
available data, including both of the following: 110569

(1) Data on water quality and stream flow; 110570

(2) Data on point source discharges into those watersheds. 110571

The director or the director's designee shall report and 110572
update the results of the study to coincide with the release of 110573
the Ohio integrated water quality monitoring and assessment report 110574
prepared by the director. 110575

This section does not apply to residual farm products and 110576
manure disposal systems and related management and conservation 110577
practices subject to rules adopted pursuant to division (E)(1) of 110578
section ~~1511.02~~ 939.02 of the Revised Code. For purposes of this 110579
exclusion, "residual farm products" and "manure" have the same 110580
meanings as in section ~~1511.01~~ 939.01 of the Revised Code. 110581
However, until the date on which the United States environmental 110582
protection agency approves the NPDES program submitted by the 110583
director of agriculture under section 903.08 of the Revised Code, 110584
this exclusion does not apply to animal waste treatment works 110585
having a controlled direct discharge to the waters of the state or 110586
any concentrated animal feeding operation, as defined in 40 C.F.R. 110587
122.23(b)(2). On and after the date on which the United States 110588
environmental protection agency approves the NPDES program 110589
submitted by the director of agriculture under section 903.08 of 110590
the Revised Code, this section does not apply to storm water from 110591
an animal feeding facility, as defined in section 903.01 of the 110592
Revised Code, or to pollutants discharged from a concentrated 110593
animal feeding operation, as both terms are defined in that 110594

section. Neither of these exclusions applies to the discharge of
animal waste into a publicly owned treatment works.

Not later than December 1, 2016, a publicly owned treatment
works with a design flow of one million gallons per day or more,
or designated as a major discharger by the director, shall be
required to begin monthly monitoring of total and dissolved
reactive phosphorus pursuant to a new NPDES permit, an NPDES
permit renewal, or a director-initiated modification. The director
shall include in each applicable new NPDES permit, NPDES permit
renewal, or director-initiated modification a requirement that
such monitoring be conducted. A director-initiated modification
for that purpose shall be considered and processed as a minor
modification pursuant to ~~O.A.C.~~ Ohio Administrative Code
3745-33-04. In addition, not later than December 1, 2017, a
publicly owned treatment works with a design flow of one million
gallons per day or more that, on ~~the effective date of this~~
~~amendment~~ July 3, 2015, is not subject to a phosphorus limit shall
complete and submit to the director a study that evaluates the
technical and financial capability of the existing treatment
facility to reduce the final effluent discharge of phosphorus to
one milligram per liter using possible source reduction measures,
operational procedures, and unit process configurations.

Sec. 6111.04. (A) Both of the following apply except as
otherwise provided in division (A) or (F) of this section:

(1) No person shall cause pollution or place or cause to be
placed any sewage, sludge, sludge materials, industrial waste, or
other wastes in a location where they cause pollution of any
waters of the state.

(2) Such an action prohibited under division (A)(1) of this
section is hereby declared to be a public nuisance.

Divisions (A)(1) and (2) of this section do not apply if the

person causing pollution or placing or causing to be placed wastes 110626
in a location in which they cause pollution of any waters of the 110627
state holds a valid, unexpired permit, or renewal of a permit, 110628
governing the causing or placement as provided in sections 6111.01 110629
to 6111.08 of the Revised Code or if the person's application for 110630
renewal of such a permit is pending. 110631

(B) If the director of environmental protection administers a 110632
sludge management program pursuant to division (S) of section 110633
6111.03 of the Revised Code, both of the following apply except as 110634
otherwise provided in division (B) or (F) of this section: 110635

(1) No person, in the course of sludge management, shall 110636
place on land located in the state or release into the air of the 110637
state any sludge or sludge materials. 110638

(2) An action prohibited under division (B)(1) of this 110639
section is hereby declared to be a public nuisance. 110640

Divisions (B)(1) and (2) of this section do not apply if the 110641
person placing or releasing the sludge or sludge materials holds a 110642
valid, unexpired permit, or renewal of a permit, governing the 110643
placement or release as provided in sections 6111.01 to 6111.08 of 110644
the Revised Code or if the person's application for renewal of 110645
such a permit is pending. 110646

(C) No person to whom a permit has been issued shall place or 110647
discharge, or cause to be placed or discharged, in any waters of 110648
the state any sewage, sludge, sludge materials, industrial waste, 110649
or other wastes in excess of the permissive discharges specified 110650
under an existing permit without first receiving a permit from the 110651
director to do so. 110652

(D) No person to whom a sludge management permit has been 110653
issued shall place on the land or release into the air of the 110654
state any sludge or sludge materials in excess of the permissive 110655
amounts specified under the existing sludge management permit 110656

without first receiving a modification of the existing sludge 110657
management permit or a new sludge management permit to do so from 110658
the director. 110659

(E) The director may require the submission of plans, 110660
specifications, and other information that the director considers 110661
relevant in connection with the issuance of permits. 110662

(F) This section does not apply to any of the following: 110663

(1) Waters used in washing sand, gravel, other aggregates, or 110664
mineral products when the washing and the ultimate disposal of the 110665
water used in the washing, including any sewage, industrial waste, 110666
or other wastes contained in the waters, are entirely confined to 110667
the land under the control of the person engaged in the recovery 110668
and processing of the sand, gravel, other aggregates, or mineral 110669
products and do not result in the pollution of waters of the 110670
state; 110671

(2) Water, gas, or other material injected into a well to 110672
facilitate, or that is incidental to, the production of oil, gas, 110673
artificial brine, or water derived in association with oil or gas 110674
production and disposed of in a well, in compliance with a permit 110675
issued under Chapter 1509. of the Revised Code, or sewage, 110676
industrial waste, or other wastes injected into a well in 110677
compliance with an injection well operating permit. Division 110678
(F)(2) of this section does not authorize, without a permit, any 110679
discharge that is prohibited by, or for which a permit is required 110680
by, regulation of the United States environmental protection 110681
agency. 110682

(3) Application of any materials to land for agricultural 110683
purposes or runoff of the materials from that application or 110684
pollution by residual farm products, manure, or soil sediment, 110685
including attached substances, resulting from farming, 110686
silvicultural, or earthmoving activities regulated by Chapter 307. 110687

or ~~1511.01~~ 939.01 of the Revised Code. Division (F)(3) of this section
does not authorize, without a permit, any discharge that is
prohibited by, or for which a permit is required by, the Federal
Water Pollution Control Act or regulations adopted under it. As
used in division (F)(3) of this section, "residual farm products"
and "manure" have the same meanings as in section ~~1511.01~~ 939.01
of the Revised Code.

(4) The excrement of domestic and farm animals defecated on
land or runoff therefrom into any waters of the state. Division
(F)(4) of this section does not authorize, without a permit, any
discharge that is prohibited by, or for which a permit is required
by, the Federal Water Pollution Control Act or regulations adopted
under it.

(5) On and after the date on which the United States
environmental protection agency approves the NPDES program
submitted by the director of agriculture under section 903.08 of
the Revised Code, any discharge that is within the scope of the
approved NPDES program submitted by the director of agriculture;

(6) The discharge of sewage, industrial waste, or other
wastes into a sewerage system tributary to a treatment works.
Division (F)(6) of this section does not authorize any discharge
into a publicly owned treatment works in violation of a
pretreatment program applicable to the publicly owned treatment
works.

(7) A household sewage treatment system or a small flow
on-site sewage treatment system, as applicable, as defined in
section 3718.01 of the Revised Code that is installed in
compliance with Chapter 3718. of the Revised Code and rules
adopted under it. Division (F)(7) of this section does not
authorize, without a permit, any discharge that is prohibited by,
or for which a permit is required by, regulation of the United
States environmental protection agency.

(8) Exceptional quality sludge generated outside of this 110720
state and contained in bags or other containers not greater than 110721
one hundred pounds in capacity. As used in division (F)(8) of this 110722
section, "exceptional quality sludge" has the same meaning as in 110723
division (Y) of section 3745.11 of the Revised Code. 110724

(G) The holder of a permit issued under section 402 (a) of 110725
the Federal Water Pollution Control Act need not obtain a permit 110726
for a discharge authorized by the permit until its expiration 110727
date. Except as otherwise provided in this division, the director 110728
of environmental protection shall administer and enforce those 110729
permits within this state and may modify their terms and 110730
conditions in accordance with division (J) of section 6111.03 of 110731
the Revised Code. On and after the date on which the United States 110732
environmental protection agency approves the NPDES program 110733
submitted by the director of agriculture under section 903.08 of 110734
the Revised Code, the director of agriculture shall administer and 110735
enforce those permits within this state that are issued for any 110736
discharge that is within the scope of the approved NPDES program 110737
submitted by the director of agriculture. 110738

Sec. 6111.044. Upon receipt of an application for an 110739
injection well drilling permit, an injection well operating 110740
permit, a renewal of an injection well operating permit, or a 110741
modification of an injection well drilling permit, operating 110742
permit, or renewal of an operating permit, the director of 110743
environmental protection shall determine whether the application 110744
is complete and demonstrates that the activities for which the 110745
permit, renewal permit, or modification is requested will comply 110746
with the Federal Water Pollution Control Act and regulations 110747
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 110748
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted 110749
under it; and this chapter and the rules adopted under it. If the 110750
application demonstrates that the proposed activities will not 110751

comply or will pose an unreasonable risk of inducing seismic 110752
activity, inducing geologic fracturing, or contamination of an 110753
underground source of drinking water, the director shall deny the 110754
application. If the application does not make the required 110755
demonstrations, the director shall return it to the applicant with 110756
an indication of those matters about which a required 110757
demonstration was not made. If the director determines that the 110758
application makes the required demonstrations, the director shall 110759
transmit copies of the application and all of the accompanying 110760
maps, data, samples, and information to the chief of the division 110761
of oil and gas resources management, the chief of the division of 110762
geological survey, the chief of the division of ~~soil and~~ water 110763
resources, and, if the well is or is to be located in a coal 110764
bearing township designated under section 1561.06 of the Revised 110765
Code, the chief of the division of mineral resources management in 110766
the department of natural resources. 110767

The chief of the division of geological survey shall comment 110768
upon the application if the chief determines that the proposed 110769
well or injection will present an unreasonable risk of loss or 110770
damage to valuable mineral resources. If the chief submits 110771
comments on the application, those comments shall be accompanied 110772
by an evaluation of the geological factors upon which the comments 110773
are based, including fractures, faults, earthquake potential, and 110774
the porosity and permeability of the injection zone and confining 110775
zone, and by the documentation supporting the evaluation. The 110776
director shall take into consideration the chief's comments, and 110777
the accompanying evaluation of geologic factors and supporting 110778
documentation, when considering the application. The director 110779
shall provide written notice to the chief of the director's 110780
decision on the application and, if the chief's comments are not 110781
included in the permit, renewal permit, or modification, of the 110782
director's rationale for not including them. 110783

The chief of the division of oil and gas resources management 110784
shall comment upon the application if the chief determines that 110785
the proposed well or injection will present an unreasonable risk 110786
that waste or contamination of recoverable oil or gas in the earth 110787
will occur. If the chief submits comments on the application, 110788
those comments shall be accompanied by an evaluation of the oil or 110789
gas reserves that, in the best professional judgment of the chief, 110790
are recoverable and will be adversely affected by the proposed 110791
well or injection, and by the documentation supporting the 110792
evaluation. The director shall take into consideration the chief's 110793
comments, and the accompanying evaluation and supporting 110794
documentation, when considering the application. The director 110795
shall provide written notice to the chief of the director's 110796
decision on the application and, if the chief's comments are not 110797
included in the permit, renewal permit, or modification, of the 110798
director's rationale for not including them. 110799

The chief of the division of ~~soil~~ and water resources shall 110800
assist the director in determining whether all underground sources 110801
of drinking water in the area of review of the proposed well or 110802
injection have been identified and correctly delineated in the 110803
application. If the application fails to identify or correctly 110804
delineate an underground source of drinking water, the chief shall 110805
provide written notice of that fact to the director. 110806

The chief of the division of mineral resources management 110807
shall review the application as follows: 110808

If the application concerns the drilling or conversion of a 110809
well or the injection into a well that is not or is not to be 110810
located within five thousand feet of the excavation and workings 110811
of a mine, the chief of the division of mineral resources 110812
management shall note upon the application that it has been 110813
examined by the division of mineral resources management, retain a 110814
copy of the application and map, and immediately return a copy of 110815

the application to the director. 110816

If the application concerns the drilling or conversion of a 110817
well or the injection into a well that is or is to be located 110818
within five thousand feet, but more than five hundred feet from 110819
the surface excavations and workings of a mine, the chief of the 110820
division of mineral resources management immediately shall notify 110821
the owner or lessee of the mine that the application has been 110822
filed and send to the owner or lessee a copy of the map 110823
accompanying the application setting forth the location of the 110824
well. The chief of the division of mineral resources management 110825
shall note on the application that the notice has been sent to the 110826
owner or lessee of the mine, retain a copy of the application and 110827
map, and immediately return a copy of the application to the 110828
director with the chief's notation on it. 110829

If the application concerns the drilling or conversion of a 110830
well or the injection into a well that is or is to be located 110831
within five thousand feet of the underground excavations and 110832
workings of a mine or within five hundred feet of the surface 110833
excavations and workings of a mine, the chief of the division of 110834
mineral resources management immediately shall notify the owner or 110835
lessee of the mine that the application has been filed and send to 110836
the owner or lessee a copy of the map accompanying the application 110837
setting forth the location of the well. If the owner or lessee 110838
objects to the application, the owner or lessee shall notify the 110839
chief of the division of mineral resources management of the 110840
objection, giving the reasons, within six days after the receipt 110841
of the notice. If the chief of the division of mineral resources 110842
management receives no objections from the owner or lessee of the 110843
mine within ten days after the receipt of the notice by the owner 110844
or lessee, or if in the opinion of the chief of the division of 110845
mineral resources management the objections offered by the owner 110846
or lessee are not sufficiently well founded, the chief shall 110847

retain a copy of the application and map and return a copy of the 110848
application to the director with any applicable notes concerning 110849
it. 110850

If the chief of the division of mineral resources management 110851
receives an objection from the owner or lessee of the mine as to 110852
the application, within ten days after receipt of the notice by 110853
the owner or lessee, and if in the opinion of the chief the 110854
objection is well founded, the chief shall disapprove the 110855
application and immediately return it to the director together 110856
with the chief's reasons for the disapproval. The director 110857
promptly shall notify the applicant for the permit, renewal 110858
permit, or modification of the disapproval. The applicant may 110859
appeal the disapproval of the application by the chief of the 110860
division of mineral resources management to the reclamation 110861
commission created under section 1513.05 of the Revised Code, and 110862
the commission shall hear the appeal in accordance with section 110863
1513.13 of the Revised Code. The appeal shall be filed within 110864
thirty days from the date the applicant receives notice of the 110865
disapproval. No comments concerning or disapproval of an 110866
application shall be delayed by the chief of the division of 110867
mineral resources management for more than fifteen days from the 110868
date of sending of notice to the mine owner or lessee as required 110869
by this section. 110870

The director shall not approve an application for an 110871
injection well drilling permit, an injection well operating 110872
permit, a renewal of an injection well operating permit, or a 110873
modification of an injection well drilling permit, operating 110874
permit, or renewal of an operating permit for a well that is or is 110875
to be located within three hundred feet of any opening of any mine 110876
used as a means of ingress, egress, or ventilation for persons 110877
employed in the mine, nor within one hundred feet of any building 110878
or flammable structure connected with the mine and actually used 110879

as a part of the operating equipment of the mine, unless the chief 110880
of the division of mineral resources management determines that 110881
life or property will not be endangered by drilling and operating 110882
the well in that location. 110883

Upon review by the chief of the division of oil and gas 110884
resources management, the chief of the division of geological 110885
survey, and the chief of the division of ~~soil and~~ water resources, 110886
and if the chief of the division of mineral resources management 110887
has not disapproved the application, the director shall issue a 110888
permit, renewal permit, or modification with any terms and 110889
conditions that may be necessary to comply with the Federal Water 110890
Pollution Control Act and regulations adopted under it; the "Safe 110891
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as 110892
amended, and regulations adopted under it; and this chapter and 110893
the rules adopted under it. The director shall not issue a permit, 110894
renewal permit, or modification to an applicant if the applicant 110895
or persons associated with the applicant have engaged in or are 110896
engaging in a substantial violation of this chapter that is 110897
endangering or may endanger human health or the environment or if, 110898
in the case of an applicant for an injection well drilling permit, 110899
the applicant, at the time of applying for the permit, did not 110900
hold an injection well operating permit or renewal of an injection 110901
well drilling permit and failed to demonstrate sufficient 110902
expertise and competency to operate the well in compliance with 110903
the applicable provisions of this chapter. 110904

If the director receives a disapproval from the chief of the 110905
division of mineral resources management regarding an application 110906
for an injection well drilling or operating permit, renewal 110907
permit, or modification, if required, the director shall issue an 110908
order denying the application. 110909

The director need not issue a proposed action under section 110910
3745.07 of the Revised Code or hold an adjudication hearing under 110911

that section and Chapter 119. of the Revised Code before issuing 110912
or denying a permit, renewal permit, or modification of a permit 110913
or renewal permit. Before issuing or renewing a permit to drill or 110914
operate a class I injection well or a modification of it, the 110915
director shall propose the permit, renewal permit, or modification 110916
in draft form and shall hold a public hearing to receive public 110917
comment on the draft permit, renewal permit, or modification. At 110918
least fifteen days before the public hearing on a draft permit, 110919
renewal permit, or modification, the director shall publish notice 110920
of the date, time, and location of the public hearing in at least 110921
one newspaper of general circulation serving the area where the 110922
well is or is to be located. The proposing of such a draft permit, 110923
renewal permit, or modification does not constitute the issuance 110924
of a proposed action under section 3745.07 of the Revised Code, 110925
and the holding of the public hearing on such a draft permit, 110926
renewal permit, or modification does not constitute the holding of 110927
an adjudication hearing under that section and Chapter 119. of the 110928
Revised Code. Appeals of orders other than orders of the chief of 110929
the division of mineral resources management shall be taken under 110930
sections 3745.04 to 3745.08 of the Revised Code. 110931

The director may order that an injection well drilling permit 110932
or an injection well operating permit or renewal permit be 110933
suspended and that activities under it cease after determining 110934
that those activities are occurring in violation of law, rule, 110935
order, or term or condition of the permit. Upon service of a copy 110936
of the order upon the permit holder or the permit holder's 110937
authorized agent or assignee, the permit and activities under it 110938
shall be suspended immediately without prior hearing and shall 110939
remain suspended until the violation is corrected and the order of 110940
suspension is lifted. If a violation is the second within a 110941
one-year period, the director, after a hearing, may revoke the 110942
permit. 110943

The director may order that an injection well drilling permit 110944
or an injection well operating permit or renewal permit be 110945
suspended and that activities under it cease if the director has 110946
reasonable cause to believe that the permit would not have been 110947
issued if the information available at the time of suspension had 110948
been available at the time a determination was made by one of the 110949
agencies acting under authority of this section. Upon service of a 110950
copy of the order upon the permit holder or the permit holder's 110951
authorized agent or assignee, the permit and activities under it 110952
shall be suspended immediately without prior hearing, but a permit 110953
may not be suspended for that reason without prior hearing unless 110954
immediate suspension is necessary to prevent waste or 110955
contamination of oil or gas, comply with the Federal Water 110956
Pollution Control Act and regulations adopted under it; the "Safe 110957
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 110958
amended, and regulations adopted under it; and this chapter and 110959
the rules adopted under it, or prevent damage to valuable mineral 110960
resources, prevent contamination of an underground source of 110961
drinking water, or prevent danger to human life or health. If 110962
after a hearing the director determines that the permit would not 110963
have been issued if the information available at the time of the 110964
hearing had been available at the time a determination was made by 110965
one of the agencies acting under authority of this section, the 110966
director shall revoke the permit. 110967

When a permit has been revoked, the permit holder or other 110968
person responsible for it immediately shall plug the well in the 110969
manner required by the director. 110970

The director may issue orders to prevent or require cessation 110971
of violations of this section, section 6111.043, 6111.045, 110972
6111.046, or 6111.047 of the Revised Code, rules adopted under any 110973
of those sections, and terms or conditions of permits issued under 110974
any of them. The orders may require the elimination of conditions 110975

caused by the violation. 110976

Sec. 6111.051. (A) As used in this section, "structural 110977
products" means products that are created from clay, shale, or a 110978
combination of clay and shale, are generated as a result of a 110979
manufacturing process that is designed to create products intended 110980
to form part of a building or other structure, and are no longer 110981
wanted for that originally intended use. "Structural products" 110982
includes floor tiles, bricks, paving bricks, terra-cotta facing 110983
tiles, roofing tiles, clay pipes, chimney pipes, flue liners, and 110984
drainage tiles and pipes. 110985

(B) No person shall use, manage, or dispose of structural 110986
products in a manner that results in any of the following: 110987

(1) A nuisance; 110988

(2) An exceedance of a water quality standard adopted under 110989
section 6111.041 of the Revised Code; 110990

(3) An exceedance of a primary or secondary maximum 110991
contaminant level established in rules adopted under section 110992
6109.04 of the Revised Code; 110993

(4) An emission of an air contaminant as defined in section 110994
3704.01 of the Revised Code; 110995

(5) A threat to public health or safety or the environment. 110996

(C) No person shall place, accumulate, or store for further 110997
processing structural products in any of the following locations: 110998

(1) Within the boundaries of a sole source aquifer designated 110999
under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 42 111000
U.S.C. 300f, as amended, and regulations adopted under it; 111001

(2) Within the boundaries of a source water protection area; 111002

(3) Above an unconsolidated aquifer capable of yielding at 111003
least one hundred gallons per minute. 111004

Division (C) of this section does not apply to structural 111005
products that have been sold and distributed in the stream of 111006
commerce as desired commodities. 111007

(D) The director of environmental protection or the 111008
director's authorized representative may enter private or public 111009
property at reasonable times to inspect and investigate conditions 111010
or examine records relating to alleged noncompliance with this 111011
section and may apply to the court of common pleas having 111012
jurisdiction for a warrant permitting the entrance and inspection 111013
or examination. 111014

(E) The director may adopt rules in accordance with Chapter 111015
119. of the Revised Code establishing procedures and requirements 111016
that are necessary to administer this section. 111017

Sec. 6111.12. (A) The director of environmental protection 111018
shall establish an antidegradation policy applicable to surface 111019
waters of the state pursuant to applicable federal laws and 111020
regulations. The purpose of the policy shall be to maintain levels 111021
of water quality that are currently better than prescribed by 111022
applicable standards except in situations when a need to allow a 111023
lower level of water quality is demonstrated based on technical, 111024
social, and economic criteria. Not later than March 31, 1994, the 111025
director shall revise the existing antidegradation policy 111026
established in rules adopted under section 6111.041 of the Revised 111027
Code and revise any necessary implementation procedures to conform 111028
them to the following principles and any mandatory regulations 111029
adopted under the Federal Water Pollution Control Act: 111030

(1) The use of existing effluent quality as a method of 111031
calculating antidegradation-based limits shall be imposed only to 111032
the extent that the use is explicitly required by federal law or 111033
regulation as the only means available to implement 111034
antidegradation. 111035

(2) No degradation shall be allowed in waters for any 111036
pollutant that currently does not meet applicable standards. For 111037
all remaining waters, there shall be provisions requiring federal 111038
antidegradation requirements to be met and provisions ensuring 111039
that waters of exceptional recreational or ecological value are 111040
maintained as high quality resources for future generations. There 111041
shall be at least two categories of surface waters identified in 111042
the state for that purpose and for the purpose of establishing 111043
priorities for the administrative and technical resources expended 111044
on antidegradation reviews. 111045

(3) Whenever current ambient water quality is determined to 111046
be of a higher quality than prescribed in the standards, on a 111047
pollutant-by-pollutant basis, and the water body lacks exceptional 111048
recreational or ecological value, the director may allocate to 111049
existing sources eighty per cent of the pollutant assimilative 111050
capacity as determined by appropriate total maximum daily load 111051
procedures without further antidegradation review. The permittee 111052
for any existing source may receive an effluent limitation based 111053
on not more than one hundred per cent of the mass or concentration 111054
levels necessary to meet applicable water quality in the receiving 111055
water body as determined by appropriate total maximum daily load 111056
procedures, provided that there has been a satisfactory 111057
demonstration of the need to allow lower water quality based on 111058
technical, social, and economic criteria and the action is 111059
preceded by a public notice. Sources other than existing sources 111060
that result in ten per cent or greater change, that is, 111061
degradation, of ambient chemical water quality shall require a 111062
demonstration of technical, social, and economic need and shall be 111063
the subject of a public notice. 111064

(4) Degradation of waters identified as possessing 111065
exceptional recreational or ecological value shall be determined 111066
through an analysis of the expected perceptible change in ambient 111067

concentrations of pollutant or alternatively through an analysis 111068
of the expected change in the biological condition of the water 111069
body. Either determination shall constitute a lowering of water 111070
quality and shall require an antidegradation review. The director 111071
shall establish, by rules adopted in accordance with Chapter 119. 111072
of the Revised Code, a definition of perceptible change that shall 111073
be applicable to those waters identified in rule as possessing 111074
exceptional recreational or ecological value. Antidegradation 111075
reviews shall be required for any activity resulting in a 111076
perceptible change in ambient chemical or biological quality on 111077
waters identified as possessing exceptional recreational or 111078
ecological value. Allowances shall be made for existing sources to 111079
retain their current permit limits with no requirement to 111080
demonstrate technical, social, and economic need. 111081

(5) The director shall establish reasonable protocols for 111082
completing technical, social, and economic need demonstrations 111083
based on existing federal guidance and on input from the 111084
department of development, the regulated community, and the 111085
general public. 111086

(B) Effluent limitations established by the director for any 111087
existing source in any permit issued under division (J) of section 111088
6111.03 of the Revised Code prior to July 1, 1993, shall continue 111089
in effect unless the permit is modified by the director. A 111090
discharger seeking modification of antidegradation-based 111091
limitations that were based on existing quality of discharge when 111092
the permit was issued shall apply to the director for modification 111093
of the permit, consistent with rules adopted under division (A) of 111094
this section, not later than one hundred eighty days after July 1, 111095
1993. If the permittee has filed such a timely application for 111096
modification, the director shall not pursue administrative or 111097
judicial enforcement actions for violations of 111098
antidegradation-based limitations based on the existing quality of 111099

effluent that occur after July 1, 1993. 111100

(C) A historically channelized watercourse provides 111101
technical, social, and economic benefits. Therefore, with regard 111102
to a historically channelized watercourse, the director shall not 111103
require further antidegradation review during the review of an 111104
application for and the issuance or denial of a permit under this 111105
chapter or a water quality certification under section 401 of the 111106
Federal Water Pollution Control Act if the director finds, after 111107
public notice and opportunity for comment, and a public hearing if 111108
significant public interest is shown, that all of the following 111109
apply: 111110

(1) Work is necessary to restore or maintain a drainage or 111111
other improvement provided by a historically channelized 111112
watercourse. 111113

(2) The work is performed pursuant to section ~~1515.08~~ 940.06 111114
of the Revised Code or a petition filed under section 6131.04 or 111115
6133.02 of the Revised Code. 111116

(3) Without the work, flooding threatens public health and 111117
safety or may result in significant damage to public or private 111118
property. 111119

(4) The work will not result in the loss of designated or 111120
existing beneficial uses as those uses are described in rules 111121
adopted under section 6111.041 of the Revised Code. 111122

(5) The work will not harm or interfere with the protection 111123
of federal or state designated endangered or threatened species. 111124

(6) The historically channelized watercourse is not 111125
designated as coldwater habitat, exceptional warmwater habitat, or 111126
a state resource water in rules adopted under section 6111.041 of 111127
the Revised Code. 111128

(7) If information is available concerning resident fishery 111129

or macroinvertebrate communities, or both, in the historically 111130
channelized watercourse, the historically channelized watercourse 111131
does not support a particularly diverse or unique warmwater 111132
habitat as that term is defined in rules adopted under section 111133
6111.041 of the Revised Code. 111134

(8) Plans for the work have been submitted to the applicable 111135
soil and water conservation district organized under Chapter ~~1515~~, 111136
940, of the Revised Code. 111137

(9) A storm water runoff plan has been developed for the 111138
watershed prior to or during planning and design of the work and 111139
the work is consistent with the plan. 111140

(D) As used in this section: 111141

(1) "Existing sources" means any treatment works that were 111142
built and operational under the terms of an NPDES permit prior to 111143
July 1, 1993, but does not include expansions or upgrades of 111144
existing treatment works authorized in rules adopted under section 111145
6111.03 of the Revised Code after that date. 111146

(2) "Appropriate total maximum daily load procedures" means 111147
the procedures, policies, and guidelines used by the director 111148
prior to July 1, 1993, or subsequent revisions to those procedures 111149
established in rules adopted in accordance with Chapter 119. of 111150
the Revised Code. 111151

(3) "Antidegradation review" means the consideration by the 111152
director of the technical, social, and economic need demonstration 111153
completed by any person requesting to lower water quality as 111154
provided in this section, including the public notice of the 111155
application and, at the discretion of the director, a public 111156
hearing on it. 111157

Sec. 6111.30. (A) Applications for a section 401 water 111158
quality certification required under division (P) of section 111159

6111.03 of the Revised Code shall be submitted on forms provided 111160
by the director of environmental protection and shall include all 111161
information required on those forms as well as all of the 111162
following: 111163

(1) A copy of a letter from the United States army corps of 111164
engineers documenting its jurisdiction over the wetlands, streams, 111165
or other waters of the state that are the subject of the section 111166
401 water quality certification application; 111167

(2) If the project involves impacts to a wetland, a wetland 111168
characterization analysis consistent with the Ohio rapid 111169
assessment method; 111170

(3) If the project involves a stream for which a specific 111171
aquatic life use designation has not been made, ~~a use~~ 111172
~~attainability analysis~~ data sufficient to determine the existing 111173
aquatic life use; 111174

(4) A specific and detailed mitigation proposal, including 111175
the location and proposed ~~legal~~ real estate instrument or other 111176
available mechanism for protecting the property ~~in perpetuity~~ long 111177
term; 111178

(5) Applicable fees; 111179

(6) Site photographs; 111180

(7) Adequate documentation confirming that the applicant has 111181
requested comments from the department of natural resources and 111182
the United States fish and wildlife service regarding threatened 111183
and endangered species, including the presence or absence of 111184
critical habitat; 111185

(8) Descriptions, schematics, and appropriate economic 111186
information concerning the applicant's preferred alternative, 111187
nondegradation alternatives, and minimum degradation alternatives 111188
for the design and operation of the project; 111189

(9) The applicant's investigation report of the waters of the United States in support of a section 404 permit application concerning the project;

(10) A copy of the United States army corps of engineers' public notice regarding the section 404 permit application concerning the project.

(B) Not later than fifteen business days after the receipt of an application for a section 401 water quality certification, the director shall review the application to determine if it is complete and shall notify the applicant in writing as to whether the application is complete. If the director fails to notify the applicant within fifteen business days regarding the completeness of the application, the application is considered complete. If the director determines that the application is not complete, the director shall include with the written notification an itemized list of the information or materials that are necessary to complete the application. If the applicant fails to provide the information or materials within sixty days after the director's receipt of the application, the director may return the incomplete application to the applicant and take no further action on the application. If the application is returned to the applicant because it is incomplete, the director shall return the review fee levied under division (A)(1), (2), or (3) of section 3745.114 of the Revised Code to the applicant, but shall retain the application fee levied under that section.

(C) Not later than twenty-one days after a determination that an application is complete under division (B) of this section, the applicant shall publish public notice of the director's receipt of the complete application in a newspaper of general circulation in the county in which the project that is the subject of the application is located. The public notice shall be in a form acceptable to the director. The applicant shall promptly provide

the director with proof of publication. The applicant may choose, 111222
subject to review by and approval of the director, to include in 111223
the public notice an advertisement for an antidegradation public 111224
hearing on the application pursuant to section 6111.12 of the 111225
Revised Code. There shall be a public comment period of thirty 111226
days following the publication of the public notice. 111227

(D) If the director determines that there is significant 111228
public interest in a public hearing as evidenced by the public 111229
comments received concerning the application and by other requests 111230
for a public hearing on the application, the director or the 111231
director's representative shall conduct a public hearing 111232
concerning the application. Notice of the public hearing shall be 111233
published by the applicant, subject to review and approval by the 111234
director, at least thirty days prior to the date of the hearing in 111235
a newspaper of general circulation in the county in which the 111236
project that is the subject of the application is to take place. 111237
If a public hearing is requested concerning an application, the 111238
director shall accept comments concerning the application until 111239
five business days after the public hearing. A public hearing 111240
conducted under this division shall take place not later than one 111241
hundred days after the application is determined to be complete. 111242

(E) The director shall forward all public comments concerning 111243
an application submitted under this section that are received 111244
through the public involvement process required by rules adopted 111245
under this chapter to the applicant not later than five business 111246
days after receipt of the comments by the director. 111247

(F) The applicant shall respond in writing to written 111248
comments or to deficiencies identified by the director during the 111249
course of reviewing the application not later than fifteen days 111250
after receiving or being notified of them. 111251

(G) The director shall issue or deny a section 401 water 111252
quality certification not later than one hundred eighty days after 111253

the complete application for the certification is received. The 111254
director shall provide an applicant for a section 401 water 111255
quality certification with an opportunity to review the 111256
certification prior to its issuance. 111257

(H) The director shall maintain an accessible database that 111258
includes environmentally beneficial water restoration and 111259
protection projects that may serve as potential mitigation 111260
projects for projects in the state for which a section 401 water 111261
quality certification is required. A project's inclusion in the 111262
database does not constitute an approval of the project. 111263

(I) Mitigation required by a section 401 water quality 111264
certification may be accomplished by any of the following: 111265

(1) Purchasing credits at a mitigation bank approved in 111266
accordance with 33 C.F.R. 332.8; 111267

(2) Participating in an in-lieu fee mitigation program 111268
approved in accordance with 33 C.F.R. 332.8; 111269

(3) Constructing individual mitigation projects. 111270

Notwithstanding the mitigation hierarchy specified in section 111271
3745-1-54 of the Administrative Code, mitigation projects shall be 111272
approved in accordance with the hierarchy specified in 33 C.F.R. 111273
332.3 unless the director determines that the size or quality of 111274
the impacted resource necessitates reasonably identifiable, 111275
available, and practicable mitigation conducted by the applicant. 111276
The director shall adopt rules in accordance with Chapter 119. of 111277
the Revised Code consistent with the mitigation hierarchy 111278
specified in 33 C.F.R. 332.3. 111279

(J) The director may establish a program and adopt rules in 111280
accordance with Chapter 119. of the Revised Code for the purpose 111281
of certifying water quality professionals to assess streams to 111282
determine existing aquatic life use and to categorize wetlands in 111283
support of applications for section 401 water quality 111284

certification under divisions (A)(2) and (3) of this section and 111285
isolated wetland permits under sections 6111.022 to 6111.024 of 111286
the Revised Code. The director shall use information submitted by 111287
certified water quality professionals in the review of those 111288
applications. 111289

Rules adopted under this division shall do all of the 111290
following: 111291

(1) Provide for the certification of water quality 111292
professionals to conduct activities in support of applications for 111293
section 401 water quality certification and isolated wetland 111294
permits, including work necessary to determine existing aquatic 111295
life use of streams and categorize wetlands. Rules adopted under 111296
division (J)(1) of this section shall do at least all of the 111297
following: 111298

(a) Authorize the director to require an applicant for water 111299
quality professional certification to submit information 111300
considered necessary by the director to assess a water quality 111301
professional's experience in conducting stream assessments and 111302
wetlands categorizations; 111303

(b) Authorize the director to establish experience 111304
requirements and to use tests to determine the competency of 111305
applicants for water quality professional certification; 111306

(c) Authorize the director to approve applicants for water 111307
quality professional certification who comply with the 111308
requirements established in rules and deny applicants that do not 111309
comply with those requirements; 111310

(d) Require the director to revoke the certification of a 111311
water quality professional if the director finds that the 111312
professional falsified any information on the professional's 111313
application for certification regarding the professional's 111314
credentials; 111315

<u>(e) Require periodic renewal of a water quality</u>	111316
<u>professional's certification and establish continuing education</u>	111317
<u>requirements for purposes of that renewal.</u>	111318
<u>(2) Establish an annual fee to be paid by water quality</u>	111319
<u>professionals certified under rules adopted under division (J)(1)</u>	111320
<u>of this section in an amount calculated to defray the costs</u>	111321
<u>incurred by the environmental protection agency for reviewing</u>	111322
<u>applications for water quality professional certification and for</u>	111323
<u>issuing those certifications;</u>	111324
<u>(3) Authorize the director to suspend or revoke the</u>	111325
<u>certification of a water quality professional if the director</u>	111326
<u>finds that the professional's performance has resulted in</u>	111327
<u>submission of documentation that is inconsistent with standards</u>	111328
<u>established in rules adopted under division (J)(7) of this</u>	111329
<u>section;</u>	111330
<u>(4) Authorize the director to review documentation submitted</u>	111331
<u>by a certified water quality professional to ensure compliance</u>	111332
<u>with requirements established in rules adopted under division</u>	111333
<u>(J)(7) of this section;</u>	111334
<u>(5) Require a certified water quality professional to submit</u>	111335
<u>any documentation developed in support of an application for a</u>	111336
<u>section 401 water quality certification or an isolated wetland</u>	111337
<u>permit upon the request of the director;</u>	111338
<u>(6) Authorize random audits by the director of documentation</u>	111339
<u>developed or submitted by certified water quality professionals to</u>	111340
<u>ensure compliance with requirements established in rules adopted</u>	111341
<u>under division (J)(7) of this section;</u>	111342
<u>(7) Establish technical standards to be used by certified</u>	111343
<u>water quality professionals in conducting stream assessments and</u>	111344
<u>wetlands categorizations.</u>	111345
<u>(K) As used in this section and section 6111.31 of the</u>	111346

Revised Code, "section 401 water quality certification" means 111347
certification pursuant to section 401 of the Federal Water 111348
Pollution Control Act and this chapter and rules adopted under it 111349
that any discharge, as set forth in section 401, will comply with 111350
sections 301, 302, 303, 306, and 307 of the Federal Water 111351
Pollution Control Act. 111352

Sec. 6111.44. (A) Except as otherwise provided in division 111353
(B) of this section, in section 6111.14 of the Revised Code, or in 111354
rules adopted under division (G) of section 6111.03 of the Revised 111355
Code, no municipal corporation, county, public institution, 111356
corporation, or officer or employee thereof or other person shall 111357
provide or install sewerage or treatment works for sewage, sludge, 111358
or sludge materials disposal or treatment or make a change in any 111359
sewerage or treatment works until the plans therefor have been 111360
submitted to and approved by the director of environmental 111361
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 111362
to sewerage and treatment works of a municipal corporation or part 111363
thereof, an unincorporated community, a county sewer district, or 111364
other land outside of a municipal corporation or any publicly or 111365
privately owned building or group of buildings or place, used for 111366
the assemblage, entertainment, recreation, education, correction, 111367
hospitalization, housing, or employment of persons. 111368

In granting an approval, the director may stipulate 111369
modifications, conditions, and rules that the public health and 111370
prevention of pollution may require. Any action taken by the 111371
director shall be a matter of public record and shall be entered 111372
in the director's journal. Each period of thirty days that a 111373
violation of this section continues, after a conviction for the 111374
violation, constitutes a separate offense. 111375

(B) Sections 6111.45 and 6111.46 of the Revised Code and 111376
division (A) of this section do not apply to any of the following: 111377

(1) Sewerage or treatment works for sewage installed or to be installed for the use of a private residence or dwelling;

(2) Sewerage systems, treatment works, or disposal systems for storm water from an animal feeding facility or manure, as "animal feeding facility" and "manure" are defined in section 903.01 of the Revised Code;

(3) Residual farm products and manure treatment or disposal works and related management and conservation practices that are subject to rules adopted under division (E)(1) of section ~~1511.02~~ 939.02 of the Revised Code. As used in division (B)(3) of this section, "residual farm products" and "manure" have the same meanings as in section ~~1511.01~~ 939.01 of the Revised Code.

(4) Sewerage or treatment works for the on-lot disposal or treatment of sewage from a small flow on-site sewage treatment system, as defined in section 3718.01 of the Revised Code, if the board of health of a city or general health district has notified the director of health and the director of environmental protection under section 3718.021 of the Revised Code that the board has chosen to regulate the system, provided that the board remains in compliance with the rules adopted under division (A)(13) of section 3718.02 of the Revised Code.

The exclusions established in divisions (B)(2) and (3) of this section do not apply to the construction or installation of disposal systems, as defined in section 6111.01 of the Revised Code, that are located at an animal feeding facility and that store, treat, or discharge wastewaters that do not include storm water or manure or that discharge to a publicly owned treatment works.

Sec. 6111.99. (A) Whoever purposely violates section 6111.04, 6111.042, 6111.05, or division (A) or (C) of section 6111.07 of the Revised Code is guilty of a felony and shall be fined not more

than twenty-five thousand dollars or imprisoned not more than ~~one~~ 111409
~~year~~ four years, or both. Each day of violation is a separate 111410
offense. 111411

(B) Whoever knowingly violates section 6111.04, 6111.042, 111412
6111.045 or, 6111.047, 6111.05, 6111.45, or division (A) or (C) of 111413
section 6111.07 of the Revised Code is guilty of a misdemeanor and 111414
shall be fined not more than ten thousand dollars or imprisoned 111415
not more than one year, or both. Each day of violation is a 111416
separate offense. 111417

(C) Whoever violates section ~~6111.45~~ or 6111.46 of the 111418
Revised Code shall be fined not more than five hundred dollars. 111419

(D) ~~Whoever violates division (C) of section 6111.07 of the~~ 111420
~~Revised Code shall be fined not more than twenty-five thousand~~ 111421
~~dollars.~~ 111422

~~(E)~~ Whoever violates section 6111.42 of the Revised Code 111423
shall be fined not more than one hundred dollars for a first 111424
offense; for each subsequent offense, the person shall be fined 111425
not more than one hundred fifty dollars. 111426

~~(F)~~(E) Whoever violates section 6111.44 of the Revised Code 111427
shall be fined not more than ~~one hundred~~ ten thousand dollars. 111428
Each day of violation is a separate offense. 111429

(F) If a person is convicted of or pleads guilty to a 111430
violation of any section of this chapter, in addition to the 111431
financial sanctions authorized by this chapter or section 2929.18 111432
or 2929.28 or any other section of the Revised Code, the court 111433
imposing the sentence on the person may order the person to 111434
reimburse the state agency or a political subdivision for any 111435
actual costs that it incurred in responding to the violation, 111436
including the cost of restoring affected aquatic resources or 111437
otherwise compensating for adverse impact to aquatic resources 111438
directly caused by the violation, but not including the costs of 111439

prosecution. 111440

Sec. 6117.021. At any time after the formation of a county 111441
sewer district, the board of county commissioners may enter into a 111442
contract, on terms and for the period of time that are mutually 111443
agreed on, with any other public agency under which the public 111444
agency will conduct projects and activities for the purpose of 111445
complying with the requirements of phase II of the storm water 111446
program of the national pollutant discharge elimination system 111447
established in 40 C.F.R. part 122. 111448

Sec. 6131.23. The assessments estimated in accordance with 111449
section 6131.14 of the Revised Code shall be payable in not less 111450
than two semiannual installments. At the time of the final 111451
hearing, in the order approving the levying of the assessments, 111452
the board of county commissioners shall determine how long a 111453
period of time, in semiannual installments, as taxes are paid, 111454
shall be given the owners of land benefited to pay the assessments 111455
that are made for an improvement and whether or not bonds or notes 111456
shall be issued and sold in anticipation of such payments. If 111457
bonds or notes are to be issued, the interest shall be added to 111458
the assessments. If the estimated cost of the improvement does not 111459
exceed five hundred dollars, not more than two semiannual 111460
installments, as taxes are paid, shall be given to owners of lands 111461
benefited to pay the assessments that are made for the 111462
improvement. If the estimated cost of the improvement exceeds five 111463
hundred dollars, the board may determine the number of 111464
installments in which the assessments are to be paid. If any such 111465
assessment is twenty-five dollars or less, or whenever the unpaid 111466
balance of any such assessment is twenty-five dollars or less, the 111467
same shall be paid in full, and not in installments, at the time 111468
the first or next installment would otherwise become due. 111469

When assessments are payable in installments and county 111470

general funds are used to pay for the improvement, the assessment 111471
shall not exceed thirty semiannual installments, as computed by 111472
the county auditor pursuant to section 6131.49 of the Revised 111473
Code, and shall be payable upon completion of the contract. 111474

When assessments are made payable in installments and bonds 111475
or notes have been sold to pay for the improvement, interest shall 111476
be added to the installments of assessments at the same rate as is 111477
drawn by the bonds or notes issued to pay for the improvements. 111478
Any owner may pay the estimated assessments on the owner's land in 111479
cash within thirty days after the final hearing without paying any 111480
interest thereon. If the legislative authority of a political 111481
subdivision chooses to pay the assessments on all parcels within 111482
the subdivision, both public and private, in one installment, it 111483
shall pass a resolution so stating and shall send the resolution, 111484
or a copy thereof, to the board of county commissioners before 111485
making the payment. The legislative authority shall pay all 111486
subsequent maintenance assessments levied under section 6137.03 of 111487
the Revised Code if it chooses to pay the construction assessments 111488
on all parcels within the subdivision. 111489

Bonds may be sold for any repayment period that the board of 111490
county commissioners may determine proper, not to exceed thirty 111491
semiannual installments, except that for bonds sold by a board of 111492
county commissioners for soil and water conservation district 111493
improvements pursuant to section ~~1515.24~~ 940.33 of the Revised 111494
Code, the repayment period shall not exceed thirty semiannual 111495
installments. 111496

Sec. 6301.16. (A) Beginning January 1, 2016, each participant 111497
in an adult training or education program funded under the 111498
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101, shall 111499
create an account with OhioMeansJobs at the time of enrollment in 111500
the program. 111501

(B) Division (A) of this section does not apply to any 111502
individual who is legally prohibited from using a computer, has a 111503
physical or visual impairment that makes the individual unable to 111504
use a computer, or has a limited ability to read, write, speak, or 111505
understand a language in which OhioMeansJobs is available. 111506

Sec. 6301.17. There is hereby created in the state treasury 111507
the workforce development projects fund. The fund may consist of 111508
intrastate agency transfers, nonfederal grants, and other similar 111509
revenue sources. The department of job and family services shall 111510
use the fund to support program and administrative expenses 111511
related to the implementation of workforce development initiatives 111512
within the department. 111513

Section 101.02. That existing sections 1.05, 9.312, 9.333, 111514
9.83, 9.833, 9.90, 9.901, 102.02, 102.022, 103.412, 105.41, 111515
109.57, 109.572, 109.77, 109.79, 113.06, 113.07, 118.023, 118.04, 111516
119.04, 119.12, 121.03, 121.04, 121.22, 121.36, 121.372, 121.40, 111517
122.17, 122.171, 122.174, 122.175, 122.177, 122.64, 122.68, 111518
122.85, 122.87, 122.942, 122.95, 122.951, 123.10, 123.28, 123.281, 111519
124.11, 124.14, 124.15, 124.152, 124.181, 124.34, 124.382, 111520
124.392, 125.02, 125.04, 125.041, 125.05, 125.07, 125.08, 125.081, 111521
125.082, 125.10, 125.11, 125.112, 125.13, 125.27, 125.28, 125.31, 111522
125.36, 125.38, 125.39, 125.42, 125.43, 125.45, 125.49, 125.51, 111523
125.58, 125.601, 125.607, 125.609, 125.76, 125.901, 126.32, 111524
128.021, 128.40, 128.54, 128.55, 128.57, 131.09, 131.15, 131.34, 111525
131.35, 131.43, 131.44, 133.01, 133.04, 133.05, 133.07, 133.34, 111526
135.01, 135.04, 135.14, 135.144, 135.145, 135.18, 135.181, 135.35, 111527
135.353, 135.354, 135.37, 135.74, 140.01, 141.04, 145.114, 111528
145.116, 145.56, 145.571, 149.04, 149.43, 153.08, 153.70, 156.01, 111529
156.02, 156.04, 167.06, 173.47, 173.48, 173.522, 173.523, 173.543, 111530
173.544, 173.545, 174.02, 187.03, 191.04, 191.06, 305.31, 306.35, 111531
319.63, 321.24, 323.13, 325.03, 325.04, 325.06, 325.08, 325.09, 111532

325.10, 325.11, 325.14, 325.15, 339.06, 340.03, 340.034, 340.04,	111533
340.05, 340.07, 340.12, 340.15, 341.34, 343.01, 349.01, 349.03,	111534
349.04, 349.06, 349.07, 349.14, 355.02, 355.03, 355.04, 505.101,	111535
505.24, 505.701, 505.86, 507.09, 507.11, 517.07, 517.15, 717.01,	111536
718.01, 718.04, 718.05, 718.07, 718.37, 731.59, 737.41, 742.114,	111537
742.116, 742.462, 742.47, 759.36, 901.08, 901.21, 901.22, 902.01,	111538
903.01, 903.03, 903.07, 903.082, 903.09, 903.10, 903.11, 903.12,	111539
903.13, 903.16, 903.17, 903.25, 905.31, 905.323, 918.41, 931.01,	111540
931.02, 941.14, 953.22, 955.12, 955.121, 955.14, 955.15, 955.20,	111541
955.27, 991.03, 1306.20, 1309.528, 1332.25, 1347.08, 1349.04,	111542
1501.01, 1501.011, 1501.022, 1501.04, 1503.99, 1505.10, 1506.01,	111543
1509.01, 1509.06, 1509.11, 1509.23, 1509.27, 1509.28, 1509.33,	111544
1511.02, 1511.021, 1511.022, 1511.03, 1511.05, 1511.071, 1511.10,	111545
1511.11, 1513.07, 1513.16, 1514.06, 1514.08, 1514.13, 1514.40,	111546
1514.42, 1514.47, 1515.01, 1515.02, 1515.03, 1515.05, 1515.07,	111547
1515.08, 1515.081, 1515.09, 1515.091, 1515.092, 1515.093, 1515.10,	111548
1515.11, 1515.13, 1515.14, 1515.15, 1515.16, 1515.17, 1515.18,	111549
1515.181, 1515.182, 1515.183, 1515.184, 1515.185, 1515.19,	111550
1515.191, 1515.192, 1515.193, 1515.21, 1515.211, 1515.22, 1515.23,	111551
1515.24, 1515.28, 1515.29, 1521.03, 1521.031, 1521.04, 1521.05,	111552
1521.06, 1521.061, 1521.062, 1521.063, 1521.064, 1521.07, 1521.10,	111553
1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 1521.18,	111554
1521.19, 1522.03, 1522.05, 1522.11, 1522.12, 1522.13, 1522.131,	111555
1522.15, 1522.16, 1522.17, 1522.18, 1522.20, 1522.21, 1523.01,	111556
1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 1523.07, 1523.08,	111557
1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 1523.14, 1523.15,	111558
1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 1531.35, 1548.11,	111559
1561.04, 1707.01, 1707.14, 1711.15, 1711.16, 1713.02, 1713.03,	111560
1713.031, 1713.04, 1713.05, 1713.06, 1713.09, 1713.25, 1724.04,	111561
1739.02, 1739.03, 1739.05, 1739.07, 1739.12, 1739.13, 1739.20,	111562
1739.21, 1751.18, 1751.65, 1776.82, 2106.19, 2109.301, 2113.35,	111563
2151.011, 2151.3514, 2151.421, 2301.03, 2305.231, 2919.21,	111564

2923.129, 2925.03, 2929.13, 2929.18, 2929.20, 2935.33, 2951.041,	111565
2953.25, 2967.14, 2967.193, 2969.14, 2981.12, 2981.13, 3105.171,	111566
3109.13, 3109.14, 3109.16, 3109.17, 3119.27, 3121.03, 3301.078,	111567
3301.0711, 3301.0712, 3301.52, 3301.53, 3301.541, 3301.55,	111568
3301.56, 3301.57, 3301.58, 3301.922, 3301.923, 3302.02, 3302.03,	111569
3302.036, 3302.05, 3302.15, 3305.052, 3305.08, 3305.21, 3307.152,	111570
3307.154, 3307.371, 3307.41, 3309.157, 3309.159, 3309.66,	111571
3309.671, 3310.03, 3310.09, 3310.14, 3310.41, 3310.522, 3310.56,	111572
3311.19, 3313.375, 3313.41, 3313.411, 3313.603, 3313.608,	111573
3313.6010, 3313.612, 3313.614, 3313.615, 3313.617, 3313.674,	111574
3313.68, 3313.72, 3313.902, 3313.975, 3313.976, 3313.981, 3314.02,	111575
3314.03, 3314.05, 3314.06, 3314.08, 3314.091, 3314.38, 3315.08,	111576
3317.01, 3317.013, 3317.014, 3317.016, 3317.017, 3317.02,	111577
3317.021, 3317.022, 3317.0212, 3317.0213, 3317.0217, 3317.051,	111578
3317.06, 3317.16, 3317.161, 3317.23, 3317.231, 3317.24, 3318.02,	111579
3318.024, 3318.054, 3318.30, 3318.40, 3319.114, 3319.22, 3319.223,	111580
3319.303, 3319.51, 3319.61, 3323.13, 3326.10, 3326.11, 3326.32,	111581
3326.33, 3326.50, 3327.01, 3327.02, 3328.24, 3332.10, 3333.01,	111582
3333.011, 3333.021, 3333.03, 3333.031, 3333.032, 3333.04,	111583
3333.041, 3333.042, 3333.043, 3333.044, 3333.045, 3333.047,	111584
3333.048, 3333.049, 3333.0410, 3333.0411, 3333.0412, 3333.0413,	111585
3333.05, 3333.06, 3333.07, 3333.071, 3333.08, 3333.09, 3333.10,	111586
3333.11, 3333.12, 3333.121, 3333.122, 3333.123, 3333.124, 3333.13,	111587
3333.14, 3333.15, 3333.16, 3333.161, 3333.162, 3333.163, 3333.164,	111588
3333.17, 3333.171, 3333.18, 3333.19, 3333.20, 3333.21, 3333.22,	111589
3333.23, 3333.25, 3333.26, 3333.28, 3333.29, 3333.30, 3333.31,	111590
3333.33, 3333.34, 3333.342, 3333.35, 3333.36, 3333.37, 3333.372,	111591
3333.373, 3333.374, 3333.375, 3333.39, 3333.391, 3333.392,	111592
3333.43, 3333.44, 3333.50, 3333.55, 3333.58, 3333.59, 3333.61,	111593
3333.611, 3333.612, 3333.613, 3333.62, 3333.63, 3333.64, 3333.65,	111594
3333.66, 3333.67, 3333.68, 3333.69, 3333.71, 3333.72, 3333.73,	111595
3333.731, 3333.74, 3333.75, 3333.76, 3333.77, 3333.78, 3333.79,	111596

3333.82, 3333.83, 3333.84, 3333.86, 3333.87, 3333.90, 3333.91,	111597
3334.08, 3335.02, 3335.09, 3337.10, 3345.022, 3345.05, 3345.06,	111598
3345.061, 3345.32, 3345.421, 3345.45, 3345.48, 3345.50, 3345.51,	111599
3345.54, 3345.692, 3345.70, 3345.72, 3345.73, 3345.74, 3345.75,	111600
3345.76, 3345.81, 3345.86, 3354.01, 3365.02, 3365.07, 3365.15,	111601
3501.01, 3501.12, 3501.17, 3599.03, 3701.023, 3701.045, 3701.344,	111602
3701.501, 3701.60, 3701.65, 3702.304, 3702.74, 3702.91, 3704.05,	111603
3704.14, 3705.08, 3709.03, 3709.05, 3709.07, 3709.41, 3714.051,	111604
3714.07, 3714.073, 3714.08, 3714.09, 3718.03, 3734.01, 3734.02,	111605
3734.021, 3734.029, 3734.07, 3734.50, 3734.551, 3734.57, 3734.822,	111606
3734.901, 3736.03, 3736.05, 3736.06, 3737.17, 3737.84, 3743.07,	111607
3743.20, 3743.44, 3743.45, 3743.63, 3743.65, 3743.75, 3745.015,	111608
3745.11, 3745.70, 3750.081, 3750.13, 3769.03, 3769.08, 3769.083,	111609
3769.087, 3769.089, 3769.101, 3770.01, 3770.03, 3770.05, 3770.07,	111610
3772.02, 3772.03, 3772.99, 3773.33, 3773.41, 3773.42, 3781.10,	111611
3794.07, 3901.491, 3903.81, 3905.33, 3905.481, 3929.86, 3959.01,	111612
3959.12, 4115.03, 4117.01, 4117.10, 4121.03, 4121.121, 4123.322,	111613
4301.12, 4301.43, 4301.61, 4301.639, 4303.181, 4303.182, 4303.184,	111614
4501.01, 4501.21, 4503.181, 4503.535, 4503.77, 4503.78, 4505.06,	111615
4507.21, 4511.191, 4513.611, 4513.67, 4519.10, 4707.02, 4715.18,	111616
4723.06, 4723.08, 4723.482, 4723.50, 4723.88, 4725.40, 4725.411,	111617
4725.51, 4729.51, 4729.53, 4729.541, 4729.56, 4729.80, 4729.82,	111618
4729.84, 4729.86, 4730.14, 4730.25, 4731.07, 4731.141, 4731.15,	111619
4731.22, 4731.222, 4731.225, 4731.24, 4731.26, 4731.281, 4731.282,	111620
4731.293, 4731.295, 4731.296, 4731.297, 4731.299, 4731.41,	111621
4732.10, 4735.06, 4735.13, 4735.141, 4736.12, 4741.03, 4741.11,	111622
4741.12, 4741.17, 4741.19, 4741.22, 4741.31, 4760.02, 4760.03,	111623
4760.031, 4760.032, 4760.04, 4760.05, 4760.06, 4760.13, 4760.131,	111624
4760.132, 4760.15, 4760.16, 4760.18, 4762.06, 4762.13, 4763.01,	111625
4763.07, 4774.06, 4774.13, 4778.06, 4778.14, 4905.71, 4905.81,	111626
4909.161, 4923.04, 4927.01, 4927.02, 4927.07, 4927.11, 4927.15,	111627
4928.54, 4928.55, 4929.164, 5101.073, 5101.54, 5101.60, 5101.61,	111628

5101.611, 5101.62, 5101.69, 5101.71, 5101.72, 5101.91, 5101.92,	111629
5101.98, 5101.99, 5103.02 5104.01, 5104.013, 5104.015, 5104.016,	111630
5104.017, 5104.018, 5104.03, 5104.036, 5104.04, 5104.09, 5104.30,	111631
5104.31, 5104.34, 5104.37, 5104.38, 5104.99, 5107.05, 5107.64,	111632
5115.04, 5119.01, 5119.10, 5119.11, 5119.161, 5119.18, 5119.186,	111633
5119.21, 5119.23, 5119.25, 5119.28, 5119.31, 5119.33, 5119.34,	111634
5119.341, 5119.36, 5119.361, 5119.365, 5119.41, 5119.44, 5119.61,	111635
5119.94, 5119.99, 5120.112, 5120.135, 5120.28, 5120.38, 5120.381,	111636
5120.382, 5122.31, 5122.36, 5123.032, 5123.033, 5123.08, 5123.16,	111637
5123.161, 5123.162, 5123.163, 5123.164, 5123.166, 5123.167,	111638
5123.169, 5123.1610, 5123.19, 5123.196, 5123.198, 5123.86,	111639
5124.101, 5124.15, 5124.33, 5124.60, 5124.61, 5124.67, 5126.042,	111640
5126.0510, 5126.15, 5126.201, 5139.02, 5139.03, 5139.50, 5147.07,	111641
5160.37, 5162.01, 5162.11, 5162.12, 5162.13, 5162.36, 5162.361,	111642
5162.363, 5163.03, 5163.06, 5163.21, 5163.30, 5163.33, 5164.01,	111643
5164.38, 5164.57, 5165.15, 5165.151, 5165.152, 5165.157, 5165.16,	111644
5165.17, 5165.19, 5165.192, 5165.23, 5166.01, 5166.16, 5167.03,	111645
5168.01, 5168.06, 5168.07, 5168.10, 5168.11, 5168.23, 5168.26,	111646
5168.40, 5168.44, 5168.45, 5168.47, 5168.48, 5168.49, 5168.53,	111647
5168.60, 5168.63, 5168.64, 5168.67, 5301.68, 5301.69, 5501.73,	111648
5505.068, 5505.0610, 5505.22, 5505.261, 5513.01, 5537.05, 5575.01,	111649
5703.057, 5703.21, 5703.36, 5705.19, 5705.194, 5705.21, 5705.212,	111650
5705.214, 5705.34, 5709.17, 5709.62, 5709.63, 5709.632, 5709.67,	111651
5709.73, 5713.30, 5715.01, 5715.39, 5725.22, 5725.33, 5725.98,	111652
5726.01, 5726.50, 5726.54, 5727.031, 5727.06, 5727.11, 5727.111,	111653
5727.15, 5727.75, 5727.80, 5727.81, 5727.811, 5727.84, 5727.85,	111654
5727.86, 5729.16, 5729.98, 5733.0610, 5733.58, 5736.01, 5736.02,	111655
5736.50, 5739.01, 5739.02, 5739.026, 5739.029, 5739.09, 5739.101,	111656
5739.102, 5739.103, 5739.13, 5741.01, 5741.03, 5741.12, 5741.17,	111657
5743.02, 5743.05, 5743.32, 5747.01, 5747.02, 5747.05, 5747.055,	111658
5747.058, 5747.08, 5747.113, 5747.21, 5747.37, 5747.50, 5747.51,	111659
5747.53, 5747.71, 5747.98, 5751.01, 5751.02, 5751.20, 5751.21,	111660

5751.22, 5751.50, 5902.02, 5903.12, 5904.01, 5910.08, 5919.341, 111661
6101.16, 6109.21, 6109.30, 6111.01, 6111.02, 6111.027, 6111.03, 111662
6111.04, 6111.044, 6111.12, 6111.30, 6111.44, 6111.99, and 6131.23 111663
of the Revised Code are hereby repealed. 111664

Section 105.01. That sections 103.132, 111.181, 122.26, 111665
122.952, 124.183, 125.021, 125.022, 125.023, 125.03, 125.051, 111666
125.06, 125.17, 125.32, 125.37, 125.47, 125.48, 125.50, 125.52, 111667
125.53, 125.54, 125.55, 125.57, 125.68, 125.91, 125.92, 125.93, 111668
125.96, 125.98, 149.13, 183.26, 901.61, 901.62, 901.63, 901.64, 111669
903.04, 955.29, 955.30, 955.32, 955.35, 955.351, 955.36, 955.37, 111670
955.38, 1511.01, 1511.04, 1511.06, 1511.07, 1511.08, 1511.99, 111671
2323.44, 3109.171, 3109.172, 3109.18, 3115.01, 3115.02, 3115.03, 111672
3115.031, 3115.04, 3115.05, 3115.06, 3115.07, 3115.08, 3115.09, 111673
3115.10, 3115.11, 3115.12, 3115.13, 3115.14, 3115.15, 3115.16, 111674
3115.17, 3115.18, 3115.19, 3115.20, 3115.21, 3115.22, 3115.23, 111675
3115.24, 3115.25, 3115.26, 3115.27, 3115.28, 3115.29, 3115.30, 111676
3115.31, 3115.32, 3115.33, 3115.34, 3115.35, 3115.36, 3115.37, 111677
3115.38, 3115.39, 3115.40, 3115.41, 3115.42, 3115.43, 3115.44, 111678
3115.45, 3115.46, 3115.47, 3115.48, 3115.49, 3115.50, 3115.51, 111679
3115.52, 3115.53, 3115.54, 3115.55, 3115.56, 3115.57, 3115.58, 111680
3115.59, 3301.92, 3301.921, 3313.473, 3318.33, 3326.29, 3337.11, 111681
3734.51, 3736.04, 3769.086, 3770.061, 4731.283, 4741.09, 5104.012, 111682
5104.037, 5119.411, 5163.08, 5165.25, 5165.26, 5168.12, and 111683
5739.212 of the Revised Code are hereby repealed. 111684

Section 106.01. That section 125.833 of the Revised Code is 111685
hereby repealed, effectively January 1, 2016. 111686

Section 110.10. That the versions of sections 340.01, 340.03, 111687
340.15, and 5119.21 of the Revised Code that are scheduled to take 111688
effect September 15, 2016, be amended to read as follows: 111689

Sec. 340.01. (A) As used in this chapter: 111690

(1) "Addiction," "addiction services," "alcohol and drug 111691
addiction services," "alcoholism," "community addiction services 111692
provider," "community mental health services provider," "drug 111693
addiction," "gambling addiction services," "mental health 111694
services," and "mental illness" have the same meanings as in 111695
section 5119.01 of the Revised Code. 111696

(2) "Medication-assisted treatment" means alcohol and drug 111697
addiction services that are accompanied by medication approved by 111698
the United States food and drug administration for the treatment 111699
of drug addiction, prevention of relapse of drug addiction, or 111700
both. 111701

(3) "Recovery housing" means housing for individuals 111702
recovering from alcoholism or drug addiction that provides an 111703
alcohol and drug-free living environment, peer support, assistance 111704
with obtaining alcohol and drug addiction services, and other 111705
alcoholism and drug addiction recovery assistance. 111706

(B) An alcohol, drug addiction, and mental health service 111707
district shall be established in any county or combination of 111708
counties having a population of at least fifty thousand to provide 111709
addiction services and mental health services. With the approval 111710
of the director of mental health and addiction services, any 111711
county or combination of counties having a population of less than 111712
fifty thousand may establish such a district. Districts comprising 111713
more than one county shall be known as joint-county districts. 111714

The board of county commissioners of any county participating 111715
in a joint-county district may submit a resolution requesting 111716
withdrawal from the district together with a comprehensive plan or 111717
plans that are in compliance with rules adopted by the director of 111718
mental health and addiction services under section 5119.22 of the 111719
Revised Code, and that provide for the equitable adjustment and 111720

division of all services, assets, property, debts, and 111721
obligations, if any, of the joint-county district to the board of 111722
alcohol, drug addiction, and mental health services, to the boards 111723
of county commissioners of each county in the district, and to the 111724
director. No county participating in a joint-county service 111725
district may withdraw from the district without the consent of the 111726
director of mental health and addiction services nor earlier than 111727
one year after the submission of such resolution unless all of the 111728
participating counties agree to an earlier withdrawal. Any county 111729
withdrawing from a joint-county district shall continue to have 111730
levied against its tax list and duplicate any tax levied by the 111731
district during the period in which the county was a member of the 111732
district until such time as the levy expires or is renewed or 111733
replaced. 111734

Sec. 340.03. (A) Subject to rules issued by the director of 111735
mental health and addiction services after consultation with 111736
relevant constituencies as required by division (A)(10) of section 111737
5119.21 of the Revised Code, the board of alcohol, drug addiction, 111738
and mental health services shall: 111739

(1) Serve as the community addiction and mental health 111740
services planning agency for the county or counties under its 111741
jurisdiction, and in so doing it shall: 111742

(a) Evaluate the need for facilities and community addiction 111743
and mental health services; 111744

(b) In cooperation with other local and regional planning and 111745
funding bodies and with relevant ethnic organizations, assess the 111746
community addiction and mental health needs, evaluate strengths 111747
and challenges, and set priorities for community addiction and 111748
mental health services, including treatment and prevention. When 111749
the board sets priorities for the operation of addiction services, 111750
the board shall consult with the county commissioners of the 111751

counties in the board's service district regarding the services 111752
described in section 340.15 of the Revised Code and shall give 111753
priority to those services, except that those services shall not 111754
have a priority over services provided to pregnant women under 111755
programs developed in relation to the mandate established in 111756
section 5119.17 of the Revised Code; 111757

(c) In accordance with guidelines issued by the director of 111758
mental health and addiction services after consultation with board 111759
representatives, annually develop and submit to the department of 111760
mental health and addiction services a community addiction and 111761
mental health services plan listing community addiction and mental 111762
health services needs, including the needs of all residents of the 111763
district currently receiving inpatient services in state-operated 111764
hospitals, the needs of other populations as required by state or 111765
federal law or programs, and the needs of all children subject to 111766
a determination made pursuant to section 121.38 of the Revised 111767
Code, and priorities for facilities and community addiction and 111768
mental health services during the period for which the plan will 111769
be in effect. 111770

In alcohol, drug addiction, and mental health service 111771
districts that have separate alcohol and drug addiction services 111772
and community mental health boards, the alcohol and drug addiction 111773
services board shall submit a community addiction services plan 111774
and the community mental health board shall submit a community 111775
mental health services plan. Each board shall consult with its 111776
counterpart in developing its plan and address the interaction 111777
between the local addiction services and mental health services 111778
systems and populations with regard to needs and priorities in 111779
developing its plan. 111780

The department shall approve or disapprove the plan, in whole 111781
or in part, according to the criteria developed pursuant to 111782
section 5119.22 of the Revised Code. Eligibility for state and 111783

federal funding shall be contingent upon an approved plan or 111784
relevant part of a plan. 111785

If a board determines that it is necessary to amend a plan 111786
that has been approved under this division, the board shall submit 111787
a proposed amendment to the director. The director may approve or 111788
disapprove all or part of the amendment. The director shall inform 111789
the board of the reasons for disapproval of all or part of an 111790
amendment and of the criteria that must be met before the 111791
amendment may be approved. The director shall provide the board an 111792
opportunity to present its case on behalf of the amendment. The 111793
director shall give the board a reasonable time in which to meet 111794
the criteria, and shall offer the board technical assistance to 111795
help it meet the criteria. 111796

The board shall operate in accordance with the plan approved 111797
by the department. 111798

(d) Promote, arrange, and implement working agreements with 111799
social agencies, both public and private, and with judicial 111800
agencies. 111801

(2) Investigate, or request another agency to investigate, 111802
any complaint alleging abuse or neglect of any person receiving 111803
services from a community addiction or mental health services 111804
provider ~~certified under section 5119.36 of the Revised Code~~ or 111805
alleging abuse or neglect of a resident receiving addiction 111806
services or with mental illness or severe mental disability 111807
residing in a residential facility licensed under section 5119.34 111808
of the Revised Code. If the investigation substantiates the charge 111809
of abuse or neglect, the board shall take whatever action it 111810
determines is necessary to correct the situation, including 111811
notification of the appropriate authorities. Upon request, the 111812
board shall provide information about such investigations to the 111813
department. 111814

(3) For the purpose of section 5119.36 of the Revised Code, 111815
cooperate with the director of mental health and addiction 111816
services in visiting and evaluating whether the addiction or 111817
mental health services of a community addiction or mental health 111818
services provider satisfy the certification standards established 111819
by rules adopted under that section; 111820

(4) In accordance with criteria established under division 111821
(E) of section 5119.22 of the Revised Code, conduct program audits 111822
that review and evaluate the quality, effectiveness, and 111823
efficiency of addiction and mental health services provided 111824
through its community addiction and mental health ~~contracted~~ 111825
services providers and submit its findings and recommendations to 111826
the department of mental health and addiction services; 111827

(5) In accordance with section 5119.34 of the Revised Code, 111828
review an application for a residential facility license and 111829
provide to the department of mental health and addiction services 111830
any information about the applicant or facility that the board 111831
would like the department to consider in reviewing the 111832
application; 111833

(6) Audit, in accordance with rules adopted by the auditor of 111834
state pursuant to section 117.20 of the Revised Code, at least 111835
annually all programs and services provided under contract with 111836
the board. In so doing, the board may contract for or employ the 111837
services of private auditors. A copy of the fiscal audit report 111838
shall be provided to the director of mental health and addiction 111839
services, the auditor of state, and the county auditor of each 111840
county in the board's district. 111841

(7) Recruit and promote local financial support for addiction 111842
and mental health services from private and public sources; 111843

(8)(a) Enter into contracts with public and private 111844
facilities for the operation of facility services and enter into 111845

contracts with public and private community addiction and mental 111846
health ~~service~~ services providers for the provision of ~~community~~ 111847
addiction and mental health services. The board may not contract 111848
with a residential facility subject to section 5119.34 of the 111849
Revised Code unless the facility is licensed by the director of 111850
mental health and addiction services ~~and~~. The board may not 111851
contract with a community addiction or mental health services 111852
provider to provide ~~community~~ addiction or mental health services 111853
unless the services are certified by the director of mental health 111854
and addiction services under section 5119.36 of the Revised Code. 111855
Section 307.86 of the Revised Code does not apply to contracts 111856
entered into under this division. In contracting with a community 111857
addiction or mental health services provider, a board shall 111858
consider the cost effectiveness of addiction or mental health 111859
services provided by that provider and the quality and continuity 111860
of care, and may review cost elements, including salary costs, of 111861
the services to be provided. A utilization review process may be 111862
established as part of the contract for services entered into 111863
between a board and a community addiction or mental health 111864
services provider. The board may establish this process in a way 111865
that is most effective and efficient in meeting local needs. 111866

If either the board or a facility or community addiction or 111867
mental health services provider with which the board contracts 111868
under this division proposes not to renew the contract or proposes 111869
substantial changes in contract terms, the other party shall be 111870
given written notice at least one hundred twenty days before the 111871
expiration date of the contract. During the first sixty days of 111872
this one hundred twenty-day period, both parties shall attempt to 111873
resolve any dispute through good faith collaboration and 111874
negotiation in order to continue to provide services to persons in 111875
need. If the dispute has not been resolved sixty days before the 111876
expiration date of the contract, either party may notify the 111877
department of mental health and addiction services of the 111878

unresolved dispute. The director may require both parties to 111879
submit the dispute to a third party with the cost to be shared by 111880
the board and the facility or provider. The third party shall 111881
issue to the board, the facility or provider, and the department 111882
recommendations on how the dispute may be resolved twenty days 111883
prior to the expiration date of the contract, unless both parties 111884
agree to a time extension. The director shall adopt rules 111885
establishing the procedures of this dispute resolution process. 111886

(b) With the prior approval of the director of mental health 111887
and addiction services, a board may operate a facility or provide 111888
~~a community~~ an addiction or mental health service as follows, if 111889
there is no other qualified private or public facility or 111890
community addiction or mental health services provider that is 111891
immediately available and willing to operate such a facility or 111892
provide the service: 111893

(i) In an emergency situation, any board may operate a 111894
facility or provide ~~a community~~ an addiction or mental health 111895
service in order to provide essential services for the duration of 111896
the emergency~~7.~~ 111897

(ii) In a service district with a population of at least one 111898
hundred thousand but less than five hundred thousand, a board may 111899
operate a facility or provide ~~a community~~ an addiction or mental 111900
health service for no longer than one year~~7.~~ 111901

(iii) In a service district with a population of less than 111902
one hundred thousand, a board may operate a facility or provide ~~a~~ 111903
~~community~~ an addiction or mental health service for no longer than 111904
one year, except that such a board may operate a facility or 111905
provide ~~a community~~ an addiction or mental health service for more 111906
than one year with the prior approval of the director and the 111907
prior approval of the board of county commissioners, or of a 111908
majority of the boards of county commissioners if the district is 111909
a joint-county district. 111910

The director shall not give a board approval to operate a facility or provide ~~a community~~ an addiction or mental health service under division (A)(8)(b)(ii) or (iii) of this section unless the director determines that it is not feasible to have the department operate the facility or provide the service.

The director shall not give a board approval to operate a facility or provide ~~a community~~ an addiction or mental health service under division (A)(8)(b)(iii) of this section unless the director determines that the board will provide greater administrative efficiency and more or better services than would be available if the board contracted with a private or public facility or community addiction or mental health services provider.

The director shall not give a board approval to operate a facility previously operated by a person or other government entity unless the board has established to the director's satisfaction that the person or other government entity cannot effectively operate the facility or that the person or other government entity has requested the board to take over operation of the facility. The director shall not give a board approval to provide ~~a community~~ an addiction or mental health service previously provided by a community addiction or mental health services provider unless the board has established to the director's satisfaction that the provider cannot effectively provide the service or that the provider has requested the board take over providing the service.

The director shall review and evaluate a board's operation of a facility and provision of ~~community~~ addiction or mental health ~~service~~ services under division (A)(8)(b) of this section.

Nothing in division (A)(8)(b) of this section authorizes a board to administer or direct the daily operation of any facility or community addiction or mental health services provider, but a

facility or provider may contract with a board to receive 111943
administrative services or staff direction from the board under 111944
the direction of the governing body of the facility or provider. 111945

(9) Approve fee schedules and related charges or adopt a unit 111946
cost schedule or other methods of payment for contract services 111947
provided by community addiction or mental health services 111948
providers in accordance with guidelines issued by the department 111949
as necessary to comply with state and federal laws pertaining to 111950
financial assistance; 111951

(10) Submit to the director and the county commissioners of 111952
the county or counties served by the board, and make available to 111953
the public, an annual report of the services under the 111954
jurisdiction of the board, including a fiscal accounting; 111955

(11) Establish, to the extent resources are available, a 111956
continuum of care that provides for prevention, treatment, 111957
support, and rehabilitation services and opportunities. The 111958
essential elements of the continuum of care shall include the 111959
following components: 111960

(a) To locate persons in need of addiction or mental health 111961
services to inform them of available services and benefits; 111962

(b) Assistance for persons receiving addiction or mental 111963
health services to obtain services necessary to meet basic human 111964
needs for food, clothing, shelter, medical care, personal safety, 111965
and income; 111966

(c) Addiction and mental health services, including all of 111967
the following: 111968

(i) Outpatient; 111969

(ii) Residential; 111970

(iii) Partial hospitalization; 111971

(iv) Where appropriate, inpatient care; 111972

(v) Sub-acute detoxification;	111973
(vi) Intensive and other supports;	111974
(vii) Recovery support;	111975
(viii) Prevention and wellness management;	111976
(ix) In accordance with section 340.033 of the Revised Code,	111977
an array of treatment and support services for all levels of	111978
opioid and co-occurring drug addiction.	111979
(d) Emergency services and crisis intervention;	111980
(e) Assistance for persons receiving services to obtain	111981
vocational services and opportunities for jobs;	111982
(f) The provision of services designed to develop social,	111983
community, and personal living skills;	111984
(g) Access to a wide range of housing and the provision of	111985
residential treatment and support;	111986
(h) Support, assistance, consultation, and education for	111987
families, friends, persons receiving addiction or mental health	111988
services, and others;	111989
(i) Recognition and encouragement of families, friends,	111990
neighborhood networks, especially networks that include racial and	111991
ethnic minorities, churches, community organizations, and	111992
community employment as natural supports for persons receiving	111993
addiction or mental health services;	111994
(j) Grievance procedures and protection of the rights of	111995
persons receiving addiction or mental health services;	111996
(k) Community psychiatric supportive treatment services,	111997
which includes continual individualized assistance and advocacy to	111998
ensure that needed services are offered and procured;	111999
(l) Any additional component the department, pursuant to	112000
section 5119.21 of the Revised Code, determines is necessary to	112001

establish the continuum of care. 112002

(12) Establish a method for evaluating referrals for 112003
~~involuntary commitment~~ court-ordered treatment and affidavits 112004
filed pursuant to section 5122.11 of the Revised Code in order to 112005
assist the probate division of the court of common pleas in 112006
determining whether there is probable cause that a respondent is 112007
subject to ~~involuntary hospitalization~~ court-ordered treatment and 112008
~~what alternative treatment is~~ whether alternatives to 112009
hospitalization are available and appropriate, ~~if any~~; 112010

(13) Designate the treatment services, provider, facility, or 112011
other placement for each person involuntarily committed to the 112012
board pursuant to Chapter 5122. of the Revised Code. The board 112013
shall provide the least restrictive and most appropriate 112014
alternative that is available for any person involuntarily 112015
committed to it and shall assure that the listed services 112016
submitted and approved in accordance with division (B) of section 112017
340.08 of the Revised Code are available to severely mentally 112018
disabled persons residing within its service district. The board 112019
shall establish the procedure for authorizing payment for 112020
services, which may include prior authorization in appropriate 112021
circumstances. ~~The~~ In accordance with division (A)(8)(b) of this 112022
section, the board may provide for services directly to a severely 112023
mentally disabled person when life or safety is endangered and 112024
when no community mental health services provider is available to 112025
provide the service. 112026

(14) Ensure that ~~apartments or rooms~~ housing built, 112027
subsidized, renovated, rented, owned, or leased by the board or a 112028
community addiction or mental health services provider ~~have~~ has 112029
been approved as meeting minimum fire safety standards and that 112030
persons residing in the ~~rooms or apartments are receiving~~ housing 112031
have access to appropriate and necessary services, including 112032
culturally relevant services, from a community addiction or mental 112033

health services provider. This division does not apply to 112034
residential facilities licensed pursuant to section 5119.34 of the 112035
Revised Code. 112036

(15) Establish a mechanism for obtaining advice and 112037
involvement of persons receiving ~~publicly funded~~ addiction or 112038
mental health services on matters pertaining to addiction and 112039
mental health services in the alcohol, drug addiction, and mental 112040
health service district; 112041

(16) Perform the duties required by rules adopted under 112042
section 5119.22 of the Revised Code regarding referrals by the 112043
board or mental health services providers under contract with the 112044
board of individuals with mental illness or severe mental 112045
disability to residential facilities ~~as defined in division~~ 112046
~~(A)(9)(b)(iii) of~~ licensed under section 5119.34 of the Revised 112047
Code and effective arrangements for ongoing mental health services 112048
for the individuals. The board is accountable in the manner 112049
specified in the rules for ensuring that the ongoing mental health 112050
services are effectively arranged for the individuals. 112051

(B) The board shall establish such rules, operating 112052
procedures, standards, and bylaws, and perform such other duties 112053
as may be necessary or proper to carry out the purposes of this 112054
chapter. 112055

(C) A board of alcohol, drug addiction, and mental health 112056
services may receive by gift, grant, devise, or bequest any 112057
moneys, lands, or property for the benefit of the purposes for 112058
which the board is established, and may hold and apply it 112059
according to the terms of the gift, grant, or bequest. All money 112060
received, including accrued interest, by gift, grant, or bequest 112061
shall be deposited in the treasury of the county, the treasurer of 112062
which is custodian of the alcohol, drug addiction, and mental 112063
health services funds to the credit of the board and shall be 112064
available for use by the board for purposes stated by the donor or 112065

grantor. 112066

(D) No board member or employee of a board of alcohol, drug 112067
addiction, and mental health services shall be liable for injury 112068
or damages caused by any action or inaction taken within the scope 112069
of the board member's official duties or the employee's 112070
employment, whether or not such action or inaction is expressly 112071
authorized by this section or any other section of the Revised 112072
Code, unless such action or inaction constitutes willful or wanton 112073
misconduct. Chapter 2744. of the Revised Code applies to any 112074
action or inaction by a board member or employee of a board taken 112075
within the scope of the board member's official duties or 112076
employee's employment. For the purposes of this division, the 112077
conduct of a board member or employee shall not be considered 112078
willful or wanton misconduct if the board member or employee acted 112079
in good faith and in a manner that the board member or employee 112080
reasonably believed was in or was not opposed to the best 112081
interests of the board and, with respect to any criminal action or 112082
proceeding, had no reasonable cause to believe the conduct was 112083
unlawful. 112084

(E) The meetings held by any committee established by a board 112085
of alcohol, drug addiction, and mental health services shall be 112086
considered to be meetings of a public body subject to section 112087
121.22 of the Revised Code. 112088

Sec. 340.15. (A) A public children services agency that 112089
identifies a child by a risk assessment conducted pursuant to 112090
section 5153.16 of the Revised Code as being at imminent risk of 112091
being abused or neglected because of an addiction of a parent, 112092
guardian, or custodian of the child to a drug of abuse or alcohol 112093
shall refer the child's addicted parent, guardian, or custodian 112094
and, if the agency determines that the child needs alcohol or 112095
other drug addiction services, the child to a community addiction 112096

~~services provider certified by the department of mental health and~~ 112097
~~addiction services under section 5119.36 of the Revised Code. A~~ 112098
public children services agency that is sent a court order issued 112099
pursuant to division (B) of section 2151.3514 of the Revised Code 112100
shall refer the addicted parent or other caregiver of the child 112101
identified in the court order to a community addiction services 112102
provider ~~certified by the department of mental health and~~ 112103
~~addiction services under section 5119.36 of the Revised Code. On~~ 112104
receipt of a referral under this division and to the extent 112105
funding identified under division (A)(2) of section 340.08 of the 112106
Revised Code is available, the provider shall provide the 112107
following services to the addicted parent, guardian, custodian, or 112108
caregiver and child in need of addiction services: 112109

(1) If it is determined pursuant to an initial screening to 112110
be needed, assessment and appropriate treatment; 112111

(2) Documentation of progress in accordance with a treatment 112112
plan developed for the addicted parent, guardian, custodian, 112113
caregiver, or child; 112114

(3) If the referral is based on a court order issued pursuant 112115
to division (B) of section 2151.3514 of the Revised Code and the 112116
order requires the specified parent or other caregiver of the 112117
child to submit to alcohol or other drug testing during, after, or 112118
both during and after, treatment, testing in accordance with the 112119
court order. 112120

(B) The services described in division (A) of this section 112121
shall have a priority as provided in the addiction and mental 112122
health services plan and budget established pursuant to sections 112123
340.03 and 340.08 of the Revised Code. Once a referral has been 112124
received pursuant to this section, the public children services 112125
agency and the addiction services provider shall, in accordance 112126
with 42 C.F.R. Part 2, share with each other any information 112127
concerning the persons and services described in that division 112128

that the agency and provider determine are necessary to share. If 112129
the referral is based on a court order issued pursuant to division 112130
(B) of section 2151.3514 of the Revised Code, the results and 112131
recommendations of the addiction services provider also shall be 112132
provided and used as described in division (D) of that section. 112133
Information obtained or maintained by the agency or provider 112134
pursuant to this section that could enable the identification of 112135
any person described in division (A) of this section is not a 112136
public record subject to inspection or copying under section 112137
149.43 of the Revised Code. 112138

Sec. 5119.21. (A) The department of mental health and 112139
addiction services shall: 112140

(1) To the extent the department has available resources and 112141
in consultation with boards of alcohol, drug addiction, and mental 112142
health services, support the continuum of care that the boards are 112143
required by division (A)(11) of section 340.03 of the Revised Code 112144
to establish. The department shall provide the support on a 112145
district or multi-district basis. The department shall assist in 112146
identifying resources, and may prioritize support, for one or more 112147
of the elements of the continuum of care. For the purpose of 112148
division (A)(11)(~~1~~) of section 340.03 of the Revised Code and to 112149
the extent the department determines is necessary, the department 112150
shall define additional components to be included in the essential 112151
elements of the continuum of care. 112152

(2) Provide training, consultation, and technical assistance 112153
regarding ~~mental health and addiction~~ and mental health services 112154
and appropriate prevention, recovery, and mental health promotion 112155
activities, including those that are culturally competent, to 112156
employees of the department, community mental health and addiction 112157
services providers, boards of alcohol, drug addiction, and mental 112158
health services, and other agencies providing ~~mental health and~~ 112159

addiction and mental health services; 112160

(3) To the extent the department has available resources, 112161
promote and support a full range of ~~mental health and~~ addiction 112162
and mental health services that are available and accessible to 112163
all residents of this state, especially for severely ~~mentally~~ 112164
~~disabled~~ emotionally disturbed children, and adolescents, severely 112165
mentally disabled adults, pregnant women, parents, guardians or 112166
custodians of children at risk of abuse or neglect, and other 112167
special target populations, including racial and ethnic 112168
minorities, as determined by the department; 112169

(4) Develop standards and measures for evaluating the 112170
effectiveness of ~~mental health and~~ addiction and mental health 112171
services, including services that use methadone treatment, of 112172
gambling addiction services, and for increasing the accountability 112173
of community mental health and ~~alcohol and~~ addiction services 112174
providers ~~and of gambling addiction services providers~~; 112175

(5) Design and set criteria for the determination of priority 112176
populations; 112177

(6) Promote, direct, conduct, and coordinate scientific 112178
research, taking ethnic and racial differences into consideration, 112179
concerning the causes and prevention of mental illness and 112180
addiction, methods of providing effective services and treatment, 112181
and means of enhancing the mental health of and recovery from 112182
addiction of all residents of this state; 112183

(7) Foster the establishment and availability of vocational 112184
rehabilitation services and the creation of employment 112185
opportunities for ~~consumers of mental health and~~ individuals with 112186
addiction services and mental health needs, including members of 112187
racial and ethnic minorities; 112188

(8) Establish a program to protect and promote the rights of 112189
persons receiving ~~mental health and~~ addiction and mental health 112190

services, including the issuance of guidelines on informed consent 112191
and other rights; 112192

(9) Promote the involvement of persons who are receiving or 112193
have received ~~mental health and addiction~~ and mental health 112194
services, including families and other persons having a close 112195
relationship to a person receiving those services, in the 112196
planning, evaluation, delivery, and operation of ~~mental health and~~ 112197
addiction and mental health services; 112198

(10) Notify and consult with the relevant constituencies that 112199
may be affected by rules, standards, and guidelines issued by the 112200
department of mental health and addiction services. These 112201
constituencies shall include consumers of ~~mental health and~~ 112202
addiction and mental health services and their families, and may 112203
include public and private providers, employee organizations, and 112204
others when appropriate. Whenever the department proposes the 112205
adoption, amendment, or rescission of rules under Chapter 119. of 112206
the Revised Code, the notification and consultation required by 112207
this division shall occur prior to the commencement of proceedings 112208
under Chapter 119. The department shall adopt rules under Chapter 112209
119. of the Revised Code that establish procedures for the 112210
notification and consultation required by this division. 112211

(11) Provide consultation to the department of rehabilitation 112212
and correction concerning the delivery of ~~mental health and~~ 112213
addiction and mental health services in state correctional 112214
institutions; 112215

(12) Promote and coordinate efforts in the provision of 112216
alcohol and drug addiction services and of gambling addiction 112217
services by other state agencies, as defined in section 1.60 of 112218
the Revised Code; courts; hospitals; clinics; physicians in 112219
private practice; public health authorities; boards of alcohol, 112220
drug addiction, and mental health services; ~~alcohol and drug~~ 112221
community addiction services providers; law enforcement agencies; 112222

~~gambling addiction services providers;~~ and related groups; 112223

(13) Provide to each court of record, and biennially update, 112224
a list of the treatment and education programs within that court's 112225
jurisdiction that the court may require an offender, sentenced 112226
pursuant to section 4511.19 of the Revised Code, to attend; 112227

(14) Make the warning sign described in sections 3313.752, 112228
3345.41, and 3707.50 of the Revised Code available on the 112229
department's internet web site; 112230

(15) Provide a program of gambling addiction services on 112231
behalf of the state lottery commission, pursuant to an agreement 112232
entered into with the director of the commission under division 112233
(K) of section 3770.02 of the Revised Code, and provide a program 112234
of gambling addiction services on behalf of the Ohio casino 112235
control commission, under an agreement entered into with the 112236
executive director of the commission under section 3772.062 of the 112237
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 112238
Constitution, the department may enter into agreements with boards 112239
of alcohol, drug addiction, and mental health services, including 112240
boards with districts in which a casino facility is not located, 112241
and nonprofit organizations to provide gambling addiction services 112242
and ~~substance abuse~~ alcohol and drug addiction services, and with 112243
state institutions of higher education or private nonprofit 112244
institutions that possess a certificate of authorization issued 112245
under Chapter 1713. of the Revised Code to perform related 112246
research. 112247

(B) The department may accept and administer grants from 112248
public or private sources for carrying out any of the duties 112249
enumerated in this section. 112250

(C) ~~Pursuant to Chapter 119. of the Revised Code, the~~ 112251
~~department shall adopt a rule defining the term "intervention" as~~ 112252
~~it is used in this chapter in connection with alcohol and drug~~ 112253

~~addiction services and in connection with gambling addiction~~ 112254
~~services.~~ The department may adopt ~~other~~ rules in accordance with 112255
Chapter 119. of the Revised Code as necessary to implement the 112256
requirements of this chapter. 112257

Section 110.11. That the existing versions of sections 112258
340.01, 340.03, 340.15, and 5119.21 of the Revised Code that are 112259
scheduled to take effect September 15, 2016, are hereby repealed. 112260

Section 110.12. Sections 110.10 and 110.11 of this act shall 112261
take effect September 15, 2016. 112262

Section 110.20. That the version of section 4501.01 of the 112263
Revised Code that is scheduled to take effect January 1, 2017, be 112264
amended to read as follows: 112265

Sec. 4501.01. As used in this chapter and Chapters 4503., 112266
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 112267
Revised Code, and in the penal laws, except as otherwise provided: 112268

(A) "Vehicles" means everything on wheels or runners, 112269
including motorized bicycles, but does not mean electric personal 112270
assistive mobility devices, vehicles that are operated exclusively 112271
on rails or tracks or from overhead electric trolley wires, and 112272
vehicles that belong to any police department, municipal fire 112273
department, or volunteer fire department, or that are used by such 112274
a department in the discharge of its functions. 112275

(B) "Motor vehicle" means any vehicle, including mobile homes 112276
and recreational vehicles, that is propelled or drawn by power 112277
other than muscular power or power collected from overhead 112278
electric trolley wires. "Motor vehicle" does not include utility 112279
vehicles as defined in division (VV) of this section, under-speed 112280
vehicles as defined in division (XX) of this section, mini-trucks 112281
as defined in division (BBB) of this section, motorized bicycles, 112282

road rollers, traction engines, power shovels, power cranes, and 112283
other equipment used in construction work and not designed for or 112284
employed in general highway transportation, well-drilling 112285
machinery, ditch-digging machinery, farm machinery, and trailers 112286
that are designed and used exclusively to transport a boat between 112287
a place of storage and a marina, or in and around a marina, when 112288
drawn or towed on a public road or highway for a distance of no 112289
more than ten miles and at a speed of twenty-five miles per hour 112290
or less. 112291

(C) "Agricultural tractor" and "traction engine" mean any 112292
self-propelling vehicle that is designed or used for drawing other 112293
vehicles or wheeled machinery, but has no provisions for carrying 112294
loads independently of such other vehicles, and that is used 112295
principally for agricultural purposes. 112296

(D) "Commercial tractor," except as defined in division (C) 112297
of this section, means any motor vehicle that has motive power and 112298
either is designed or used for drawing other motor vehicles, or is 112299
designed or used for drawing another motor vehicle while carrying 112300
a portion of the other motor vehicle or its load, or both. 112301

(E) "Passenger car" means any motor vehicle that is designed 112302
and used for carrying not more than nine persons and includes any 112303
motor vehicle that is designed and used for carrying not more than 112304
fifteen persons in a ridesharing arrangement. 112305

(F) "Collector's vehicle" means any motor vehicle or 112306
agricultural tractor or traction engine that is of special 112307
interest, that has a fair market value of one hundred dollars or 112308
more, whether operable or not, and that is owned, operated, 112309
collected, preserved, restored, maintained, or used essentially as 112310
a collector's item, leisure pursuit, or investment, but not as the 112311
owner's principal means of transportation. "Licensed collector's 112312
vehicle" means a collector's vehicle, other than an agricultural 112313
tractor or traction engine, that displays current, valid license 112314

tags issued under section 4503.45 of the Revised Code, or a 112315
similar type of motor vehicle that displays current, valid license 112316
tags issued under substantially equivalent provisions in the laws 112317
of other states. 112318

(G) "Historical motor vehicle" means any motor vehicle that 112319
is over twenty-five years old and is owned solely as a collector's 112320
item and for participation in club activities, exhibitions, tours, 112321
parades, and similar uses, but that in no event is used for 112322
general transportation. 112323

(H) "Noncommercial motor vehicle" means any motor vehicle, 112324
including a farm truck as defined in section 4503.04 of the 112325
Revised Code, that is designed by the manufacturer to carry a load 112326
of no more than one ton and is used exclusively for purposes other 112327
than engaging in business for profit. 112328

(I) "Bus" means any motor vehicle that has motor power and is 112329
designed and used for carrying more than nine passengers, except 112330
any motor vehicle that is designed and used for carrying not more 112331
than fifteen passengers in a ridesharing arrangement. 112332

(J) "Commercial car" or "truck" means any motor vehicle that 112333
has motor power and is designed and used for carrying merchandise 112334
or freight, or that is used as a commercial tractor. 112335

(K) "Bicycle" means every device, other than a device that is 112336
designed solely for use as a play vehicle by a child, that is 112337
propelled solely by human power upon which a person may ride, and 112338
that has two or more wheels, any of which is more than fourteen 112339
inches in diameter. 112340

(L) "Motorized bicycle" or "moped" means any vehicle that 112341
either has two tandem wheels or one wheel in the front and two 112342
wheels in the rear, that may be pedaled, and that is equipped with 112343
a helper motor of not more than fifty cubic centimeters piston 112344
displacement that produces no more than one brake horsepower and 112345

is capable of propelling the vehicle at a speed of no greater than 112346
twenty miles per hour on a level surface. 112347

(M) "Trailer" means any vehicle without motive power that is 112348
designed or used for carrying property or persons wholly on its 112349
own structure and for being drawn by a motor vehicle, and includes 112350
any such vehicle that is formed by or operated as a combination of 112351
a semitrailer and a vehicle of the dolly type such as that 112352
commonly known as a trailer dolly, a vehicle used to transport 112353
agricultural produce or agricultural production materials between 112354
a local place of storage or supply and the farm when drawn or 112355
towed on a public road or highway at a speed greater than 112356
twenty-five miles per hour, and a vehicle that is designed and 112357
used exclusively to transport a boat between a place of storage 112358
and a marina, or in and around a marina, when drawn or towed on a 112359
public road or highway for a distance of more than ten miles or at 112360
a speed of more than twenty-five miles per hour. "Trailer" does 112361
not include a manufactured home or travel trailer. 112362

(N) "Noncommercial trailer" means any trailer, except a 112363
travel trailer or trailer that is used to transport a boat as 112364
described in division (B) of this section, but, where applicable, 112365
includes a vehicle that is used to transport a boat as described 112366
in division (M) of this section, that has a gross weight of no 112367
more than ten thousand pounds, and that is used exclusively for 112368
purposes other than engaging in business for a profit, such as the 112369
transportation of personal items for personal or recreational 112370
purposes. 112371

(O) "Mobile home" means a building unit or assembly of closed 112372
construction that is fabricated in an off-site facility, is more 112373
than thirty-five body feet in length or, when erected on site, is 112374
three hundred twenty or more square feet, is built on a permanent 112375
chassis, is transportable in one or more sections, and does not 112376
qualify as a manufactured home as defined in division (C)(4) of 112377

section 3781.06 of the Revised Code or as an industrialized unit 112378
as defined in division (C)(3) of section 3781.06 of the Revised 112379
Code. 112380

(P) "Semitrailer" means any vehicle of the trailer type that 112381
does not have motive power and is so designed or used with another 112382
and separate motor vehicle that in operation a part of its own 112383
weight or that of its load, or both, rests upon and is carried by 112384
the other vehicle furnishing the motive power for propelling 112385
itself and the vehicle referred to in this division, and includes, 112386
for the purpose only of registration and taxation under those 112387
chapters, any vehicle of the dolly type, such as a trailer dolly, 112388
that is designed or used for the conversion of a semitrailer into 112389
a trailer. 112390

(Q) "Recreational vehicle" means a vehicular portable 112391
structure that meets all of the following conditions: 112392

(1) It is designed for the sole purpose of recreational 112393
travel. 112394

(2) It is not used for the purpose of engaging in business 112395
for profit. 112396

(3) It is not used for the purpose of engaging in intrastate 112397
commerce. 112398

(4) It is not used for the purpose of commerce as defined in 112399
49 C.F.R. 383.5, as amended. 112400

(5) It is not regulated by the public utilities commission 112401
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 112402

(6) It is classed as one of the following: 112403

(a) "Travel trailer" or "house vehicle" means a 112404
nonself-propelled recreational vehicle that does not exceed an 112405
overall length of forty feet, exclusive of bumper and tongue or 112406
coupling. "Travel trailer" includes a tent-type fold-out camping 112407

trailer as defined in section 4517.01 of the Revised Code. 112408

(b) "Motor home" means a self-propelled recreational vehicle 112409
that has no fifth wheel and is constructed with permanently 112410
installed facilities for cold storage, cooking and consuming of 112411
food, and for sleeping. 112412

(c) "Truck camper" means a nonself-propelled recreational 112413
vehicle that does not have wheels for road use and is designed to 112414
be placed upon and attached to a motor vehicle. "Truck camper" 112415
does not include truck covers that consist of walls and a roof, 112416
but do not have floors and facilities enabling them to be used as 112417
a dwelling. 112418

(d) "Fifth wheel trailer" means a vehicle that is of such 112419
size and weight as to be movable without a special highway permit, 112420
that is constructed with a raised forward section that allows a 112421
bi-level floor plan, and that is designed to be towed by a vehicle 112422
equipped with a fifth-wheel hitch ordinarily installed in the bed 112423
of a truck. 112424

(e) "Park trailer" means a vehicle that is commonly known as 112425
a park model recreational vehicle, meets the American national 112426
standard institute standard A119.5 (1988) for park trailers, is 112427
built on a single chassis, has a gross trailer area of four 112428
hundred square feet or less when set up, is designed for seasonal 112429
or temporary living quarters, and may be connected to utilities 112430
necessary for the operation of installed features and appliances. 112431

(R) "Pneumatic tires" means tires of rubber and fabric or 112432
tires of similar material, that are inflated with air. 112433

(S) "Solid tires" means tires of rubber or similar elastic 112434
material that are not dependent upon confined air for support of 112435
the load. 112436

(T) "Solid tire vehicle" means any vehicle that is equipped 112437
with two or more solid tires. 112438

(U) "Farm machinery" means all machines and tools that are 112439
used in the production, harvesting, and care of farm products, and 112440
includes trailers that are used to transport agricultural produce 112441
or agricultural production materials between a local place of 112442
storage or supply and the farm, agricultural tractors, threshing 112443
machinery, hay-baling machinery, corn shellers, hammermills, and 112444
machinery used in the production of horticultural, agricultural, 112445
and vegetable products. 112446

(V) "Owner" includes any person or firm, other than a 112447
manufacturer or dealer, that has title to a motor vehicle, except 112448
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 112449
includes in addition manufacturers and dealers. 112450

(W) "Manufacturer" and "dealer" include all persons and firms 112451
that are regularly engaged in the business of manufacturing, 112452
selling, displaying, offering for sale, or dealing in motor 112453
vehicles, at an established place of business that is used 112454
exclusively for the purpose of manufacturing, selling, displaying, 112455
offering for sale, or dealing in motor vehicles. A place of 112456
business that is used for manufacturing, selling, displaying, 112457
offering for sale, or dealing in motor vehicles shall be deemed to 112458
be used exclusively for those purposes even though snowmobiles or 112459
all-purpose vehicles are sold or displayed for sale thereat, even 112460
though farm machinery is sold or displayed for sale thereat, or 112461
even though repair, accessory, gasoline and oil, storage, parts, 112462
service, or paint departments are maintained thereat, or, in any 112463
county having a population of less than seventy-five thousand at 112464
the last federal census, even though a department in a place of 112465
business is used to dismantle, salvage, or rebuild motor vehicles 112466
by means of used parts, if such departments are operated for the 112467
purpose of furthering and assisting in the business of 112468
manufacturing, selling, displaying, offering for sale, or dealing 112469
in motor vehicles. Places of business or departments in a place of 112470

business used to dismantle, salvage, or rebuild motor vehicles by 112471
means of using used parts are not considered as being maintained 112472
for the purpose of assisting or furthering the manufacturing, 112473
selling, displaying, and offering for sale or dealing in motor 112474
vehicles. 112475

(X) "Operator" includes any person who drives or operates a 112476
motor vehicle upon the public highways. 112477

(Y) "Chauffeur" means any operator who operates a motor 112478
vehicle, other than a taxicab, as an employee for hire; or any 112479
operator whether or not the owner of a motor vehicle, other than a 112480
taxicab, who operates such vehicle for transporting, for gain, 112481
compensation, or profit, either persons or property owned by 112482
another. Any operator of a motor vehicle who is voluntarily 112483
involved in a ridesharing arrangement is not considered an 112484
employee for hire or operating such vehicle for gain, 112485
compensation, or profit. 112486

(Z) "State" includes the territories and federal districts of 112487
the United States, and the provinces of Canada. 112488

(AA) "Public roads and highways" for vehicles includes all 112489
public thoroughfares, bridges, and culverts. 112490

(BB) "Manufacturer's number" means the manufacturer's 112491
original serial number that is affixed to or imprinted upon the 112492
chassis or other part of the motor vehicle. 112493

(CC) "Motor number" means the manufacturer's original number 112494
that is affixed to or imprinted upon the engine or motor of the 112495
vehicle. 112496

(DD) "Distributor" means any person who is authorized by a 112497
motor vehicle manufacturer to distribute new motor vehicles to 112498
licensed motor vehicle dealers at an established place of business 112499
that is used exclusively for the purpose of distributing new motor 112500
vehicles to licensed motor vehicle dealers, except when the 112501

distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership.

(EE) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

(FF) "Apportionable vehicle" means any vehicle that is used or intended for use in two or more international registration plan member jurisdictions that allocate or proportionally register vehicles, that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and that meets any of the following qualifications:

(1) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds;

(2) Is a power unit having three or more axles, regardless of the gross vehicle weight;

(3) Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds.

"Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, ~~buses used for the transportation of chartered parties,~~ or vehicles owned and operated by the United States, this state, or any political subdivisions thereof.

(GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying motor vehicle at a fixed charge for the vehicle in accordance with the carrier's tariff, lawfully on file with the United States department of transportation, for the purpose of group travel to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having

left the place of origin. 112533

(HH) "International registration plan" means a reciprocal 112534
agreement of member jurisdictions that is endorsed by the American 112535
association of motor vehicle administrators, and that promotes and 112536
encourages the fullest possible use of the highway system by 112537
authorizing apportioned registration of fleets of vehicles and 112538
recognizing registration of vehicles apportioned in member 112539
jurisdictions. 112540

(II) "Restricted plate" means a license plate that has a 112541
restriction of time, geographic area, mileage, or commodity, and 112542
includes license plates issued to farm trucks under division (J) 112543
of section 4503.04 of the Revised Code. 112544

(JJ) "Gross vehicle weight," with regard to any commercial 112545
car, trailer, semitrailer, or bus that is taxed at the rates 112546
established under section 4503.042 or 4503.65 of the Revised Code, 112547
means the unladen weight of the vehicle fully equipped plus the 112548
maximum weight of the load to be carried on the vehicle. 112549

(KK) "Combined gross vehicle weight" with regard to any 112550
combination of a commercial car, trailer, and semitrailer, that is 112551
taxed at the rates established under section 4503.042 or 4503.65 112552
of the Revised Code, means the total unladen weight of the 112553
combination of vehicles fully equipped plus the maximum weight of 112554
the load to be carried on that combination of vehicles. 112555

(LL) "Chauffeured limousine" means a motor vehicle that is 112556
designed to carry nine or fewer passengers and is operated for 112557
hire pursuant to a prearranged contract for the transportation of 112558
passengers on public roads and highways along a route under the 112559
control of the person hiring the vehicle and not over a defined 112560
and regular route. "Prearranged contract" means an agreement, made 112561
in advance of boarding, to provide transportation from a specific 112562
location in a chauffeured limousine. "Chauffeured limousine" does 112563

not include any vehicle that is used exclusively in the business 112564
of funeral directing. 112565

(MM) "Manufactured home" has the same meaning as in division 112566
(C)(4) of section 3781.06 of the Revised Code. 112567

(NN) "Acquired situs," with respect to a manufactured home or 112568
a mobile home, means to become located in this state by the 112569
placement of the home on real property, but does not include the 112570
placement of a manufactured home or a mobile home in the inventory 112571
of a new motor vehicle dealer or the inventory of a manufacturer, 112572
remanufacturer, or distributor of manufactured or mobile homes. 112573

(OO) "Electronic" includes electrical, digital, magnetic, 112574
optical, electromagnetic, or any other form of technology that 112575
entails capabilities similar to these technologies. 112576

(PP) "Electronic record" means a record generated, 112577
communicated, received, or stored by electronic means for use in 112578
an information system or for transmission from one information 112579
system to another. 112580

(QQ) "Electronic signature" means a signature in electronic 112581
form attached to or logically associated with an electronic 112582
record. 112583

(RR) "Financial transaction device" has the same meaning as 112584
in division (A) of section 113.40 of the Revised Code. 112585

(SS) "Electronic motor vehicle dealer" means a motor vehicle 112586
dealer licensed under Chapter 4517. of the Revised Code whom the 112587
registrar of motor vehicles determines meets the criteria 112588
designated in section 4503.035 of the Revised Code for electronic 112589
motor vehicle dealers and designates as an electronic motor 112590
vehicle dealer under that section. 112591

(TT) "Electric personal assistive mobility device" means a 112592
self-balancing two non-tandem wheeled device that is designed to 112593

transport only one person, has an electric propulsion system of an 112594
average of seven hundred fifty watts, and when ridden on a paved 112595
level surface by an operator who weighs one hundred seventy pounds 112596
has a maximum speed of less than twenty miles per hour. 112597

(UU) "Limited driving privileges" means the privilege to 112598
operate a motor vehicle that a court grants under section 4510.021 112599
of the Revised Code to a person whose driver's or commercial 112600
driver's license or permit or nonresident operating privilege has 112601
been suspended. 112602

(VV) "Utility vehicle" means a self-propelled vehicle 112603
designed with a bed, principally for the purpose of transporting 112604
material or cargo in connection with construction, agricultural, 112605
forestry, grounds maintenance, lawn and garden, materials 112606
handling, or similar activities. 112607

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 112608
vehicle with an attainable speed in one mile on a paved level 112609
surface of more than twenty miles per hour but not more than 112610
twenty-five miles per hour and with a gross vehicle weight rating 112611
less than three thousand pounds. 112612

(XX) "Under-speed vehicle" means a three- or four-wheeled 112613
vehicle, including a vehicle commonly known as a golf cart, with 112614
an attainable speed on a paved level surface of not more than 112615
twenty miles per hour and with a gross vehicle weight rating less 112616
than three thousand pounds. 112617

(YY) "Motor-driven cycle or motor scooter" means any vehicle 112618
designed to travel on not more than three wheels in contact with 112619
the ground, with a seat for the driver and floor pad for the 112620
driver's feet, and is equipped with a motor with a piston 112621
displacement between fifty and one hundred fifty cubic centimeters 112622
piston displacement that produces not more than five brake 112623
horsepower and is capable of propelling the vehicle at a speed 112624

greater than twenty miles per hour on a level surface. 112625

(ZZ) "Motorcycle" means a motor vehicle with motive power 112626
having a seat or saddle for the use of the operator, designed to 112627
travel on not more than three wheels in contact with the ground, 112628
and having no occupant compartment top or occupant compartment top 112629
that can be installed or removed by the user. 112630

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 112631
motive power having a seat or saddle for the use of the operator, 112632
designed to travel on not more than three wheels in contact with 112633
the ground, and having an occupant compartment top or an occupant 112634
compartment top that can be installed or removed by the user. 112635

(BBB) "Mini-truck" means a vehicle that has four wheels, is 112636
propelled by an electric motor with a rated power of seven 112637
thousand five hundred watts or less or an internal combustion 112638
engine with a piston displacement capacity of six hundred sixty 112639
cubic centimeters or less, has a total dry weight of nine hundred 112640
to two thousand two hundred pounds, contains an enclosed cabin and 112641
a seat for the vehicle operator, resembles a pickup truck or van 112642
with a cargo area or bed located at the rear of the vehicle, and 112643
was not originally manufactured to meet federal motor vehicle 112644
safety standards. 112645

Section 110.21. That the existing version of section 4501.01 112646
of the Revised Code that is scheduled to take effect January 1, 112647
2017, is hereby repealed. 112648

Section 110.22. Sections 110.20 and 110.21 of this act shall 112649
take effect January 1, 2017. 112650

Section 115.10. That section 118.023 of the Revised Code as 112651
it results from Section 101.01 of this act be amended to read as 112652
follows: 112653

Sec. 118.023. (A) Upon determining that one or more of the 112654
conditions described in section 118.022 of the Revised Code are 112655
present, the auditor of state shall issue a written declaration of 112656
the existence of a fiscal watch to the municipal corporation, 112657
county, or township and the county budget commission. The fiscal 112658
watch shall be in effect until the auditor of state determines 112659
that none of the conditions are any longer present and cancels the 112660
watch, or until the auditor of state determines that a state of 112661
fiscal emergency exists. The auditor of state, or a designee, 112662
shall provide such technical and support services to the municipal 112663
corporation, county, or township after a fiscal watch has been 112664
declared to exist as the auditor of state considers necessary. 112665

(B) Within ninety days after the day a written declaration of 112666
the existence of a fiscal watch is issued under division (A) of 112667
this section, the mayor of the municipal corporation, the board of 112668
county commissioners of the county, or the board of township 112669
trustees of the township for which a fiscal watch was declared 112670
shall submit to the auditor of state a financial recovery plan 112671
that shall identify actions to be taken to eliminate all of the 112672
conditions described in section 118.022 of the Revised Code, and 112673
shall include a schedule detailing the approximate dates for 112674
beginning and completing the actions and a five-year forecast 112675
reflecting the effects of the actions. The financial recovery plan 112676
also shall evaluate the feasibility of entering into shared 112677
services agreements with other political subdivisions for the 112678
joint exercise of any power, performance of any function, or 112679
rendering of any service, if so authorized by statute. The 112680
financial recovery plan is subject to review and approval by the 112681
auditor of state. The auditor of state may extend the amount of 112682
time by which a financial recovery plan is required to be filed, 112683
for good cause shown. 112684

(C) ~~The~~ If a feasible financial recovery plan for a municipal 112685

corporation, county, or township for which a fiscal watch was 112686
declared is not submitted within the time period prescribed by 112687
division (B) of this section, or within any extension of time 112688
thereof, the auditor of state shall declare that a fiscal 112689
emergency condition exists under section 118.04 of the Revised 112690
Code in the municipal corporation, county, or township ~~if either~~ 112691
~~of the following applies:~~ 112692

~~(1) A feasible financial recovery plan for a municipal~~ 112693
~~corporation, county, or township for which a fiscal watch was~~ 112694
~~declared is not submitted within the time period prescribed by~~ 112695
~~division (B) of this section, or within any extension of time~~ 112696
~~thereof; or~~ 112697

~~(2) The auditor of state finds that a municipal corporation,~~ 112698
~~county, or township for which a fiscal watch has been declared has~~ 112699
~~not made reasonable proposals or otherwise taken action to~~ 112700
~~discontinue or correct the fiscal practices or budgetary~~ 112701
~~conditions that prompted the declaration of fiscal watch, and the~~ 112702
~~auditor determines a fiscal emergency declaration is necessary to~~ 112703
~~prevent further decline.~~ 112704

Section 115.11. That existing section 118.023 of the Revised 112705
Code as it results from Section 101.01 of this act is hereby 112706
repealed. 112707

Section 115.12. That Sections 115.10 and 115.11 of this act 112708
take effect two years after the effective date of the amendment to 112709
section 118.023 of the Revised Code by Section 101.01 of this act. 112710

Section 125.10. That section 102.01 of the Revised Code be 112711
amended to read as follows: 112712

Sec. 102.01. As used in this chapter: 112713

(A) "Compensation" means money, thing of value, or financial 112714
benefit. "Compensation" does not include reimbursement for actual 112715
and necessary expenses incurred in the performance of official 112716
duties. 112717

(B) "Public official or employee" means any person who is 112718
elected or appointed to an office or is an employee of any public 112719
agency. "Public official or employee" does not include a person 112720
elected or appointed to the office of precinct, ward, or district 112721
committee member under section 3517.03 of the Revised Code, any 112722
presidential elector, or any delegate to a national convention. 112723
"Public official or employee" does not include a person who is a 112724
teacher, instructor, professor, or other kind of educator whose 112725
position does not involve the performance of, or authority to 112726
perform, administrative or supervisory functions. 112727

(C) "Public agency" means the general assembly, all courts, 112728
any department, division, institution, board, commission, 112729
authority, bureau or other instrumentality of the state, a county, 112730
city, village, or township, the five state retirement systems, or 112731
any other governmental entity. "Public agency" does not include a 112732
department, division, institution, board, commission, authority, 112733
or other instrumentality of the state or a county, municipal 112734
corporation, township, or other governmental entity that functions 112735
exclusively for cultural, educational, historical, humanitarian, 112736
advisory, or research purposes; that does not expend more than ten 112737
thousand dollars per calendar year, excluding salaries and wages 112738
of employees; and whose members are uncompensated. "Public agency" 112739
does not include the nonprofit corporation formed under section 112740
187.01 of the Revised Code. 112741

(D) "Immediate family" means a spouse residing in the 112742
person's household and any dependent child. 112743

(E) "Income" includes gross income as defined and used in the 112744
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 112745

amended, interest and dividends on obligations or securities of 112746
any state or of any political subdivision or authority of any 112747
state or political subdivision, and interest or dividends on 112748
obligations of any authority, commission, or instrumentality of 112749
the United States. 112750

(F) Except as otherwise provided in division (A) of section 112751
102.08 of the Revised Code, "appropriate ethics commission" means: 112752

(1) For matters relating to members of the general assembly, 112753
employees of the general assembly, employees of the legislative 112754
service commission, and candidates for the office of member of the 112755
general assembly, ~~and public members appointed to the Ohio~~ 112756
~~constitutional modernization commission under section 103.63 of~~ 112757
~~the Revised Code~~, the joint legislative ethics committee; 112758

(2) For matters relating to judicial officers and employees, 112759
and candidates for judicial office, the board of commissioners on 112760
grievances and discipline of the supreme court; 112761

(3) For matters relating to all other persons, the Ohio 112762
ethics commission. 112763

(G) "Anything of value" has the same meaning as provided in 112764
section 1.03 of the Revised Code and includes, but is not limited 112765
to, a contribution as defined in section 3517.01 of the Revised 112766
Code. 112767

(H) "Honorarium" means any payment made in consideration for 112768
any speech given, article published, or attendance at any public 112769
or private conference, convention, meeting, social event, meal, or 112770
similar gathering. "Honorarium" does not include ceremonial gifts 112771
or awards that have insignificant monetary value; unsolicited 112772
gifts of nominal value or trivial items of informational value; or 112773
earned income from any person, other than a legislative agent, for 112774
personal services that are customarily provided in connection with 112775
the practice of a bona fide business, if that business initially 112776

began before the public official or employee conducting that 112777
business was elected or appointed to the public official's or 112778
employee's office or position of employment. 112779

(I) "Employer" means any person who, directly or indirectly, 112780
engages an executive agency lobbyist or legislative agent. 112781

(J) "Executive agency decision," "executive agency lobbyist," 112782
and "executive agency lobbying activity" have the same meanings as 112783
in section 121.60 of the Revised Code. 112784

(K) "Legislation," "legislative agent," "financial 112785
transaction," and "actively advocate" have the same meanings as in 112786
section 101.70 of the Revised Code. 112787

(L) "Expenditure" has the same meaning as in section 101.70 112788
of the Revised Code when used in relation to activities of a 112789
legislative agent, and the same meaning as in section 121.60 of 112790
the Revised Code when used in relation to activities of an 112791
executive agency lobbyist. 112792

Section 125.11. That existing section 102.01 of the Revised 112793
Code is hereby repealed. 112794

Section 125.12. That sections 103.61, 103.62, 103.63, 103.64, 112795
103.65, 103.66, and 103.67 of the Revised Code are hereby 112796
repealed. 112797

Section 125.13. Sections 125.10, 125.11, and 125.12 of this 112798
act take effect January 1, 2018. 112799

Section 201.10. Except as otherwise provided in this act, all 112800
appropriation items in this act are appropriated out of any moneys 112801
in the state treasury to the credit of the designated fund that 112802
are not otherwise appropriated. For all appropriations made in 112803
this act, the amounts in the first column are for fiscal year 2016 112804

and the amounts in the second column are for fiscal year 2017. 112805
112806

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 112807

Dedicated Purpose Fund Group 112808

4J80 889601 CPA Education \$ 325,000 \$ 325,000 112809
Assistance

4K90 889609 Operating Expenses \$ 1,052,714 \$ 1,074,173 112810

TOTAL DPF Dedicated Purpose Fund 112811

Group \$ 1,377,714 \$ 1,399,173 112812

TOTAL ALL BUDGET FUND GROUPS \$ 1,377,714 \$ 1,399,173 112813

Section 205.10. ADJ ADJUTANT GENERAL 112815

General Revenue Fund 112816

GRF 745401 Ohio Military Reserve \$ 12,308 \$ 12,308 112817

GRF 745404 Air National Guard \$ 3,095,606 \$ 3,095,606 112818

GRF 745407 National Guard \$ 400,000 \$ 400,000 112819
Benefits

GRF 745409 Central \$ 2,682,098 \$ 2,682,098 112820
Administration

GRF 745499 Army National Guard \$ 3,689,871 \$ 3,689,871 112821

TOTAL GRF General Revenue Fund \$ 9,879,883 \$ 9,879,883 112822

Dedicated Purpose Fund Group 112823

5340 745612 Property Operations \$ 534,304 \$ 534,304 112824
Management

5360 745605 Marksmanship \$ 128,600 \$ 128,600 112825
Activities

5360 745620 Camp Perry and \$ 978,846 \$ 978,846 112826
Buckeye Inn
Operations

5370 745604 Ohio National Guard \$ 62,000 \$ 62,000 112827
Facilities

		Maintenance					
5LY0	745626	Military Medal of Distinction	\$	5,000	\$	5,000	112828
5QP0	745629	Patriot Inn Lodging Operations	\$	200,000	\$	200,000	112829
5RV0	745630	Ohio Military Facilities Support	\$	2,500,000	\$	2,500,000	112830
5U80	745613	Community Match Armories	\$	350,000	\$	350,000	112831
TOTAL DPF		Dedicated Purpose Fund Group	\$	4,758,750	\$	4,758,750	112832
Federal Fund		Group					112833
3420	745616	Army National Guard Service Agreement	\$	26,000,000	\$	26,000,000	112834
3E80	745628	Air National Guard Operations and Maintenance	\$	15,642,000	\$	15,642,000	112835
3R80	745603	Counter Drug Operations	\$	15,000	\$	15,000	112836
TOTAL FED		Federal Fund Group	\$	41,657,000	\$	41,657,000	112837
TOTAL ALL		BUDGET FUND GROUPS	\$	56,295,633	\$	56,295,633	112838

NATIONAL GUARD BENEFITS 112839

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs. 112840
112841
112842
112843

If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. The Adjutant General may subsequently seek Controlling 112844
112845
112846
112847
112848
112849

Board approval to restore the appropriation in the appropriation 112850
item from which such a transfer was made. 112851

For active duty members of the Ohio National Guard who died 112852
after October 7, 2001, while performing active duty, the death 112853
benefit, pursuant to section 5919.33 of the Revised Code, shall be 112854
paid to the beneficiary or beneficiaries designated on the 112855
member's Servicemembers' Group Life Insurance Policy. 112856

STATE ACTIVE DUTY COSTS 112857

Of the foregoing appropriation item 745409, Central 112858
Administration, \$50,000 in each fiscal year shall be used for the 112859
purpose of paying expenses related to state active duty of members 112860
of the Ohio organized militia, in accordance with a proclamation 112861
of the Governor. Expenses include, but are not limited to, the 112862
cost of equipment, supplies, and services, as determined by the 112863
Adjutant General's Department. 112864

OHIO MILITARY FACILITIES SUPPORT 112865

The foregoing appropriation item 745630, Ohio Military 112866
Facilities Support, shall be used by the Ohio Military Facilities 112867
Commission for the purposes described in sections 5913.12 to 112868
5913.14 of the Revised Code. 112869

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 112870

General Revenue Fund 112871

GRF 100413 Enterprise Data Center \$ 4,252,900 \$ 4,256,500 112872
Solutions Lease Rental

Payments

GRF 100414 MARCS Lease Rental \$ 6,769,700 \$ 6,764,600 112873
Payments

GRF 100415 OAKS Lease Rental \$ 22,244,800 \$ 22,223,800 112874
Payments

GRF 100416 STARS Lease Rental \$ 5,393,700 \$ 7,437,400 112875

		Payments				
GRF	100447	Administrative	\$	97,581,900	\$	96,716,600 112876
		Buildings Lease Rental				
		Bond Payments				
GRF	100452	Lean Ohio	\$	1,059,624	\$	1,059,624 112877
GRF	100456	State IT Services	\$	1,772,416	\$	1,772,416 112878
GRF	100457	Equal Opportunity	\$	2,174,661	\$	2,174,661 112879
		Services				
GRF	100459	Ohio Business Gateway	\$	4,049,094	\$	4,049,094 112880
GRF	130321	State Agency Support	\$	18,768,016	\$	18,878,171 112881
		Services				
TOTAL GRF General Revenue Fund			\$	164,066,811	\$	165,332,866 112882
Dedicated Purpose Fund Group						
						112883
5L70	100610	Professional	\$	2,100,000	\$	2,100,000 112884
		Development				
5MV0	100662	Theater Equipment	\$	80,891	\$	80,891 112885
		Maintenance				
5NM0	100663	911 Program	\$	290,000	\$	290,000 112886
5RT0	100668	Electronic Pollbooks	\$	12,750,000	\$	0 112887
5V60	100619	Employee Educational	\$	800,000	\$	800,000 112888
		Development				
TOTAL DPF Dedicated Purpose Fund			\$	16,020,891	\$	3,270,891 112889
Group						
Internal Service Activity Fund Group						112890
1120	100616	DAS Administration	\$	7,388,356	\$	7,071,978 112891
1150	100632	Central Service Agency	\$	1,096,906	\$	1,111,099 112892
1170	100644	General Services	\$	12,493,870	\$	12,493,870 112893
		Division - Operating				
1220	100637	Fleet Management	\$	5,182,000	\$	5,182,000 112894
1250	100622	Human Resources	\$	17,249,839	\$	17,249,839 112895
		Division - Operating				
1250	100657	Benefits Communication	\$	612,316	\$	612,316 112896

1280	100620	Office of Collective Bargaining	\$	3,479,507	\$	3,379,507	112897
1300	100606	Risk Management Reserve	\$	6,635,784	\$	12,741,616	112898
1320	100631	DAS Building Management	\$	51,157,818	\$	51,157,818	112899
1330	100607	IT Services Delivery	\$	121,336,868	\$	121,336,868	112900
1880	100649	Equal Opportunity Division - Operating	\$	991,613	\$	953,613	112901
2100	100612	State Printing	\$	21,568,075	\$	21,688,106	112902
2290	100630	IT Governance	\$	28,212,195	\$	29,134,695	112903
2290	100640	Consolidated IT Purchases	\$	6,565,639	\$	6,565,639	112904
4270	100602	Investment Recovery	\$	1,638,515	\$	1,638,515	112905
4N60	100617	Major IT Purchases	\$	56,888,635	\$	56,888,635	112906
5C20	100605	MARCS Administration	\$	14,940,712	\$	14,953,307	112907
5C30	100608	Minor Construction Project Management	\$	4,004,375	\$	4,004,375	112908
5EB0	100635	OAKS Support Organization	\$	19,813,077	\$	19,813,077	112909
5EB0	100656	OAKS Updates and Developments	\$	10,400,000	\$	6,300,000	112910
5JQ0	100658	Professionals Licensing System	\$	990,000	\$	990,000	112911
5KZ0	100659	Building Improvement	\$	6,148,000	\$	1,289,000	112912
5LJ0	100661	IT Development	\$	13,200,000	\$	13,200,000	112913
5PC0	100665	Ohio Benefits Operations	\$	80,475,949	\$	80,475,949	112914
TOTAL ISA Internal Service Activity							112915
Fund Group			\$	492,470,049	\$	490,231,822	112916
Federal Fund Group							112917
3AJ0	100623	Information Technology Grants	\$	1,237,909	\$	1,237,909	112918

TOTAL FED Federal Fund Group	\$	1,237,909	\$	1,237,909	112919
TOTAL ALL BUDGET FUND GROUPS	\$	673,795,660	\$	660,073,488	112920

Section 207.20. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE 112922
RENTAL PAYMENTS 112923

The foregoing appropriation item 100415, OAKS Lease Rental 112924
Payments, shall be used for payments during the period from July 112925
1, 2015, through June 30, 2017, pursuant to leases and agreements 112926
entered into under Chapter 125. of the Revised Code, as 112927
supplemented by Section 281.10 of Am. Sub. H.B. 562 of the 127th 112928
General Assembly and other prior acts of the General Assembly, 112929
with respect to financing the costs associated with the 112930
acquisition, development, installation, and implementation of the 112931
Ohio Administrative Knowledge System. If it is determined that 112932
additional appropriations are necessary for this purpose, the 112933
amounts are hereby appropriated. 112934

Section 207.30. STATE TAXATION ACCOUNTING AND REVENUE SYSTEM 112935
LEASE RENTAL PAYMENTS 112936

The foregoing appropriation item 100416, STARS Lease Rental 112937
Payments, shall be used for payments during the period from July 112938
1, 2015, through June 30, 2017, pursuant to leases and agreements 112939
entered into under Chapter 125. of the Revised Code, as 112940
supplemented by Section 701.40 of Am. Sub. H.B. 497 of the 130th 112941
General Assembly and other prior acts of the General Assembly, 112942
with respect to financing the cost for the acquisition, 112943
development, installation, and implementation of the State 112944
Taxation Accounting and Revenue System (STARS). If it is 112945
determined that additional appropriations are necessary for this 112946
purpose, the amounts are hereby appropriated. 112947

Section 207.40. MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE 112948
RENTAL PAYMENTS 112949

The foregoing appropriation item 100414, MARCS Lease Rental Payments, shall be used for payments during the period from July 1, 2015, through June 30, 2017, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 of the 130th General Assembly, with respect to financing the cost for the acquisition, development, installation, and implementation of the Multi-Agency Radio Communications System (MARCS) upgrade. If it is determined that additional appropriations are necessary for this purpose, the amounts are hereby appropriated.

Section 207.50. ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL PAYMENTS

The foregoing appropriation item 100413, EDCS Lease Rental Payments, shall be used for payments during the period from July 1, 2015, through June 30, 2017, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.30 of Am. Sub. H.B. 497 of the 130th General Assembly, with respect to financing the costs associated with the acquisition, development, installation, and implementation of the Enterprise Data Center Solutions initiative. If it is determined that additional appropriations are necessary for this purpose, the amounts are hereby appropriated.

Section 207.60. ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 100447, Administrative Buildings Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2015, through June 30, 2017, by the Department of Administrative Services pursuant to leases and agreements under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for

bond service charges on related obligations issued under Chapters 112980
152. and 154. of the Revised Code. 112981

Section 207.63. ELECTRONIC POLLBOOKS 112982

The foregoing appropriation item 100668, Electronic 112983
Pollbooks, shall be used by the Office of Procurement Services 112984
within the Department of Administrative Services to pay 112985
eighty-five per cent of the calculated allocation cost of 112986
acquiring electronic pollbooks for each county, as defined in 112987
section 3506.05 of the Revised Code, for county boards of 112988
elections in accordance with this section. The source of funding 112989
for these acquisitions shall be a cash transfer from the General 112990
Revenue Fund under Section 512.30 of this act into the Electronic 112991
Pollbook Fund (Fund 5RT0), which is hereby created. 112992

The Director of Administrative Services, in consultation with 112993
the Secretary of State, shall calculate a portion of appropriation 112994
item 100668, Electronic Pollbooks, to be allocated to each county 112995
board of elections in proportion to the number of registered 112996
voters in each county as recorded in the statewide voter 112997
registration database as of July 1, 2015. The Office of 112998
Procurement Services shall use the funding allocated to each board 112999
for the purchase of electronic pollbooks in accordance with either 113000
of the following: 113001

(A) For electronic pollbooks to be purchased after the 113002
effective date of this section, upon request by a county board of 113003
elections, the Secretary of State shall provide a list of the 113004
vendors and electronic pollbooks certified in accordance with 113005
section 3506.05 of the Revised Code. The board shall select 113006
electronic pollbooks from this list and notify the Office of 113007
Procurement Services of its selection. The Office shall purchase 113008
the selected electronic pollbooks and any other necessary 113009
equipment on behalf of the board and shall transfer those 113010

pollbooks and equipment to the board. The board shall enter into a memorandum of understanding with the county commissioners and the Department of Administrative Services concerning those purchases and is responsible for fifteen per cent of the purchase costs of those pollbooks as determined by the Director of Administrative Services and Secretary of State under this section.

(B) If, prior to the effective date of this section, a county board of elections purchased electronic pollbooks, the Office of Procurement Services shall reimburse the board for eighty-five per cent of that purchase up to the amount of the allocation as determined by the Director of Administrative Services and Secretary of State under division (A) of this section. Reimbursement shall be paid to the county's general fund.

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 100668, Electronic Pollbooks, at the end of fiscal year 2016 is hereby reappropriated for the same purpose in fiscal year 2017.

Section 207.70. DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT FUND

Following the Director of Budget and Management's approval of FY 2016 rental rates for buildings managed by the Department of Administrative Services, the Director of Budget and Management may adjust FY 2016 and FY 2017 General Revenue Fund appropriations of the Department of Administrative Services and other state agencies to reflect accurately the rental amounts agencies will pay for occupied, vacant, or other space that is supported by the General Revenue Fund. Total General Revenue Fund appropriations may decrease but may not increase as a result of the appropriation adjustments made under this section. The foregoing appropriation item 130321, State Agency Support Services, shall be used to pay the rent expenses of veterans organizations pursuant to section

123.024 of the Revised Code in fiscal years 2016 and 2017. 113042

The foregoing appropriation item, 130321, State Agency 113043
Support Services, also may be used to provide funding for the cost 113044
of property appraisals or building studies that the Department of 113045
Administrative Services may be required to obtain for property 113046
that is being sold by the state or property under consideration to 113047
be renovated or purchased by the state. 113048

Notwithstanding section 125.28 of the Revised Code, the 113049
foregoing appropriation item 130321, State Agency Support 113050
Services, also may be used to pay the operating expenses of state 113051
facilities maintained by the Department of Administrative Services 113052
that are not billed to building tenants, or other costs associated 113053
with the Voinovich Center in Youngstown, Ohio. These expenses may 113054
include, but are not limited to, the costs for vacant space and 113055
space undergoing renovation, and the rent expenses of tenants that 113056
are relocated because of building renovations. These payments may 113057
be processed by the Department of Administrative Services through 113058
intrastate transfer vouchers and placed into the Building 113059
Management Fund (Fund 1320). 113060

At least once per year, the portion of appropriation item 113061
130321, State Agency Support Services, that is not used for the 113062
regular expenses of the appropriation item shall be processed by 113063
the Department of Administrative Services through intrastate 113064
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 113065

Section 207.80. PROFESSIONAL DEVELOPMENT FUND 113066

The foregoing appropriation item 100610, Professional 113067
Development, shall be used to make payments from the Professional 113068
Development Fund (Fund 5L70) under section 124.182 of the Revised 113069
Code. If it is determined by the Director of Administrative 113070
Services that additional amounts are necessary, the Director of 113071
Administrative Services may request that the Director of Budget 113072

and Management approve additional amounts. Such approved 113073
additional amounts are hereby appropriated. 113074

Section 207.90. 911 PROGRAM 113075

The foregoing appropriation item 100663, 911 Program, shall 113076
be used by the Department of Administrative Services to pay the 113077
administrative costs of the Statewide Emergency Services Internet 113078
Protocol Network Steering Committee. 113079

Section 207.100. EMPLOYEE EDUCATIONAL DEVELOPMENT 113080

The foregoing appropriation item 100619, Employee Educational 113081
Development, shall be used to make payments from the Employee 113082
Educational Development Fund (Fund 5V60) under section 124.86 of 113083
the Revised Code. The fund shall be used to pay the costs of 113084
administering educational programs under existing collective 113085
bargaining agreements with District 1199, the Health Care and 113086
Social Service Union; State Council of Professional Educators; 113087
Ohio Education Association and National Education Association; the 113088
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 113089
State Troopers Association, Units 1 and 15. 113090

If it is determined by the Director of Administrative 113091
Services that additional amounts are necessary, the Director of 113092
Administrative Services may request that the Director of Budget 113093
and Management approve additional amounts. Such approved 113094
additional amounts are hereby appropriated. 113095

Section 207.110. CENTRAL SERVICE AGENCY FUND 113096

The foregoing appropriation item 100632, Central Service 113097
Agency, shall be used to purchase the equipment, products, and 113098
services that are needed to maintain existing automated 113099
applications for the professional licensing boards and the Casino 113100
Control Commission to support board licensing functions in fiscal 113101

years 2016 and 2017 until these functions are replaced by the Ohio
Professionals Licensing System. The Department of Administrative
Services shall establish charges for recovering the costs of
carrying out these functions. The charges shall be billed to the
professional licensing boards and the Casino Control Commission,
and deposited via intrastate transfer vouchers to the credit of
the Central Service Agency Fund (Fund 1150).

Upon implementation of the replacement Ohio Professionals
Licensing System and the decommissioning of the existing automated
applications, the Director of Budget and Management may transfer
any cash balances that remain in the Central Service Agency Fund
(Fund 1150) and that are attributable to the operation of the
existing automated applications to the Professions Licensing
System Fund (Fund 5JQ0).

Section 207.120. GENERAL SERVICE CHARGES

The Department of Administrative Services, with the approval
of the Director of Budget and Management, shall establish charges
for recovering the costs of administering the programs funded by
the General Services Fund (Fund 1170) and the State Printing Fund
(Fund 2100). The charges may be used to recover the cost of paying
a vendor to establish reduced pricing for contracted supplies or
services.

If the Director of Administrative Services determines that
additional amounts are necessary to pay for consulting and
administrative costs related to securing lower pricing, the
Director of Administrative Services may request that the Director
of Budget and Management approve additional expenditures. Such
approved additional amounts are appropriated to appropriation item
100644, General Services Division-Operating.

Section 207.130. COLLECTIVE BARGAINING ARBITRATION EXPENSES

With approval of the Director of Budget and Management, the Department of Administrative Services may seek reimbursement from state agencies for the actual costs and expenses the Department incurs in the collective bargaining arbitration process. The reimbursements shall be processed through intrastate transfer vouchers and credited to the Collective Bargaining Fund (Fund 1280).

Section 207.140. EQUAL OPPORTUNITY PROGRAM

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the activities supported by the State EEO Fund (Fund 1880). These charges shall be deposited to the credit of Fund 1880 upon payment made by state agencies, state-supported or state-assisted institutions of higher education, and tax-supported agencies, municipal corporations, and other political subdivisions of the state, for services rendered.

Section 207.150. CONSOLIDATED IT PURCHASES

The foregoing appropriation item 100640, Consolidated IT Purchases, shall be used by the Department of Administrative Services acting as the purchasing agent for one or more government entities under the authority of division (G) of section 125.18 of the Revised Code to make information technology purchases at a lower aggregate cost than each individual government entity could have obtained independently for that information technology purchase. If the Director of Administrative Services determines that additional amounts are necessary to pay for pass-through information technology purchases that will be billed to one or more state agencies, the Director shall seek Controlling Board approval for an increase in appropriation sufficient to pay for the requested purchase.

Section 207.160. INVESTMENT RECOVERY FUND 113162

Notwithstanding division (B) of section 125.14 of the Revised 113163
Code, cash balances in the Investment Recovery Fund (Fund 4270) 113164
may be used to support the operating expenses of the Federal 113165
Surplus Operating Program created in sections 125.84 to 125.90 of 113166
the Revised Code. 113167

The Director of Administrative Services shall use the 113168
foregoing appropriation item 100602, Investment Recovery, to pay 113169
the operating expenses of the State Surplus Property Program and 113170
the Surplus Federal Property Program, under Chapter 125. of the 113171
Revised Code and this section. If additional appropriations are 113172
necessary for the operations of these programs, the Director of 113173
Administrative Services shall seek increased appropriations from 113174
the Controlling Board under section 131.35 of the Revised Code. 113175

The Director of Administrative Services shall transfer 113176
proceeds from the sale of surplus property from the Investment 113177
Recovery Fund to non-General Revenue Funds under division (A)(2) 113178
of section 125.14 of the Revised Code. 113179

Section 207.170. MAJOR IT PURCHASES CHARGES 113180

The Department of Administrative Services may bill agencies 113181
for actual expenditures made for major IT purchases if those 113182
expenditures are not recovered as part of the information 113183
technology services rates the Department charges and deposits into 113184
the Information Technology Fund (Fund 1330) created in section 113185
125.15 of the Revised Code. These charges shall be deposited to 113186
the credit of the Major IT Purchases Fund (Fund 4N60). 113187

Section 207.180. CASH TRANSFER TO THE MARCS ADMINISTRATION 113188
FUND FROM THE GRF 113189

Upon the request of the Director of Administrative Services, 113190

the Director of Budget and Management shall transfer up to 113191
\$2,000,000 in cash in each fiscal year from the General Revenue 113192
Fund to the MARCS Administration Fund (Fund 5C20) to reduce or 113193
eliminate MARCS subscriber fees paid by villages, townships, 113194
municipal corporations, counties, and regional public safety and 113195
first response agencies classified as Tier 1 subscribers by the 113196
MARCS Steering Committee. 113197

Section 207.190. PROFESSIONS LICENSING SYSTEM 113198

The foregoing appropriation item, 100658, Ohio Professionals 113199
Licensing System, shall be used to purchase the equipment, 113200
products, and services necessary to develop and maintain a 113201
replacement automated licensing system for the professional 113202
licensing boards. 113203

Upon request by the Director of Administrative Services, the 113204
Director of Budget and Management may transfer up to \$6,037,000 in 113205
cash during the FY 2016-FY 2017 biennium from the Occupational 113206
Licensing and Regulatory Fund (Fund 4K90), the State Medical Board 113207
Operating Fund (Fund 5C60), and the Casino Control Commission - 113208
Operating Fund (Fund 5HS0), to the Professions Licensing System 113209
Fund (Fund 5JQ0). The amount transferred from each fund shall be 113210
in proportion to the number of current licenses issued by the 113211
licensing boards and commissions that use each fund, and for the 113212
Casino Control Commission, the number of current and anticipated 113213
licenses. The transferred amounts shall be used by the Director of 113214
Administrative Services for the initial acquisition and 113215
development of the Professions Licensing System. The transferred 113216
amounts are hereby appropriated to appropriation item 100658, 113217
Professionals Licensing System. The unobligated, unexpended amount 113218
of the cash transferred in FY 2016 is hereby reappropriated for 113219
the same purpose in FY 2017. 113220

Effective with the implementation of the replacement 113221

licensing system, the Department of Administrative Services shall 113222
establish charges for recovering the costs of ongoing maintenance 113223
of the system. The charges shall be billed to the professional 113224
licensing boards and the Casino Control Commission, and deposited 113225
via intrastate transfer vouchers to the credit of the Professions 113226
Licensing System Fund (Fund 5JQ0), which is hereby created in the 113227
state treasury. 113228

Section 207.200. BUILDING IMPROVEMENT FUND 113229

The foregoing appropriation item 100659, Building 113230
Improvement, shall be used to make payments from the Building 113231
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 113232
required in facilities maintained by the Department of 113233
Administrative Services. The Department of Administrative Services 113234
shall conduct or contract for regular assessments of these 113235
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 113236
the cost of the repairs and improvements that are recommended to 113237
occur within the next five years, with the following exception 113238
described below. 113239

Upon request of the Director of Administrative Services, the 113240
Director of Budget and Management may permit a cash transfer from 113241
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 113242
of operating and maintaining facilities managed by the Department 113243
of Administrative Services that are not charged to tenants during 113244
the same fiscal year. 113245

Should the cash balance in Fund 1320 be determined to be 113246
sufficient, the Director of Administrative Services may request 113247
that the Director of Budget and Management transfer cash from Fund 113248
1320 to 5KZ0 in an amount equal to the initial cash transfer made 113249
under this section plus applicable interest. 113250

On July 1, 2015, or as soon as possible thereafter, the 113251
Director of Budget and Management shall transfer \$1,000,000 cash 113252

from the General Revenue Fund to Fund 5KZ0. The cash transferred 113253
is hereby appropriated for use under appropriation item 100659, 113254
Building Improvement. 113255

Section 207.210. INFORMATION TECHNOLOGY DEVELOPMENT 113256

The foregoing appropriation item 100661, IT Development, 113257
shall be used by the Department of Administrative Services to pay 113258
the costs of modernizing the state's information technology 113259
management and investment practices away from a limited, 113260
agency-specific focus in favor of a statewide methodology 113261
supporting development of enterprise solutions. 113262

The Department of Administrative Services, with the approval 113263
of the Director of Budget and Management, may charge state 113264
agencies an information technology development assessment based on 113265
state agencies' information technology expenditures or other 113266
methodology. The revenue from this assessment shall be deposited 113267
in the Information Technology Development Fund (Fund 5LJ0), which 113268
is hereby created. 113269

Section 207.220. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 113270
SERVICE PAYMENTS 113271

The Director of Administrative Services, in consultation with 113272
the Multi-Agency Radio Communication System (MARCS) Steering 113273
Committee and the Director of Budget and Management, shall 113274
determine the share of debt service payments attributable to 113275
spending for MARCS components that are not specific to any one 113276
agency and that shall be charged to the Highway Safety Fund (Fund 113277
7036). Such share of debt service payments shall be calculated for 113278
MARCS capital disbursements made beginning July 1, 1997. Within 113279
thirty days of any payment made from appropriation item 100447, 113280
Administrative Buildings Lease Rental Bond Payments, the Director 113281
of Administrative Services shall certify to the Director of Budget 113282

and Management the amount of this share. The Director of Budget 113283
and Management shall transfer such amounts to the General Revenue 113284
Fund from the State Highway Safety Fund (Fund 7036) established in 113285
section 4501.06 of the Revised Code. 113286

The Director of Administrative Services shall consider 113287
renting or leasing existing tower sites at reasonable or current 113288
market rates, so long as these existing sites are equipped with 113289
the technical capabilities to support the MARCS project. 113290

Section 207.230. ENTERPRISE IT STRATEGY IMPLEMENTATION 113291

The Director of Administrative Services shall determine and 113292
implement strategies that benefit the enterprise by improving 113293
efficiency, reducing costs or enhancing capacity of information 113294
technology (IT) services. Such improvements and efficiencies may 113295
result in the consolidation and transfer of such services. As 113296
determined to be necessary for successful implementation of this 113297
section and notwithstanding any provision of law to the contrary, 113298
the Director of Administrative Services may request the Director 113299
of Budget and Management to consolidate or transfer IT-specific 113300
budget authority between agencies or within an agency as necessary 113301
to implement enterprise IT cost containment strategies and related 113302
efficiencies. Once the Director of Budget and Management is 113303
satisfied that the proposed initiative is cost advantageous to the 113304
enterprise, the Director of Budget and Management may transfer 113305
appropriations, funds and cash as needed to implement the proposed 113306
initiative. The establishment of any new fund or additional 113307
appropriation as a result of this section will be subject to 113308
Controlling Board approval. 113309

The Director of Budget and Management and the Director of 113310
Administrative Services may transfer any employees, assets, and 113311
liabilities, including, but not limited to, records, contracts, 113312
and agreements in order to facilitate the improvements determined 113313

in accordance with this section. 113314

Section 209.10. AGE DEPARTMENT OF AGING 113315

General Revenue Fund 113316

GRF	490321	Operating Expenses	\$	1,487,418	\$	1,487,418	113317

GRF	490410	Long-Term Care	\$	477,448	\$	477,448	113318
		Ombudsman					

GRF	490411	Senior Community	\$	7,310,844	\$	7,310,844	113319
		Services					

GRF	490414	Alzheimer's Respite	\$	2,495,245	\$	2,495,245	113320

GRF	490506	National Senior	\$	241,413	\$	241,413	113321
		Service Corps					

GRF	656423	Long-Term Care	\$	3,385,057	\$	3,385,057	113322
		Program Support -					
		State					

TOTAL GRF	General Revenue Fund	\$	15,397,425	\$	15,397,425	113323

Dedicated Purpose Fund Group 113324

4800	490606	Senior Community	\$	372,523	\$	372,523	113325
		Outreach and					
		Education					

4C40	490609	Regional Long-Term	\$	935,000	\$	935,000	113326
		Care Ombudsman					
		Program					

5BA0	490620	Ombudsman Support	\$	1,250,000	\$	1,250,000	113327

5K90	490613	Long-Term Care	\$	1,059,400	\$	1,059,400	113328
		Consumers Guide					

5MT0	490627	Board of Executives	\$	800,000	\$	800,000	113329
		of LTSS					

5W10	490616	Resident Services	\$	344,700	\$	344,700	113330
		Coordinator Program					

TOTAL DPF	Dedicated Purpose					113331

Fund Group		\$	4,761,623	\$	4,761,623	113332

Federal Fund Group					113333
3220 490618	Federal Aging Grants	\$	8,700,000	\$	8,700,000 113334
3C40 656623	Long-Term Care	\$	3,385,057	\$	3,385,057 113335
	Program Support -				
	Federal				
3M40 490612	Federal Independence	\$	58,655,080	\$	58,655,080 113336
	Services				
TOTAL FED	Federal Fund Group	\$	70,740,137	\$	70,740,137 113337
TOTAL ALL BUDGET FUND GROUPS		\$	90,899,185	\$	90,899,185 113338

Section 209.20. LONG-TERM CARE 113340

Pursuant to an interagency agreement, the Department of 113341
Medicaid may designate the Department of Aging to perform 113342
assessments under section 5165.04 of the Revised Code. The 113343
Department of Aging shall provide long-term care consultations 113344
under section 173.42 of the Revised Code to assist individuals in 113345
planning for their long-term health care needs. 113346

The Department of Aging shall administer the Medicaid 113347
waiver-funded PASSPORT Home Care Program, the Assisted Living 113348
Program, and PACE as delegated by the Department of Medicaid in an 113349
interagency agreement. The foregoing appropriation items 656423, 113350
Long-Term Care Program Support - State, and 656623, Long-Term Care 113351
Program Support - Federal, may be used to support the Department 113352
of Aging's administrative costs associated with operating the 113353
PASSPORT, Assisted Living, and PACE programs. 113354

PERFORMANCE-BASED REIMBURSEMENT 113355

The Department of Aging may design and utilize a payment 113356
method for PASSPORT administrative agency operations that includes 113357
a pay-for-performance incentive component that is earned by a 113358
PASSPORT administrative agency when defined consumer and policy 113359
outcomes are achieved. 113360

Section 209.30. LONG-TERM CARE OMBUDSMAN 113361

The State Ombudsman may explore the design of a payment 113362
method for the Ombudsman Program that includes a 113363
pay-for-performance incentive component that is earned by 113364
designated regional long-term care ombudsman programs. 113365

MYCARE OHIO 113366

The foregoing appropriation items 490410, Long-Term Care 113367
Ombudsman, 490618, Federal Aging Grants, 490612, Federal 113368
Independence Services, 490609, Regional Long-Term Care Ombudsman 113369
Program, and 490620, Ombudsman Support, may be used by the Office 113370
of the State Long-Term Care Ombudsman to provide ombudsman program 113371
activities as described in sections 173.14 to 173.27 and section 113372
173.99 of the Revised Code to consumers participating in MyCare 113373
Ohio. 113374

SENIOR COMMUNITY SERVICES 113375

Of the foregoing appropriation item 490411, Senior Community 113376
Services, \$7,060,844 in each fiscal year shall be used for 113377
services designated by the Department of Aging, including, but not 113378
limited to, home-delivered and congregate meals, transportation 113379
services, personal care services, respite services, adult day 113380
services, home repair, care coordination, prevention and disease 113381
self-management, and decision support systems. Service priority 113382
shall be given to low income, frail, and cognitively impaired 113383
persons 60 years of age and over. The department shall promote 113384
cost sharing by service recipients for those services funded with 113385
senior community services funds, including, when possible, 113386
sliding-fee scale payment systems based on the income of service 113387
recipients. 113388

Of the foregoing appropriation item 490411, Senior Community 113389
Services, \$250,000 in each fiscal year shall be allocated to the 113390

Warrensville Senior Center. 113391

NATIONAL SENIOR SERVICE CORPS 113392

The foregoing appropriation item 490506, National Senior 113393
Service Corps, shall be used by the Department of Aging to fund 113394
grants for three Corporation for National and Community 113395
Service/Senior Corps programs: the Foster Grandparents Program, 113396
the Senior Companion Program, and the Retired Senior Volunteer 113397
Program. A recipient of these grant funds shall use the funds to 113398
support priorities established by the Department and the Ohio 113399
State Office of the Corporation for National and Community 113400
Service. The expenditure of these funds by any grant recipient 113401
shall be in accordance with Senior Corps policies and procedures, 113402
as stated in the Domestic Volunteer Service Act of 1973, as 113403
amended. Neither the Department nor any area agencies on aging 113404
that are involved in the distribution of these funds to 113405
lower-tiered grant recipients may use any portion of these funds 113406
to cover administrative costs. 113407

TRANSFER OF RESIDENT PROTECTION FUNDS 113408

In each fiscal year, the Director of Budget and Management 113409
may transfer up to \$1,250,000 cash from the Resident Protection 113410
Fund (Fund 4E30), which is used by the Department of Medicaid, to 113411
the Ombudsman Support Fund (Fund 5BA0), which is used by the 113412
Department of Aging. 113413

The Director of Aging and the Office of the State Long-Term 113414
Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund 113415
5BA0) to implement a nursing home quality initiative as specified 113416
in section 173.60 of the Revised Code. 113417

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 113418
AND FEDERAL AGING GRANTS 113419

At the request of the Director of Aging, the Director of 113420
Budget and Management may transfer appropriation between 113421

appropriation items 490612, Federal Independence Services, and 113422
490618, Federal Aging Grants. The amounts transferred shall not 113423
exceed 30 per cent of the appropriation from which the transfer is 113424
made. Any transfers shall be reported by the Department of Aging 113425
to the Controlling Board at the next scheduled meeting of the 113426
board. 113427

Section 209.40. UPDATING AUTHORIZING STATUTE CITATIONS 113428

As used in this section, "authorizing statute" means a 113429
Revised Code section or provision of a Revised Code section that 113430
is cited in the Ohio Administrative Code as the statute that 113431
authorizes the adoption of a rule. 113432

The Director of Aging is not required to amend any rule for 113433
the sole purpose of updating the citation in the Ohio 113434
Administrative Code to the rule's authorizing statute to reflect 113435
that this act renumbers the authorizing statute or relocates it to 113436
another Revised Code section. Such citations shall be updated as 113437
the Director amends the rules for other purposes. 113438

**Section 209.50. BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND 113439
SUPPORTS** 113440

The Board of Executives of Long-Term Services and Supports 113441
may develop and conduct, or contract with a government or private 113442
entity to develop and conduct, opportunities for education, 113443
training, and credentialing of nursing home administrators, 113444
including persons interested in becoming licensed as nursing home 113445
administrators, and others in leadership positions who practice in 113446
long-term services and supports settings or who direct the 113447
practices of others in those settings. 113448

All fees paid to the Board of Executives of Long-Term 113449
Services and Support by an applicant for education or training 113450
shall be used solely for the administration of the training 113451

program in division (A)(10) of section 4751.04 of the Revised Code. The fees may be used to support the education and training programs by paying for items including, but not limited to, instructor fees, venues where the education or training is conducted, books, materials and printing.

Training or education programs may be conducted in person or through electronic media. If the Board contracts with a government or private entity to administer the education or training programs, the contract may authorize the entity to pay any or all costs associated with the education or training programs and to collect and keep, as all or part of the entity's compensation under the contract, any fee an applicant for education or training pays to take the education or training program.

Section 211.10. AGR DEPARTMENT OF AGRICULTURE

General Revenue Fund				113466	
GRF 700401	Animal Health Programs	\$	3,686,687	\$ 3,686,687	113467
GRF 700403	Dairy Division	\$	1,163,115	\$ 1,163,115	113468
GRF 700404	Ohio Proud	\$	50,000	\$ 50,000	113469
GRF 700406	Consumer Protection	\$	1,287,556	\$ 1,287,556	113470
	Lab				
GRF 700407	Food Safety	\$	1,287,556	\$ 1,287,556	113471
GRF 700409	Farmland Preservation	\$	72,750	\$ 72,750	113472
GRF 700410	Plant Industry	\$	150,000	\$ 150,000	113473
GRF 700412	Weights and Measures	\$	600,000	\$ 600,000	113474
GRF 700415	Poultry Inspection	\$	592,978	\$ 592,978	113475
GRF 700418	Livestock Regulation	\$	1,108,071	\$ 1,108,071	113476
	Program				
GRF 700424	Livestock Testing and	\$	92,493	\$ 92,493	113477
	Inspections				
GRF 700426	Dangerous and	\$	800,000	\$ 800,000	113478
	Restricted Animals				

GRF 700427	High Volume Breeder Kennel Control	\$	350,000	\$	350,000	113479
GRF 700428	Soil and Water Division	\$	1,807,700	\$	3,619,000	113480
GRF 700499	Meat Inspection Program - State Share	\$	4,425,097	\$	4,425,097	113481
GRF 700501	County Agricultural Societies	\$	391,415	\$	391,415	113482
GRF 700509	Soil and Water District Support	\$	0	\$	3,250,000	113483
TOTAL GRF	General Revenue Fund	\$	17,865,418	\$	22,926,718	113484
	Dedicated Purpose Fund Group					113485
4900 700651	License Plates - Sustainable Agriculture	\$	7,000	\$	7,000	113486
4940 700612	Agricultural Commodity Marketing Program	\$	213,000	\$	213,000	113487
4960 700626	Ohio Grape Industries	\$	970,000	\$	970,000	113488
4970 700627	Grain Warehouse Program	\$	332,672	\$	332,672	113489
4C90 700605	Commercial Feed and Seed	\$	1,760,000	\$	1,760,000	113490
4D20 700609	Auction Education	\$	35,000	\$	35,000	113491
4E40 700606	Utility Radiological Safety	\$	125,000	\$	125,000	113492
4P70 700610	Food Safety Inspection	\$	957,328	\$	957,328	113493
4R00 700636	Ohio Proud Marketing	\$	35,500	\$	35,500	113494
4R20 700637	Dairy Industry Inspection	\$	1,658,247	\$	1,658,247	113495
4T60 700611	Poultry and Meat Inspection	\$	120,000	\$	120,000	113496

5780	700620	Ride Inspection	\$	1,215,142	\$	1,215,142	113497
5880	700633	Brand Registration	\$	5,000	\$	5,000	113498
5B80	700629	Auctioneers	\$	340,000	\$	340,000	113499
5BV0	700660	Heidelberg Water Quality Lab	\$	125,000	\$	250,000	113500
5BV0	700661	Soil and Water Districts	\$	4,000,000	\$	8,000,000	113501
5CP0	700652	License Plate Scholarships	\$	10,000	\$	10,000	113502
5FC0	700648	Plant Pest Program	\$	1,190,000	\$	1,190,000	113503
5H20	700608	Metrology Lab and Scale Certification	\$	552,000	\$	552,000	113504
5L80	700604	Livestock Management Program	\$	135,000	\$	135,000	113505
5MA0	700657	Dangerous and Restricted Animals	\$	50,000	\$	50,000	113506
5MR0	700658	High Volume Breeders and Kennels	\$	174,000	\$	174,000	113507
5QW0	700653	Watershed Assistance	\$	557,500	\$	515,000	113508
6520	700634	Animal, Consumer, and ATL Labs	\$	4,966,383	\$	4,966,383	113509
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	4,418,041	\$	4,418,041	113510
TOTAL DPF Dedicated Purpose							113511
Fund Group			\$	23,951,813	\$	28,034,313	113512
Internal Service Activity Fund Group							113513
5DA0	700644	Laboratory Administration Support	\$	1,164,000	\$	1,164,000	113514
5GH0	700655	Administrative Support	\$	4,404,073	\$	4,404,073	113515
TOTAL ISA Internal Service Activity							113516

Fund Group	\$	5,568,073	5,568,073	113517
Capital Projects Fund Group				113518
7057 700632 Clean Ohio	\$	310,000	\$ 310,000	113519
Agricultural Easement				
Operating				
TOTAL CPF Capital Projects Fund	\$	310,000	\$ 310,000	113520
Group				
Federal Fund Group				113521
3260 700618 Meat Inspection	\$	4,450,000	\$ 4,450,000	113522
Program - Federal				
Share				
3360 700617 Ohio Farm Loan -	\$	101,000	\$ 101,000	113523
Revolving				
3820 700601 Federal Cooperative	\$	4,827,900	\$ 5,131,500	113524
Contracts				
3AB0 700641 Agricultural Easement	\$	150,000	\$ 150,000	113525
3J40 700607 Federal	\$	1,200,000	\$ 1,200,000	113526
Administrative				
Programs				
3R20 700614 Federal Plant	\$	6,000,000	\$ 6,000,000	113527
Industry				
TOTAL FED Federal Fund Group	\$	16,728,900	\$ 17,032,500	113528
TOTAL ALL BUDGET FUND GROUPS	\$	64,424,204	\$ 73,871,604	113529
DANGEROUS AND RESTRICTED WILD ANIMALS				113530
The foregoing appropriation item 700426, Dangerous and				113531
Restricted Animals, shall be used to administer the Dangerous and				113532
Restricted Wild Animal Permitting Program.				113533
COUNTY AGRICULTURAL SOCIETIES				113534
The foregoing appropriation item 700501, County Agricultural				113535
Societies, shall be used to reimburse county and independent				113536
agricultural societies for expenses related to Junior Fair				113537

activities. 113538

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE 113539
BASIN 113540

Of the foregoing appropriation item 700509, Soil and Water 113541
District Support, \$350,000 in fiscal year 2017 shall be used by 113542
the Department of Agriculture for a program to support soil and 113543
water conservation districts in the Western Lake Erie Basin to 113544
comply with provisions of Sub. S.B. 1 of the 131st General 113545
Assembly. The Department shall approve a soil and water district's 113546
application for funding under the program if the application 113547
demonstrates that funding will be used for, but not limited to, 113548
providing technical assistance, developing applicable nutrient or 113549
manure management plans, hiring and training of soil and water 113550
conservation district staff on best conservation practices, or 113551
other activities the Director determines is appropriate to assist 113552
farmers in the Western Lake Erie Basin in complying with the 113553
provisions of Sub. S.B. 1 of the 131st General Assembly. 113554

SOIL AND WATER DISTRICTS 113555

In addition to state payments to soil and water conservation 113556
districts authorized by section 940.08 of the Revised Code, the 113557
Department of Agriculture may use appropriation item 700661, Soil 113558
and Water Districts, to pay any soil and water conservation 113559
district an annual amount not to exceed \$40,000 upon receipt of a 113560
request and justification from the district and approval by the 113561
Ohio Soil and Water Conservation Commission. The county auditor 113562
shall credit the payments to the special fund established under 113563
section 940.08 of the Revised Code for the local soil and water 113564
conservation district. Moneys received by each district shall be 113565
expended for the purposes of the district. 113566

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 113567

The foregoing appropriation item 700632, Clean Ohio 113568

Agricultural Easement Operating, shall be used by the Department 113569
of Agriculture in administering Ohio Agricultural Easement Fund 113570
(Fund 7057) projects pursuant to sections 901.21, 901.22, and 113571
5301.67 to 5301.70 of the Revised Code. 113572

Section 211.20. TRANSFER OF SOIL AND WATER CONSERVATION 113573
PROGRAM 113574

On January 1, 2016, or as soon as possible thereafter, the 113575
Director of Budget and Management shall cancel any existing 113576
encumbrances against appropriation item 725502, Soil and Water 113577
Districts, used by the Department of Natural Resources, and 113578
reestablish them against appropriation item 700509, Soil and Water 113579
District Support, used by the Department of Agriculture. The 113580
reestablished encumbrance amounts are hereby appropriated. 113581

On January 1, 2016, or as soon as possible thereafter, the 113582
Director of Budget and Management shall cancel any existing 113583
encumbrances against appropriation item 725658, Heidelberg Water 113584
Quality Lab, used by the Department of Natural Resources, and 113585
reestablish them against appropriation item 700660, Heidelberg 113586
Water Quality Lab, used by the Department of Agriculture. The 113587
reestablished encumbrance amounts are hereby appropriated. 113588

On January 1, 2016, or as soon as possible thereafter, the 113589
Director of Budget and Management shall cancel any existing 113590
encumbrances against appropriation item 725683, Soil and Water 113591
Districts, used by the Department of Natural Resources, and 113592
reestablish them against appropriation item 700661, Soil and Water 113593
Districts, used by the Department of Agriculture. The 113594
reestablished encumbrance amounts are hereby appropriated. 113595

On January 1, 2016, or as soon as possible thereafter, the 113596
Director of Budget and Management shall cancel any existing 113597
encumbrances against appropriation item 725699, Healthy Lake Erie 113598
Fund, used by the Department of Natural Resources, and reestablish 113599

them against appropriation item 700653, Watershed Assistance, used 113600
by the Department of Agriculture. The reestablished encumbrance 113601
amounts are hereby appropriated. 113602

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 113603

Dedicated Purpose Fund Group 113604

4Z90 898602 Small Business \$ 288,232 \$ 288,232 113605
Ombudsman

5700 898601 Operating Expenses \$ 186,568 \$ 189,590 113606

5A00 898603 Small Business \$ 450,000 \$ 450,000 113607
Assistance

5EG0 898608 Energy Strategy \$ 193,184 \$ 176,394 113608
Development

TOTAL DPF Dedicated Purpose Fund \$ 1,117,984 \$ 1,104,216 113609
Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,117,984 \$ 1,104,216 113610

Section 213.20. ENERGY STRATEGY DEVELOPMENT 113612

(A) There is hereby created in the state treasury the Energy 113613
Strategy Development Fund (Fund 5EG0). The fund shall consist of 113614
money credited to it and money obtained for advanced energy 113615
projects from federal or private grants, loans, or other sources. 113616
Money in the fund shall be used to carry out the purposes of the 113617
Energy Strategy Development Program. Interest earned on the money 113618
in the fund shall be credited to the General Revenue Fund. 113619

(B) The Energy Strategy Development Program shall develop 113620
energy initiatives, projects, and policy that align with the 113621
energy policy for the state. Issues addressed by such initiatives, 113622
projects, and policy shall not be limited to those governed by 113623
Chapter 3706. of the Revised Code. The program also pays for costs 113624
associated with the administration of the outstanding loans and 113625
working with the outside parties associated with the loans. The 113626

Ohio Air Quality Development Authority shall be responsible for 113627
the monitoring of the program. 113628

(C) On July 1 of each fiscal year, or as soon as possible 113629
thereafter, the Director of Budget and Management may transfer 113630
cash from the funds specified below, up to the amounts specified 113631
below, to the Energy Strategy Development Fund. Fund 5EG0 may 113632
accept contributions and transfers made to the fund. On July 1, 113633
2017, or as soon as possible thereafter, the Director shall 113634
transfer to the General Revenue Fund all cash credited to Fund 113635
5EG0. Upon completion of the transfer, Fund 5EG0 is abolished. 113636

<u>Fund</u>	<u>Fund Name</u>	<u>User</u>	<u>FY 2016</u>	<u>FY 2017</u>	
1310	State Agency	Ohio Facilities	\$27,405	\$27,439	113637
	Construction	Construction			113638
	Project Service	Commission			
5GH0	Central Support	Department of	\$27,405	\$27,439	113639
	Indirect Cost	Agriculture			
1350	Supportive	Development	\$27,405	\$27,439	113640
	Services	Services Agency			
2190	Central Support	Environmental	\$27,405	\$27,439	113641
	Indirect Cost	Protection Agency			
1570	Central Support	Department of	\$27,405	\$27,439	113642
	Indirect	Natural Resources			
	Chargeback				
7002	Highway Operating	Department of	\$39,150	\$39,199	113643
		Transportation			

Section 213.30. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 113644
AUTHORITY TRUST ACCOUNT 113645

Notwithstanding any other provision of law to the contrary, 113646
the Air Quality Development Authority may reimburse the Air 113647
Quality Development Authority trust account established under 113648
section 3706.10 of the Revised Code from all operating funds of 113649

the agency for expenses pertaining to the administration and 113650
shared costs incurred by the Air Quality Development Authority in 113651
the execution of responsibilities as prescribed in Chapter 3706. 113652
of the Revised Code. The reimbursement shall be made by voucher 113653
and completed in accordance with the administrative indirect costs 113654
allocation plan approved by the Office of Budget and Management. 113655

Section 215.10. ARC ARCHITECTS BOARDS 113656

Dedicated Purpose Fund Group 113657
4K90 891609 Operating \$ 507,614 \$ 517,912 113658
TOTAL DPF Dedicated Purpose Fund 113659
Group \$ 507,614 \$ 517,912 113660
TOTAL ALL BUDGET FUND GROUPS \$ 507,614 \$ 517,912 113661

Section 217.10. ART OHIO ARTS COUNCIL 113663

General Revenue Fund 113664
GRF 370321 Operating Expenses \$ 1,772,050 \$ 1,772,050 113665
GRF 370502 State Program \$ 12,450,000 \$ 12,950,000 113666
Subsidies
TOTAL GRF General Revenue Fund \$ 14,222,050 \$ 14,722,050 113667
Dedicated Purpose Fund Group 113668
4600 370602 Management Expenses \$ 300,000 \$ 300,000 113669
and Donations
4B70 370603 Percent for Art \$ 225,000 \$ 225,000 113670
Acquisitions
TOTAL DPF Dedicated Purpose Fund \$ 525,000 \$ 525,000 113671
Group
Federal Fund Group 113672
3140 370601 Federal Support \$ 1,000,000 \$ 1,000,000 113673
TOTAL FED Federal Fund Group \$ 1,000,000 \$ 1,000,000 113674
TOTAL ALL BUDGET FUND GROUPS \$ 15,747,050 \$ 16,247,050 113675
FEDERAL SUPPORT 113676

Notwithstanding any provision of law to the contrary, the
foregoing appropriation item 370601, Federal Support, shall be
used by the Ohio Arts Council for subsidies only, and not for its
administrative costs, unless the Council is required to use a
portion of the funds for administrative costs under conditions of
the federal grant.

Section 219.10. ATH ATHLETIC COMMISSION

Dedicated Purpose Fund Group					113684
4K90 175609 Operating Expenses	\$	320,000	\$	320,000	113685
TOTAL DPF Dedicated Purpose Fund Group	\$	320,000	\$	320,000	113686
TOTAL ALL BUDGET FUND GROUPS	\$	320,000	\$	320,000	113687

Section 221.10. AGO ATTORNEY GENERAL

General Revenue Fund					113690
GRF 055321 Operating Expenses	\$	43,114,169	\$	43,114,169	113691
GRF 055405 Law-Related Education	\$	70,000	\$	70,000	113692
GRF 055411 County Sheriffs' Pay Supplement	\$	757,921	\$	801,808	113693
GRF 055415 County Prosecutors' Pay Supplement	\$	831,499	\$	893,378	113694
GRF 055501 Rape Crisis Centers	\$	1,500,000	\$	1,500,000	113695
TOTAL GRF General Revenue Fund	\$	46,273,589	\$	46,379,355	113696
Dedicated Purpose Fund Group					113697
1060 055612 Attorney General Operating	\$	64,008,182	\$	64,818,182	113698
4020 055616 Victims of Crime	\$	20,301,769	\$	20,301,769	113699
4180 055615 Charitable Foundations	\$	8,286,000	\$	8,286,000	113700
4190 055623 Claims Section	\$	58,437,133	\$	59,439,892	113701
4200 055603 Attorney General	\$	2,392,074	\$	2,392,074	113702

		Antitrust				
4210	055617	Police Officers'	\$	4,201,545	\$	4,201,545 113703
		Training Academy Fee				
4L60	055606	DARE Programs	\$	3,811,209	\$	3,811,209 113704
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000 113705
4Z20	055609	BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000 113706
		and Cost				
		Reimbursement				
5900	055633	Peace Officer Private	\$	95,325	\$	95,325 113707
		Security Training				
5A90	055618	Telemarketing Fraud	\$	10,000	\$	10,000 113708
		Enforcement				
5L50	055619	Law Enforcement	\$	7,800,000	\$	12,800,000 113709
		Assistance Program				
5LR0	055655	Peace Officer	\$	4,629,409	\$	4,629,409 113710
		Training - Casino				
5MP0	055657	Peace Officer	\$	250,000	\$	325,000 113711
		Training Commission				
6310	055637	Consumer Protection	\$	8,834,000	\$	8,976,000 113712
		Enforcement				
6590	055641	Solid and Hazardous	\$	310,730	\$	310,730 113713
		Waste Background				
		Investigations				
U087	055402	Tobacco Settlement	\$	2,550,000	\$	2,650,000 113714
		Oversight,				
		Administration, and				
		Enforcement				
TOTAL DPF		Dedicated Purpose Fund				113715
Group			\$	187,517,376	\$	194,647,135 113716
Internal Service		Activity Fund Group				113717
1950	055660	Workers' Compensation	\$	8,415,504	\$	8,415,504 113718
		Section				
TOTAL ISA		Internal Service Activity	\$	8,415,504	\$	8,415,504 113719

Fund Group

Holding Account Fund Group						113720
R004 055631	General Holding	\$	1,000,000	\$	1,000,000	113721
	Account					
R005 055632	Antitrust Settlements	\$	1,000	\$	1,000	113722
R018 055630	Consumer Frauds	\$	750,000	\$	750,000	113723
R042 055601	Organized Crime	\$	25,025	\$	25,025	113724
	Commission					
	Distributions					
R054 055650	Collection Payment	\$	4,500,000	\$	4,500,000	113725
	Redistribution					
TOTAL HLD Holding Account						113726
Fund Group		\$	6,276,025	\$	6,276,025	113727
Federal Fund Group						113728
3060 055620	Medicaid Fraud	\$	8,461,419	\$	8,961,419	113729
	Control					
3830 055634	Crime Victims	\$	16,500,000	\$	16,500,000	113730
	Assistance					
3E50 055638	Attorney General	\$	2,320,999	\$	2,320,999	113731
	Pass-Through Funds					
3FV0 055656	Crime Victim	\$	3,155,000	\$	3,155,000	113732
	Compensation					
3R60 055613	Attorney General	\$	2,799,999	\$	2,799,999	113733
	Federal Funds					
TOTAL FED Federal Fund Group		\$	33,237,417	\$	33,737,417	113734
TOTAL ALL BUDGET FUND GROUPS		\$	281,719,911	\$	289,455,436	113735
OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE						113736
Of the foregoing appropriation item 055321, Operating						113737
Expenses, \$600,000 in each fiscal year shall be used for the Ohio						113738
Center for the Future of Forensic Science at Bowling Green State						113739
University. The purpose of the Center shall be to foster forensic						113740
science research techniques (BCI Eminent Scholar) and to create						113741

professional training opportunities to students (BCI Scholars) in 113742
the forensic science fields. 113743

COUNTY SHERIFFS' PAY SUPPLEMENT 113744

The foregoing appropriation item 055411, County Sheriffs' Pay 113745
Supplement, shall be used for the purpose of supplementing the 113746
annual compensation of county sheriffs as required by section 113747
325.06 of the Revised Code. 113748

At the request of the Attorney General, the Director of 113749
Budget and Management may transfer appropriation from 113750
appropriation item 055321, Operating Expenses, to appropriation 113751
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 113752
transferred shall be used to supplement the annual compensation of 113753
county sheriffs as required by section 325.06 of the Revised Code. 113754

COUNTY PROSECUTORS' PAY SUPPLEMENT 113755

The foregoing appropriation item 055415, County Prosecutors' 113756
Pay Supplement, shall be used for the purpose of supplementing the 113757
annual compensation of certain county prosecutors as required by 113758
section 325.111 of the Revised Code. 113759

At the request of the Attorney General, the Director of 113760
Budget and Management may transfer appropriation from 113761
appropriation item 055321, Operating Expenses, to appropriation 113762
item 055415, County Prosecutors' Pay Supplement. Any appropriation 113763
so transferred shall be used to supplement the annual compensation 113764
of county prosecutors as required by section 325.111 of the 113765
Revised Code. 113766

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE OHIO PEACE 113767
OFFICER TRAINING ACADEMY FUND 113768

On July 1 of each fiscal year, or as soon as possible 113769
thereafter, the Director of Budget and Management shall transfer 113770
\$2,500,000 cash from the General Revenue Fund to the Ohio Peace 113771

Officer Training Academy Fund (Fund 4210). 113772

WORKERS' COMPENSATION SECTION 113773

The Workers' Compensation Fund (Fund 1950) is entitled to 113774
receive payments from the Bureau of Workers' Compensation and the 113775
Ohio Industrial Commission at the beginning of each quarter of 113776
each fiscal year to fund legal services to be provided to the 113777
Bureau of Workers' Compensation and the Ohio Industrial Commission 113778
during the ensuing quarter. The advance payment shall be subject 113779
to adjustment. 113780

In addition, the Bureau of Workers' Compensation shall 113781
transfer payments at the beginning of each quarter for the support 113782
of the Workers' Compensation Fraud Unit. 113783

All amounts shall be mutually agreed upon by the Attorney 113784
General, the Bureau of Workers' Compensation, and the Ohio 113785
Industrial Commission. 113786

LAW ENFORCEMENT ASSISTANCE FUND 113787

Notwithstanding the requirement in division (C) of section 113788
5747.50 of the Revised Code that the Tax Commissioner provide for 113789
payment from the Local Government Fund to each municipal 113790
corporation of an amount calculated using the total amount 113791
available for distribution to municipal corporations during the 113792
current month, as defined in that division, the Tax Commissioner 113793
shall reduce the total amount available for distribution to 113794
municipal corporations during the current month by \$416,666.67 in 113795
each month of fiscal year 2016 and by \$833,333.33 in each month of 113796
fiscal year 2017, before calculating the amount to be distributed 113797
to each municipal corporation. The amounts not distributed to 113798
municipal corporations, \$416,666.67 in each month of fiscal year 113799
2016 and \$833,333.33 in each month of fiscal year 2017, shall be 113800
deposited in the state treasury to the credit of the Law 113801
Enforcement Assistance Fund (Fund 5L50). 113802

In accordance with the provisions of section 109.803 of the Revised Code, the Ohio Peace Officer Training Commission shall direct every appointing authority to require each of its appointed peace officers and troopers to complete a total of eleven hours of continuing professional training in calendar year 2016, and a total of twenty hours of continuing professional training in calendar year 2017.

Notwithstanding any provision of section 109.802 of the Revised Code, in fiscal year 2017 each public appointing authority entitled to reimbursement for the cost of continuing professional training shall receive one hundred per cent reimbursement from the state for eleven of the required twenty hours of training. Of the remaining nine hours of required training, each eligible public appointing authority shall receive state reimbursement at the rate of: (a) one hundred per cent for the first fifty full-time officers or troopers trained, and (b) eighty per cent for any full-time officers or troopers trained after the first fifty full-time officers or troopers are trained.

GENERAL HOLDING ACCOUNT

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ANTITRUST SETTLEMENTS

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out of court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are

necessary for this purpose, the amounts are hereby appropriated. 113834

CONSUMER FRAUDS 113835

The foregoing appropriation item 055630, Consumer Frauds, 113836
shall be used for distribution of moneys from court-ordered 113837
judgments against sellers in actions brought by the Office of the 113838
Attorney General under sections 1334.08 and 4549.48 and division 113839
(B) of section 1345.07 of the Revised Code. These moneys shall be 113840
used to provide restitution to consumers victimized by the fraud 113841
that generated the court-ordered judgments. If it is determined 113842
that additional amounts are necessary for this purpose, the 113843
amounts are hereby appropriated. 113844

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 113845

The foregoing appropriation item 055601, Organized Crime 113846
Commission Distributions, shall be used by the Organized Crime 113847
Investigations Commission, as provided by section 177.011 of the 113848
Revised Code, to reimburse political subdivisions for the expenses 113849
the political subdivisions incur when their law enforcement 113850
officers participate in an organized crime task force. If it is 113851
determined that additional amounts are necessary for this purpose, 113852
the amounts are hereby appropriated. 113853

COLLECTION PAYMENT REDISTRIBUTION 113854

The foregoing appropriation item 055650, Collection Payment 113855
Redistribution, shall be used for the purpose of allocating the 113856
revenue where debtors mistakenly paid the client agencies instead 113857
of the Attorney General's Collections Enforcement Section. If it 113858
is determined that additional amounts are necessary for this 113859
purpose, the amounts are hereby appropriated. 113860

ATTORNEY GENERAL PASS-THROUGH FUNDS 113861

The foregoing appropriation item 055638, Attorney General 113862
Pass-Through Funds, shall be used to receive federal grant funds 113863

provided to the Attorney General by other state agencies, 113864
including, but not limited to, the Department of Youth Services 113865
and the Department of Public Safety. 113866

Section 223.10. AUD AUDITOR OF STATE 113867

General Revenue Fund 113868

GRF 070321	Operating Expenses	\$	28,751,872	\$	28,751,872	113869

GRF 070403	Fiscal	\$	800,000	\$	800,000	113870

Watch/Emergency

Technical Assistance

TOTAL GRF General Revenue Fund	\$	29,551,872	\$	29,551,872	113871

Dedicated Purpose Fund Group 113872

1090 070601	Public Audit Expense	\$	9,600,181	\$	9,600,181	113873

- Intra-State

4220 070602	Public Audit Expense	\$	33,509,944	\$	33,715,944	113874

- Local Government

5840 070603	Training Program	\$	403,750	\$	403,750	113875

5JZ0 070606	LEAP Revolving Loans	\$	400,000	\$	400,000	113876

6750 070605	Uniform Accounting	\$	3,187,637	\$	3,187,637	113877

Network

TOTAL DPF Dedicated Purpose Fund 113878

Group	\$	47,101,512	\$	47,307,512	113879

TOTAL ALL BUDGET FUND GROUPS	\$	76,653,384	\$	76,859,384	113880

Section 225.10. BRB BOARD OF BARBER EXAMINERS 113882

Dedicated Purpose Fund Group 113883

4K90 877609	Operating Expenses	\$	674,272	\$	688,272	113884

TOTAL DPF Dedicated Purpose Fund	\$	674,272	\$	688,272	113885

Group

TOTAL ALL BUDGET FUND GROUPS	\$	674,272	\$	688,272	113886

Section 227.10. OBM OFFICE OF BUDGET AND MANAGEMENT 113888

General Revenue Fund					113889
GRF	042321	Budget Development	\$	2,981,898	\$ 2,933,175 113890
		and Implementation			
GRF	042416	Office of Health	\$	430,000	\$ 438,723 113891
		Transformation			
GRF	042425	Shared Services	\$	1,385,000	\$ 1,425,000 113892
		Development			
TOTAL GRF General Revenue Fund			\$	4,796,898	\$ 4,796,898 113893
Internal Service Activity Fund Group					113894
1050	042603	Financial Management	\$	14,676,746	\$ 14,593,851 113895
1050	042620	Shared Services	\$	8,699,170	\$ 8,782,065 113896
		Operating			
TOTAL ISA Internal Service Activity					113897
Fund Group			\$	23,375,916	\$ 23,375,916 113898
Fiduciary Fund Group					113899
5EH0	042604	Forgery Recovery	\$	40,000	\$ 40,000 113900
TOTAL FID Fiduciary Fund Group			\$	40,000	\$ 40,000 113901
Federal Fund Group					113902
3CM0	042606	Office of Health	\$	430,000	\$ 438,723 113903
		Transformation -			
		Federal			
TOTAL FED Federal Fund Group			\$	430,000	\$ 438,723 113904
TOTAL ALL BUDGET FUND GROUPS			\$	28,642,814	\$ 28,651,537 113905
AUDIT COSTS AND DUES					113906
All centralized audit costs associated with either Single					113907
Audit Schedules or financial statements prepared in conformance					113908
with generally accepted accounting principles for the state shall					113909
be paid from the foregoing appropriation item 042603, Financial					113910
Management.					113911
Costs associated with the audit of the Auditor of State and					113912
national association dues shall be paid from the foregoing					113913

appropriation item 042321, Budget Development and Implementation. 113914

SHARED SERVICES CENTER 113915

The foregoing appropriation items 042425, Shared Services 113916
Development, and 042620, Shared Services Operating, shall be used 113917
by the Director of Budget and Management to support a Shared 113918
Services Center within the Office of Budget and Management for the 113919
purpose of consolidating statewide business functions and common 113920
transactional processes. 113921

The Director of Budget and Management shall include the 113922
recovery of costs to operate the Shared Services Center in the 113923
accounting and budgeting services payroll rate and through direct 113924
charges using intrastate transfer vouchers to agencies for 113925
services rendered. The Director of Budget and Management shall 113926
determine the cost recovery methodology. Such cost recovery 113927
revenues shall be deposited to the credit of the Accounting and 113928
Budgeting Fund (Fund 1050). 113929

INTERNAL AUDIT 113930

The Director of Budget and Management shall include the 113931
recovery of costs to operate the Internal Audit Program in the 113932
accounting and budgeting services payroll rate and through direct 113933
charges using intrastate transfer vouchers to agencies reviewed by 113934
the program. The Director of Budget and Management, with advice 113935
from the Internal Audit Advisory Council, shall determine the cost 113936
recovery methodology. Such cost recovery revenues shall be 113937
deposited to the credit of Fund 1050. 113938

FORGERY RECOVERY 113939

The foregoing appropriation item 042604, Forgery Recovery, 113940
shall be used to reissue warrants that have been certified as 113941
forgeries by the rightful recipient as determined by the Bureau of 113942
Criminal Identification and Investigation and the Treasurer of 113943
State. Upon receipt of funds to cover the reissuance of the 113944

warrant, the Director of Budget and Management shall reissue a 113945
state warrant of the same amount. Any additional amounts needed to 113946
reissue warrants backed by the receipt of funds are hereby 113947
appropriated. 113948

Section 227.20. HEALTH SERVICES PROVIDERS COST ESTIMATES 113949

There is hereby established under the Office of Health 113950
Transformation, the Health Services Cost Estimate Study Committee. 113951
The Committee shall study the impact and feasibility of requiring 113952
health services providers to provide, upon request by a consumer, 113953
estimates of the consumer's out-of-pocket cost, including an 113954
estimate of the total charge to be billed, for common products, 113955
procedures, and services offered by the provider for the purpose 113956
of cost comparison on the part of the consumer. Not later than 113957
December 31, 2015, the Health Services Cost Estimate Study 113958
Committee shall make a report of its findings and shall deliver 113959
that report to the Governor, the President and Minority Leader of 113960
the Senate, and the Speaker and Minority Leader of the House of 113961
Representatives. If the report views the implementation of such a 113962
requirement favorably, the report shall include recommendations 113963
regarding legislation and associated rules for enactment and 113964
adoption. 113965

Section 229.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 113966

General Revenue Fund 113967
GRF 874100 Personal Services \$ 2,417,467 \$ 2,417,467 113968
GRF 874320 Maintenance and \$ 1,161,098 \$ 1,161,098 113969
Equipment
TOTAL GRF General Revenue Fund \$ 3,578,565 \$ 3,578,565 113970
Dedicated Purpose Fund Group 113971
2080 874601 Underground Parking \$ 3,496,740 \$ 3,496,740 113972
Garage Operations

4G50 874603	Capitol Square	\$	6,000	\$	6,000	113973
	Education Center and					
	Arts					
TOTAL DPF Dedicated Purpose						113974
Fund Group		\$	3,502,740	\$	3,502,740	113975
Internal Service Activity Fund Group						113976
4S70 874602	Statehouse Gift	\$	700,000	\$	700,000	113977
	Shop/Events					
TOTAL ISA Internal Service Activity						113978
Fund Group		\$	700,000	\$	700,000	113979
TOTAL ALL BUDGET FUND GROUPS		\$	7,781,305	\$	7,781,305	113980
UNDERGROUND PARKING GARAGE FUND						113981
Notwithstanding division (G) of section 105.41 of the Revised						113982
Code and any other provision to the contrary, moneys in the						113983
Underground Parking Garage Fund (Fund 2080) may be used for						113984
personnel and operating costs related to the operations of the						113985
Statehouse and the Statehouse Underground Parking Garage.						113986
HOUSE AND SENATE PARKING REIMBURSEMENT						113987
On July 1 of each fiscal year, or as soon as possible						113988
thereafter, the Director of Budget and Management shall transfer						113989
\$500,000 cash from the General Revenue Fund to the Underground						113990
Parking Garage Fund (Fund 2080). The amounts transferred under						113991
this section shall be used to reimburse the Capitol Square Review						113992
and Advisory Board for legislative parking costs.						113993
Section 231.10. SCR STATE BOARD OF CAREER COLLEGES AND						113994
SCHOOLS						113995
Dedicated Purpose Fund Group						113996
4K90 233601	Operating Expenses	\$	579,328	\$	579,328	113997
TOTAL DPF Dedicated Purpose Fund		\$	579,328	\$	579,328	113998
Group						

TOTAL ALL BUDGET FUND GROUPS	\$	579,328	\$	579,328	113999

Section 233.10.	CAC CASINO CONTROL COMMISSION	114001

Dedicated Purpose Fund Group		114002

5HS0 955321	Operating Expenses	\$	12,415,000	\$	12,415,000	114003

5KT0 955501	Racetrack Host	\$	1,500,000	\$	1,500,000	114004

Supplement

5NU0 955601	Casino Commission	\$	50,000	\$	50,000	114005

Enforcement

TOTAL DPF Dedicated Purpose Fund	\$	13,965,000	\$	13,965,000	114006

Group

TOTAL ALL BUDGET FUND GROUPS	\$	13,965,000	\$	13,965,000	114007

RACETRACK HOST SUPPLEMENT	114008

Of the foregoing appropriation item 955501, Racetrack Host	114009

Supplement, to the extent that sufficient cash is available, the	114010

Casino Control Commission shall make two payments of two hundred	114011

fifty thousand dollars, one in fiscal year 2016 and one in fiscal	114012

year 2017, to each eligible entity. Any payments made in fiscal	114013

year 2016 shall not be made later than December 31, 2015, and any	114014

payments made in fiscal year 2017 shall not be made later than	114015

December 31, 2016. For the purposes of this section, "eligible	114016

entity" means a municipal corporation or township that received	114017

moneys from the Casino Operator Settlement Fund under Section 10	114018

of Am. Sub. H.B. 386 of the 129th General Assembly, as	114019

subsequently amended.	114020

Section 235.10.	CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD	114021

Dedicated Purpose Fund Group		114022

4K90 930609	Operating Expenses	\$	490,644	\$	489,666	114023

TOTAL DPF Dedicated Purpose Fund	\$	490,644	\$	489,666	114024

Group

TOTAL ALL BUDGET FUND GROUPS	\$	490,644	\$	489,666	114025

Section 237.10. CHR STATE CHIROPRACTIC BOARD				114027
Dedicated Purpose Fund Group				114028
4K90 878609 Operating Expenses	\$	648,734	\$ 663,521	114029
TOTAL DPF Dedicated Purpose Fund Group	\$	648,734	\$ 663,521	114030
TOTAL ALL BUDGET FUND GROUPS				114031
Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION				114033
General Revenue Fund				114034
GRF 876321 Operating Expenses	\$	5,406,444	\$ 5,406,444	114035
TOTAL GRF General Revenue Fund	\$	5,406,444	\$ 5,406,444	114036
Internal Service Activity Fund Group				114037
2170 876604 Operations Support	\$	4,000	\$ 4,000	114038
TOTAL ISA Internal Service Activity Fund Group	\$	4,000	\$ 4,000	114040
Federal Fund Group				114041
3340 876601 Federal Programs	\$	2,802,760	\$ 2,947,982	114042
TOTAL FED Federal Special Revenue Fund Group	\$	2,802,760	\$ 2,947,982	114044
TOTAL ALL BUDGET FUND GROUPS	\$	8,213,204	\$ 8,358,426	114045
Section 241.10. COM DEPARTMENT OF COMMERCE				114047
Dedicated Purpose Fund Group				114048
4B20 800631 Real Estate Appraisal	\$	35,000	\$ 35,000	114049
Recovery				
4H90 800608 Cemeteries	\$	274,080	\$ 278,352	114050
4X20 800619 Financial Institutions	\$	1,854,298	\$ 1,854,298	114051
5430 800602 Unclaimed	\$	7,764,160	\$ 7,779,076	114052
Funds-Operating				
5430 800625 Unclaimed Funds-Claims	\$	64,000,000	\$ 64,000,000	114053
5440 800612 Banks	\$	6,867,039	\$ 6,885,074	114054

5450	800613	Savings Institutions	\$	2,464,495	\$	2,533,005	114055
5460	800610	Fire Marshal	\$	17,153,766	\$	16,746,648	114056
5460	800639	Fire Department Grants	\$	5,200,000	\$	5,200,000	114057
5470	800603	Real Estate	\$	69,655	\$	69,655	114058
		Education/Research					
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	114059
5490	800614	Real Estate	\$	3,374,714	\$	3,409,090	114060
5500	800617	Securities	\$	4,421,403	\$	4,577,915	114061
5520	800604	Credit Union	\$	3,343,696	\$	3,374,104	114062
5530	800607	Consumer Finance	\$	3,946,050	\$	4,138,634	114063
5560	800615	Industrial Compliance	\$	27,882,765	\$	28,318,049	114064
5F10	800635	Small Government Fire	\$	300,000	\$	300,000	114065
		Departments					
5FW0	800616	Financial Literacy	\$	190,000	\$	190,000	114066
		Education					
5GK0	800609	Securities Investor	\$	432,150	\$	432,150	114067
		Education/Enforcement					
5HV0	800641	Cigarette Enforcement	\$	70,000	\$	70,000	114068
5LC0	800644	Liquor JobsOhio	\$	288,818	\$	276,817	114069
		Extraordinary Allowance					
5LN0	800645	Liquor Operating	\$	7,220,460	\$	6,920,435	114070
		Services					
5LP0	800646	Liquor Regulatory	\$	9,565,654	\$	8,664,644	114071
		Operating Expenses					
5PA0	800647	BUSTR Revolving Loan	\$	1,500,000	\$	1,500,000	114072
		Program					
5X60	800623	Video Service	\$	383,792	\$	389,110	114073
6530	800629	UST Registration/Permit	\$	2,201,943	\$	2,245,208	114074
		Fee					
6A40	800630	Real Estate	\$	684,978	\$	692,170	114075
		Appraiser-Operating					
TOTAL	DPF	Dedicated Purpose					114076
Fund Group			\$	171,538,916	\$	170,929,434	114077

Internal Service Activity Fund Group				114078
1630 800620 Division of	\$	7,700,000	\$	7,700,000 114079
Administration				
1630 800637 Information Technology	\$	7,792,763	\$	9,493,259 114080
TOTAL ISA Internal Service Activity				114081
Fund Group	\$	15,492,763	\$	17,193,259 114082
Federal Fund Group				114083
3480 800622 Underground Storage	\$	1,129,518	\$	1,129,518 114084
Tanks				
3480 800624 Leaking Underground	\$	1,795,481	\$	1,795,481 114085
Storage Tanks				
TOTAL FED Federal Fund Group	\$	2,924,999	\$	2,924,999 114086
TOTAL ALL BUDGET FUND GROUPS	\$	189,956,678	\$	191,047,692 114087
UNCLAIMED FUNDS PAYMENTS				114088
The foregoing appropriation item 800625, Unclaimed				114089
Funds-Claims, shall be used to pay claims under section 169.08 of				114090
the Revised Code. If it is determined by the Director of Commerce				114091
that additional appropriation amounts are necessary to make such				114092
payments, the Director of Commerce may request that the Director				114093
of Budget and Management increase such amounts. Such amounts are				114094
hereby appropriated.				114095
DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING				114096
The foregoing appropriation item 800631, Real Estate				114097
Appraiser Recovery, shall be used to pay settlements, judgments,				114098
and court orders under section 4763.16 of the Revised Code. If it				114099
is determined by the Director of Commerce that additional				114100
appropriation amounts are necessary to make such payments, the				114101
Director of Commerce may request that the Director of Budget and				114102
Management increase such amounts. Such amounts are hereby				114103
appropriated.				114104
The foregoing appropriation item 800611, Real Estate				114105

Recovery, shall be used to pay settlements, judgments, and court 114106
orders under section 4735.12 of the Revised Code. If it is 114107
determined by the Director of Commerce that additional 114108
appropriation amounts are necessary to make such payments, the 114109
Director of Commerce may request that the Director of Budget and 114110
Management increase such amounts. Such amounts are hereby 114111
appropriated. 114112

FIRE DEPARTMENT GRANTS 114113

Of the foregoing appropriation item 800639, Fire Department 114114
Grants, \$500,000 in fiscal year 2016 shall be awarded to Jefferson 114115
Township in Clinton County to build a new firehouse. 114116

Of the foregoing appropriation item 800639, Fire Department 114117
Grants, up to \$5,200,000 in fiscal year 2016 and \$5,200,000 in 114118
fiscal year 2017 shall be used to make annual grants to the 114119
following eligible recipients: volunteer fire departments, fire 114120
departments that serve one or more small municipalities or small 114121
townships, joint fire districts comprised of fire departments that 114122
primarily serve small municipalities or small townships, local 114123
units of government responsible for such fire departments, and 114124
local units of government responsible for the provision of fire 114125
protection services for small municipalities or small townships. 114126
For the purposes of these grants, a private fire company, as that 114127
phrase is defined in section 9.60 of the Revised Code, that is 114128
providing fire protection services under a contract to a political 114129
subdivision of the state, is an additional eligible recipient for 114130
a training grant. 114131

Eligible recipients that consist of small municipalities or 114132
small townships that all intend to contract with the same fire 114133
department or private fire company for fire protection services 114134
may jointly apply and be considered for a grant. If a joint 114135
applicant is awarded a grant, the State Fire Marshal shall, if 114136
feasible, proportionately award the grant and any equipment 114137

purchased with grant funds to each of the joint applicants based 114138
upon each applicant's contribution to and demonstrated need for 114139
fire protection services. 114140

If the grant awarded to joint applicants is an equipment 114141
grant and the equipment to be purchased cannot be readily 114142
distributed or possessed by multiple recipients, each of the joint 114143
applicants shall be awarded by the State Fire Marshal an ownership 114144
interest in the equipment so purchased in proportion to each 114145
applicant's contribution to and demonstrated need for fire 114146
protection services. The joint applicants shall then mutually 114147
agree on how the equipment is to be maintained, operated, stored, 114148
or disposed of. If, for any reason, the joint applicants cannot 114149
agree as to how jointly owned equipment is to be maintained, 114150
operated, stored, or disposed of or any of the joint applicants no 114151
longer maintain a contract with the same fire protection service 114152
provider as the other applicants, then the joint applicants shall, 114153
with the assistance of the State Fire Marshal, mutually agree as 114154
to how the jointly owned equipment is to be maintained, operated, 114155
stored, disposed of, or owned. If the joint applicants cannot 114156
agree how the grant equipment is to be maintained, operated, 114157
stored, disposed of, or owned, the State Fire Marshal may, in its 114158
discretion, require all of the equipment acquired by the joint 114159
applicants with grant funds to be returned to the State Fire 114160
Marshal. The State Fire Marshal may then award the returned 114161
equipment to any eligible recipients. For this paragraph only, an 114162
"equipment grant" also includes a MARCS Grant. 114163

Except as otherwise provided in this section, the grants 114164
shall be used by recipients to purchase firefighting or rescue 114165
equipment or gear or similar items, to provide full or partial 114166
reimbursement for the documented costs of firefighter training, 114167
or, at the discretion of the State Fire Marshal, to cover fire 114168
department costs for providing fire protection services in that 114169

grant recipient's jurisdiction. 114170

Of the foregoing appropriation item 800639, Fire Department 114171
Grants, up to \$500,000 per fiscal year may be used to pay for the 114172
State Fire Marshal's costs of providing firefighter I 114173
certification classes or other firefighter classes approved by the 114174
Department of Public Safety in accordance with section 4765.55 of 114175
the Revised Code at no cost to selected students attending the 114176
Ohio Fire Academy or other class providers approved by the State 114177
Fire Marshal. The State Fire Marshal may establish the 114178
qualifications and selection processes for students to attend such 114179
classes by written policy, and such students shall be considered 114180
eligible recipients of fire department grants for the purposes of 114181
this portion of the grant program. 114182

For purposes of this section, a MARCS Grant is a grant for 114183
systems, equipment, or services that are a part of, integrated 114184
into, or otherwise interoperable with the Multi-Agency Radio 114185
Communication System (MARCS) operated by the state. 114186

Of the foregoing appropriation item 800639, Fire Department 114187
Grants, up to \$3,000,000 in each fiscal year may be used for MARCS 114188
Grants. MARCS Grants may be used for the payment of user access 114189
fees by the eligible recipient to access MARCS. 114190

MARCS Grant awards may be up to \$50,000 in each fiscal year 114191
per eligible recipient. Each eligible recipient may only apply, as 114192
a separate entity or as a part of a joint application, for one 114193
MARCS Grant per fiscal year. The State Fire Marshal may give a 114194
preference in the awarding of MARCS Grants to grants that will 114195
enhance the overall interoperability and effectiveness of 114196
emergency communication networks in the geographic region that 114197
includes and that is adjacent to the applicant. Eligible 114198
recipients that are or were awarded fire department grants that 114199
are not MARCS Grants may also apply for and receive MARCS Grants 114200
in accordance with criteria for the awarding of grant funds 114201

established by the State Fire Marshal. 114202

Grant awards for firefighting or rescue equipment or gear or 114203
for fire department costs of providing fire protection services 114204
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 114205
fiscal year if an eligible entity serves a jurisdiction in which 114206
the Governor declared a natural disaster during the preceding or 114207
current fiscal year in which the grant was awarded. In addition to 114208
any grant funds awarded for rescue equipment or gear, or for fire 114209
department costs associated with the provision of fire protection 114210
services, an eligible entity may receive a grant for up to \$15,000 114211
per fiscal year for full or partial reimbursement of the 114212
documented costs of firefighter training. For each fiscal year, 114213
the State Fire Marshal shall determine the total amounts to be 114214
allocated for each eligible purpose. 114215

The grant program shall be administered by the State Fire 114216
Marshal in accordance with rules the State Fire Marshal adopts as 114217
part of the state fire code adopted pursuant to section 3737.82 of 114218
the Revised Code that are necessary for the administration and 114219
operation of the grant program. The rules may further define the 114220
entities eligible to receive grants and establish criteria for the 114221
awarding and expenditure of grant funds, including methods the 114222
State Fire Marshal may use to verify the proper use of grant funds 114223
or to obtain reimbursement for or the return of equipment for 114224
improperly used grant funds. To the extent consistent with this 114225
section and until such time as the rules are updated, the existing 114226
rules in the state fire code adopted pursuant to section 3737.82 114227
of the Revised Code for fire department grants under this section 114228
apply to MARCS Grants. Any amounts in appropriation item 800639, 114229
Fire Department Grants, in excess of the amount allocated for 114230
these grants may be used for the administration of the grant 114231
program. 114232

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 114233

Upon the written request of the Director of Commerce, the 114234
Director of Budget and Management may transfer up to \$500,000 in 114235
cash from the Real Estate Recovery Fund (Fund 5480) and up to 114236
\$250,000 in cash from the Real Estate Appraiser Recovery Fund 114237
(Fund 4B20) to the Division of Real Estate Operating Fund (Fund 114238
5490) during the biennium ending June 30, 2017. 114239

CASH TRANSFER TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 114240
REVOLVING LOAN FUND 114241

Upon the written request of the Director of Commerce, the 114242
Director of Budget and Management may transfer up to \$300,000 in 114243
cash from the State Fire Marshal Fund (Fund 5460) to the Small 114244
Government Fire Department Services Revolving Loan Fund (Fund 114245
5F10) during the biennium ending June 30, 2017. 114246

ADMINISTRATIVE ASSESSMENTS 114247

Notwithstanding any other provision of law to the contrary, 114248
the Division of Administration Fund (Fund 1630) is entitled to 114249
receive assessments from all operating funds of the Department in 114250
accordance with procedures prescribed by the Director of Commerce 114251
and approved by the Director of Budget and Management. 114252

Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL 114253

Dedicated Purpose Fund Group 114254

5F50 053601 Operating Expenses	\$	5,641,093	\$	5,641,093	114255

TOTAL DPF Dedicated Purpose Fund	\$	5,641,093	\$	5,641,093	114256

Group

TOTAL ALL BUDGET FUND GROUPS	\$	5,641,093	\$	5,641,093	114257

Section 245.10. CEB CONTROLLING BOARD 114259

General Revenue Fund 114260

GRF 911441 Ballot Advertising	\$	475,000	\$	475,000	114261

Costs

TOTAL GRF General Revenue Fund	\$	475,000	\$	475,000	114262
Dedicated Purpose Fund Group					114263
5RU0 911617 Absent Voter's Ballot	\$	0	\$	1,250,000	114264
Mailings					
TOTAL DPF Dedicated Purpose Fund	\$	0	\$	1,250,000	114265
Group					
Internal Service Activity Fund Group					114266
5KM0 911614 CB Emergency Purposes	\$	10,000,000	\$	10,000,000	114267
TOTAL ISA Internal Service Activity					114268
Fund Group	\$	10,000,000	\$	10,000,000	114269
TOTAL ALL BUDGET FUND GROUPS	\$	10,475,000	\$	11,725,000	114270
FEDERAL SHARE					114271
In transferring appropriations to or from appropriation items					114272
that have federal shares identified in this act, the Controlling					114273
Board shall add or subtract corresponding amounts of federal					114274
matching funds at the percentages indicated by the state and					114275
federal division of the appropriations in this act. Such changes					114276
are hereby appropriated.					114277
ABSENT VOTER'S BALLOT APPLICATION MAILING					114278
Pursuant to section 111.31 of the Revised Code and upon the					114279
request of the Secretary of State, the Controlling Board shall					114280
approve cash transfers from the Absent Voter's Ballot Fund (Fund					114281
5RU0), which is hereby created, under the foregoing appropriation					114282
item 911617, Absent Voter's Ballot Mailings, to the Absent Voter's					114283
Ballot Application Mailing Fund (Fund 5RG0) used by the Secretary					114284
of State to pay the cost of printing and mailing unsolicited					114285
applications for absent voters' ballots for the general election					114286
to be held on November 8, 2016.					114287
BALLOT ADVERTISING COSTS					114288
Pursuant to section 3501.17 of the Revised Code, and upon					114289
requests submitted by the Secretary of State, the Controlling					114290

Board shall approve transfers from the foregoing appropriation 114291
item 911441, Ballot Advertising Costs, to appropriation item 114292
050621, Statewide Ballot Advertising, in order to pay for the cost 114293
of public notices associated with statewide ballot initiatives. 114294

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 114295
ELIGIBILITY 114296

A state agency director shall request that the Controlling 114297
Board increase the amount of the agency's capital appropriations 114298
if the director determines such an increase is necessary for the 114299
agency to receive and use funds under the federal American 114300
Recovery and Reinvestment Act of 2009. The Controlling Board may 114301
increase the capital appropriations pursuant to the request up to 114302
the exact amount necessary under the federal act if the Board 114303
determines it is necessary for the agency to receive and use those 114304
federal funds. 114305

DISASTER SERVICES 114306

Pursuant to requests submitted by the Department of Public 114307
Safety, the Controlling Board may approve transfers from the 114308
Disaster Services Fund (Fund 5E20) to a fund and appropriation 114309
item used by the Department of Public Safety to provide for 114310
assistance to political subdivisions made necessary by natural 114311
disasters or emergencies. These transfers may be requested and 114312
approved prior to the occurrence of any specific natural disasters 114313
or emergencies in order to facilitate the provision of timely 114314
assistance. The Emergency Management Agency of the Department of 114315
Public Safety shall use the funding to fund the State Disaster 114316
Relief Program for disasters that have a written Governor's 114317
authorization, and the State Individual Assistance Program for 114318
disasters that have a written Governor's authorization and is 114319
declared by the federal Small Business Administration. The Ohio 114320
Emergency Management Agency shall publish and make available 114321
application packets outlining procedures for the State Disaster 114322

Relief Program and the State Individual Assistance Program. 114323

Fund 5E20 shall be used by the Controlling Board, pursuant to 114324
requests submitted by state agencies, to transfer cash and 114325
appropriations to any fund and appropriation item for the payment 114326
of state agency disaster relief program expenses for disasters 114327
that have a written Governor's authorization, if the Director of 114328
Budget and Management determines that sufficient funds exist. 114329

Section 247.10. COS STATE BOARD OF COSMETOLOGY 114330

Dedicated Purpose Fund Group 114331

4K90 879609 Operating Expenses \$ 3,758,000 \$ 3,818,530 114332

TOTAL DPF Dedicated Purpose Fund 114333

Group \$ 3,758,000 \$ 3,818,530 114334

TOTAL ALL BUDGET FUND GROUPS \$ 3,758,000 \$ 3,818,530 114335

Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 114337

AND FAMILY THERAPIST BOARD 114338

Dedicated Purpose Fund Group 114339

4K90 899609 Operating Expenses \$ 1,287,029 \$ 1,301,462 114340

TOTAL DPF Dedicated Purpose Fund \$ 1,287,029 \$ 1,301,462 114341

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,287,029 \$ 1,301,462 114342

Section 251.10. CLA COURT OF CLAIMS 114344

General Revenue Fund 114345

GRF 015321 Operating Expenses \$ 2,562,959 \$ 2,536,419 114346

TOTAL GRF General Revenue Fund \$ 2,562,959 \$ 2,536,419 114347

Dedicated Purpose Fund Group 114348

5K20 015603 CLA Victims of Crime \$ 427,184 \$ 434,019 114349

TOTAL DPF Dedicated Purpose 114350

Fund Group \$ 427,184 \$ 434,019 114351

TOTAL ALL BUDGET FUND GROUPS	\$	2,990,143	\$	2,970,438	114352

Section 253.10. DEN STATE DENTAL BOARD	114354

Dedicated Purpose Fund Group	114355

4K90 880609 Operating Expenses	\$	1,591,884	\$	1,591,884	114356

TOTAL DPF Dedicated Purpose	114357

Fund Group	\$	1,591,884	\$	1,591,884	114358

TOTAL ALL BUDGET FUND GROUPS	\$	1,591,884	\$	1,591,884	114359

Section 255.10. BDP BOARD OF DEPOSIT	114361

Dedicated Purpose Fund Group	114362

4M20 974601 Board of Deposit	\$	1,876,000	\$	1,876,000	114363

TOTAL DPF Dedicated Purpose Fund	114364

Group	\$	1,876,000	\$	1,876,000	114365

TOTAL ALL BUDGET FUND GROUPS	\$	1,876,000	\$	1,876,000	114366

BOARD OF DEPOSIT EXPENSE FUND	114367

Upon receiving certification of expenses from the Treasurer	114368

of State, the Director of Budget and Management shall transfer	114369

cash from the Investment Earnings Redistribution Fund (Fund 6080)	114370

to the Board of Deposit Expense Fund (Fund 4M20). The latter fund	114371

shall be used pursuant to section 135.02 of the Revised Code to	114372

pay for any and all necessary expenses of the Board of Deposit or	114373

for banking charges and fees required for the operation of the	114374

State of Ohio Regular Account.	114375

Section 257.10. DEV DEVELOPMENT SERVICES AGENCY	114376

General Revenue Fund	114377

GRF 195402 Coal Research and	\$	234,400	\$	234,400	114378

Development Program

GRF 195405 Minority Business	\$	1,822,191	\$	1,722,191	114379

Development

GRF 195407 Travel and Tourism	\$	1,250,000	\$	1,250,000	114380

GRF	195415	Business Development Services	\$	2,483,187	\$	2,483,187	114381
GRF	195426	Redevelopment Assistance	\$	525,000	\$	525,000	114382
GRF	195453	Technology Programs and Grants	\$	14,577,641	\$	14,577,641	114383
GRF	195454	Business Assistance	\$	3,506,474	\$	3,256,474	114384
GRF	195455	Appalachia Assistance	\$	5,748,749	\$	5,748,749	114385
GRF	195497	CDBG Operating Match	\$	1,053,200	\$	1,053,200	114386
GRF	195537	Ohio-Israel Agricultural Initiative	\$	200,000	\$	200,000	114387
GRF	195540	Port Authority Assistance	\$	2,500,000	\$	0	114388
GRF	195542	The Wilds	\$	250,000	\$	0	114389
GRF	195544	Dayton Regional Workforce Network	\$	350,000	\$	350,000	114390
GRF	195547	Saint Luke's Manor	\$	200,000	\$	0	114391
GRF	195549	Pathway Pilot Project	\$	86,727	\$	86,727	114392
GRF	195901	Coal Research & Development General Obligation Bond Debt Service	\$	5,991,400	\$	5,038,700	114393
GRF	195905	Third Frontier Research & Development General Obligation Bond Debt Service	\$	76,591,400	\$	96,212,000	114394
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	18,634,000	\$	15,235,900	114395
TOTAL	GRF	General Revenue Fund	\$	136,004,369	\$	147,974,169	114396

		Dedicated Purpose Fund Group				114397
4500	195624	Minority Business	\$	74,905	\$ 74,905	114398
		Bonding Program				
		Administration				
4510	195649	Business Assistance	\$	5,000,000	\$ 5,000,000	114399
		Programs				
4F20	195639	State Special Projects	\$	102,104	\$ 102,104	114400
4F20	195699	Utility Community	\$	500,000	\$ 500,000	114401
		Assistance				
4W10	195646	Minority Business	\$	4,000,000	\$ 4,000,000	114402
		Enterprise Loan				
5CG0	195679	Alternative Fuel	\$	3,000,000	\$ 3,000,000	114403
		Transportation				
5HR0	195622	Defense Development	\$	3,500,000	\$ 3,500,000	114404
		Assistance				
5HR0	195662	Incumbent Workforce	\$	7,500,000	\$ 7,500,000	114405
		Training Vouchers				
5JR0	195635	Redevelopment Program	\$	100,000	\$ 100,000	114406
		Support				
5KN0	195640	Local Government	\$	11,922,500	\$ 11,922,500	114407
		Innovation				
5KP0	195645	Historic Rehab	\$	900,000	\$ 1,000,000	114408
		Operating				
5M40	195659	Low Income Energy	\$	370,000,000	\$ 370,000,000	114409
		Assistance (USF)				
5M50	195660	Advanced Energy Loan	\$	12,000,000	\$ 12,000,000	114410
		Programs				
5MH0	195644	SiteOhio	\$	100,000	\$ 100,000	114411
		Administration				
5MJ0	195683	TourismOhio	\$	9,000,000	\$ 10,000,000	114412
		Administration				
5NS0	195616	Career Exploration	\$	500,000	\$ 0	114413
		Internship				

5RD0	195666	Local Government Safety Capital Grant Program	\$	10,000,000	\$	10,000,000	114414
5RQ0	195546	Lakes in Economic Distress Revolving Loan Program	\$	500,000	\$	0	114415
5SA3	195678	Local Public Enhancement	\$	250,000	\$	0	114416
5W50	195690	Travel and Tourism Cooperative Projects	\$	150,000	\$	150,000	114417
5W60	195691	International Trade Cooperative Projects	\$	18,000	\$	18,000	114418
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562	114419
6460	195638	Low- and Moderate- Income Housing Programs	\$	53,000,000	\$	53,000,000	114420
M087	195435	Biomedical Research and Technology Transfer	\$	500,000	\$	500,000	114421
TOTAL	DPF	Dedicated Purpose Fund Group	\$	492,650,071	\$	492,500,071	114422
Internal Service Activity Fund Group							114423
1350	195684	Development Services Operations	\$	10,800,000	\$	10,800,000	114424
6850	195636	Development Services Reimbursable Expenditures	\$	700,000	\$	700,000	114425
TOTAL	ISA	Internal Service Activity Fund Group	\$	11,500,000	\$	11,500,000	114426 114427
Facilities Establishment Fund Group							114428
5S90	195628	Capital Access Loan	\$	3,000,000	\$	3,000,000	114429

		Program				
7009	195664	Innovation Ohio	\$	10,000,000	\$	10,000,000 114430
7010	195665	Research and	\$	10,000,000	\$	10,000,000 114431
		Development				
7037	195615	Facilities	\$	35,000,000	\$	35,000,000 114432
		Establishment				
TOTAL FCE Facilities						114433
Establishment Fund Group			\$	58,000,000	\$	58,000,000 114434
Bond Research & Development Fund Group						114435
7011	195617	Third Frontier	\$	2,788,755	\$	2,788,755 114436
		Internship Program				
7011	195686	Third Frontier Tax	\$	1,140,000	\$	1,140,000 114437
		Exempt - Operating				
7011	195687	Third Frontier	\$	68,904,946	\$	63,904,946 114438
		Research &				
		Development Projects				
7014	195620	Third Frontier	\$	1,710,000	\$	1,710,000 114439
		Taxable - Operating				
7014	195692	Research &	\$	90,850,250	\$	90,850,250 114440
		Development Taxable				
		Bond Projects				
TOTAL BRD Bond Research &			\$	165,393,951	\$	160,393,951 114441
Development Fund Group						
Capital Projects Fund Group						114442
7003	195663	Clean Ohio	\$	600,000	\$	600,000 114443
		Revitalization				
		Operating				
7012	195688	Job Ready Site	\$	300,000	\$	300,000 114444
		Development Operating				
TOTAL CPF Capital Projects Fund			\$	900,000	\$	900,000 114445
Group						
Federal Fund Group						114446

3080	195603	Housing Assistance Programs	\$	10,000,000	\$	10,000,000	114447
3080	195609	Small Business Administration Grants	\$	5,271,381	\$	5,271,381	114448
3080	195618	Energy Grants	\$	4,100,000	\$	4,100,000	114449
3080	195670	Home Weatherization Program	\$	20,000,000	\$	20,000,000	114450
3080	195671	Brownfield Redevelopment	\$	3,000,000	\$	3,000,000	114451
3080	195672	Manufacturing Extension Partnership	\$	5,359,305	\$	5,359,305	114452
3080	195675	Procurement Technical Assistance	\$	1,250,000	\$	750,000	114453
3080	195681	SBDC Disability Consulting	\$	1,300,000	\$	1,300,000	114454
3080	195696	State Trade and Export Promotion	\$	486,000	\$	486,000	114455
3350	195610	Energy Programs	\$	200,000	\$	200,000	114456
3AE0	195643	Workforce Development Initiatives	\$	1,500,000	\$	1,500,000	114457
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	5,644,445	\$	5,644,445	114458
3FJ0	195661	Technology Targeted Investment Program	\$	2,260,953	\$	2,260,953	114459
3K80	195613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	114460
3K90	195611	Home Energy Assistance Block Grant	\$	175,000,000	\$	175,000,000	114461
3K90	195614	HEAP Weatherization	\$	25,000,000	\$	25,000,000	114462
3L00	195612	Community Services	\$	28,000,000	\$	28,000,000	114463

Block Grant

3V10 195601 HOME Program	\$ 25,000,000	\$ 25,000,000	114464
TOTAL FED Federal Fund Group	\$ 378,372,084	\$ 377,872,084	114465
TOTAL ALL BUDGET FUND GROUPS	\$ 1,242,820,475	\$ 1,249,140,275	114466

Section 257.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 114468

The foregoing appropriation item 195402, Coal Research and 114469
Development Program, shall be used for the operating expenses of 114470
the Community Services Division in support of the Ohio Coal 114471
Development Office. 114472

MINORITY BUSINESS DEVELOPMENT 114473

Of the foregoing appropriation item 195405, Minority Business 114474
Development, \$100,000 in fiscal year 2016 shall be for a Minority 114475
Business Enterprise (MBE)/Encouraging Diversity, Growth and Equity 114476
(EDGE) Connectivity Study. 114477

TRAVEL AND TOURISM 114478

Of the foregoing appropriation item 195407, Travel and 114479
Tourism, \$1,000,000 in each fiscal year shall be used to make 114480
grants under section 122.121 of the Revised Code. 114481

Of the foregoing appropriation item 195407, Travel and 114482
Tourism, \$250,000 in each fiscal year shall be used to award 114483
grants to assist businesses and other entities that are adversely 114484
affected due to economic circumstances that result in the 114485
declaration of a lake as an area under economic distress by the 114486
Director of Natural Resources pursuant to section 122.641 of the 114487
Revised Code. 114488

BUSINESS DEVELOPMENT SERVICES 114489

The foregoing appropriation item 195415, Business Development 114490
Services, shall be used for the operating expenses of the Business 114491
Services Division and the regional economic development offices 114492
and for grants for cooperative economic development ventures. 114493

REDEVELOPMENT ASSISTANCE 114494

The foregoing appropriation item 195426, Redevelopment 114495
Assistance, shall be used to fund the costs of administering the 114496
energy, redevelopment, and other urban revitalization programs 114497
that may be implemented by the Development Services Agency. 114498

TECHNOLOGY PROGRAMS AND GRANTS 114499

Of the foregoing appropriation item 195453, Technology 114500
Programs and Grants, up to \$547,341 in each fiscal year shall be 114501
used for operating expenses incurred in administering the Ohio 114502
Third Frontier pursuant to sections 184.10 to 184.20 of the 114503
Revised Code; and up to \$13,000,000 in each fiscal year shall be 114504
used for the Thomas Edison Program pursuant to sections 122.28 to 114505
122.38 of the Revised Code, of which not more than ten per cent 114506
shall be used for operating expenses incurred in administering the 114507
program; and up to \$1,000,000 in each fiscal year shall be used 114508
for the Thomas Edison Program to support small- and mid-sized 114509
manufacturers, specifically as follows: up to \$225,000 in each 114510
fiscal year to assist in accelerating the development and adoption 114511
of technology for small- and mid-sized manufacturers; up to 114512
\$225,000 in each fiscal year to assist small- and mid-sized 114513
manufacturers in adopting emerging digital technologies; up to 114514
\$212,500 in each fiscal year to develop and manage an accessible 114515
online inventory of technological resources to support small- and 114516
mid-sized manufacturers; and up to \$337,500 in each fiscal year to 114517
administer the Applied Research Grant Program, which is hereby 114518
created, to award direct cash grant assistance. A grant awarded 114519
under the Applied Research Grant Program shall not exceed the 114520
amount matched by the recipient. The Director of Development 114521
Services shall determine other eligibility criteria and the 114522
allocation of awards in implementing and administering the Applied 114523
Research Grant Program. 114524

BUSINESS ASSISTANCE 114525

The foregoing appropriation item 195454, Business Assistance, 114526
may be used to provide a range of business assistance, including 114527
grants to local organizations to support economic development 114528
activities that promote minority business development, small 114529
business development, entrepreneurship, and exports of Ohio's 114530
goods and services. This appropriation item shall also be used as 114531
matching funds for grants from the United States Small Business 114532
Administration and other federal agencies, pursuant to Public Law 114533
No. 96-302 as amended by Public Law No. 98-395, and regulations 114534
and policy guidelines for the programs pursuant thereto. 114535

APPALACHIA ASSISTANCE 114536

The foregoing appropriation item 195455, Appalachia 114537
Assistance, may be used for the administrative costs of planning 114538
and liaison activities for the Governor's Office of Appalachia, to 114539
provide financial assistance to projects in Ohio's Appalachian 114540
counties, to support four local development districts, and to pay 114541
dues for the Appalachian Regional Commission. These funds may be 114542
used to match federal funds from the Appalachian Regional 114543
Commission. Programs funded through the foregoing appropriation 114544
item shall be identified and recommended by the local development 114545
districts and approved by the Governor's Office of Appalachia. The 114546
Development Services Agency shall conduct compliance and 114547
regulatory review of the programs recommended by the local 114548
development districts. Moneys allocated under the foregoing 114549
appropriation item may be used to fund projects including, but not 114550
limited to, those designated by the local development districts as 114551
community investment and rapid response projects. 114552

Of the foregoing appropriation item 195455, Appalachia 114553
Assistance, in each fiscal year, \$170,000 shall be allocated to 114554
the Ohio Valley Regional Development Commission, \$170,000 shall be 114555
allocated to the Ohio Mid-Eastern Government Association, \$170,000 114556
shall be allocated to the Buckeye Hills-Hocking Valley Regional 114557

Development District, and \$70,000 shall be allocated to the 114558
Eastgate Regional Council of Governments. Local development 114559
districts receiving funding under this section shall use the funds 114560
for the implementation and administration of programs and duties 114561
under section 107.21 of the Revised Code. 114562

CDBG OPERATING MATCH 114563

The foregoing appropriation item 195497, CDBG Operating 114564
Match, shall be used as matching funds for grants from the United 114565
States Department of Housing and Urban Development pursuant to the 114566
Housing and Community Development Act of 1974 and regulations and 114567
policy guidelines for the programs pursuant thereto. 114568

OHIO-ISRAEL AGRICULTURAL INITIATIVE 114569

The foregoing appropriation item 195537, Ohio-Israel 114570
Agricultural Initiative, shall be used for the Ohio-Israel 114571
Agricultural Initiative. 114572

PORT AUTHORITY ASSISTANCE 114573

The foregoing appropriation item 195540, Port Authority 114574
Assistance, shall be used to distribute a grant to the Montgomery 114575
County Port Authority for the Midtown Redevelopment Initiative. 114576

THE WILDS 114577

The foregoing appropriation item 195542, The Wilds, shall be 114578
used to distribute a grant to The Wilds, a nonprofit conservation 114579
center in Muskingum County, for the development of a public water 114580
connection. 114581

DAYTON REGIONAL WORKFORCE NETWORK 114582

The foregoing appropriation item 195544, Dayton Regional 114583
Workforce Network, shall be used to support the Montgomery County 114584
Workforce Study Committee as described in Section 763.10 of this 114585
act. 114586

SAINT LUKE'S MANOR 114587

The foregoing appropriation item 195547, Saint Luke's Manor, 114588
shall be allocated to Cleveland Neighborhood Progress to support 114589
the completion of the Saint Luke's Manor project. 114590

PATHWAY PILOT PROJECT 114591

The foregoing appropriation item 195549, Pathway Pilot 114592
Project, shall be allocated to Pathway, a Community Action Agency 114593
in Lucas County, for a pilot program to connect individuals with 114594
sustainable employment opportunities. 114595

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT 114596
SERVICE 114597

The foregoing appropriation line item 195901, Coal Research 114598
and Development General Obligation Bond Debt Service, shall be 114599
used to pay all debt service and related financing costs during 114600
the period July 1, 2015, through June 30, 2017, on obligations 114601
issued under sections 151.01 and 151.07 of the Revised Code. 114602

THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION BOND 114603
DEBT SERVICE 114604

The foregoing appropriation item 195905, Third Frontier 114605
Research & Development General Obligation Bond Debt Service, shall 114606
be used to pay all debt service and related financing costs during 114607
the period from July 1, 2015, through June 30, 2017, on 114608
obligations issued under sections 151.01 and 151.10 of the Revised 114609
Code. 114610

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT 114611
SERVICE 114612

The foregoing appropriation item 195912, Job Ready Site 114613
Development General Obligation Bond Debt Service, shall be used to 114614
pay all debt service and related financing costs during the period 114615
from July 1, 2015, through June 30, 2017, on obligations issued 114616
under sections 151.01 and 151.11 of the Revised Code. 114617

Section 257.30. BUSINESS ASSISTANCE PROGRAMS 114618

The foregoing appropriation item 195649, Business Assistance 114619
Programs, shall be used for administrative expenses associated 114620
with the operation of tax credit programs, loan servicing, the 114621
Ohio Film Office, workforce initiatives, and the Office of 114622
Strategic Business Investments. 114623

STATE SPECIAL PROJECTS 114624

The State Special Projects Fund (Fund 4F20), may be used for 114625
the deposit of private-sector funds from utility companies and for 114626
the deposit of other miscellaneous state funds. State moneys so 114627
deposited may also be used to match federal housing grants for the 114628
homeless. 114629

MINORITY BUSINESS ENTERPRISE LOAN 114630

All repayments from the Minority Development Financing 114631
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 114632
Program shall be deposited in the State Treasury to the credit of 114633
the Minority Business Enterprise Loan Fund (Fund 4W10). 114634

MINORITY BUSINESS BONDING FUND 114635

Notwithstanding Chapters 122., 169., and 175. of the Revised 114636
Code, the Director of Development Services may, upon the 114637
recommendation of the Minority Development Financing Advisory 114638
Board, pledge up to \$10,000,000 in the fiscal year 2016-fiscal 114639
year 2017 biennium of unclaimed funds administered by the Director 114640
of Commerce and allocated to the Minority Business Bonding Program 114641
under section 169.05 of the Revised Code. 114642

If needed for the payment of losses arising from the Minority 114643
Business Bonding Program, the Director of Budget and Management 114644
may, at the request of the Director of Development Services, 114645
request that the Director of Commerce transfer unclaimed funds 114646
that have been reported by holders of unclaimed funds under 114647

section 169.05 of the Revised Code to the Minority Bonding Fund 114648
(Fund 4490). The transfer of unclaimed funds shall only occur 114649
after proceeds of the initial transfer of \$2,700,000 by the 114650
Controlling Board to the Minority Business Bonding Program have 114651
been used for that purpose. If expenditures are required for 114652
payment of losses arising from the Minority Business Bonding 114653
Program, such expenditures shall be made from appropriation item 114654
195658, Minority Business Bonding Contingency in the Minority 114655
Business Bonding Fund, and such amounts are hereby appropriated. 114656

DEFENSE DEVELOPMENT ASSISTANCE 114657

The Director of Budget and Management shall transfer 114658
\$3,500,000 in cash in each fiscal year from the Economic 114659
Development Programs Fund (Fund 5JC0) used by the Department of 114660
Higher Education to the Ohio Incumbent Workforce Job Training Fund 114661
(Fund 5HR0) used by the Development Services Agency. The 114662
transferred funds shall be used for appropriation item 195622, 114663
Defense Development Assistance, to be allocated to Development 114664
Projects, Inc., for economic development programs and the creation 114665
of new jobs to leverage and support mission gains at Department of 114666
Defense and related facilities in Ohio by working with future base 114667
realignment and closure activities and ongoing Department of 114668
Defense efficiency and partnership initiatives, assisting efforts 114669
to secure Department of Defense support contracts for Ohio 114670
companies, assessing and supporting regional job training and 114671
workforce development needs generated by the Department of Defense 114672
and the Ohio aerospace industry, promoting technology transfer to 114673
Ohio businesses, and for expanding job training and economic 114674
development programs in human performance and cyber security 114675
related initiatives. 114676

On July 1, 2016, or as soon as possible thereafter, the 114677
Director of Development Services may request that the Director of 114678
Budget and Management reappropriate any unexpended, unencumbered 114679

balance of the prior fiscal year's appropriation to the foregoing 114680
appropriation item 195622, Defense Development Assistance, for 114681
fiscal year 2017. The Director of Budget and Management may 114682
request additional information necessary for evaluating the 114683
request, and the Director of Development Services shall provide 114684
the requested information to the Director of Budget and 114685
Management. Based on the information provided by the Director of 114686
Development Services, the Director of Budget and Management shall 114687
determine the amount to be reappropriated, and those amounts are 114688
hereby reappropriated for fiscal year 2017. 114689

INCUMBENT WORKFORCE TRAINING VOUCHERS 114690

(A) The Director of Budget and Management may transfer up to 114691
\$7,500,000 cash in each fiscal year from the Economic Development 114692
Programs Fund (Fund 5JC0) used by the Department of Higher 114693
Education to the Ohio Incumbent Workforce Job Training Fund (Fund 114694
5HR0) used by the Development Services Agency. 114695

(B) The foregoing appropriation item 195662, Incumbent 114696
Workforce Training Vouchers, shall be used to support the Ohio 114697
Incumbent Workforce Training Voucher Program. 114698

(C) The Ohio Incumbent Workforce Training Voucher Program 114699
shall conform to guidelines for the operation of the program, 114700
including, but not limited to, the following: 114701

(1) A requirement that a training voucher under the program 114702
shall not exceed \$6,000 per worker per year; 114703

(2) A provision for an employer of an eligible employee to 114704
apply for a voucher on behalf of the eligible employee; 114705

(3) A provision for an eligible employee to apply directly 114706
for a training voucher with the pre-approval of the employee's 114707
employer; and 114708

(4) A requirement that an employee participating in the 114709

program, or the employee's employer, shall pay for not less than 114710
thirty-three per cent of the training costs under the program. 114711

On July 1, 2016, or as soon as possible thereafter, the 114712
Director of Development Services may request that the Director of 114713
Budget and Management reappropriate any unexpended, unencumbered 114714
balance of the prior fiscal year's appropriation to the foregoing 114715
appropriation item 195662, Incumbent Workforce Training Vouchers, 114716
for fiscal year 2017. The Director of Budget and Management may 114717
request additional information necessary for evaluating the 114718
request, and the Director of Development Services shall provide 114719
the requested information to the Director of Budget and 114720
Management. Based on the information provided by the Director of 114721
Development Services, the Director of Budget and Management shall 114722
determine the amount to be reappropriated, and those amounts are 114723
hereby reappropriated for fiscal year 2017. 114724

LOCAL GOVERNMENT INNOVATION FUND 114725

The foregoing appropriation item 195640, Local Government 114726
Innovation, shall be used for the purposes of making loans and 114727
grants to political subdivisions under the Local Government 114728
Innovation Program in accordance with sections 189.01 to 189.10 of 114729
the Revised Code, and for the purposes of making loans and grants 114730
to political subdivisions and grants to the Department of 114731
Administrative Services under the Local Government Efficiency 114732
Program. Of the foregoing appropriation item 195640, Local 114733
Government Innovation, up to \$200,000 in each fiscal year shall be 114734
used for administrative costs incurred by the Development Services 114735
Agency, of which up to \$25,000 in each fiscal year may be used for 114736
the costs of preparing a report involving the local government 114737
information exchange. Of the foregoing appropriation item 195640, 114738
Local Government Innovation, up to \$75,000 in each fiscal year may 114739
be used to administer and provide technical assistance in 114740
providing the grants or loans involving the local government 114741

information exchange. In administering and providing this 114742
technical assistance, the Director of Development Services may 114743
enter into agreements with the Director of Administrative Services 114744
or other entities. 114745

ADVANCED ENERGY LOAN PROGRAMS 114746

The foregoing appropriation item 195660, Advanced Energy Loan 114747
Programs, shall be used to provide financial assistance to 114748
customers for eligible advanced energy projects for residential, 114749
commercial, and industrial business, local government, educational 114750
institution, nonprofit, and agriculture customers, and to pay for 114751
the program's administrative costs as provided in sections 4928.61 114752
to 4928.63 of the Revised Code and rules adopted by the Director 114753
of Development Services. 114754

CAREER EXPLORATION INTERNSHIP 114755

On July 1, 2015, or as soon as possible thereafter, the 114756
Director of Budget and Management shall transfer \$500,000 cash 114757
from the Economic Development Programs Fund (Fund 5JC0) used by 114758
the Board of Regents to the Career Exploration Internship Fund 114759
(Fund 5NS0) used by the Development Services Agency. 114760

The foregoing appropriation item 195616, Career Exploration 114761
Internship, shall be used for the Career Exploration Internship 114762
Program as described in section 122.177 of the Revised Code. 114763

LOCAL GOVERNMENT SAFETY CAPITAL GRANT PROGRAM 114764

The foregoing appropriation item 195666, Local Government 114765
Safety Capital Grant Program, shall be used for the Local 114766
Government Safety Capital Grant Program as described in Section 114767
701.120 of this act. 114768

Notwithstanding the application and funding requirements 114769
under division (A) of Section 701.120 of this act, \$500,000 in 114770
fiscal year 2016 shall be distributed to Jefferson Township in 114771

Clinton County to build a new firehouse.	114772
LAKES IN ECONOMIC DISTRESS REVOLVING LOAN PROGRAM	114773
On July 1, 2015, or as soon as possible thereafter, the	114774
Director of Budget and Management shall transfer \$500,000 cash	114775
from the General Revenue Fund to the Lakes in Economic Distress	114776
Revolving Loan Fund (Fund 5RQ0).	114777
The foregoing appropriation item 195546, Lakes in Economic	114778
Distress Revolving Loan Program, shall be used for the purposes	114779
described under section 122.641 of the Revised Code.	114780
On July 1, 2016, or as soon as possible thereafter, the	114781
Director of Development Services shall certify to the Director of	114782
Budget and Management the amount of the unexpended, unencumbered	114783
balance of the foregoing appropriation item 195546, Lakes in	114784
Economic Distress Revolving Loan Program, to be reappropriated in	114785
fiscal year 2017. The amount certified is hereby reappropriated to	114786
the foregoing appropriation item in FY 2017 for the same purpose.	114787
LOCAL PUBLIC ENHANCEMENT	114788
The foregoing appropriation item 195678, Local Public	114789
Enhancement, shall be allocated to the Highland County	114790
Commissioners for local public enhancements.	114791
TRAVEL AND TOURISM COOPERATIVE PROJECTS	114792
The foregoing appropriation item 195690, Travel and Tourism	114793
Cooperative Projects, shall be used for the marketing and	114794
promotion of travel and tourism in Ohio. The Travel and Tourism	114795
Cooperative Projects Fund (Fund 5W50) shall consist solely of	114796
leveraged private sector paid advertising dollars received in	114797
tourism marketing assistance and co-op programs.	114798
VOLUME CAP ADMINISTRATION	114799
The foregoing appropriation item 195654, Volume Cap	114800
Administration, shall be used for expenses related to the	114801

administration of the Volume Cap Program. Revenues received by the 114802
Volume Cap Administration Fund (Fund 6170) shall consist of 114803
application fees, forfeited deposits, and interest earned from the 114804
custodial account held by the Treasurer of State. 114805

Section 257.40. DEVELOPMENT SERVICES OPERATIONS 114806

The Director of Development Services may assess offices of 114807
the agency for the cost of central service operations. An 114808
assessment shall contain the characteristics of administrative 114809
ease and uniform application. A division's payments shall be 114810
credited to the Supportive Services Fund (Fund 1350) using an 114811
intrastate transfer voucher. 114812

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 114813

The foregoing appropriation item 195636, Development Services 114814
Reimbursable Expenditures, shall be used for reimbursable costs 114815
incurred by the agency. Revenues to the General Reimbursement Fund 114816
(Fund 6850) shall consist of moneys charged for administrative 114817
costs that are not central service costs. 114818

Section 257.50. CAPITAL ACCESS LOAN PROGRAM 114819

The foregoing appropriation item 195628, Capital Access Loan 114820
Program, shall be used for operating, program, and administrative 114821
expenses of the program. Funds of the Capital Access Loan Program 114822
shall be used to assist participating financial institutions in 114823
making program loans to eligible businesses that face barriers in 114824
accessing working capital and obtaining fixed-asset financing. 114825

INNOVATION OHIO LOAN FUND 114826

The foregoing appropriation item 195664, Innovation Ohio, 114827
shall be used to provide for Innovation Ohio purposes, including 114828
loan guarantees and loans under Chapter 166. and particularly 114829
sections 166.12 to 166.16 of the Revised Code. 114830

RESEARCH AND DEVELOPMENT 114831

The foregoing appropriation item 195665, Research and 114832
Development, shall be used to provide for research and development 114833
purposes, including loans, under Chapter 166. and particularly 114834
sections 166.17 to 166.21 of the Revised Code. 114835

FACILITIES ESTABLISHMENT 114836

The foregoing appropriation item 195615, Facilities 114837
Establishment, shall be used for the purposes of the Facilities 114838
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 114839
Code. 114840

Notwithstanding Chapter 166. of the Revised Code, an amount 114841
not to exceed \$3,500,000 in cash in each fiscal year may be 114842
transferred from the Facilities Establishment Fund (Fund 7037) to 114843
the Business Assistance Fund (Fund 4510). The transfer is subject 114844
to Controlling Board approval under division (B) of section 166.03 114845
of the Revised Code. 114846

Notwithstanding Chapter 166. of the Revised Code, the 114847
Director of Budget and Management may transfer an amount not to 114848
exceed \$2,000,000 in cash in each fiscal year from the Facilities 114849
Establishment Fund (Fund 7037) to the Minority Business Enterprise 114850
Loan Fund (Fund 4W10). 114851

Notwithstanding Chapter 166. of the Revised Code, the 114852
Director of Budget and Management may transfer an amount not to 114853
exceed \$2,000,000 in cash in each fiscal year from the Facilities 114854
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 114855
(Fund 5S90). 114856

Section 257.60. THIRD FRONTIER INTERNSHIP PROGRAM 114857

The foregoing appropriation item 195617, Third Frontier 114858
Internship Program, shall be used for the Third Frontier 114859
Internship Program described in Section 701.90 of this act. 114860

THIRD FRONTIER OPERATING COSTS 114861

The foregoing appropriation items 195686, Third Frontier Tax 114862
Exempt - Operating, and 195620, Third Frontier Taxable - 114863
Operating, shall be used for operating expenses incurred by the 114864
Development Services Agency in administering projects pursuant to 114865
sections 184.10 to 184.20 of the Revised Code. Operating expenses 114866
paid from appropriation item 195686 shall be limited to the 114867
administration of projects funded from the Third Frontier Research 114868
& Development Fund (Fund 7011) and operating expenses paid from 114869
appropriation item 195620 shall be limited to the administration 114870
of projects funded from the Third Frontier Research & Development 114871
Taxable Bond Project Fund (Fund 7014). 114872

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 114873
PROJECTS 114874

The foregoing appropriation items 195687, Third Frontier 114875
Research & Development Projects, 195692, Research & Development 114876
Taxable Bond Projects, and 195620, Third Frontier Taxable - 114877
Operating, shall be used by the Development Services Agency to 114878
fund selected projects. Eligible costs are those costs of research 114879
and development projects to which the proceeds of the Third 114880
Frontier Research & Development Fund (Fund 7011) and the Research 114881
& Development Taxable Bond Project Fund (Fund 7014) are to be 114882
applied. 114883

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 114884

The Director of Budget and Management may approve written 114885
requests from the Director of Development Services for the 114886
transfer of appropriations between appropriation items 195687, 114887
Third Frontier Research & Development Projects, and 195692, 114888
Research & Development Taxable Bond Projects, based upon awards 114889
recommended by the Third Frontier Commission. 114890

In fiscal year 2017, the Director of Development Services may 114891

request that the Director of Budget and Management reappropriate 114892
any unexpended, unencumbered balances of the prior fiscal year's 114893
appropriation to the foregoing appropriation items 195687, Third 114894
Frontier Research & Development Projects, and 195692, Research & 114895
Development Taxable Bond Projects, for fiscal year 2017. The 114896
Director of Budget and Management may request additional 114897
information necessary for evaluating these requests, and the 114898
Director of Development Services shall provide the requested 114899
information to the Director of Budget and Management. Based on the 114900
information provided by the Director of Development Services, the 114901
Director of Budget and Management shall determine the amounts to 114902
be reappropriated, and those amounts are hereby reappropriated for 114903
fiscal year 2017. 114904

Section 257.70. CLEAN OHIO REVITALIZATION OPERATING 114905

The foregoing appropriation item 195663, Clean Ohio 114906
Revitalization Operating, shall be used by the Development 114907
Services Agency in administering Clean Ohio Revitalization Fund 114908
(Fund 7003) projects pursuant to sections 122.65 to 122.658 of the 114909
Revised Code. 114910

JOB READY SITE DEVELOPMENT OPERATING 114911

The foregoing appropriation item 195688, Job Ready Site 114912
Development Operating, shall be used for operating expenses 114913
incurred by the Development Services Agency in administering Job 114914
Ready Site Development Fund (Fund 7012) projects pursuant to 114915
sections 122.085 to 122.0820 of the Revised Code. Operating 114916
expenses include, but are not limited to, certain qualified 114917
expenses of the District Public Works Integrating Committees, as 114918
applicable, engineering review of submitted applications by the 114919
State Architect or a third-party engineering firm, audit and 114920
accountability activities, and costs associated with formal 114921
certifications verifying that site infrastructure is in place and 114922

is functional. 114923

Section 257.80. HEAP WEATHERIZATION 114924

Up to twenty-five per cent of the federal funds deposited to 114925
the credit of the Home Energy Assistance Block Grant Fund (Fund 114926
3K90) may be expended from appropriation item 195614, HEAP 114927
Weatherization, to provide home weatherization services in the 114928
state as determined by the Director of Development Services. Any 114929
transfers or increases in appropriation for the foregoing 114930
appropriation items 195614, HEAP Weatherization, or 195611, Home 114931
Energy Assistance Block Grant, shall be subject to approval by the 114932
Controlling Board. 114933

Section 257.90. REPORT ON ENTREPRENEURIAL BUSINESS INCUBATORS 114934
114935

(A) For the purposes of this section, "entrepreneurial 114936
business incubator" is defined as an entity supporting startup 114937
companies, offering a collaborative environment, and providing 114938
access to support services, technical expertise, and business 114939
assistance resources to help innovators grow their business ideas 114940
into independent job-creating companies. 114941

(B) By December 31, 2015, the Development Services Agency 114942
shall produce a report and make it publicly available on the 114943
agency's web site. The report shall map and review entrepreneurial 114944
business incubators in the state of Ohio, and specifically: 114945

(1) Identify locations and available support services, unmet 114946
service areas, and duplication of service at entrepreneurial 114947
business incubators; 114948

(2) Classify the industry of member entrepreneurs receiving 114949
services by the following categories: advanced manufacturing, 114950
aerospace and aviation, agribusiness, food processing, automotive 114951
supply chain, biohealth, energy, information technology, polymers, 114952

chemicals, and additional industry sectors, as determined by the 114953
Development Services Agency 114954

(3) Gather data on member entrepreneurs based on jobs, 114955
capital investment, and sales; and 114956

(4) Describe characteristics of incubators that successfully 114957
graduate companies to be independent job creators for Ohio. 114958

Section 259.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 114959

General Revenue Fund 114960

GRF 320321 Central \$ 164,750 \$ 164,750 114961

Administration

GRF 320412 Protective Services \$ 2,418,196 \$ 2,418,196 114962

GRF 320415 Developmental \$ 20,817,900 \$ 19,902,200 114963

Disabilities

Facilities Lease

Rental Bond Payments

GRF 322420 Screening and Early \$ 808,500 \$ 808,500 114964

Intervention

GRF 322451 Family Support \$ 5,982,758 \$ 5,982,758 114965

Services

GRF 322501 County Boards \$ 44,149,280 \$ 44,149,280 114966

Subsidies

GRF 322503 Tax Equity \$ 14,000,000 \$ 14,000,000 114967

GRF 322507 County Board Case \$ 2,500,000 \$ 2,500,000 114968

Management

GRF 322508 Employment First \$ 5,800,000 \$ 5,800,000 114969

Initiative

GRF 322509 Community Supports & \$ 750,000 \$ 750,000 114970

Rental Assistance

GRF 653321 Medicaid Program \$ 6,186,694 \$ 6,186,694 114971

Support - State

GRF 653407 Medicaid Services \$ 482,137,300 \$ 543,467,830 114972

TOTAL GRF General Revenue Fund	\$	585,715,378	\$	646,130,208	114973
Dedicated Purpose Fund Group					114974
5GE0 320606 Operating and Services	\$	10,107,297	\$	10,107,297	114975
5QM0 320607 System Transformation Supports	\$	4,500,000	\$	3,000,000	114976
2210 322620 Supplement Service Trust	\$	150,000	\$	150,000	114977
5DJ0 322625 Targeted Case Management Match	\$	38,000,000	\$	43,000,000	114978
5DK0 322629 Capital Replacement Facilities	\$	750,000	\$	750,000	114979
5H00 322619 Medicaid Repayment	\$	160,000	\$	160,000	114980
5JX0 322651 Interagency Workgroup - Autism	\$	25,000		25,000	114981
4890 653632 DC Direct Care Services	\$	10,050,000	\$	10,050,000	114982
5CT0 653607 Intensive Behavioral Needs	\$	1,000,000	\$	1,000,000	114983
5DJ0 653626 Targeted Case Management Services	\$	101,000,000	\$	113,000,000	114984
5EV0 653627 Medicaid Program Support	\$	1,500,000	\$	1,500,000	114985
5GE0 653606 ICF/IID and Waiver Match	\$	37,682,901	\$	37,575,865	114986
5S20 653622 Medicaid Admin and Oversight	\$	19,032,154	\$	19,032,154	114987
5Z10 653624 County Board Waiver Match	\$	382,814,610	\$	426,207,065	114988
TOTAL DPF Dedicated Purpose Fund Group	\$	606,771,962	\$	665,557,381	114989
Internal Service Activity Fund Group					114990

1520	653609	DC and Residential	\$	11,000,000	\$	11,000,000	114991
		Operating Services					
		TOTAL ISA Internal Service Activity					114992
		Fund Group	\$	11,000,000	\$	11,000,000	114993
		Federal Fund Group					114994
3A50	320613	DD Council	\$	3,324,187	\$	3,324,187	114995
3250	322612	Community Social	\$	10,604,896	\$	10,604,896	114996
		Service Programs					
3A40	653604	DC & ICF/IID Program	\$	8,013,611	\$	8,013,611	114997
		Support					
3A40	653605	DC and Residential	\$	118,423,968	\$	110,604,417	114998
		Services and Support					
3A40	653653	ICF/IID	\$	357,362,616	\$	356,283,407	114999
3G60	653639	Medicaid Waiver	\$	1,019,289,925	\$	1,180,039,348	115000
		Services					
3G60	653640	Medicaid Waiver	\$	46,525,638	\$	47,225,486	115001
		Program Support					
3M70	653650	CAFS Medicaid	\$	3,000,000	\$	3,000,000	115002
		TOTAL FED Federal Fund Group	\$	1,566,544,841	\$	1,719,095,352	115003
		TOTAL ALL BUDGET FUND GROUPS	\$	2,770,032,181	\$	3,041,782,941	115004

Section 259.20. DEVELOPMENTAL DISABILITIES FACILITIES

115006

LEASE-RENTAL BOND PAYMENTS

115007

The foregoing appropriation item 320415, Developmental
Disabilities Facilities Lease Rental Bond Payments, shall be used
to meet all payments during the period from July 1, 2015, through
June 30, 2017, by the Department of Developmental Disabilities
under leases and agreements made under section 154.20 of the
Revised Code. These appropriations are the source of funds pledged
for bond service charges on related obligations issued under
Chapter 154. of the Revised Code.

115008

115009

115010

115011

115012

115013

115014

115015

Section 259.30. SCREENING AND EARLY INTERVENTION

115016

At the discretion of the Director of Developmental 115017
Disabilities, the foregoing appropriation item 322420, Screening 115018
and Early Intervention, shall be used for professional and program 115019
development related to early identification/screening and 115020
intervention for children with autism and other complex 115021
developmental disabilities and their families. 115022

Of the foregoing appropriation item 322420, Screening and 115023
Early Intervention, \$500,000 in each fiscal year shall be provided 115024
to the Childhood League Center to pilot and spread in Franklin 115025
County the Play and Language for Autistic Youngsters Project 115026
curriculum for autism training services and to increase capacity 115027
for developmentally delayed children in Franklin County. 115028

Of the foregoing appropriation item 322420, Screening and 115029
Early Intervention, \$8,500 in each fiscal year shall be provided 115030
to the Preble County Board of Developmental Disabilities for the 115031
Play and Language for Autistic Youngsters Project. 115032

Section 259.40. FAMILY SUPPORT SERVICES SUBSIDY 115033

The foregoing appropriation item 322451, Family Support 115034
Services, may be used as follows in fiscal year 2016 and fiscal 115035
year 2017: 115036

(A) The appropriation item may be used to provide a subsidy 115037
to county boards of developmental disabilities for family support 115038
services provided under section 5126.11 of the Revised Code. The 115039
subsidy shall be paid in quarterly installments and allocated to 115040
county boards according to a formula the Director of Developmental 115041
Disabilities shall develop in consultation with representatives of 115042
county boards. A county board shall use not more than seven per 115043
cent of its subsidy for administrative costs. 115044

(B) The appropriation item may be used to distribute funds to 115045
county boards for the purpose of addressing economic hardships and 115046

to promote efficiency of operations. In consultation with 115047
representatives of county boards, the Director shall determine the 115048
amount of funds to distribute for these purposes and the criteria 115049
for distributing the funds. 115050

(C) Of the foregoing appropriation item 322451, Family 115051
Support Services, \$50,000 in each fiscal year shall be provided to 115052
the Beck Center for the Performing Arts. 115053

Section 259.50. STATE SUBSIDY TO COUNTY DD BOARDS 115054

(A) Except as provided in the section of this act titled 115055
"NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing 115056
appropriation item 322501, County Boards Subsidies, shall be used 115057
for the following purposes: 115058

(1) To provide a subsidy to county boards of developmental 115059
disabilities in quarterly installments and allocated according to 115060
a formula developed by the Director of Developmental Disabilities 115061
in consultation with representatives of county boards. Except as 115062
provided in section 5126.0511 of the Revised Code or in division 115063
(B) of this section, county boards shall use the subsidy for early 115064
childhood services and adult services provided under section 115065
5126.05 of the Revised Code, service and support administration 115066
provided under section 5126.15 of the Revised Code, or supported 115067
living as defined in section 5126.01 of the Revised Code. 115068

(2) To provide funding, as determined necessary by the 115069
Director, for residential services, including room and board, and 115070
support service programs that enable individuals with 115071
developmental disabilities to live in the community. 115072

(3) To distribute funds to county boards of developmental 115073
disabilities to address economic hardships and promote efficiency 115074
of operations. The Director shall determine, in consultation with 115075
representatives of county boards, the amount of funds to 115076

distribute for these purposes and the criteria for distributing 115077
the funds. 115078

(B) In collaboration with the county's family and children 115079
first council, a county board of developmental disabilities may 115080
transfer portions of funds received under this section, to a 115081
flexible funding pool in accordance with the section of this act 115082
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 115083

Section 259.60. COUNTY BOARD SHARE OF WAIVER SERVICES 115084

As used in this section, "home and community-based services" 115085
has the same meaning as in section 5123.01 of the Revised Code. 115086

The Director of Developmental Disabilities shall establish a 115087
methodology to be used in fiscal year 2016 and fiscal year 2017 to 115088
estimate the quarterly amount each county board of developmental 115089
disabilities is to pay of the nonfederal share of home and 115090
community-based services that section 5126.0510 of the Revised 115091
Code requires county boards to pay. Each quarter, the Director 115092
shall submit to a county board written notice of the amount the 115093
county board is to pay for that quarter. The notice shall specify 115094
when the payment is due. 115095

Section 259.70. TAX EQUITY 115096

Notwithstanding section 5126.18 of the Revised Code, the 115097
foregoing appropriation item 322503, Tax Equity, may be used to 115098
distribute funds to county boards of developmental disabilities to 115099
address economic hardships and promote efficiency of operations. 115100
The Director of Developmental Disabilities shall determine, in 115101
consultation with representatives of county boards, the amount of 115102
funds to distribute for these purposes and the criteria for 115103
distributing the funds. 115104

Section 259.80. MEDICAID SERVICES 115105

(A) As used in this section "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code and "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.

(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:

(1) Home and community-based services;

(2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;

(3) Implementation of the requirements of the agreement settling the consent decree in the Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;

(4) ICF/IID services;

(5) Other programs as identified by the Director of Developmental Disabilities; and

(6) \$8,000,000 in fiscal year 2016 and \$12,000,000 in fiscal year 2017 shall be distributed to county boards of developmental disabilities to be used to maintain current Medicaid waiver levels.

Section 259.90. EMPLOYMENT FIRST INITIATIVE

The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code.

Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments.

The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code.

Section 259.100. OPERATING AND SERVICES

Of the foregoing appropriation item 320606, Operating and Services, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan

autism hub to support families and professionals. 115166

Section 259.110. TARGETED CASE MANAGEMENT SERVICES 115167

County boards of developmental disabilities shall pay the 115168
nonfederal portion of targeted case management costs to the 115169
Department of Developmental Disabilities. 115170

The Director of Developmental Disabilities and the Medicaid 115171
Director may enter into an interagency agreement under which the 115172
Department of Developmental Disabilities shall transfer cash from 115173
the Targeted Case Management Fund (Fund 5DJ0) to the Health 115174
Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used by the 115175
Department of Medicaid in an amount equal to the nonfederal 115176
portion of the cost of targeted case management services paid by 115177
county boards. Under the agreement, the Department of Medicaid 115178
shall pay the total cost of targeted case management claims. The 115179
transfer shall be made using an intrastate transfer voucher. 115180

Section 259.120. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 115181

If a county board of developmental disabilities does not 115182
fully pay any amount owed to the Department of Developmental 115183
Disabilities by the due date established by the Department, the 115184
Director of Developmental Disabilities may withhold the amount the 115185
county board did not pay from any amounts due to the county board. 115186
The Director may use any appropriation item or fund used by the 115187
Department to transfer cash to any other fund used by the 115188
Department in an amount equal to the amount owed the Department 115189
that the county board did not pay. Transfers under this section 115190
shall be made using an intrastate transfer voucher. 115191

Section 259.130. DEVELOPMENTAL CENTER BILLING FOR SERVICES 115192

Developmental centers of the Department of Developmental 115193
Disabilities may provide services to persons with mental 115194

retardation or developmental disabilities living in the community 115195
or to providers of services to these persons. The Department may 115196
develop a method for recovery of all costs associated with the 115197
provision of these services. 115198

Section 259.140. NONFEDERAL MATCH FOR ACTIVE TREATMENT 115199
SERVICES 115200

Any county funds received by the Department of Developmental 115201
Disabilities from county boards of developmental disabilities for 115202
active treatment shall be deposited in the Developmental 115203
Disabilities Operating Fund (Fund 4890). 115204

Section 259.150. ODODD INNOVATIVE PILOT PROJECTS 115205

(A) In fiscal year 2016 and fiscal year 2017, the Director of 115206
Developmental Disabilities may authorize the continuation or 115207
implementation of one or more innovative pilot projects that, in 115208
the judgment of the Director, are likely to assist in promoting 115209
the objectives of Chapter 5123. or 5126. of the Revised Code. 115210
Subject to division (B) of this section and notwithstanding any 115211
provision of Chapters 5123. and 5126. of the Revised Code and any 115212
rule adopted under either chapter, a pilot project authorized by 115213
the Director may be continued or implemented in a manner 115214
inconsistent with one or more provisions of either chapter or one 115215
or more rules adopted under either chapter. Before authorizing a 115216
pilot program, the Director shall consult with entities interested 115217
in the issue of developmental disabilities, including the Ohio 115218
Provider Resource Association, Ohio Association of County Boards 115219
of Developmental Disabilities, Ohio Health Care Association/Ohio 115220
Centers for Intellectual Disabilities, the Values and Faith 115221
Alliance, and ARC of Ohio. 115222

(B) The Director may not authorize a pilot project to be 115223
implemented in a manner that would cause the state to be out of 115224

compliance with any requirements for a program funded in whole or 115225
in part with federal funds. 115226

Section 259.160. FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR 115227
ICFs/IID IN PEER GROUPS 1 AND 2 115228

(A) As used in this section: 115229

(1) "Change of operator," "entering operator," "exiting 115230
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 115231
group 1," "peer group 2," "peer group 3," "provider," and 115232
"provider agreement" have the same meanings as in section 5124.01 115233
of the Revised Code. 115234

(2) "Franchise permit fee" means the fee imposed by sections 115235
5168.60 to 5168.71 of the Revised Code. 115236

(B)(1) This section applies to each ICF/IID that is in peer 115237
group 1 or peer group 2 and to which any of the following applies: 115238

(a) The provider of the ICF/IID has a valid Medicaid provider 115239
agreement for the ICF/IID on June 30, 2015, and a valid Medicaid 115240
provider agreement for the ICF/IID during fiscal year 2016. 115241

(b) The ICF/IID undergoes a change of operator that takes 115242
effect during fiscal year 2016, the exiting operator has a valid 115243
Medicaid provider agreement for the ICF/IID on the day immediately 115244
preceding the effective date of the change of operator, and the 115245
entering operator has a valid Medicaid provider agreement for the 115246
ICF/IID during fiscal year 2016. 115247

(c) The ICF/IID is a new ICF/IID for which the provider 115248
obtains an initial provider agreement during fiscal year 2016. 115249

(2) This section does not apply to an ICF/IID in peer group 115250
3. 115251

(3) The Department of Developmental Disabilities shall follow 115252
this section in determining the rate to be paid for ICF/IID 115253

services provided during fiscal year 2016 by ICFs/IID subject to 115254
this section notwithstanding anything to the contrary in Chapter 115255
5124. of the Revised Code. 115256

(C)(1) Except as otherwise provided in this section, the 115257
provider of an ICF/IID to which this section applies shall be 115258
paid, for ICF/IID services the ICF/IID provides during fiscal year 115259
2016, the total per Medicaid day rate determined for the ICF/IID 115260
under division (C)(2) or (3) of this section. 115261

(2) Except in the case of a new ICF/IID, the fiscal year 2016 115262
total per Medicaid day rate for an ICF/IID to which this section 115263
applies shall be the ICF/IID's total per Medicaid day rate 115264
determined for the ICF/IID in accordance with Chapter 5124. of the 115265
Revised Code for fiscal year 2016 with the following 115266
modifications: 115267

(a) The ICF/IID's efficiency incentive for capital costs, as 115268
determined under division (F) of section 5124.17 of the Revised 115269
Code, shall be reduced by 50 per cent. 115270

(b) In place of the maximum cost per case-mix unit 115271
established for the ICF/IID's peer group under division (C) of 115272
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 115273
per case-mix unit shall be an amount the Department shall 115274
determine in accordance with division (E) of this section. 115275

(c) In place of the inflation adjustment otherwise calculated 115276
under division (D) of section 5124.19 of the Revised Code for the 115277
purpose of division (A)(1)(b) of that section, an inflation 115278
adjustment of 1.014 shall be used. 115279

(d) In place of the efficiency incentive otherwise calculated 115280
under division (B)(2) of section 5124.21 of the Revised Code, the 115281
ICF/IID's efficiency incentive for indirect care costs shall be 115282
the following: 115283

(i) In the case of an ICF/IID in peer group 1, \$3.69; 115284

(ii) In the case of an ICF/IID in peer group 2, \$3.19. 115285

(e) In place of the maximum rate for indirect care costs 115286
established for the ICF/IID's peer group under division (C) of 115287
section 5124.21 of the Revised Code, the maximum rate for indirect 115288
care costs for the ICF/IID's peer group shall be the following: 115289

(i) In the case of an ICF/IID in peer group 1, \$68.98; 115290

(ii) In the case of an ICF/IID in peer group 2, \$59.60. 115291

(f) In place of the inflation adjustment otherwise calculated 115292
under division (D)(1) of section 5124.21 of the Revised Code for 115293
the purpose of division (B)(1) of that section only, an inflation 115294
adjustment of 1.014 shall be used. 115295

(g) In place of the inflation adjustment otherwise made under 115296
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 115297
actual, allowable, per Medicaid day other protected costs, 115298
excluding the franchise permit fee, from calendar year 2014 shall 115299
be multiplied by 1.014. 115300

(3) The fiscal year 2016 initial total per Medicaid day rate 115301
for a new ICF/IID to which this section applies shall be the 115302
ICF/IID's initial total per Medicaid day rate determined for the 115303
ICF/IID in accordance with section 5124.151 of the Revised Code 115304
for fiscal year 2016 with the following modifications: 115305

(a) In place of the amount determined under division 115306
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 115307
cost or resident assessment data for the new ICF/IID, the new 115308
ICF/IID's initial per Medicaid day rate for direct care costs 115309
shall be determined as follows: 115310

(i) Determine the median of the costs per case-mix units of 115311
each peer group; 115312

(ii) Multiply the median determined under division 115313
(C)(3)(a)(i) of this section by the median annual average case-mix 115314

score for the new ICF/IID's peer group for calendar year 2014; 115315

(iii) Multiply the product determined under division 115316
(C)(3)(a)(ii) of this section by 1.014. 115317

(b) In place of the amount determined under division (B)(3) 115318
of section 5124.151 of the Revised Code, the new ICF/IID's initial 115319
per Medicaid day rate for indirect care costs shall be the 115320
following: 115321

(i) If the new ICF/IID is in peer group 1, \$68.98; 115322

(ii) If the new ICF/IID is in peer group 2, \$59.60. 115323

(c) In place of the amount determined under division (B)(4) 115324
of section 5124.151 of the Revised Code, the new ICF/IID's initial 115325
per Medicaid day rate for other protected costs shall be 115 per 115326
cent of the median rate for ICFs/IID determined under section 115327
5124.23 of the Revised Code with the modification made under 115328
division (C)(2)(g) of this section. 115329

(D) The total per Medicaid day rate for ICF/IID services an 115330
ICF/IID in peer group 1 provides in fiscal year 2016 to a Medicaid 115331
recipient who is admitted as a resident to the ICF/IID on or after 115332
July 1, 2015, and is placed in the chronic behaviors and typical 115333
adaptive needs classification or the typical adaptive needs and 115334
non-significant behaviors classification established for the 115335
group methodology prescribed in rules authorized by section 115336
5124.192 of the Revised Code shall be the lesser of the following: 115337

(1) The rate determined for the ICF/IID under division (C)(2) 115338
or (3) of this section; 115339

(2) The following rate: 115340

(a) \$206.90 for ICF/IID services the ICF/IID provides to a 115341
Medicaid recipient in the chronic behaviors and typical adaptive 115342
needs classification; 115343

(b) \$174.88 for ICF/IID services the ICF/IID provides to a 115344

Medicaid recipient in the typical adaptive needs and 115345
non-significant behaviors classification. 115346

(E) In determining, for the purpose of division (C)(2)(b) of 115347
this section, the maximum costs per case-mix unit for ICFs/IID, 115348
the Department shall, strive to the greatest extent possible, do 115349
both of the following: 115350

(1) Avoid rate reductions under division (G) of this section; 115351

(2) Have the amount so determined result in payment of all 115352
desk-reviewed, actual, allowable direct care costs for the same 115353
percentage of Medicaid days for ICFs/IID in peer group 1 as for 115354
ICFs/IID in peer group 2 as of July 1, 2015, based on May 2015 115355
Medicaid days. 115356

(F) A new ICF/IID's initial total modified per Medicaid day 115357
rate for fiscal year 2016 as determined under division (C)(3) of 115358
this section shall be adjusted at the applicable time specified in 115359
division (D) of section 5124.151 of the Revised Code. If the 115360
adjustment affects the ICF/IID's rate for ICF/IID services 115361
provided during fiscal year 2016, the modifications specified in 115362
divisions (C)(2) and (D) of this section apply to the adjustment. 115363

(G) If the mean total per Medicaid day rate for all ICFs/IID 115364
to which this section applies, weighted by May 2015 Medicaid days 115365
and determined under divisions (C) and (D) of this section as of 115366
July 1, 2015, is other than \$283.32, the Department shall adjust, 115367
for fiscal year 2016, the total per Medicaid day rate for each 115368
ICF/IID to which this section applies by a percentage that is 115369
equal to the percentage by which the mean total per Medicaid day 115370
rate is greater or less than \$283.32. 115371

(H) If the United States Centers for Medicare and Medicaid 115372
Services requires that the franchise permit fee be reduced or 115373
eliminated, the Department shall reduce the amount it pays ICF/IID 115374
providers under this section as necessary to reflect the loss to 115375

the state of the revenue and federal financial participation 115376
generated from the franchise permit fee. 115377

(I) Of the foregoing appropriation items 653407, Medicaid 115378
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 115379
portions shall be used to pay the Medicaid payment rates 115380
determined in accordance with this section for ICF/IID services 115381
provided during fiscal year 2016. 115382

Section 259.170. FISCAL YEAR 2017 MEDICAID PAYMENT RATES FOR 115383
ICFs/IID IN PEER GROUPS 1 AND 2 115384

(A) As used in this section: 115385

(1) "Change of operator," "entering operator," "exiting 115386
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 115387
group 1," "peer group 2," "peer group 3," "provider," and 115388
"provider agreement" have the same meanings as in section 5124.01 115389
of the Revised Code. 115390

(2) "Franchise permit fee" means the fee imposed by sections 115391
5168.60 to 5168.71 of the Revised Code. 115392

(B)(1) This section applies to each ICF/IID that is in peer 115393
group 1 or peer group 2 and to which any of the following applies: 115394

(a) The provider of the ICF/IID has a valid Medicaid provider 115395
agreement for the ICF/IID on June 30, 2016, and a valid Medicaid 115396
provider agreement for the ICF/IID during fiscal year 2017. 115397

(b) The ICF/IID undergoes a change of operator that takes 115398
effect during fiscal year 2017, the exiting operator has a valid 115399
Medicaid provider agreement for the ICF/IID on the day immediately 115400
preceding the effective date of the change of operator, and the 115401
entering operator has a valid Medicaid provider agreement for the 115402
ICF/IID during fiscal year 2017. 115403

(c) The ICF/IID is a new ICF/IID for which the provider 115404
obtains an initial provider agreement during fiscal year 2017. 115405

(2) This section does not apply to an ICF/IID in peer group 115406
3. 115407

(3) The Department of Developmental Disabilities shall follow 115408
this section in determining the rate to be paid for ICF/IID 115409
services provided during fiscal year 2017 by ICFs/IID subject to 115410
this section notwithstanding anything to the contrary in Chapter 115411
5124. of the Revised Code. 115412

(C)(1) Except as otherwise provided in this section, the 115413
provider of an ICF/IID to which this section applies shall be 115414
paid, for ICF/IID services the ICF/IID provides during fiscal year 115415
2017, the total per Medicaid day rate determined for the ICF/IID 115416
under division (C)(2) or (3) of this section. 115417

(2) Except in the case of a new ICF/IID, the fiscal year 2017 115418
total per Medicaid day rate for an ICF/IID to which this section 115419
applies shall be the ICF/IID's total per Medicaid day rate 115420
determined for the ICF/IID in accordance with Chapter 5124. of the 115421
Revised Code for fiscal year 2017 with the following 115422
modifications: 115423

(a) The ICF/IID's efficiency incentive for capital costs, as 115424
determined under division (F) of section 5124.17 of the Revised 115425
Code, shall be reduced by 50 per cent. 115426

(b) In place of the maximum cost per case-mix unit 115427
established for the ICF/IID's peer group under division (C) of 115428
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 115429
per case-mix unit shall be the amount the Department determined 115430
for the ICF/IID's peer group for fiscal year 2016 in accordance 115431
with division (E) of Section 259.160 of this act. 115432

(c) In place of the inflation adjustment otherwise calculated 115433
under division (D) of section 5124.19 of the Revised Code for the 115434
purpose of division (A)(1)(b) of that section, an inflation 115435
adjustment of 1.014 shall be used. 115436

(d) In place of the efficiency incentive otherwise calculated 115437
under division (B)(2) of section 5124.21 of the Revised Code, the 115438
ICF/IID's efficiency incentive for indirect care costs shall be 115439
the following: 115440

(i) In the case of an ICF/IID in peer group 1, \$3.69; 115441

(ii) In the case of an ICF/IID in peer group 2, \$3.19. 115442

(e) In place of the maximum rate for indirect care costs 115443
established for the ICF/IID's peer group under division (C) of 115444
section 5124.21 of the Revised Code, the maximum rate for indirect 115445
care costs for the ICF/IID's peer group shall be the following: 115446

(i) In the case of an ICF/IID in peer group 1, \$68.98; 115447

(ii) In the case of an ICF/IID in peer group 2, \$59.60. 115448

(f) In place of the inflation adjustment otherwise calculated 115449
under division (D)(1) of section 5124.21 of the Revised Code for 115450
the purpose of division (B)(1) of that section only, an inflation 115451
adjustment of 1.014 shall be used. 115452

(g) In place of the inflation adjustment otherwise made under 115453
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 115454
actual, allowable, per Medicaid day other protected costs, 115455
excluding the franchise permit fee, from calendar year 2015 shall 115456
be multiplied by 1.014. 115457

(h) After all of the modifications specified in divisions 115458
(C)(2)(a) to (g) of this section have been made, the ICF/IID's 115459
total per Medicaid day rate shall be increased by the direct 115460
support personnel payment determined in accordance with division 115461
(D) of this section. 115462

(3) The fiscal year 2017 initial total per Medicaid day rate 115463
for a new ICF/IID to which this section applies shall be the 115464
ICF/IID's initial total per Medicaid day rate determined for the 115465
ICF/IID in accordance with section 5124.151 of the Revised Code 115466

for fiscal year 2017 with the following modifications: 115467

(a) In place of the amount determined under division 115468
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 115469
cost or resident assessment data for the new ICF/IID, the new 115470
ICF/IID's initial per Medicaid day rate for direct care costs 115471
shall be determined as follows: 115472

(i) Determine the median of the costs per case-mix units of 115473
each peer group; 115474

(ii) Multiply the median determined under division 115475
(C)(3)(a)(i) of this section by the median annual average case-mix 115476
score for the new ICF/IID's peer group for calendar year 2015; 115477

(iii) Multiply the product determined under division 115478
(C)(3)(a)(ii) of this section by 1.014. 115479

(b) In place of the amount determined under division (B)(3) 115480
of section 5124.151 of the Revised Code, the new ICF/IID's initial 115481
per Medicaid day rate for indirect care costs shall be the 115482
following: 115483

(i) If the new ICF/IID is in peer group 1, \$68.98; 115484

(ii) If the new ICF/IID is in peer group 2, \$59.60. 115485

(c) In place of the amount determined under division (B)(4) 115486
of section 5124.151 of the Revised Code, the new ICF/IID's initial 115487
per Medicaid day rate for other protected costs shall be 115 per 115488
cent of the median rate for ICFs/IID determined under section 115489
5124.23 of the Revised Code with the modification made under 115490
division (C)(2)(g) of this section. 115491

(d) After all of the modifications specified in divisions 115492
(C)(3)(a) to (c) of this section have been made, the new ICF/IID's 115493
initial total per Medicaid day rate shall be increased by the 115494
median direct support personnel payment determined under division 115495
(D) of this section for all ICFs/IID to which this section 115496

applies. 115497

(D) An ICF/IID's direct support personnel payment for the 115498
purpose of division (C)(2)(h) of this section shall be a 115499
percentage, as determined by the Department, of the ICF/IID's per 115500
diem, desk-reviewed, actual, allowable direct care costs. In 115501
determining the percentage, the Department shall, to the greatest 115502
extent possible, do both of the following: 115503

(1) Avoid rate reductions under division (F) of this section; 115504

(2) Use the same percentage for all ICFs/IID to which this 115505
section applies. 115506

(E) A new ICF/IID's initial total modified per Medicaid day 115507
rate for fiscal year 2017 as determined under division (C)(3) of 115508
this section shall be adjusted at the applicable time specified in 115509
division (D) of section 5124.151 of the Revised Code. If the 115510
adjustment affects the ICF/IID's rate for ICF/IID services 115511
provided during fiscal year 2017, the modifications specified in 115512
division (C)(2) of this section apply to the adjustment. 115513

(F)(1) If the mean total per Medicaid day rate for all 115514
ICFs/IID to which this section applies, weighted by May 2016 115515
Medicaid days and determined under division (C) of this section as 115516
of July 1, 2016, is other than the amount determined under 115517
division (F)(2) of this section, the Department shall adjust, for 115518
fiscal year 2017, the total per Medicaid day rate for each ICF/IID 115519
to which this section applies by a percentage that is equal to the 115520
percentage by which the mean total per Medicaid day rate is 115521
greater or less than the amount determined under division (F)(2) 115522
of this section. 115523

(2) The amount to be used for the purpose of division (F)(1) 115524
of this section shall be not less than \$288.27. The department, in 115525
its sole discretion, may use a larger amount for the purpose of 115526
that division. In determining whether to use a larger amount, the 115527

department may consider any of the following: 115528

(a) The reduction in the total Medicaid-certified capacity of 115529
all ICFs/IID that occurs in fiscal year 2016, and the reduction 115530
that is projected to occur in fiscal year 2017, as a result of 115531
either of the following: 115532

(i) A downsizing pursuant to a plan approved by the 115533
Department under section 5123.042 of the Revised Code; 115534

(ii) A conversion of beds to providing home and 115535
community-based services under the Individual Options waiver 115536
pursuant to section 5124.60 or 5124.61 of the Revised Code. 115537

(b) The increase in Medicaid payments made for ICF/IID 115538
services provided during fiscal year 2016, and the increase that 115539
is projected to occur in fiscal year 2017, as a result of the 115540
modifications to the payment rates made under section 5124.101 of 115541
the Revised Code; 115542

(c) The total reduction in the number of ICF/IID beds that 115543
occurs pursuant to section 5124.67 of the Revised Code; 115544

(d) Other factors the Department determines to be relevant. 115545

(G) If the United States Centers for Medicare and Medicaid 115546
Services requires that the franchise permit fee be reduced or 115547
eliminated, the Department shall reduce the amount it pays ICF/IID 115548
providers under this section as necessary to reflect the loss to 115549
the state of the revenue and federal financial participation 115550
generated from the franchise permit fee. 115551

(H) Of the foregoing appropriation items 653407, Medicaid 115552
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 115553
portions shall be used to pay the Medicaid payment rates 115554
determined in accordance with this section for ICF/IID services 115555
provided during fiscal year 2017. 115556

Section 259.180. FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR 115557

ICFs/IID IN PEER GROUP 3	115558
(A) As used in this section:	115559
(1) "ICF/IID," "ICF/IID services," "peer group 3,"	115560
"provider," and "provider agreement" have the same meanings as in	115561
section 5124.01 of the Revised Code.	115562
(2) "Franchise permit fee" means the fee imposed by sections	115563
5168.60 to 5168.71 of the Revised Code.	115564
(B)(1) This section applies to each ICF/IID that is in peer	115565
group 3 and for which the provider obtained an initial provider	115566
agreement during fiscal year 2015.	115567
(2) The Department of Developmental Disabilities shall follow	115568
this section in determining the rate to be paid for ICF/IID	115569
services provided during fiscal year 2016 by ICFs/IID subject to	115570
this section notwithstanding anything to the contrary in Chapter	115571
5124. of the Revised Code.	115572
(C) Except as otherwise provided in this section, the	115573
provider of an ICF/IID to which this section applies shall	115574
continue to be paid, for ICF/IID services the ICF/IID provides	115575
during fiscal year 2016, the ICF/IID's total per Medicaid day rate	115576
in effect on June 30, 2015.	115577
(D) If the United States Centers for Medicare and Medicaid	115578
Services requires that the franchise permit fee be reduced or	115579
eliminated, the Department shall reduce the amount it pays ICF/IID	115580
providers under this section as necessary to reflect the loss to	115581
the state of the revenue and federal financial participation	115582
generated from the franchise permit fee.	115583
 Section 259.190. TRANSFER OF FUNDS FOR OUTLIER SERVICES	115584
PROVIDED TO PEDIATRIC VENTILATOR-DEPENDENT ICF/IID RESIDENTS	115585
As used in this section, "ICF/IID" and "ICF/IID services"	115586

have the same meanings as in section 5124.01 of the Revised Code. 115587

Each quarter during fiscal year 2016 and fiscal year 2017, 115588
the Director of Developmental Disabilities shall certify to the 115589
Director of Budget and Management the amount needed to pay the 115590
nonfederal share of the costs of the Medicaid rate add-on paid to 115591
ICFs/IID pursuant to section 5124.25 of the Revised Code for 115592
providing outlier ICF/IID services to residents who qualify for 115593
the services and are transferred to ICFs/IID from hospitals at 115594
which they receive ventilator services at the time of their 115595
transfer to the ICFs/IID. 115596

On receipt of a certification, the Director of Budget and 115597
Management shall transfer appropriations equaling the certified 115598
amount from appropriation item 651525, Medicaid/Health Care 115599
Services, to appropriation item 653407, Medicaid Services, and, in 115600
addition, shall reduce the appropriation in 651525, 115601
Medicaid/Health Care Services, by the corresponding federal share. 115602

If receipts credited to the Developmental Center and 115603
Residential Facility Services and Support Fund (Fund 3A40), used 115604
by the Department of Developmental Disabilities, exceed the 115605
amounts appropriated in appropriation item 653653, ICF/IID, the 115606
Director of Developmental Disabilities may request the Director of 115607
Budget and Management to authorize expenditures from the fund in 115608
excess of the amounts appropriated. Upon approval of the Director 115609
of Budget and Management, the additional amounts are hereby 115610
appropriated. 115611

Section 259.200. ICF/IID MEDICAID RATE WORKGROUP 115612

As used in this section, "ICF/IID," "ICF/IID services," and 115613
"Medicaid-certified capacity" have the same meanings as in section 115614
5124.01 of the Revised Code. 115615

For the purpose of assisting the Department of Developmental 115616

Disabilities during fiscal year 2016 and fiscal year 2017 with an
evaluation of revisions to the formula used to determine Medicaid
payment rates for ICF/IID services, the Department shall retain
the workgroup that was created to assist with the study required
by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General
Assembly and continued by Section 259.230 of Am. Sub. H.B. 59 of
the 130th General Assembly. In conducting the evaluation, the
Department and workgroup shall do both of the following:

(A) Focus primarily on the service needs of individuals with
complex challenges that ICFs/IID are able to meet;

(B) Pursue the goal of reducing the Medicaid-certified
capacity of individual ICFs/IID and the total number of ICF/IID
beds in the state for the purpose of increasing the service
choices and community integration of individuals eligible for
ICF/IID services.

Section 259.210. NONFEDERAL SHARE OF ICF/IID SERVICES

(A) As used in this section, "ICF/IID," "ICF/IID services,"
and "Medicaid-certified capacity" have the same meanings as in
section 5124.01 of the Revised Code.

(B) The Director of Developmental Disabilities shall pay the
nonfederal share of a claim for ICF/IID services using funds
specified in division (C) of this section if all of the following
apply:

(1) Medicaid covers the ICF/IID services.

(2) The ICF/IID services are provided to a Medicaid recipient
to whom both of the following apply:

(a) The Medicaid recipient is eligible for the ICF/IID
services;

(b) The Medicaid recipient does not occupy a bed in the
ICF/IID that used to be included in the Medicaid-certified

capacity of another ICF/IID certified by the Director of Health 115647
before June 1, 2003. 115648

(3) The ICF/IID services are provided by an ICF/IID whose 115649
Medicaid certification by the Director of Health was initiated or 115650
supported by a county board of developmental disabilities. 115651

(4) The provider of the ICF/IID services has a valid Medicaid 115652
provider agreement for the services for the time that the services 115653
are provided. 115654

(C) When required by division (B) of this section to pay the 115655
nonfederal share of a claim, the Director of Developmental 115656
Disabilities shall use the following funds to pay the claim: 115657

(1) Funds available from appropriation item 322501, County 115658
Boards Subsidies, that the Director allocates to the county board 115659
that initiated or supported the Medicaid certification of the 115660
ICF/IID that provided the ICF/IID services for which the claim is 115661
made; 115662

(2) If the amount of funds used pursuant to division (C)(1) 115663
of this section is insufficient to pay the claim in full, an 115664
amount of funds that are needed to make up the difference and 115665
available from amounts the Director allocates to other county 115666
boards from appropriation item 322501, County Boards Subsidies. 115667

Section 259.213. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 115668
SERVICES 115669

(A) As used in this section, "home and community-based 115670
services" has the same meaning as in section 5123.01 of the 115671
Revised Code. 115672

(B) Subject to divisions (C) and (D) of this section, the 115673
total Medicaid payment rate for routine homemaker/personal care 115674
services that are included in home and community-based services 115675
and provided during the period beginning January 1, 2016, and 115676

ending June 30, 2017, may be six per cent higher than the total 115677
Medicaid payment rate for the services in effect on June 30, 2015. 115678

(C) The rate increase authorized by this section is subject 115679
to the availability of funds. 115680

(D) The Medicaid payment rate increase for routine 115681
homemaker/personal care services under the section of this act 115682
titled "PAYMENT RATES FOR HOME MAKER/PERSONAL CARE SERVICES 115683
PROVIDED TO QUALIFYING IO ENROLLEES" is in addition to the rate 115684
increase, if any, for routine homemaker/personal care services 115685
under this section. 115686

Section 259.220. PAYMENT RATES FOR HOME MAKER/PERSONAL CARE 115687
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 115688

(A) As used in this section: 115689

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 115690
that converted some or all of its beds to providing home and 115691
community-based services under the IO Waiver pursuant to section 115692
5124.60 of the Revised Code. 115693

(2) "Developmental center" and "ICF/IID" have the same 115694
meanings as in section 5124.01 of the Revised Code. 115695

(3) "IO Waiver" means the Medicaid waiver component, as 115696
defined in section 5166.01 of the Revised Code, known as 115697
Individual Options. 115698

(4) "Medicaid provider" has the same meaning as in section 115699
5164.01 of the Revised Code. 115700

(5) "Public hospital" has the same meaning as in section 115701
5122.01 of the Revised Code. 115702

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 115703
whom all of the following apply: 115704

(a) The enrollee resided in a developmental center, converted 115705

facility, or public hospital immediately before enrolling in the 115706
IO Wavier. 115707

(b) The enrollee did not receive before July 1, 2011, routine 115708
homemaker/personal care services from the Medicaid provider that 115709
is to be paid the Medicaid rate authorized by this section for 115710
providing such services to the enrollee during the period 115711
specified in division (C) of this section. 115712

(c) The Director of Developmental Disabilities has determined 115713
that the enrollee's special circumstances (including the 115714
enrollee's diagnosis, service needs, or length of stay at the 115715
developmental center, converted facility, or public hospital) 115716
warrants paying the Medicaid rate authorized by this section. 115717

(B) The total Medicaid payment rate for each fifteen minutes 115718
of routine homemaker/personal care services that a Medicaid 115719
provider provides to a qualifying IO enrollee during the period 115720
specified in division (C) of this section shall be fifty-two cents 115721
higher than the Medicaid payment rate in effect on the day the 115722
services are provided for each fifteen minutes of routine 115723
homemaker/personal care services that a Medicaid provider provides 115724
to an IO enrollee who is not a qualifying IO enrollee. 115725

(C) Division (B) of this section applies to the first twelve 115726
months, consecutive or otherwise, that a Medicaid provider, during 115727
the period beginning July 1, 2015, and ending June 30, 2017, 115728
provides routine homemaker/personal care services to a qualifying 115729
IO enrollee. 115730

(D) Of the foregoing appropriation items 653407, Medicaid 115731
Services, and 653639, Medicaid Waiver Services, portions shall be 115732
used to pay the Medicaid payment rate determined in accordance 115733
with this section for routine homemaker/personal care services 115734
provided to qualifying IO enrollees. 115735

Section 259.230. UPDATING AUTHORIZING STATUTE CITATIONS 115736

As used in this section, "authorizing statute" means a 115737
Revised Code section or provision of a Revised Code section that 115738
is cited in the Ohio Administrative Code as the statute that 115739
authorizes the adoption of a rule. 115740

The Director of Developmental Disabilities is not required to 115741
amend any rule for the sole purpose of updating the citation in 115742
the Ohio Administrative Code to the rule's authorizing statute to 115743
reflect that this act renumbers the authorizing statute or 115744
relocates it to another Revised Code section. Such citations shall 115745
be updated as the Director amends the rules for other purposes. 115746

Section 259.250. SYSTEM TRANSFORMATION SUPPORTS 115747

The foregoing appropriation item 320607 (Fund 5QM0), System 115748
Transformation Supports, may be used by the Director of 115749
Developmental Disabilities as follows: 115750

(A) To purchase one or more residential facility beds for the 115751
purpose of reducing the number of beds that are certified for 115752
participation in Medicaid as ICF/IID beds in Ohio. The director 115753
shall establish priorities for the purchase of beds which may 115754
include beds located in a building in which a nursing facility is 115755
also located and beds which are in a residential facility of 115756
sixteen beds or greater. The purchase price of a bed shall be the 115757
price the director determines is reasonable based on the 115758
established priorities. Division (B) of section 127.16 of the 115759
Revised Code shall not apply to a purchase made under this 115760
section. 115761

(B) To fund other system transformation initiatives 115762
identified by the director. 115763

Section 259.260. ICF/IID PAYMENT METHODOLOGY TRANSFORMATION 115764

As used in this section, "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.

Not later than July 31, 2015, the Department of Developmental Disabilities shall issue a request for proposals for an entity, pursuant to a contract with the Department, to develop a plan to transform the formula used to determine Medicaid payment rates for ICF/IID services. Any such contract the Department enters into shall require all of the following:

(A) That the plan do all of the following:

(1) Include quality incentive measures;

(2) Have payments be based on health outcomes;

(3) Promote ICF/IID services that are provided in the most integrated setting appropriate to the needs of each Medicaid recipient receiving the services;

(4) Recommend specific changes to the resident assessment instrument specified in rules authorized by section 5124.191 of the Revised Code and the grouper methodology prescribed in rules authorized by section 5124.192 of the Revised Code.

(B) That the entity developing the plan consider the recommendations of both of the following:

(1) The ICF/IID Medicaid Rate Workgroup that was created to assist with the study required by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General Assembly and retained pursuant to Section 259.230 of Am. Sub. H.B. 59 of the 130th General Assembly;

(2) The ICF/IID Quality Incentive Workgroup created pursuant to the section of this act titled "ICF/IID QUALITY INCENTIVE WORKGROUP."

(C) That the plan be developed with the goal of beginning implementation of the transformation on July 1, 2017.

Section 259.270. ICF/IID QUALITY INCENTIVE WORKGROUP 115794

(A) As used in this section, "ICF/IID" and "ICF/IID services" 115795
have the same meanings as in section 5124.01 of the Revised Code. 115796

(B) The Director of Developmental Disabilities shall create 115797
the ICF/IID Quality Incentive Workgroup to study the issue of 115798
establishing, as part of the Medicaid payment formula for ICF/IID 115799
services, accountability measures that act as quality incentives 115800
for ICFs/IID. The Director or the Director's designee shall be the 115801
Workgroup's chairperson. The Director may appoint one or more 115802
staff members of the Department of Developmental Disabilities to 115803
also serve on the Workgroup. The Director shall appoint the 115804
following to serve on the Workgroup: 115805

(1) Representatives of all of the following: 115806

(a) The Ohio Centers for Intellectual Disabilities formed by 115807
the Ohio Health Care Association; 115808

(b) The Values and Faith Alliance; 115809

(c) The Ohio Association of County Boards Serving People with 115810
Developmental Disabilities; 115811

(d) The Ohio SIBS; 115812

(e) The Arc of Ohio; 115813

(f) The Ohio Provider Resource Association. 115814

(2) One or more persons with developmental disabilities who 115815
advocate for such persons. 115816

(C) Members of the Workgroup shall serve without compensation 115817
or reimbursement, except to the extent that serving on the 115818
Workgroup is considered part of their usual job duties. 115819

(D) The Workgroup shall complete its study, and complete a 115820
report with recommendations regarding accountability measures for 115821
ICFs/IID, not later than November 4, 2015. The Workgroup shall 115822

submit copies of the report to the Governor and, in accordance 115823
with section 101.68 of the Revised Code, the General Assembly. 115824

Section 259.280. COMMUNITY SUPPORT AND RENTAL ASSISTANCE 115825

The foregoing appropriation item 322509, Community Support 115826
and Rental Assistance, may be used by the Director of 115827
Developmental Disabilities to provide funding to county boards of 115828
developmental disabilities for rental assistance to individuals 115829
with developmental disabilities receiving home and community-based 115830
services as defined in section 5123.01 of the Revised Code 115831
pursuant to section 5124.60 of the Revised Code or section 5124.69 115832
of the Revised Code and to former residents of a developmental 115833
center. The director shall establish the methodology for 115834
determining the amount and distribution of such funding. 115835

Section 259.290. MEDICAID RATES FOR SHELTERED WORKSHOP 115836
SERVICES 115837

The Medicaid payment rates for adult day services provided by 115838
sheltered workshops during the period beginning July 1, 2015, and 115839
ending June 30, 2017, under a Medicaid waiver component 115840
administered by the Department of Developmental Disabilities shall 115841
be not less than Medicaid payment rates for those services in 115842
effect on June 30, 2015. 115843

Section 261.10. OBD OHIO BOARD OF DIETETICS 115844

Dedicated Purpose Fund Group				115845
4K90 860609 Operating Expenses	\$	362,872	\$	371,779 115846
TOTAL DPF Dedicated Purpose Fund				115847
Group	\$	362,872	\$	371,779 115848
TOTAL ALL BUDGET FUND GROUPS	\$	362,872	\$	371,779 115849

Section 263.10. EDU DEPARTMENT OF EDUCATION 115851

General Revenue Fund					115852
GRF 200321	Operating Expenses	\$	13,967,708	\$ 14,267,708	115853
GRF 200408	Early Childhood Education	\$	60,268,341	\$ 70,268,341	115854
GRF 200420	Information Technology Development and Support	\$	3,841,296	\$ 3,841,296	115855
GRF 200421	Alternative Education Programs	\$	10,753,998	\$ 10,753,998	115856
GRF 200422	School Management Assistance	\$	3,000,000	\$ 3,000,000	115857
GRF 200424	Policy Analysis	\$	428,558	\$ 428,558	115858
GRF 200425	Tech Prep Consortia Support	\$	260,542	\$ 260,542	115859
GRF 200426	Ohio Educational Computer Network	\$	16,200,000	\$ 16,200,000	115860
GRF 200427	Academic Standards	\$	3,800,000	\$ 3,800,000	115861
GRF 200437	Student Assessment	\$	60,241,438	\$ 59,830,050	115862
GRF 200439	Accountability/Report Cards	\$	4,897,310	\$ 4,897,310	115863
GRF 200442	Child Care Licensing	\$	1,822,500	\$ 1,822,500	115864
GRF 200446	Education Management Information System	\$	6,833,070	\$ 6,833,070	115865
GRF 200447	GED Testing	\$	324,000	\$ 324,000	115866
GRF 200448	Educator Preparation	\$	1,689,237	\$ 1,689,237	115867
GRF 200455	Community Schools and Choice Programs	\$	3,651,395	\$ 3,731,395	115868
GRF 200457	STEM Initiatives	\$	150,000	\$ 0	115869
GRF 200465	Education Technology Resources	\$	3,170,976	\$ 3,170,976	115870
GRF 200502	Pupil Transportation	\$	567,723,920	\$ 603,486,409	115871
GRF 200505	School Lunch Match	\$	9,100,000	\$ 9,100,000	115872
GRF 200511	Auxiliary Services	\$	144,254,342	\$ 149,909,112	115873

GRF 200532	Nonpublic	\$	65,165,374	\$	67,719,856	115874
	Administrative Cost					
	Reimbursement					
GRF 200540	Special Education	\$	162,871,292	\$	162,871,292	115875
	Enhancements					
GRF 200545	Career-Technical	\$	11,922,418	\$	11,947,418	115876
	Education Enhancements					
GRF 200550	Foundation Funding	\$	6,398,844,920	\$	6,655,755,799	115877
GRF 200566	Literacy Improvement	\$	750,000	\$	750,000	115878
GRF 200572	Adult Diploma	\$	3,750,000	\$	5,000,000	115879
GRF 200573	EdChoice Expansion	\$	23,500,000	\$	31,500,000	115880
GRF 200574	Half-Mill Maintenance	\$	18,750,000	\$	19,250,000	115881
	Equalization					
GRF 200576	Adaptive Sports	\$	50,000	\$	50,000	115882
	Program					
GRF 200588	Competency Based	\$	1,000,000	\$	1,000,000	115883
	Education Pilot					
GRF 200597	Education Program	\$	2,250,000	\$	2,000,000	115884
	Support					
TOTAL GRF	General Revenue Fund	\$	7,605,232,635	\$	7,925,458,867	115885
	Dedicated Purpose Fund Group					115886
4520 200638	Fees and Refunds	\$	1,000,000	\$	1,000,000	115887
4540 200610	GED Testing	\$	250,000	\$	250,000	115888
4550 200608	Commodity Foods	\$	24,000,000	\$	24,000,000	115889
4L20 200681	Teacher Certification	\$	14,150,000	\$	14,250,000	115890
	and Licensure					
5980 200659	Auxiliary Services	\$	1,328,910	\$	1,328,910	115891
	Reimbursement					
5H30 200687	School District	\$	10,000,000	\$	10,000,000	115892
	Solvency Assistance					
5KX0 200691	Ohio School	\$	487,419	\$	528,600	115893
	Sponsorship Program					
5MM0 200677	Child Nutrition	\$	550,000	\$	550,000	115894

		Refunds				
5RB0	200644	Straight A Fund	\$	27,250,000	\$	15,000,000 115895
5RE0	200697	School District TPP	\$	50,600,000	\$	78,300,000 115896
		Supplement				
5U20	200685	National Education	\$	300,000	\$	300,000 115897
		Statistics				
6200	200615	Educational	\$	175,000	\$	175,000 115898
		Improvement Grants				
TOTAL DPF		Dedicated Purpose Fund	\$	130,091,329	\$	145,682,510 115899
		Group				
		Internal Service Activity Fund Group				115900
1380	200606	Information	\$	6,850,090	\$	6,850,090 115901
		Technology				
		Development and				
		Support				
4R70	200695	Indirect Operational	\$	7,600,000	\$	7,600,000 115902
		Support				
4V70	200633	Interagency Program	\$	500,000	\$	500,000 115903
		Support				
TOTAL ISA		Internal Service Activity				115904
		Fund Group	\$	14,950,090	\$	14,950,090 115905
		State Lottery Fund Group				115906
7017	200612	Foundation Funding	\$	987,650,000	\$	1,042,700,000 115907
7017	200629	Community Connectors	\$	10,000,000	\$	10,000,000 115908
7017	200684	Community School	\$	14,900,000	\$	20,700,000 115909
		Facilities				
TOTAL SLF		State Lottery				115910
		Fund Group	\$	1,012,550,000	\$	1,073,400,000 115911
		Federal Fund Group				115912
3090	200601	Neglected and	\$	1,600,000	\$	1,600,000 115913
		Delinquent Education				
3670	200607	School Food Services	\$	9,240,111	\$	9,794,517 115914

3700	200624	Education of Exceptional Children	\$	1,702,040	\$	1,274,040	115915
3AF0	200603	Schools Medicaid Administrative Claims	\$	750,000	\$	750,000	115916
3AN0	200671	School Improvement Grants	\$	32,400,000	\$	32,400,000	115917
3C50	200661	Early Childhood Education	\$	14,554,749	\$	14,554,749	115918
3CG0	200646	Teacher Incentive	\$	12,500,000	\$	200,000	115919
3D10	200664	Drug Free Schools	\$	521,000	\$	282,000	115920
3D20	200667	Math Science Partnerships	\$	7,500,000	\$	7,500,000	115921
3EH0	200620	Migrant Education	\$	2,900,000	\$	2,900,000	115922
3EJ0	200622	Homeless Children Education	\$	2,600,000	\$	2,600,000	115923
3EK0	200637	Advanced Placement	\$	432,444	\$	498,484	115924
3FD0	200665	Race to the Top	\$	12,000,000	\$	0	115925
3FN0	200672	Early Learning Challenge - Race to the Top	\$	8,000,000	\$	3,400,000	115926
3GE0	200674	Summer Food Service Program	\$	14,423,915	\$	14,856,635	115927
3GF0	200675	Miscellaneous Nutrition Grants	\$	3,000,000	\$	3,000,000	115928
3GG0	200676	Fresh Fruit and Vegetable Program	\$	5,026,545	\$	5,177,340	115929
3GP0	200600	School Climate Transformation	\$	252,420	\$	252,420	115930
3GQ0	200679	Project Aware	\$	1,907,423	\$	1,907,423	115931
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000	115932
3L60	200617	Federal School Lunch	\$	371,960,060	\$	383,118,860	115933
3L70	200618	Federal School	\$	117,332,605	\$	122,025,909	115934

		Breakfast				
3L80	200619	Child/Adult Food Programs	\$	113,508,500	\$	116,913,755 115935
3L90	200621	Career-Technical Education Basic Grant	\$	44,663,900	\$	44,663,900 115936
3M00	200623	ESEA Title 1A	\$	590,000,000	\$	600,000,000 115937
3M20	200680	Individuals with Disabilities Education Act	\$	444,000,000	\$	445,000,000 115938
3Y20	200688	21st Century Community Learning Centers	\$	50,000,000	\$	50,000,000 115939
3Y60	200635	Improving Teacher Quality	\$	90,000,000	\$	90,000,000 115940
3Y70	200689	English Language Acquisition	\$	10,101,411	\$	10,101,411 115941
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,300,000	\$	3,300,000 115942
3Z20	200690	State Assessments	\$	10,263,000	\$	10,263,000 115943
3Z30	200645	Consolidated Federal Grant Administration	\$	10,000,000	\$	10,000,000 115944
TOTAL FED Federal Fund Group			\$	1,986,665,123	\$	1,988,559,443 115945
TOTAL ALL BUDGET FUND GROUPS			\$	10,749,489,177	\$	11,148,050,910 115946

Section 263.20. OPERATING EXPENSES 115948

A portion of the foregoing appropriation item 200321, 115949
Operating Expenses, shall be used by the Department of Education 115950
to provide matching funds under 20 U.S.C. 2321. 115951

EARLY CHILDHOOD EDUCATION 115952

The Department of Education shall distribute the foregoing 115953
appropriation item 200408, Early Childhood Education, to pay the 115954
costs of early childhood education programs. The Department shall 115955

distribute such funds directly to qualifying providers. 115956

(A) As used in this section: 115957

(1) "Provider" means a city, local, exempted village, or 115958
joint vocational school district; an educational service center; a 115959
community school sponsored by an exemplary sponsor; a chartered 115960
nonpublic school; an early childhood education child care provider 115961
licensed under Chapter 5104. of the Revised Code that participates 115962
in and meets at least the third highest tier of the Step Up to 115963
Quality program established pursuant to section 5104.29 of the 115964
Revised Code; or a combination of entities described in this 115965
paragraph. 115966

(2) In the case of a city, local, or exempted village school 115967
district or early childhood education child care provider licensed 115968
under Chapter 5104. of the Revised Code, "new eligible provider" 115969
means a provider that did not receive state funding for Early 115970
Childhood Education in the previous fiscal year or demonstrates a 115971
need for early childhood programs as defined in division (D) of 115972
this section. 115973

(3) In the case of a community school, "new eligible 115974
provider" means any of the following: 115975

(a) A community school established under Chapter 3314. of the 115976
Revised Code that is sponsored by a sponsor rated "exemplary" in 115977
accordance with section 3314.016 of the Revised Code that offers a 115978
child care program in accordance with sections 3301.50 to 3301.59 115979
of the Revised Code that did not receive state funding for Early 115980
Childhood Education in the previous fiscal year; 115981

(b) A community school established under Chapter 3314. of the 115982
Revised Code that satisfies all of the following criteria: 115983

(i) It has received, on its most recent report card, either 115984
of the following: 115985

(I) If the school offers any of grade levels four through 115986
twelve, a grade of "C" or better for the overall value-added 115987
progress dimension under division (C)(1)(e) of section 3302.03 of 115988
the Revised Code and for the performance index score under 115989
division (C)(1)(b) of section 3302.03 of the Revised Code; 115990

(II) If the school does not offer a grade level higher than 115991
three, a grade of "C" or better for making progress in improving 115992
literacy in grades kindergarten through three under division 115993
(C)(1)(g) of section 3302.03 of the Revised Code. 115994

(ii) It offers a child care program in accordance with 115995
sections 3301.50 to 3301.59 of the Revised Code. 115996

(iii) It did not receive state funding for Early Childhood 115997
Education in the previous fiscal year. 115998

(c) A community school established under Chapter 3314. of the 115999
Revised Code that is sponsored by a municipal school district and 116000
operates a program that uses the Montessori method endorsed by the 116001
American Montessori Society, the Montessori Accreditation Council 116002
for Teacher Education, or the Association Montessori 116003
Internationale as its primary method of instruction, as authorized 116004
by division (A) of section 3314.06 of the Revised Code, that did 116005
not receive state funding for Early Childhood Education in the 116006
previous year or demonstrates a need for early childhood programs 116007
as defined in division (D) of this section. 116008

(4) "Eligible child," between July 1, 2015 and June 30, 2016, 116009
means a child who is at least three years of age as of the 116010
district entry date for kindergarten, is not of the age to be 116011
eligible for kindergarten, and whose family earns not more than 116012
two hundred per cent of the federal poverty guidelines as defined 116013
in division (A)(3) of section 5101.46 of the Revised Code. 116014
Children with an Individualized Education Program and where the 116015
Early Childhood Education program is the least restrictive 116016

environment may be enrolled on their third birthday. 116017

(5) "Eligible child," beginning July 1, 2016, means a child 116018
who is at least four years of age as of the district entry date 116019
for kindergarten, is not of the age to be eligible for 116020
kindergarten, and whose family earns not more than two hundred per 116021
cent of the federal poverty guidelines as defined in division 116022
(A)(3) of section 5101.46 of the Revised Code. Children with an 116023
Individualized Education Program and where the Early Childhood 116024
Education program is the least restrictive environment may be 116025
enrolled on their fourth birthday. 116026

(6) "Early learning program standards" means early learning 116027
program standards for school readiness developed by the Department 116028
to assess the operation of early learning and development 116029
programs. 116030

(7) "Early learning and development programs" has the same 116031
meaning as section 5104.29 of the Revised Code. 116032

(B) In each fiscal year, up to two per cent of the total 116033
appropriation may be used by the Department for program support 116034
and technical assistance. The Department shall distribute the 116035
remainder of the appropriation in each fiscal year to serve 116036
eligible children. 116037

(C) The Department shall provide an annual report to the 116038
Governor, the Speaker of the House of Representatives, and the 116039
President of the Senate and post the report to the Department's 116040
web site, regarding early childhood education programs operated 116041
under this section and the early learning program standards. 116042

(D) After setting aside the amounts to make payments due from 116043
the previous fiscal year, in fiscal year 2016, the Department 116044
shall distribute funds first to recipients of funds for early 116045
childhood education programs under Section 263.20 of Am. Sub. H.B. 116046
59 of the 130th General Assembly in the previous fiscal year and 116047

the balance to new eligible providers of early childhood education 116048
programs or to existing providers to serve more eligible children 116049
pursuant to division (E) of this section or for purposes of 116050
program expansion, improvement, or special projects to promote 116051
quality and innovation. 116052

After setting aside the amounts to make payments due from the 116053
previous fiscal year, in fiscal year 2017, the Department shall 116054
distribute funds first to providers of early childhood education 116055
programs under this section in the previous fiscal year and the 116056
balance to new eligible providers or to existing providers to 116057
serve more eligible children as outlined under division (E) of 116058
this section or for purposes of program expansion, improvement, or 116059
special projects to promote quality and innovation. 116060

(E)(1) The Department shall distribute any new or remaining 116061
funding to existing providers of early childhood education 116062
programs or any new eligible providers in an effort to invest in 116063
high quality early childhood programs where there is a need as 116064
determined by the Department. The Department shall distribute the 116065
new or remaining funds to existing providers of early childhood 116066
education programs or any new eligible providers to serve 116067
additional eligible children based on community economic 116068
disadvantage, limited access to high quality preschool or 116069
childcare services, and demonstration of high quality preschool 116070
services as determined by the Department using new metrics 116071
developed pursuant to Ohio's Race to the Top–Early Learning 116072
Challenge Grant, awarded to the Department in December 2011. 116073

(2) Awards under divisions (D) and (E) of this section shall 116074
be distributed on a per-pupil basis, and in accordance with 116075
division (I) of this section. The Department may adjust the 116076
per-pupil amount so that the per-pupil amount multiplied by the 116077
number of eligible children enrolled and receiving services on the 116078
first day of December or the business day closest to that date 116079

equals the amount allocated under this section. 116080

(F) Costs for developing and administering an early childhood 116081
education program may not exceed fifteen per cent of the total 116082
approved costs of the program. 116083

All providers shall maintain such fiscal control and 116084
accounting procedures as may be necessary to ensure the 116085
disbursement of, and accounting for, these funds. The control of 116086
funds provided in this program, and title to property obtained, 116087
shall be under the authority of the approved provider for purposes 116088
provided in the program unless, as described in division (K) of 116089
this section, the program waives its right for funding or a 116090
program's funding is eliminated or reduced due to its inability to 116091
meet financial or early learning program standards. The approved 116092
provider shall administer and use such property and funds for the 116093
purposes specified. 116094

(G) The Department may examine a provider's financial and 116095
program records. If the financial practices of the program are not 116096
in accordance with standard accounting principles or do not meet 116097
financial standards outlined under division (F) of this section, 116098
or if the program fails to substantially meet the early learning 116099
program standards, meet a quality rating level in the Step Up to 116100
Quality program established pursuant to section 5104.29 of the 116101
Revised Code as prescribed by the Department, or exhibits below 116102
average performance as measured against the standards, the early 116103
childhood education program shall propose and implement a 116104
corrective action plan that has been approved by the Department. 116105
The approved corrective action plan shall be signed by the chief 116106
executive officer and the executive of the official governing body 116107
of the provider. The corrective action plan shall include a 116108
schedule for monitoring by the Department. Such monitoring may 116109
include monthly reports, inspections, a timeline for correction of 116110
deficiencies, and technical assistance to be provided by the 116111

Department or obtained by the early childhood education program. 116112
The Department may withhold funding pending corrective action. If 116113
an early childhood education program fails to satisfactorily 116114
complete a corrective action plan, the Department may deny 116115
expansion funding to the program or withdraw all or part of the 116116
funding to the program and establish a new eligible provider 116117
through a selection process established by the Department. 116118

(H)(1) If the early childhood education program is licensed 116119
by the Department of Education and is not highly rated, as 116120
determined by the Director of Job and Family Services, under the 116121
Step Up to Quality program established pursuant to section 5104.29 116122
of the Revised Code, the program shall do all of the following: 116123

(a) Meet teacher qualification requirements prescribed by 116124
section 3301.311 of the Revised Code; 116125

(b) Align curriculum to the early learning content standards 116126
developed by the Department; 116127

(c) Meet any child or program assessment requirements 116128
prescribed by the Department; 116129

(d) Require teachers, except teachers enrolled and working to 116130
obtain a degree pursuant to section 3301.311 of the Revised Code, 116131
to attend a minimum of twenty hours every two years of 116132
professional development as prescribed by the Department; 116133

(e) Document and report child progress as prescribed by the 116134
Department; 116135

(f) Meet and report compliance with the early learning 116136
program standards as prescribed by the Department; 116137

(g) Participate in the Step Up to Quality program established 116138
pursuant to section 5104.29 of the Revised Code. Effective July 1, 116139
2016, all programs shall be rated through the program. 116140

(2) If the program is highly rated, as determined by the 116141

Director of Job and Family Services, under the Step Up to Quality 116142
program established pursuant to section 5104.29 of the Revised 116143
Code, the program shall comply with the requirements of that 116144
program. 116145

(I) Per-pupil funding for programs subject to this section 116146
shall be sufficient to provide eligible children with services for 116147
a standard early childhood schedule which shall be defined in this 116148
section as a minimum of twelve and one-half hours per school week 116149
as defined in section 3313.62 of the Revised Code for the minimum 116150
school year as defined in sections 3313.48, 3313.481, and 3313.482 116151
of the Revised Code. Beginning on July 1, 2016, nothing in this 116152
section shall be construed to prohibit program providers from 116153
utilizing other funds to serve eligible children in programs that 116154
exceed the twelve and one-half hours per week or that exceed the 116155
minimum school year. For any provider for which a standard early 116156
childhood education schedule creates a hardship or for which the 116157
provider shows evidence that the provider is working in 116158
collaboration with a preschool special education program, the 116159
provider may submit a waiver to the Department requesting an 116160
alternate schedule. If the Department approves a waiver for an 116161
alternate schedule that provides services for less time than the 116162
standard early childhood education schedule, the Department may 116163
reduce the provider's annual allocation proportionately. Under no 116164
circumstances shall an annual allocation be increased because of 116165
the approval of an alternate schedule. 116166

(J) For fiscal year 2016, each provider shall develop a 116167
sliding fee scale based on family incomes and shall charge 116168
families who earn more than two hundred per cent of the federal 116169
poverty guidelines, as defined in division (A)(3) of section 116170
5101.46 of the Revised Code, for the early childhood education 116171
program. 116172

The Department shall conduct an annual survey of each 116173

provider to determine whether the provider charges families 116174
tuition or fees, the amount families are charged relative to 116175
family income levels, and the number of families and students 116176
charged tuition and fees for the early childhood program. 116177

(K) If an early childhood education program voluntarily 116178
waives its right for funding, or has its funding eliminated for 116179
not meeting financial standards or the early learning program 116180
standards, the provider shall transfer control of title to 116181
property, equipment, and remaining supplies obtained through the 116182
program to providers designated by the Department and return any 116183
unexpended funds to the Department along with any reports 116184
prescribed by the Department. The funding made available from a 116185
program that waives its right for funding or has its funding 116186
eliminated or reduced may be used by the Department for new grant 116187
awards or expansion grants. The Department may award new grants or 116188
expansion grants to eligible providers who apply. The eligible 116189
providers who apply must do so in accordance with the selection 116190
process established by the Department. 116191

(L) Eligible expenditures for the Early Childhood Education 116192
Program shall be claimed each fiscal year to help meet the state's 116193
TANF maintenance of effort requirement. The Superintendent of 116194
Public Instruction and the Director of Job and Family Services 116195
shall enter into an interagency agreement to carry out the 116196
requirements under this division, which shall include developing 116197
reporting guidelines for these expenditures. 116198

(M)(1) For fiscal year 2017, the Department of Education and 116199
the Department of Job and Family Services shall establish the 116200
following in common between early childhood education programs and 116201
publicly funded child care: 116202

(a) An application; 116203

(b) Program eligibility; 116204

(c) Funding;	116205
(d) An attendance policy;	116206
(e) An attendance tracking system.	116207
(2) Beginning July 1, 2016, in accordance with section	116208
5104.34 of the Revised Code, eligible families may receive	116209
publicly funded child care beyond the standard early childhood	116210
schedule defined in division (I) of this section.	116211
(3) All providers, agencies, and school districts	116212
participating in the early childhood education program or	116213
providing care to eligible families beyond the standard early	116214
childhood schedule shall follow the common policies established	116215
under this division.	116216
Section 263.30. INFORMATION TECHNOLOGY DEVELOPMENT AND	116217
SUPPORT	116218
The foregoing appropriation item 200420, Information	116219
Technology Development and Support, shall be used to support the	116220
development and implementation of information technology solutions	116221
designed to improve the performance and services of the Department	116222
of Education. Funds may be used for personnel, maintenance, and	116223
equipment costs related to the development and implementation of	116224
these technical system projects. Implementation of these systems	116225
shall allow the Department to provide greater levels of assistance	116226
to school districts and to provide more timely information to the	116227
public, including school districts, administrators, and	116228
legislators. Funds may also be used to support data-driven	116229
decision-making and differentiated instruction, as well as to	116230
communicate academic content standards and curriculum models to	116231
schools through web-based applications.	116232
Section 263.40. ALTERNATIVE EDUCATION PROGRAMS	116233

Of the foregoing appropriation item 200421, Alternative 116234
Education Programs, up to \$2,500,000 in each fiscal year shall be 116235
used to make payments under sections 3314.38, 3317.23, 3317.24, 116236
and 3345.86 of the Revised Code, as amended by this act. 116237

Of the foregoing appropriation item 200421, Alternative 116238
Education Programs, \$500,000 in each fiscal year shall be used to 116239
support Jobs for Ohio's Graduates. 116240

Of the foregoing appropriation item 200421, Alternative 116241
Education Programs, up to \$350,000 in each fiscal year may be used 116242
to support the clearinghouse for the identification of and 116243
intervention for at-risk students required under section 3301.28 116244
of the Revised Code. 116245

The remainder of appropriation item 200421, Alternative 116246
Education Programs, shall be used for the renewal of successful 116247
implementation grants and for competitive matching grants to 116248
school districts for alternative educational programs for existing 116249
and new at-risk and delinquent youth. Programs shall be focused on 116250
youth in one or more of the following categories: those who have 116251
been expelled or suspended, those who have dropped out of school 116252
or who are at risk of dropping out of school, those who are 116253
habitually truant or disruptive, or those on probation or on 116254
parole from a Department of Youth Services facility. Grants shall 116255
be awarded only to programs in which the grant will not serve as 116256
the program's primary source of funding. These grants shall be 116257
administered by the Department of Education. 116258

The Department of Education may waive compliance with any 116259
minimum education standard established under section 3301.07 of 116260
the Revised Code for any alternative school that receives a grant 116261
under this section on the grounds that the waiver will enable the 116262
program to more effectively educate students enrolled in the 116263
alternative school. 116264

Of the foregoing appropriation item 200421, Alternative 116265
Education Programs, a portion may be used for program 116266
administration, monitoring, technical assistance, support, 116267
research, and evaluation. 116268

Section 263.50. SCHOOL MANAGEMENT ASSISTANCE 116269

Of the foregoing appropriation item 200422, School Management 116270
Assistance, \$1,000,000 in each fiscal year shall be used by the 116271
Auditor of State in consultation with the Department of Education 116272
for expenses incurred in the Auditor of State's role relating to 116273
fiscal caution, fiscal watch, and fiscal emergency activities as 116274
defined in Chapter 3316. of the Revised Code, unless an amount 116275
less than \$1,000,000 is needed and mutually agreed to by the 116276
Department and the Auditor of State. This set-aside may also be 116277
used by the Auditor of State to conduct performance audits of 116278
other school districts with priority given to districts in fiscal 116279
distress. Districts in fiscal distress shall be determined by the 116280
Auditor of State and shall include districts that the Auditor of 116281
State, in consultation with the Department of Education, 116282
determines are employing fiscal practices or experiencing 116283
budgetary conditions that could produce a state of fiscal watch or 116284
fiscal emergency. 116285

The remainder of appropriation item 200422, School Management 116286
Assistance, shall be used by the Department of Education to 116287
provide fiscal technical assistance and inservice education for 116288
school district management personnel and to administer, monitor, 116289
and implement the fiscal caution, fiscal watch, and fiscal 116290
emergency provisions under Chapter 3316. of the Revised Code. 116291

Section 263.60. POLICY ANALYSIS 116292

The foregoing appropriation item 200424, Policy Analysis, 116293
shall be used by the Department of Education to support a system 116294

of administrative, statistical, and legislative education 116295
information to be used for policy analysis. Staff supported by 116296
this appropriation shall administer the development of reports, 116297
analyses, and briefings to inform education policymakers of 116298
current trends in education practice, efficient and effective use 116299
of resources, and evaluation of programs to improve education 116300
results. A portion of these funds shall be used to maintain a 116301
longitudinal database to support the assessment of the impact of 116302
policies and programs on Ohio's education and workforce 116303
development systems. The research efforts supported by this 116304
appropriation item shall be used to supply information and 116305
analysis of data to and in consultation with the General Assembly 116306
and other state policymakers, including the Office of Budget and 116307
Management, the Governor's Office of 21st Century Education, and 116308
the Legislative Service Commission. 116309

The Department of Education may use funding from this 116310
appropriation item to purchase or contract for the development of 116311
software systems or contract for policy studies that will assist 116312
in the provision and analysis of policy-related information. 116313
Funding from this appropriation item also may be used to monitor 116314
and enhance quality assurance for research-based policy analysis 116315
and program evaluation to enhance the effective use of education 116316
information to inform education policymakers. 116317

TECH PREP CONSORTIA SUPPORT 116318

The foregoing appropriation item 200425, Tech Prep Consortia 116319
Support, shall be used by the Department of Education to support 116320
state-level activities designed to support, promote, and expand 116321
tech prep programs. Use of these funds shall include, but not be 116322
limited to, administration of grants, program evaluation, 116323
professional development, curriculum development, assessment 116324
development, program promotion, communications, and statewide 116325
coordination of tech prep consortia. 116326

Section 263.70. OHIO EDUCATIONAL COMPUTER NETWORK 116327

The foregoing appropriation item 200426, Ohio Educational 116328
Computer Network, shall be used by the Department of Education to 116329
maintain a system of information technology throughout Ohio and to 116330
provide technical assistance for such a system in support of the 116331
P-16 State Education Technology Plan developed under section 116332
3353.09 of the Revised Code. 116333

Of the foregoing appropriation item 200426, Ohio Educational 116334
Computer Network, up to \$10,000,000 in each fiscal year shall be 116335
used by the Department of Education to support connection of all 116336
public school buildings and participating chartered nonpublic 116337
schools to the state's education network, to each other, and to 116338
the Internet. In each fiscal year the Department of Education 116339
shall use these funds to assist information technology centers or 116340
school districts with the operational costs associated with this 116341
connectivity. The Department of Education shall develop a formula 116342
and guidelines for the distribution of these funds to information 116343
technology centers or individual school districts. As used in this 116344
section, "public school building" means a school building of any 116345
city, local, exempted village, or joint vocational school 116346
district, any community school established under Chapter 3314. of 116347
the Revised Code, any college preparatory boarding school 116348
established under Chapter 3328. of the Revised Code, any STEM 116349
school established under Chapter 3326. of the Revised Code, any 116350
educational service center building used for instructional 116351
purposes, the Ohio School for the Deaf and the Ohio School for the 116352
Blind, high schools chartered by the Ohio Department of Youth 116353
Services, or high schools operated by Ohio Department of 116354
Rehabilitation and Corrections' Ohio Central School System. 116355

Of the foregoing appropriation item 200426, Ohio Educational 116356
Computer Network, up to \$5,000,000 in each fiscal year shall be 116357

used, through a formula and guidelines devised by the Department, 116358
to subsidize the activities of designated information technology 116359
centers, as defined by State Board of Education rules, to provide 116360
school districts and chartered nonpublic schools with 116361
computer-based student and teacher instructional and 116362
administrative information services, including approved 116363
computerized financial accounting, and to ensure the effective 116364
operation of local automated administrative and instructional 116365
systems. 116366

The remainder of appropriation item 200426, Ohio Educational 116367
Computer Network, shall be used to support the work of the 116368
development, maintenance, and operation of a network of uniform 116369
and compatible computer-based information and instructional 116370
systems as well as the teacher student linkage/roster verification 116371
process and the eTranscript/student records exchange initiative. 116372
This technical assistance shall include, but not be restricted to, 116373
development and maintenance of adequate computer software systems 116374
to support network activities. In order to improve the efficiency 116375
of network activities, the Department and information technology 116376
centers may jointly purchase equipment, materials, and services 116377
from funds provided under this appropriation for use by the 116378
network and, when considered practical by the Department, may 116379
utilize the services of appropriate state purchasing agencies. 116380

Section 263.80. ACADEMIC STANDARDS 116381

The foregoing appropriation item 200427, Academic Standards, 116382
shall be used by the Department of Education to develop and 116383
communicate to school districts academic content standards and 116384
curriculum models and to develop professional development programs 116385
and other tools on the new content standards and model curriculum. 116386

Section 263.90. STUDENT ASSESSMENT 116387

Of the foregoing appropriation item 200437, Student 116388
Assessment, up to \$1,206,000 in fiscal year 2016 and up to 116389
\$2,760,000 in fiscal year 2017 may be used to support the 116390
assessments required under section 3301.0715 of the Revised Code. 116391

The remainder of appropriation item 200437, Student 116392
Assessment, shall be used to develop, field test, print, 116393
distribute, score, report results, and support other associated 116394
costs for the tests required under sections 3301.0710, 3301.0711, 116395
and 3301.0712 of the Revised Code and for similar purposes as 116396
required by section 3301.27 of the Revised Code. The funds may 116397
also be used to update and develop diagnostic assessments required 116398
under sections 3301.079, 3301.0715, and 3313.608 of the Revised 116399
Code. 116400

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 116401
ASSESSMENT 116402

In fiscal year 2016 and fiscal year 2017, if the 116403
Superintendent of Public Instruction determines that additional 116404
funds are needed to fully fund the requirements of sections 116405
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 116406
and this act for assessments of student performance, the 116407
Superintendent of Public Instruction may recommend the 116408
reallocation of unexpended and unencumbered General Revenue Fund 116409
appropriations within the Department of Education to appropriation 116410
item 200437, Student Assessment, to the Director of Budget and 116411
Management. If the Director of Budget and Management determines 116412
that such a reallocation is required, the Director of Budget and 116413
Management may transfer unexpended and unencumbered appropriations 116414
within the Department of Education as necessary to appropriation 116415
item 200437, Student Assessment. If these transferred 116416
appropriations are not sufficient to fully fund the assessment 116417
requirements in fiscal year 2016 or fiscal year 2017, the 116418
Superintendent of Public Instruction may request that the 116419

Controlling Board transfer up to \$9,000,000 cash from the Lottery 116420
Profits Education Reserve Fund (Fund 7018) to the General Revenue 116421
Fund. Upon approval of the Controlling Board, the Director of 116422
Budget and Management shall transfer the cash. These transferred 116423
funds are hereby appropriated for the same purpose as 116424
appropriation item 200437, Student Assessment. 116425

Section 263.100. ACCOUNTABILITY/REPORT CARDS 116426

Of the foregoing appropriation item 200439, 116427
Accountability/Report Cards, a portion in each fiscal year may be 116428
used to train district and regional specialists and district 116429
educators in the use of the value-added progress dimension and in 116430
the use of data as it relates to improving student achievement. 116431
This training may include teacher and administrator professional 116432
development in the use of data to improve instruction and student 116433
learning, and teacher and administrator training in understanding 116434
teacher value-added reports and how they can be used as a 116435
component in measuring teacher and administrator effectiveness. A 116436
portion of this funding may be provided to a credible nonprofit 116437
organization with expertise in value-added progress dimensions. 116438

The remainder of appropriation item 200439, 116439
Accountability/Report Cards, shall be used by the Department to 116440
incorporate a statewide value-added progress dimension into 116441
performance ratings for school districts and for the development 116442
of an accountability system that includes the preparation and 116443
distribution of school report cards, funding and expenditure 116444
accountability reports under sections 3302.03 and 3302.031 of the 116445
Revised Code, the development and maintenance of teacher 116446
value-added reports, the teacher student linkage/roster 116447
verification process, and the performance management section of 116448
the Department's web site required by section 3302.26 of the 116449
Revised Code. 116450

CHILD CARE LICENSING 116451

The foregoing appropriation item 200442, Child Care 116452
Licensing, shall be used by the Department of Education to license 116453
and to inspect preschool and school-age child care programs under 116454
sections 3301.52 to 3301.59 of the Revised Code. 116455

Section 263.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 116456

The foregoing appropriation item 200446, Education Management 116457
Information System, shall be used by the Department of Education 116458
to improve the Education Management Information System (EMIS). 116459

Of the foregoing appropriation item 200446, Education 116460
Management Information System, up to \$725,000 in each fiscal year 116461
shall be distributed to designated information technology centers 116462
for costs relating to processing, storing, and transferring data 116463
for the effective operation of the EMIS. These costs may include, 116464
but are not limited to, personnel, hardware, software development, 116465
communications connectivity, professional development, and support 116466
services, and to provide services to participate in the State 116467
Education Technology Plan developed under section 3353.09 of the 116468
Revised Code. 116469

The remainder of appropriation item 200446, Education 116470
Management Information System, shall be used to develop and 116471
support the data definitions and standards adopted by the 116472
Education Management Information System Advisory Board, including 116473
the ongoing development and maintenance of the data dictionary and 116474
data warehouse. In addition, such funds shall be used to support 116475
the development and implementation of data standards; the design, 116476
development, and implementation of a new data exchange system; and 116477
responsibilities related to the school report cards prescribed by 116478
section 3302.03 of the Revised Code and value-added progress 116479
dimension calculations. 116480

Any provider of software meeting the standards approved by 116481
the Education Management Information System Advisory Board shall 116482
be designated as an approved vendor and may enter into contracts 116483
with local school districts, community schools, STEMS schools, 116484
information technology centers, or other educational entities for 116485
the purpose of collecting and managing data required under Ohio's 116486
education management information system (EMIS) laws. On an annual 116487
basis, the Department of Education shall convene an advisory group 116488
of school districts, community schools, and other 116489
education-related entities to review the Education Management 116490
Information System data definitions and data format standards. The 116491
advisory group shall recommend changes and enhancements based upon 116492
surveys of its members, education agencies in other states, and 116493
current industry practices, to reflect best practices, align with 116494
federal initiatives, and meet the needs of school districts. 116495

School districts, STEM schools, and community schools not 116496
implementing a uniform set of data definitions and data format 116497
standards for Education Management Information System purposes 116498
shall have all EMIS funding withheld until they are in compliance. 116499

Section 263.120. GED TESTING 116500

The foregoing appropriation item 200447, GED Testing, shall 116501
be used to provide General Educational Development (GED) testing 116502
under rules adopted by the State Board of Education and provide 116503
support to GED testing sites. 116504

Section 263.130. EDUCATOR PREPARATION 116505

Of the foregoing appropriation item 200448, Educator 116506
Preparation, up to \$500,000 in each fiscal year may be used by the 116507
Department of Education to monitor and support Ohio's State System 116508
of Support in accordance with the "No Child Left Behind Act of 116509
2011," 20 U.S.C. 6317, as administered pursuant to the Elementary 116510

and Secondary Education Act flexibility waivers approved for Ohio 116511
by the United States Department of Education. 116512

Of the foregoing appropriation item 200448, Educator 116513
Preparation, up to \$100,000 in each fiscal year may be used by the 116514
Department to support the Educator Standards Board under section 116515
3319.61 of the Revised Code and reforms under sections 3302.042, 116516
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 116517
3319.58 of the Revised Code. 116518

Of the foregoing appropriation item 200448, Educator 116519
Preparation, \$125,000 in each fiscal year shall be used for the 116520
Ohio Appalachian Teaching Fellowship. The State Superintendent of 116521
Public Instruction shall select a nonprofit education organization 116522
with diverse experience in teacher, leader, and system development 116523
in school districts across the country, including experience 116524
working with schools in the Appalachian region to lead and manage 116525
the fellowship. The fellowship shall provide funding to assist 116526
with the costs of college tuition, instructional materials, and 116527
fees for exceptional students who want to teach in the Appalachian 116528
region of Ohio following college graduation. Fellows shall be 116529
selected during their senior year of high school. The nonprofit 116530
organization shall provide enrichment activities to supplement the 116531
fellows' educational experiences to prepare the future teachers 116532
for the unique challenges of teaching in the Appalachian region. 116533
Students who participate in the fellowship shall agree to teach in 116534
the Appalachian region of Ohio for at least four years following 116535
college graduation. 116536

The remainder of the foregoing appropriation item 200448, 116537
Educator Preparation, may be used for implementation of teacher 116538
and principal evaluation systems, including incorporation of 116539
student growth as a metric in those systems, and teacher 116540
value-added reports. 116541

Section 263.140. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 116542

The foregoing appropriation item 200455, Community Schools 116543
and Choice Programs, may be used by the Department of Education 116544
for operation of the school choice programs. 116545

Of the foregoing appropriation item 200455, Community Schools 116546
and Choice Programs, a portion in each fiscal year may be used by 116547
the Department of Education for developing and conducting training 116548
sessions for community schools and sponsors and prospective 116549
sponsors of community schools as prescribed in division (A)(1) of 116550
section 3314.015 of the Revised Code, and other schools 116551
participating in school choice programs. 116552

STEM INITIATIVES 116553

An amount equal to the unexpended, unencumbered balances of 116554
the GRF appropriations for the Department of Education at the end 116555
of fiscal year 2015, but not to exceed \$600,000, is hereby 116556
reappropriated to appropriation item 200457, STEM Initiatives, for 116557
fiscal year 2016 for the Department of Education to provide STEM 116558
schools with matching funds for industry workforce development 116559
initiatives. 116560

If the unexpended, unencumbered balances reappropriated above 116561
are less than \$600,000, the Superintendent of Public Instruction 116562
shall identify outstanding GRF encumbrances of the Department for 116563
fiscal year 2015 and prior fiscal years that are no longer needed 116564
to support the obligations of the Department. On July 1, 2015, or 116565
as soon as possible thereafter, the Superintendent shall certify 116566
the identified encumbrances to the Director of Budget and 116567
Management. Upon receipt of the certification, the Director of 116568
Budget and Management shall cancel identified encumbrances in an 116569
amount up to the difference between \$600,000 and the amount 116570
reappropriated above. The amount of canceled encumbrances is 116571
hereby appropriated to appropriation item 200457, STEM 116572

Initiatives, for fiscal year 2016 for the Department of Education 116573
to provide STEM schools with matching funds for industry workforce 116574
development initiatives. 116575

Of the foregoing appropriation item 200457, STEM Initiatives, 116576
\$150,000 in fiscal year 2016 shall be distributed to the Lake 116577
County Educational Service Center for a pilot project that 116578
supports innovative STEM initiatives for middle school students in 116579
Geauga and Lake counties affiliated with the Alliance for Working 116580
Together. These initiatives shall provide middle school students 116581
with early access to programming, engineering design, and 116582
problem-solving skills, the goal of which is to build a strong 116583
regional pipeline of future manufacturing workers who can fill 116584
high-paying, sustainable positions in the automated manufacturing 116585
industry. Not later than July 31, 2016, the Lake County 116586
Educational Service Center shall submit a report that describes 116587
the progress of the pilot project, including the number of 116588
students participating, to the standing committees of the House of 116589
Representatives and the Senate that are primarily responsible for 116590
considering economic development issues. 116591

Section 263.150. EDUCATION TECHNOLOGY RESOURCES 116592

Of the foregoing appropriation item 200465, Education 116593
Technology Resources, up to \$1,443,572 in each fiscal year shall 116594
be used for the Union Catalog and InfoOhio Network and to support 116595
the provision of electronic resources with priority given to 116596
resources that support the teaching of state academic content 116597
standards in all public schools. Consideration shall be given by 116598
the Department of Education to coordinating the allocation of 116599
these moneys with the efforts of Libraries Connect Ohio, whose 116600
members include OhioLINK, the Ohio Public Information Network, and 116601
the State Library of Ohio. 116602

Of the foregoing appropriation item 200465, Education 116603

Technology Resources, up to \$1,027,176 in each fiscal year shall 116604
be used by the Department of Education to provide grants to 116605
educational television stations working with partner education 116606
technology centers to provide Ohio public schools with 116607
instructional resources and services, with priority given to 116608
resources and services aligned with state academic content 116609
standards. Such resources and services shall be based upon the 116610
advice and approval of the Department, based on a formula 116611
developed in consultation with Ohio's educational television 116612
stations and educational technology centers. 116613

The remainder of the foregoing appropriation item 200465, 116614
Education Technology Resources, may be used to support the 116615
training, technical support, and guidance to school districts and 116616
public libraries in applying for federal E-Rate funds; for 116617
oversight and guidance of school district technology plans; and 116618
for support to district technology personnel. Funds may also be 116619
used to support the eTranscript/student records exchange 116620
initiative between the Department of Education and the Department 116621
of Higher Education and the internet safety training for students, 116622
teachers, and administrators required under the "Protecting 116623
Children in the 21st Century Act," Pub. L. No. 110-385, 122 Stat. 116624
4096 (2008). 116625

Section 263.160. PUPIL TRANSPORTATION 116626

Of the foregoing appropriation item 200502, Pupil 116627
Transportation, up to \$838,930 in each fiscal year may be used by 116628
the Department of Education for training prospective and 116629
experienced school bus drivers in accordance with training 116630
programs prescribed by the Department. 116631

Of the foregoing appropriation item 200502, Pupil 116632
Transportation, up to \$60,469,220 in each fiscal year may be used 116633
by the Department of Education for special education 116634

transportation reimbursements to school districts and county DD 116635
boards for transportation operating costs as provided in divisions 116636
(C) and (F) of section 3317.024 of the Revised Code. 116637

Of the foregoing appropriation item 200502, Pupil 116638
Transportation, up to \$2,500,000 in each fiscal year may be used 116639
by the Department of Education to reimburse school districts that 116640
make payments to parents in lieu of transportation under section 116641
3327.02 of the Revised Code and whose transportation is not funded 116642
under division (C) of section 3317.024 of the Revised Code. If the 116643
parent, guardian, or other person in charge of a pupil accepts the 116644
offer of payment in lieu of providing transportation, the school 116645
district shall pay that parent, guardian, or other person an 116646
amount that shall be not less than \$250 and not more than the 116647
amount determined by the Department as the average cost of pupil 116648
transportation for the previous school year. Payment may be 116649
prorated if the time period involved is only a part of the school 116650
year. 116651

The remainder of the foregoing appropriation item 200502, 116652
Pupil Transportation, shall be used to distribute the amounts 116653
calculated for transportation aid under divisions (E), (F), and 116654
(G) of section 3317.0212 of the Revised Code, as amended by this 116655
act. 116656

Section 263.170. SCHOOL LUNCH MATCH 116657

The foregoing appropriation item 200505, School Lunch Match, 116658
shall be used to provide matching funds to obtain federal funds 116659
for the school lunch program. 116660

Any remaining appropriation after providing matching funds 116661
for the school lunch program may be used to partially reimburse 116662
school buildings within school districts that are required to have 116663
a school breakfast program under section 3313.813 of the Revised 116664
Code, at a rate decided by the Department. 116665

Section 263.180. AUXILIARY SERVICES 116666

The foregoing appropriation item 200511, Auxiliary Services, 116667
shall be used by the Department of Education for the purpose of 116668
implementing section 3317.06 of the Revised Code. Of the 116669
appropriation, up to \$2,600,000 in each fiscal year may be used 116670
for payment of the College Credit Plus Program for nonpublic 116671
secondary school participants. The Department shall distribute 116672
funding according to rule 3333-1-65.8 of the Administrative Code, 116673
adopted by the Department of Higher Education pursuant to division 116674
(A) of section 3365.071 of the Revised Code. 116675

Section 263.190. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 116676

The foregoing appropriation item 200532, Nonpublic 116677
Administrative Cost Reimbursement, shall be used by the Department 116678
of Education for the purpose of implementing section 3317.063 of 116679
the Revised Code. If the appropriation is sufficient, 116680
reimbursement payments to a nonpublic school may total up to four 116681
hundred twenty dollars per student for each school year, 116682
notwithstanding the restriction in section 3317.063 of the Revised 116683
Code. 116684

Section 263.200. SPECIAL EDUCATION ENHANCEMENTS 116685

Of the foregoing appropriation item 200540, Special Education 116686
Enhancements, up to \$50,000,000 in each fiscal year shall be used 116687
to fund special education and related services at county boards of 116688
developmental disabilities for eligible students under section 116689
3317.20 of the Revised Code and at institutions for eligible 116690
students under section 3317.201 of the Revised Code. If necessary, 116691
the Department shall proportionately reduce the amount calculated 116692
for each county board of developmental disabilities and 116693
institution so as not to exceed the amount appropriated in each 116694
fiscal year. 116695

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$1,333,468 in each fiscal year shall be used for parent mentoring programs.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$2,537,824 in each fiscal year may be used for school psychology interns.

Of the foregoing appropriation item 200540, Special Education Enhancements, the Department of Education shall transfer \$2,500,000 in each fiscal year to the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used by the Opportunities for Ohioans with Disabilities Agency as state matching funds to draw down available federal funding for vocational rehabilitation services. Total project funding shall be used to hire dedicated vocational rehabilitation counselors who shall work directly with school districts to provide transition services for students with disabilities. Services shall include vocational rehabilitation services such as person-centered career planning, summer work experiences, job placement, and retention services for mutually eligible students with disabilities.

The Superintendent of Public Instruction and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement that shall specify the responsibilities of each agency under the program. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for all nondelegable functions, including eligibility and order of selection determination, individualized plan for employment (IPE) approval, IPE amendments, case closure, and release of vendor payments.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$2,500,000 in each fiscal year shall be used

by the Department of Education to build capacity to deliver a 116728
regional system of training, support, coordination, and direct 116729
service for secondary transition services for students with 116730
disabilities beginning at fourteen years of age. These special 116731
education enhancements shall support all students with 116732
disabilities, regardless of partner agency eligibility 116733
requirements, to provide stand-alone direct secondary transition 116734
services by school districts. Secondary transition services shall 116735
include, but not be limited to, job exploration counseling, 116736
work-based learning experiences, counseling on opportunities for 116737
enrollment in comprehensive transition or post-secondary 116738
educational programs at institutions of higher education, 116739
workplace readiness training to develop occupational skills, 116740
social skills and independent living skills, and instruction in 116741
self-advocacy. Regional training shall support the expansion of 116742
transition to work endorsement opportunities for middle school and 116743
secondary level special education intervention specialists in 116744
order to develop the necessary skills and competencies to meet the 116745
secondary transition needs of students with disabilities beginning 116746
at fourteen years of age. 116747

The remainder of appropriation item 200540, Special Education 116748
Enhancements, shall be distributed by the Department of Education 116749
to school districts and institutions, as defined in section 116750
3323.091 of the Revised Code, for preschool special education 116751
funding under section 3317.0213 of the Revised Code. 116752

The Department may reimburse school districts and 116753
institutions for services provided by instructional assistants, 116754
related services as defined in rule 3301-51-11 of the 116755
Administrative Code, physical therapy services provided by a 116756
licensed physical therapist or physical therapist assistant under 116757
the supervision of a licensed physical therapist as required under 116758
Chapter 4755. of the Revised Code and Chapter 4755-27 of the 116759

Administrative Code and occupational therapy services provided by 116760
a licensed occupational therapist or occupational therapy 116761
assistant under the supervision of a licensed occupational 116762
therapist as required under Chapter 4755. of the Revised Code and 116763
Chapter 4755-7 of the Administrative Code. Nothing in this section 116764
authorizes occupational therapy assistants or physical therapist 116765
assistants to generate or manage their own caseloads. 116766

The Department of Education shall require school districts, 116767
educational service centers, county DD boards, and institutions 116768
serving preschool children with disabilities to adhere to Ohio's 116769
early learning program standards, participate in the Step Up to 116770
Quality program established pursuant to section 5104.29 of the 116771
Revised Code, and document child progress using research-based 116772
indicators prescribed by the Department and report results 116773
annually. The reporting dates and method shall be determined by 116774
the Department. Effective July 1, 2018, all programs shall be 116775
rated through the Step Up to Quality program. 116776

Section 263.210. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 116777

Of the foregoing appropriation item 200545, Career-Technical 116778
Education Enhancements, up to \$1,008,000 in each fiscal year shall 116779
be used to fund the Ohio Career Counseling Pilot Program. The 116780
program shall utilize Career-Technical Planning Districts to 116781
deliver comprehensive career counseling services to students in 116782
grades seven through twelve. 116783

(A) Participating institutions shall provide the following 116784
services: 116785

(1) Connect students in grades seven through twelve to career 116786
mentors from local civic and business organizations for the 116787
purpose of exploring career options and workforce skills necessary 116788
for success; 116789

(2) Provide students in grades nine through twelve with opportunities for experiential learning through community-based businesses and civic partnerships; 116790
116791
116792

(3) Provide students in grades seven through twelve with career pathways that feature academic coursework integrated into career-technical training, including introduction to these pathways for students in grades seven and eight; 116793
116794
116795
116796

(4) Offer career-focused counseling for students that include all of the following components: 116797
116798

(a) Earning college credit through the College Credit Plus Program; 116799
116800

(b) Planning for a post-secondary education; 116801

(c) Earning an industry-recognized credential or state-issued license; 116802
116803

(d) Participating in experiential learning; 116804

(e) Using the OhioMeansJobs web site; and 116805

(f) Participating in the Career Connections initiative developed by the Department of Education. 116806
116807

(B) Participating institutions shall establish participation and outcome goals for each of the activities as defined in division (A)(4) of this section. Each participating institution shall report results for each goal and provide recommendations to improve services to the Department of Education not later than sixty days after the end of the fiscal year. The Department shall compile all results and recommendations and provide a report to the Governor and General Assembly not later than October 31 following the end of each fiscal year. 116808
116809
116810
116811
116812
116813
116814
116815
116816

(C) Participating institutions shall receive the following funding in each fiscal year for the Ohio Career Counseling Pilot Program: Butler Tech Joint Vocational School District, \$393,000; 116817
116818
116819

Four County Joint Vocational School District, \$164,000; Pioneer 116820
Career and Technology Center, \$141,000; South-Western City School 116821
District, \$110,000; Gallia-Jackson-Vinton Joint Vocational School 116822
District, \$85,000; Four Cities Educational Compact, \$65,000; and 116823
Madison Local School District in Richland County, \$50,000. 116824

(D) The Department of Education shall distribute funds to 116825
participating institutions not later than August fifteenth of each 116826
fiscal year. 116827

(E) Professional development and outreach for school 116828
counselors under this section shall include how to effectively use 116829
training and informational resources on the OhioMeansJobs K-12 web 116830
site and shall be done in consultation with the Chancellor of 116831
Higher Education to ensure alignment with efforts to improve the 116832
preparation of school counselors on effective career counseling 116833
methods. 116834

Of the foregoing appropriation item 200545, Career-Technical 116835
Education Enhancements, up to \$2,563,568 in each fiscal year shall 116836
be used to fund secondary career-technical education at 116837
institutions, the Ohio School for the Deaf, and the Ohio State 116838
School for the Blind using a grant-based methodology, 116839
notwithstanding section 3317.05 of the Revised Code. 116840

Of the foregoing appropriation item 200545, Career-Technical 116841
Education Enhancements, up to \$2,837,800 in each fiscal year shall 116842
be used by the Department of Education to fund competitive grants 116843
to tech prep consortia that expand the number of students enrolled 116844
in tech prep programs. These grant funds shall be used to directly 116845
support expanded tech prep programs provided to students enrolled 116846
in school districts, including joint vocational school districts, 116847
and affiliated higher education institutions. This support may 116848
include the purchase of equipment. 116849

Of the foregoing appropriation item 200545, Career-Technical 116850

Education Enhancements, up to \$3,100,850 in each fiscal year shall 116851
be used by the Department of Education to support existing High 116852
Schools That Work (HSTW) sites, develop and support new sites, 116853
fund technical assistance, and support regional centers and middle 116854
school programs. The purpose of HSTW is to combine challenging 116855
academic courses and modern career-technical studies to raise the 116856
academic achievement of students. HSTW provides intensive 116857
technical assistance, focused staff development, targeted 116858
assessment services, and ongoing communications and networking 116859
opportunities. 116860

Of the foregoing appropriation item 200545, Career-Technical 116861
Education Enhancements, up to \$600,000 in each fiscal year shall 116862
be used by the Department of Education to enable students in 116863
agricultural programs to enroll in a fifth quarter of instruction 116864
based on the agricultural education model of delivering work-based 116865
learning through supervised agricultural experience. The 116866
Department of Education shall determine eligibility criteria and 116867
the reporting process for the Agriculture 5th Quarter Project and 116868
shall fund as many programs as possible given the set aside. The 116869
eligibility criteria developed by the Department shall allow these 116870
funds to support supervised agricultural experience that occurs 116871
anytime outside of the regular school day. 116872

Of the foregoing appropriation item 200545, Career-Technical 116873
Education Enhancements, up to \$162,200 in each fiscal year shall 116874
be distributed to the Cleveland Municipal School District and the 116875
Cincinnati City School District to be used for a VoAg Program in 116876
one at-risk nonvocational school in each district. The amount 116877
distributed to the Cleveland Municipal School District shall be 116878
equal to \$78,600 minus the funding allocated to the district under 116879
division (A)(8) of section 3317.022 of the Revised Code for the 116880
students participating in the program. The amount distributed to 116881
the Cincinnati City School District shall be equal to \$83,600 116882

minus the funding allocated to the district under division (A)(8) 116883
of section 3317.022 of the Revised Code for the students 116884
participating in the program. 116885

Of the foregoing appropriation item 200545, Career-Technical 116886
Education Enhancements, up to \$525,000 in fiscal year 2016 and up 116887
to \$550,000 in fiscal year 2017 may be used to support career 116888
planning and reporting through the Ohio Means Jobs web site. 116889

Of the foregoing appropriation item 200545, Career-Technical 116890
Education Enhancements, up to \$1,000,000 in each fiscal year shall 116891
be used to support payments to city, local, and exempted village 116892
school districts, community schools, STEM schools, and joint 116893
vocational school districts whose students earn an 116894
industry-recognized credential or receive a journeyman 116895
certification recognized by the United States Department of Labor. 116896
The educating entity shall be required to inform students enrolled 116897
in career-technical education courses that lead to an 116898
industry-recognized credential about the opportunity to earn these 116899
credentials. The Ohio Department of Education shall work with the 116900
Department of Higher Education and the Governor's Office of 116901
Workforce Transformation to develop a schedule for reimbursement 116902
based on the Department of Education's list of industry-recognized 116903
credentials, the time it takes to earn the credential, and the 116904
cost to obtain the credential. The educating entity shall pay for 116905
the cost of the credential for an economically disadvantaged 116906
student and may claim and receive reimbursement. The educating 116907
entity may claim reimbursement based on the Department's 116908
reimbursement schedule up to six months after the student has 116909
graduated from high school. If the amount appropriated is not 116910
sufficient, the Department shall prorate the amounts so that the 116911
aggregate amount appropriated is not exceeded. 116912

Of the foregoing appropriation item 200545, Career-Technical 116913
Education Enhancements, \$125,000 in each fiscal year shall be used 116914

to prepare students for careers in culinary arts and restaurant 116915
management under the Ohio ProStart school restaurant program. 116916

Section 263.220. FOUNDATION FUNDING 116917

Of the foregoing appropriation item 200550, Foundation 116918
Funding, up to \$40,000,000 in each fiscal year shall be used to 116919
provide additional state aid to school districts, joint vocational 116920
school districts, community schools, and STEM schools for special 116921
education students under division (C)(3) of section 3314.08, 116922
section 3317.0214, division (B) of section 3317.16, and section 116923
3326.34 of the Revised Code, except that the Controlling Board may 116924
increase these amounts if presented with such a request from the 116925
Department of Education at the final meeting of the fiscal year. 116926

Of the foregoing appropriation item 200550, Foundation 116927
Funding, up to \$3,800,000 in each fiscal year shall be used to 116928
fund gifted education at educational service centers. The 116929
Department shall distribute the funding through the unit-based 116930
funding methodology in place under division (L) of section 116931
3317.024, division (E) of section 3317.05, and divisions (A), (B), 116932
and (C) of section 3317.053 of the Revised Code as they existed 116933
prior to fiscal year 2010. 116934

Of the foregoing appropriation item 200550, Foundation 116935
Funding, up to \$37,950,000 in fiscal year 2016 and up to 116936
\$41,400,000 in fiscal year 2017 shall be reserved to fund the 116937
state reimbursement of educational service centers under the 116938
section of this act entitled "EDUCATIONAL SERVICE CENTERS 116939
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 116940
distributed to educational service centers for School Improvement 116941
Initiatives and for the provision of technical assistance as 116942
required by the Elementary and Secondary Education Act Flexibility 116943
waivers approved for Ohio by the United States Department of 116944
Education. Educational service centers shall be required to 116945

support districts in the development and implementation of their 116946
continuous improvement plans as required in section 3302.04 of the 116947
Revised Code and to provide technical assistance and support in 116948
accordance with Title I of the "No Child Left Behind Act of 2001," 116949
115 Stat. 1425, 20 U.S.C. 6317, as administered pursuant to the 116950
Elementary and Secondary Education Act Flexibility waivers 116951
approved for Ohio by the United States Department of Education. 116952

Of the foregoing appropriation item 200550, Foundation 116953
Funding, up to \$20,000,000 in each fiscal year shall be reserved 116954
for payments under sections 3317.026, 3317.027, and 3317.028 of 116955
the Revised Code. If this amount is not sufficient, the Department 116956
of Education shall prorate the payment amounts so that the 116957
aggregate amount allocated in this paragraph is not exceeded. 116958

Of the foregoing appropriation item 200550, Foundation 116959
Funding, up to \$1,000,000 in each fiscal year shall be used to pay 116960
career-technical planning districts for the amounts reimbursed to 116961
students, as prescribed in this paragraph. Each career-technical 116962
planning district shall reimburse individuals taking the online 116963
General Educational Development (GED) test for the first time for 116964
application/test fees in excess of \$40. Each career-technical 116965
planning district shall designate a site or sites where 116966
individuals may register and take the exam. For each individual 116967
that registers for the exam, the career-technical planning 116968
district shall make available and offer career counseling 116969
services, including information on adult education programs that 116970
are available. Any remaining funds in each fiscal year shall be 116971
reimbursed to the Department of Youth Services and the Department 116972
of Rehabilitation and Correction for individuals in these 116973
facilities who have taken the GED for the first time. The amounts 116974
reimbursed shall not exceed the per-individual amounts reimbursed 116975
to other individuals under this section for each section of the 116976
GED. 116977

Of the foregoing appropriation item 200550, Foundation 116978
Funding, up to \$29,900,000 in fiscal year 2016 and up to 116979
\$38,000,000 in fiscal year 2017 shall be used to support school 116980
choice programs. 116981

Of the portion of the funds distributed to the Cleveland 116982
Municipal School District under this section, up to \$11,901,887 in 116983
each fiscal year shall be used to operate the school choice 116984
program in the Cleveland Municipal School District under sections 116985
3313.974 to 3313.979 of the Revised Code. Notwithstanding 116986
divisions (B) and (C) of section 3313.978 and division (C) of 116987
section 3313.979 of the Revised Code, up to \$1,000,000 in each 116988
fiscal year of this amount shall be used by the Cleveland 116989
Municipal School District to provide tutorial assistance as 116990
provided in division (H) of section 3313.974 of the Revised Code. 116991
The Cleveland Municipal School District shall report the use of 116992
these funds in the district's three-year continuous improvement 116993
plan as described in section 3302.04 of the Revised Code in a 116994
manner approved by the Department of Education. 116995

Of the foregoing appropriation item 200550, Foundation 116996
Funding, up to \$500,000 in each fiscal year may be used for 116997
payment of the College Credit Plus Program for students instructed 116998
at home pursuant to section 3321.04 of the Revised Code. 116999

Of the foregoing appropriation item 200550, Foundation 117000
Funding, an amount shall be available in each fiscal year to be 117001
paid to joint vocational school districts in accordance with 117002
division (A) of section 3317.16 of the Revised Code, section 117003
3317.26 of the Revised Code, and the section of this act entitled 117004
"TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 117005
DISTRICTS." 117006

Of the foregoing appropriation item 200550, Foundation 117007
Funding, up to \$700,000 in each fiscal year shall be used by the 117008
Department of Education for a program to pay for educational 117009

services for youth who have been assigned by a juvenile court or 117010
other authorized agency to any of the facilities described in 117011
division (A) of the section of this act entitled "PRIVATE 117012
TREATMENT FACILITY PROJECT." 117013

Of the foregoing appropriation item 200550, Foundation 117014
Funding, a portion may be used to pay college-preparatory boarding 117015
schools the per pupil boarding amount pursuant to section 3328.34 117016
of the Revised Code. 117017

Of the foregoing appropriation item 200550, Foundation 117018
Funding, up to \$2,000,000 in each fiscal year shall be used for 117019
the Bright New Leaders for Ohio Schools Program created and 117020
implemented by the nonprofit corporation incorporated pursuant to 117021
Section 733.40 of Am. Sub. H.B. 59 of the 130th General Assembly, 117022
to provide an alternative path for individuals to receive training 117023
and development in the administration of primary and secondary 117024
education and leadership, enable those individuals to earn degrees 117025
and obtain licenses in public school administration, and promote 117026
the placement of those individuals in public schools that have a 117027
poverty percentage greater than fifty per cent. 117028

Of the foregoing appropriation item 200550, Foundation 117029
Funding, \$750,000 in fiscal year 2016 shall be used as matching 117030
funds to support efforts by the Accelerate Great Schools 117031
public-private partnership to increase the number of 117032
high-performing schools in Cincinnati; to attract and develop 117033
excellent school leaders and teachers; and to engage families and 117034
communities in fostering educational improvement. 117035

Of the foregoing appropriation item 200550, Foundation 117036
Funding, \$200,000 in each fiscal year shall be used to support 117037
Bellefaire JCB's Social Advocates for Youth Program. 117038

Of the foregoing appropriation item 200550, Foundation 117039
Funding, \$150,000 in each fiscal year shall be used to support 117040

programming at the Cleveland Museum of Natural History. 117041

Of the foregoing appropriation item 200550, Foundation 117042
Funding, a portion in each fiscal year shall be used to pay 117043
community schools the amounts calculated for the graduation and 117044
third-grade reading bonuses under section 3314.085 and to pay STEM 117045
schools the amounts calculated for the graduation bonus under 117046
section 3326.41 of the Revised Code. 117047

Of the foregoing appropriation item 200550, Foundation 117048
Funding, up to \$930,000 in fiscal year 2016 and up to \$2,000,000 117049
in fiscal year 2017 may be used by the Department of Education for 117050
duties and activities related to the establishment of academic 117051
distress commissions under section 3302.10 of the Revised Code. A 117052
portion of the funds may be used as matching funds for any 117053
monetary contributions made by a school district for which an 117054
academic distress commission is established or by the district's 117055
local community to support innovative education programs or a 117056
high-quality school accelerator as provided for in section 3302.10 117057
of the Revised Code. 117058

The remainder of appropriation item 200550, Foundation 117059
Funding, shall be used to distribute the amounts calculated for 117060
formula aid under sections 3317.022 and 3317.26 of the Revised 117061
Code and the section of this act entitled "TEMPORARY TRANSITIONAL 117062
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 117063

Appropriation items 200502, Pupil Transportation, 200540, 117064
Special Education Enhancements, and 200550, Foundation Funding, 117065
other than specific set-asides, are collectively used in each 117066
fiscal year to pay state formula aid obligations for school 117067
districts, community schools, STEM schools, college preparatory 117068
boarding schools, and joint vocational school districts under this 117069
act. The first priority of these appropriation items, with the 117070
exception of specific set-asides, is to fund state formula aid 117071
obligations. It may be necessary to reallocate funds among these 117072

appropriation items or use excess funds from other general revenue 117073
fund appropriation items in the Department of Education's budget 117074
in each fiscal year in order to meet state formula aid 117075
obligations. If it is determined that it is necessary to transfer 117076
funds among these appropriation items or to transfer funds from 117077
other General Revenue Fund appropriations in the Department of 117078
Education's budget to meet state formula aid obligations, the 117079
Superintendent of Public Instruction shall seek approval from the 117080
Director of Budget and Management to transfer funds as needed. 117081

The Superintendent of Public Instruction shall make payments, 117082
transfers, and deductions, as authorized by Title XXXIII of the 117083
Revised Code in amounts substantially equal to those made in the 117084
prior year, or otherwise, at the discretion of the Superintendent, 117085
until at least the effective date of the amendments and enactments 117086
made to Title XXXIII by this act. Any funds paid to districts or 117087
schools under this section shall be credited toward the annual 117088
funds calculated for the district or school after the changes made 117089
to Title XXXIII in this act are effective. Upon the effective date 117090
of changes made to Title XXXIII in this act, funds shall be 117091
calculated as an annual amount. 117092

Section 263.230. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 117093
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 117094

(A) The Department of Education shall distribute funds within 117095
appropriation item 200550, Foundation Funding, for temporary 117096
transitional aid in each fiscal year to each qualifying city, 117097
local, and exempted village school district. 117098

(1) For fiscal years 2016 and 2017, the Department shall pay 117099
temporary transitional aid to each city, local, and exempted 117100
village school district that experiences any decrease in its 117101
foundation funding for the guarantee for the current fiscal year 117102
from its transitional aid guarantee base for the current fiscal 117103

year. The amount of the temporary transitional aid payment shall 117104
equal the district's transitional aid guarantee base minus the 117105
district's foundation funding for the guarantee. If the 117106
computation made under this division results in a negative number, 117107
the district's funding under this division shall be zero. 117108

(2) As used in this section, "foundation funding for the 117109
guarantee" for each city, local, and exempted village school 117110
district, for fiscal year 2016, equals the sum of the following 117111
amounts for that fiscal year: 117112

(a) The opportunity grant under division (A)(1) of section 117113
3317.022 of the Revised Code; 117114

(b) Targeted assistance funds under division (A)(2) of 117115
section 3317.022 of the Revised Code; 117116

(c) Additional state aid for special education and related 117117
services under division (A)(3) of section 3317.022 of the Revised 117118
Code; 117119

(d) Kindergarten through third grade literacy funds under 117120
division (A)(4) of section 3317.022 of the Revised Code; 117121

(e) Economically disadvantaged funds under division (A)(5) of 117122
section 3317.022 of the Revised Code; 117123

(f) Limited English proficiency funds under division (A)(6) 117124
of section 3317.022 of the Revised Code; 117125

(g) Gifted identification and unit funds under division 117126
(A)(7) of section 3317.022 of the Revised Code; 117127

(h) Career-technical education funds under division (A)(8) of 117128
section 3317.022 of the Revised Code; 117129

(i) Career-technical education associated services funds 117130
under division (A)(9) of section 3317.022 of the Revised Code; 117131

(j) Capacity aid funds under division (A)(10) of section 117132
3317.022 of the Revised Code; 117133

(k) The graduation bonus under division (A)(11) of section 3317.022 of the Revised Code;	117134 117135
(l) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;	117136 117137
(m) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	117138 117139
(n) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.	117140 117141
(3) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2017, equals the sum of the following amounts for that fiscal year:	117142 117143 117144 117145
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	117146 117147
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	117148 117149
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	117150 117151 117152
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	117153 117154
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	117155 117156
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	117157 117158
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	117159 117160
(h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	117161 117162

(i) The graduation bonus under division (A)(11) of section 3317.022 of the Revised Code;	117163 117164
(j) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;	117165 117166
(k) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	117167 117168
(l) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.	117169 117170
(4) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2016, equals the sum of the following amounts computed for the district for fiscal year 2015 after any reductions made for fiscal year 2015 under division (B)(2) of Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly:	117171 117172 117173 117174 117175 117176
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	117177 117178
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	117179 117180
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	117181 117182 117183
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	117184 117185
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	117186 117187
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	117188 117189
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	117190 117191

(h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code; 117192
117193

(i) Career-technical education associated services funds 117194
under division (A)(9) of section 3317.022 of the Revised Code; 117195

(j) Transportation funds under divisions (G)(1) and (2) of 117196
section 3317.0212 of the Revised Code, as that section existed at 117197
the time; 117198

(k) Temporary transitional aid under division (A) of Section 117199
263.240 of Am. Sub. H.B. 59 of the 130th General Assembly. 117200

(5) As used in this section, the "transitional aid guarantee 117201
base" for each city, local, and exempted village school district, 117202
for fiscal year 2017, equals the transitional aid guarantee base 117203
for fiscal year 2016 computed for the district pursuant to 117204
division (A)(4) of this section minus the sum of the following 117205
amounts for each district for fiscal year 2016 after any 117206
reductions made for fiscal year 2016 under division (B) of this 117207
section: 117208

(a) Career-technical education funds under division (A)(8) of 117209
section 3317.022 of the Revised Code; 117210

(b) Career-technical education associated services funds 117211
under division (A)(9) of section 3317.022 of the Revised Code. 117212

(6) The Department of Education shall adjust, as necessary, 117213
the transitional aid guarantee base of any local school district 117214
that participates in the establishment of a joint vocational 117215
school district that begins receiving payments under section 117216
3317.16 of the Revised Code, as amended by this act, for fiscal 117217
year 2016 or fiscal year 2017 but does not receive payments for 117218
the prior fiscal year. The Department shall adjust any such local 117219
school district's guarantee base according to the amounts received 117220
by the district in the prior fiscal year for career-technical 117221
education students who attend the newly established joint 117222

vocational school district. 117223

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 117224
as amended by this act, in fiscal years 2016 and 2017, no city, 117225
local, or exempted village school district shall be allocated 117226
foundation funding subject to the limitation for the current 117227
fiscal year that is greater than 1.075 times the district's 117228
limitation base for the current fiscal year. 117229

(2) As used in this section, "foundation funding subject to 117230
the limitation" for each city, local, and exempted village school 117231
district, for fiscal year 2016, equals the sum of the following 117232
amounts for that fiscal year: 117233

(a) The opportunity grant under division (A)(1) of section 117234
3317.022 of the Revised Code; 117235

(b) Targeted assistance funds under division (A)(2) of 117236
section 3317.022 of the Revised Code; 117237

(c) Additional state aid for special education and related 117238
services under division (A)(3) of section 3317.022 of the Revised 117239
Code; 117240

(d) Kindergarten through third grade literacy funds under 117241
division (A)(4) of section 3317.022 of the Revised Code; 117242

(e) Economically disadvantaged funds under division (A)(5) of 117243
section 3317.022 of the Revised Code; 117244

(f) Limited English proficiency funds under division (A)(6) 117245
of section 3317.022 of the Revised Code; 117246

(g) Gifted identification and unit funds under division 117247
(A)(7) of section 3317.022 of the Revised Code; 117248

(h) Career-technical education funds under division (A)(8) of 117249
section 3317.022 of the Revised Code; 117250

(i) Career-technical education associated services funds 117251
under division (A)(9) of section 3317.022 of the Revised Code; 117252

(j) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	117253 117254
(k) Temporary transitional aid under division (A) of this section.	117255 117256
(3) As used in this section, "foundation funding subject to the limitation" for each city, local, and exempted village school district, for fiscal year 2017, equals the sum of the following amounts for that fiscal year:	117257 117258 117259 117260
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	117261 117262
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	117263 117264
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	117265 117266 117267
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	117268 117269
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	117270 117271
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	117272 117273
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	117274 117275
(h) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	117276 117277
(i) Temporary transitional aid under division (A) of this section.	117278 117279
(4) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year	117280 117281

2016, equals the sum of the following amounts computed for the 117282
district for fiscal year 2015 after any reductions made for fiscal 117283
year 2015 under division (B)(2) of Section 263.240 of Am. Sub. 117284
H.B. 59 of the 130th General Assembly: 117285

(a) The opportunity grant under division (A)(1) of section 117286
3317.022 of the Revised Code; 117287

(b) Targeted assistance funds under division (A)(2) of 117288
section 3317.022 of the Revised Code; 117289

(c) Additional state aid for special education and related 117290
services under division (A)(3) of section 3317.022 of the Revised 117291
Code; 117292

(d) Kindergarten through third grade literacy funds under 117293
division (A)(4) of section 3317.022 of the Revised Code; 117294

(e) Economically disadvantaged funds under division (A)(5) of 117295
section 3317.022 of the Revised Code; 117296

(f) Limited English proficiency funds under division (A)(6) 117297
of section 3317.022 of the Revised Code; 117298

(g) Gifted identification and unit funds under division 117299
(A)(7) of section 3317.022 of the Revised Code; 117300

(h) Career-technical education funds under division (A)(8) of 117301
section 3317.022 of the Revised Code; 117302

(i) Career-technical education associated services funds 117303
under division (A)(9) of section 3317.022 of the Revised Code; 117304

(j) Transportation funds under divisions (G)(1) and (2) of 117305
section 3317.0212 of the Revised Code, as that section existed at 117306
the time; 117307

(k) Temporary transitional aid under division (A) of Section 117308
263.240 of Am. Sub. H.B. 59 of the 130th General Assembly. 117309

(5) As used in this section, the "limitation base" for each 117310

city, local, and exempted village school district, for fiscal year 117311
2017, equals the sum of the following amounts computed for the 117312
district for fiscal year 2016 after any reductions made for fiscal 117313
year 2016 under division (B) of this section: 117314

(a) The opportunity grant under division (A)(1) of section 117315
3317.022 of the Revised Code; 117316

(b) Targeted assistance funds under division (A)(2) of 117317
section 3317.022 of the Revised Code; 117318

(c) Additional state aid for special education and related 117319
services under division (A)(3) of section 3317.022 of the Revised 117320
Code; 117321

(d) Kindergarten through third grade literacy funds under 117322
division (A)(4) of section 3317.022 of the Revised Code; 117323

(e) Economically disadvantaged funds under division (A)(5) of 117324
section 3317.022 of the Revised Code; 117325

(f) Limited English proficiency funds under division (A)(6) 117326
of section 3317.022 of the Revised Code; 117327

(g) Gifted identification and unit funds under division 117328
(A)(7) of section 3317.022 of the Revised Code; 117329

(h) Transportation funds under divisions (E) and (F) of 117330
section 3317.0212 of the Revised Code; 117331

(i) Temporary transitional aid under division (A) of this 117332
section. 117333

(6) The Department of Education shall adjust, as necessary, 117334
the limitation base of any local school district that participates 117335
in the establishment of a joint vocational school district that 117336
begins receiving payments under section 3317.16 of the Revised 117337
Code, as amended by this act, for fiscal year 2016 or fiscal year 117338
2017 but does not receive such payments for the prior fiscal year. 117339
The Department shall adjust any such local school district's 117340

limitation base according to the amounts received by the district 117341
in the prior fiscal year for career-technical education students 117342
who attend the newly established joint vocational school district. 117343

(7) For fiscal year 2016, the Department shall reduce a 117344
district's payments under divisions (A)(1), (2), (4), (5), (6), 117345
and (7) of section 3317.022 of the Revised Code, as amended by 117346
this act, proportionately as necessary in order to comply with 117347
this division. If those amounts are insufficient, the Department 117348
shall proportionately reduce a district's payments under divisions 117349
(A)(3), (8), and (9) of section 3317.022 of the Revised Code, as 117350
amended by this act, and divisions (E) and (F) of section 117351
3317.0212 of the Revised Code, as amended by this act. 117352

(8) For fiscal year 2017, the Department shall reduce a 117353
district's payments under divisions (A)(1), (2), (4), (5), (6), 117354
and (7) of section 3317.022 of the Revised Code, as amended by 117355
this act, proportionately as necessary in order to comply with 117356
this division. If those amounts are insufficient, the Department 117357
shall proportionately reduce a district's payments under division 117358
(A)(3) of section 3317.022 of the Revised Code, as amended by this 117359
act, and divisions (E) and (F) of section 3317.0212 of the Revised 117360
Code, as amended by this act. 117361

Section 263.240. TEMPORARY TRANSITIONAL AID FOR JOINT 117362
VOCATIONAL SCHOOL DISTRICTS 117363

(A) The Department of Education shall distribute funds within 117364
appropriation item 200550, Foundation Funding, for temporary 117365
transitional aid in each fiscal year to each qualifying joint 117366
vocational school district. 117367

(1) For fiscal years 2016 and 2017, the Department shall pay 117368
temporary transitional aid to each joint vocational school 117369
district that experiences any decrease in its foundation funding 117370
for the guarantee for the current fiscal year from its 117371

transitional aid guarantee base for the current fiscal year. The 117372
amount of the temporary transitional aid payment shall equal the 117373
district's transitional aid guarantee base minus the district's 117374
foundation funding for the guarantee. If the computation made 117375
under this division results in a negative number, the district's 117376
funding under this division shall be zero. 117377

(2) As used in this section, "foundation funding for the 117378
guarantee" for each joint vocational school district, for fiscal 117379
year 2016, equals the sum of the following amounts for that fiscal 117380
year: 117381

(a) The opportunity grant under division (A)(1) of section 117382
3317.16 of the Revised Code; 117383

(b) Additional state aid for special education and related 117384
services under division (A)(2) of section 3317.16 of the Revised 117385
Code; 117386

(c) Economically disadvantaged funds under division (A)(3) of 117387
section 3317.16 of the Revised Code; 117388

(d) Limited English proficiency funds under division (A)(4) 117389
of section 3317.16 of the Revised Code; 117390

(e) Career-technical education funds under division (A)(5) of 117391
section 3317.16 of the Revised Code; 117392

(f) Career-technical education associated services funds 117393
under division (A)(6) of section 3317.16 of the Revised Code; 117394

(g) The graduation bonus under division (A)(7) of section 117395
3317.16 of the Revised Code. 117396

(3) As used in this section, "foundation funding for the 117397
guarantee" for each joint vocational school district, for fiscal 117398
year 2017, equals the sum of the following amounts for that fiscal 117399
year: 117400

(a) The opportunity grant under division (A)(1) of section 117401

3317.16 of the Revised Code;	117402
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	117403 117404 117405
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	117406 117407
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	117408 117409
(e) The graduation bonus under division (A)(7) of section 3317.16 of the Revised Code.	117410 117411
(4) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2016, equals the sum of the following amounts computed for the district for fiscal year 2015 after any reductions made for fiscal year 2015 under division (B)(2) of Section 263.250 of Am. Sub. H.B. 59 of the 130th General Assembly:	117412 117413 117414 117415 117416 117417
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	117418 117419
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	117420 117421 117422
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	117423 117424
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	117425 117426
(e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;	117427 117428
(f) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code;	117429 117430

(g) Temporary transitional aid under division (A) of Section 117431
263.250 of Am. Sub. H.B. 59 of the 130th General Assembly. 117432

(5) As used in this section, the "transitional aid guarantee 117433
base" for each joint vocational school district, for fiscal year 117434
2017, equals the transitional aid guarantee base for fiscal year 117435
2016 computed for the district pursuant to division (A)(4) of this 117436
section minus the sum of the following amounts for each district 117437
for fiscal year 2016 after any reductions made for fiscal year 117438
2016 under division (B) of this section: 117439

(a) Career-technical education funds under division (A)(5) of 117440
section 3317.16 of the Revised Code; 117441

(b) Career-technical education associated services funds 117442
under division (A)(6) of section 3317.16 of the Revised Code. 117443

(6) The Department of Education shall establish, as 117444
necessary, the transitional aid guarantee base of any joint 117445
vocational school district that begins receiving payments under 117446
section 3317.16 of the Revised Code, as amended by this act, for 117447
fiscal year 2016 or fiscal year 2017 but does not receive such 117448
payments for the prior fiscal year. The Department shall establish 117449
any such joint vocational school district's guarantee base as an 117450
amount equal to the absolute value of the sum of the associated 117451
adjustments of any local school district's guarantee bases under 117452
division (A)(6) of the section of this act entitled "TEMPORARY 117453
TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 117454
DISTRICTS." 117455

(B)(1) Notwithstanding division (A) of section 3317.16 of the 117456
Revised Code, as amended by this act, in fiscal years 2016 and 117457
2017, no joint vocational school district shall be allocated 117458
foundation funding subject to the limitation for the current 117459
fiscal year that is greater than 1.075 times the district's 117460
limitation base for the current fiscal year. 117461

(2) As used in this section, "foundation funding subject to the limitation" for each joint vocational school district, for fiscal year 2016, equals the sum of the following amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;

(e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;

(f) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code;

(g) Temporary transitional aid under division (A) of this section.

(3) As used in this section, "foundation funding subject to the limitation" for each joint vocational school district, for fiscal year 2017, equals the sum of the following amounts for that fiscal year:

(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;

(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;

(d) Limited English proficiency funds under division (A)(4)	117492
of section 3317.16 of the Revised Code;	117493
(e) Temporary transitional aid under division (A) of this	117494
section.	117495
(4) As used in this section, the "limitation base" for each	117496
joint vocational school district, for fiscal year 2016, equals the	117497
sum of the following amounts computed for the district for fiscal	117498
year 2015 after any reductions made for fiscal year 2015 under	117499
division (B)(2) of Section 263.250 of Am. Sub. H.B. 59 of the	117500
130th General Assembly:	117501
(a) The opportunity grant under division (A)(1) of section	117502
3317.16 of the Revised Code;	117503
(b) Additional state aid for special education and related	117504
services under division (A)(2) of section 3317.16 of the Revised	117505
Code;	117506
(c) Economically disadvantaged funds under division (A)(3) of	117507
section 3317.16 of the Revised Code;	117508
(d) Limited English proficiency funds under division (A)(4)	117509
of section 3317.16 of the Revised Code;	117510
(e) Career-technical education funds under division (A)(5) of	117511
section 3317.16 of the Revised Code;	117512
(f) Career-technical education associated services funds	117513
under division (A)(6) of section 3317.16 of the Revised Code;	117514
(g) Temporary transitional aid under division (A) of Section	117515
263.250 of Am. Sub. H.B. 59 of the 130th General Assembly.	117516
(5) As used in this section, the "limitation base" for each	117517
joint vocational school district, for fiscal year 2017, equals the	117518
sum of the following amounts computed for the district for fiscal	117519
year 2016 after any reductions made for fiscal year 2016 under	117520
division (B) of this section:	117521

- (a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code; 117522
117523
- (b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code; 117524
117525
117526
- (c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code; 117527
117528
- (d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code; 117529
117530
- (e) Temporary transitional aid under division (A) of this section. 117531
117532
- (6) The Department of Education shall establish, as necessary, the limitation base of any joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code, as amended by this act, for fiscal year 2016 or fiscal year 2017 but does not receive such payments for the prior fiscal year. The Department shall establish any such joint vocational school district's limitation base as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's limitation base under division (B)(6) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 117533
117534
117535
117536
117537
117538
117539
117540
117541
117542
117543
- (7) For fiscal year 2016, the Department shall reduce a district's payments under divisions (A)(1), (3), and (4) of section 3317.16 of the Revised Code, as amended by this act, proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under divisions (A)(2), (5), and (6) of section 3317.16 of the Revised Code, as amended by this act. 117544
117545
117546
117547
117548
117549
117550
117551
- (8) For fiscal year 2017, the Department shall reduce a 117552

district's payments under divisions (A)(1), (3), and (4) of 117553
section 3317.16 of the Revised Code, as amended by this act, 117554
proportionately as necessary in order to comply with this 117555
division. If those amounts are insufficient, the Department shall 117556
proportionately reduce a district's payments under division (A)(2) 117557
of section 3317.16 of the Revised Code, as amended by this act. 117558

Section 263.250. LITERACY IMPROVEMENT 117559

Of the foregoing appropriation item 200566, Literacy 117560
Improvement, \$250,000 in each fiscal year shall be used for Read 117561
Baby Read. 117562

The remainder of appropriation item 200566, Literacy 117563
Improvement, shall be used by the Department of Education to 117564
contract with an educational service center or a consortium of 117565
educational service centers for the purpose of establishing 117566
regional literacy professional development teams. The Department 117567
shall have any necessary agreements in place to administer the 117568
program not later than December 31, 2015. 117569

Section 263.260. ADULT DIPLOMA 117570

Of the foregoing appropriation item 200572, Adult Diploma, up 117571
to \$2,500,000 in fiscal year 2016 and \$5,000,000 in fiscal year 117572
2017 shall be used to make payments to institutions participating 117573
in the Adult Diploma Pilot Program under section 3313.902 of the 117574
Revised Code as enacted by this act. The Superintendent of Public 117575
Instruction may use a portion of the earmark to provide technical 117576
assistance and to administer the program. 117577

Of the foregoing appropriation item 200572, Adult Diploma, up 117578
to \$1,250,000 in fiscal year 2016 shall be used by the 117579
Superintendent of Public Instruction to award and administer 117580
planning grants for the Adult Diploma Pilot Program established in 117581
section 3313.902 of the Revised Code. The Superintendent may award 117582

grants of up to \$250,000 to not more than five institutions 117583
eligible to participate in the program. The grants shall be used 117584
by the institutions to build capacity to implement the program 117585
beginning in fiscal year 2017. The Superintendent of Public 117586
Instruction and the Chancellor of Higher Education shall develop 117587
an application process to award these grants to eligible 117588
institutions geographically dispersed throughout the state. The 117589
Superintendent may use any remaining appropriation after awarding 117590
these grants to provide technical assistance to institutions 117591
receiving the grant. 117592

Section 263.270. EDCHOICE EXPANSION 117593

The foregoing appropriation item 200573, EdChoice Expansion, 117594
shall be used to provide for the scholarships awarded under the 117595
expansion of the educational choice program established under 117596
section 3310.032 of the Revised Code. The number of scholarships 117597
awarded under the expansion of the educational choice program 117598
shall not exceed the number that can be funded with the 117599
appropriations made by the General Assembly for this purpose. 117600

HALF-MILL MAINTENANCE EQUALIZATION 117601

The foregoing appropriation item 200574, Half-Mill 117602
Maintenance Equalization, shall be used to make payments pursuant 117603
to section 3318.18 of the Revised Code. 117604

ADAPTIVE SPORTS PROGRAM 117605

The foregoing appropriation item 200576, Adaptive Sports 117606
Program, shall be used by the Department of Education, in 117607
collaboration with the Adaptive Sports Program of Ohio to fund the 117608
creation of an adaptive sports pilot program in one school 117609
district in fiscal year 2016 and in one additional school district 117610
in fiscal year 2017. 117611

Section 263.280. COMPETENCY-BASED EDUCATION PILOT 117612

The foregoing appropriation item 200588, Competency-Based Education Pilot, shall be used by the Department of Education to fund competency-based education pilot programs in up to five districts, schools, or consortia of districts and schools led by educational service centers. The Department shall award each district, school, or consortium of districts and schools led by educational service centers that is selected to participate in the program a grant of up to \$200,000 for each fiscal year. The grant shall be used during the 2015-2016 and 2016-2017 school years to plan for implementing competency-based education in the district, school, or consortium of districts and schools led by educational service centers during the 2016-2017, 2017-2018, and 2018-2019 school years. Pilot programs shall adhere to program guidelines as outlined in Section 733.30 of this act.

Of the foregoing appropriation item 200588, Competency-Based Education Pilot, a portion may be used by the Superintendent of Public Instruction to provide technical assistance and to administer the program.

EDUCATION PROGRAM SUPPORT

Of the foregoing appropriation item 200597, Education Program Support, \$2,000,000 in each fiscal year shall be distributed to Teach For America to increase recruitment of potential corps members at select Ohio universities, train and develop first-year and second-year teachers in the Teach for America program in Ohio, and expand alumni support and networking within the state.

Of the foregoing appropriation item 200597, Education Program Support, \$250,000 in fiscal year 2016 shall be distributed to Artsin Stark to support the SmArts Program and the Genius Project.

Section 263.283. The foregoing appropriation item 200665, Race to the Top, shall not be used for any purpose related to the state achievement assessments prescribed under sections 3301.0710

and 3301.0712 of the Revised Code. 117644

Section 263.290. TEACHER CERTIFICATION AND LICENSURE 117645

The foregoing appropriation item 200681, Teacher 117646
Certification and Licensure, shall be used by the Department of 117647
Education in each year of the biennium to administer and support 117648
teacher certification and licensure activities. 117649

Section 263.300. AUXILIARY SERVICES REIMBURSEMENT 117650

Notwithstanding section 3317.064 of the Revised Code, if the 117651
unexpended, unencumbered cash balance is sufficient, the Treasurer 117652
of State shall transfer \$1,500,000 in fiscal year 2016 within 117653
thirty days after the effective date of this section, and 117654
\$1,500,000 in fiscal year 2017 by August 1, 2016, from the 117655
Auxiliary Services Personnel Unemployment Compensation Fund to the 117656
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 117657
Department of Education. 117658

Section 263.310. SCHOOL DISTRICT SOLVENCY ASSISTANCE 117659

(A) Of the foregoing appropriation item 200687, School 117660
District Solvency Assistance, \$5,000,000 in each fiscal year shall 117661
be allocated to the School District Shared Resource Account and 117662
\$5,000,000 in each fiscal year shall be allocated to the 117663
Catastrophic Expenditures Account. These funds shall be used to 117664
provide assistance and grants to school districts to enable them 117665
to remain solvent under section 3316.20 of the Revised Code. 117666
Assistance and grants shall be subject to approval by the 117667
Controlling Board. Except as provided under division (C) of this 117668
section, any required reimbursements from school districts for 117669
solvency assistance shall be made to the appropriate account in 117670
the School District Solvency Assistance Fund (Fund 5H30). 117671

(B) Notwithstanding any provision of law to the contrary, 117672
upon the request of the Superintendent of Public Instruction, the 117673
Director of Budget and Management may make transfers to the School 117674
District Solvency Assistance Fund (Fund 5H30) from any fund used 117675
by the Department of Education or the General Revenue Fund to 117676
maintain sufficient cash balances in Fund 5H30 in fiscal years 117677
2016 and 2017. Any cash transferred is hereby appropriated. The 117678
transferred cash may be used by the Department of Education to 117679
provide assistance and grants to school districts to enable them 117680
to remain solvent and to pay unforeseeable expenses of a temporary 117681
or emergency nature that the school district is unable to pay from 117682
existing resources. The Director of Budget and Management shall 117683
notify the members of the Controlling Board of any such transfers. 117684

(C) If the cash balance of the School District Solvency 117685
Assistance Fund (Fund 5H30) is insufficient to pay solvency 117686
assistance in fiscal years 2016 and 2017, at the request of the 117687
Superintendent of Public Instruction, and with the approval of the 117688
Controlling Board, the Director of Budget and Management may 117689
transfer cash from the Lottery Profits Education Reserve Fund 117690
(Fund 7018) to Fund 5H30 to provide assistance and grants to 117691
school districts to enable them to remain solvent and to pay 117692
unforeseeable expenses of a temporary nature that they are unable 117693
to pay from existing resources under section 3316.20 of the 117694
Revised Code. Such transfers are hereby appropriated to 117695
appropriation item 200670, School District Solvency Assistance - 117696
Lottery. Any required reimbursements from school districts for 117697
solvency assistance granted from appropriation item 200670, School 117698
District Solvency Assistance - Lottery, shall be made to Fund 117699
7018. 117700

Section 263.323. STRAIGHT A FUND 117701

Of the foregoing appropriation item 200644, Straight A Fund, 117702

up to \$5,000,000 in fiscal year 2016 shall be used by the 117703
Department of Education, in consultation with the Department of 117704
Higher Education, to support graduate coursework for high school 117705
teachers to receive credentialing to teach college credit plus 117706
courses in a high school setting. The Department of Education, in 117707
consultation with the Department of Higher Education, shall 117708
develop criteria and issue a Request for Proposals. Priority shall 117709
be given to educational consortia that include economically 117710
disadvantaged high schools and economically disadvantaged high 117711
schools in which there are limited or no teachers currently 117712
credentialled to teach college credit plus courses, both as 117713
determined by the Department of Education. Consortia including 117714
public or private universities in Ohio shall be eligible to submit 117715
proposals. Awards made by the Department of Education may support 117716
graduate coursework for high school teachers at a regionally 117717
accredited college or university in Ohio leading to credentialing 117718
to teach college courses, as well as employment of teachers 117719
credentialled to teach college courses as a bridging strategy until 117720
a sufficient number of teachers at the high school hold the 117721
required credentials. 117722

Of the foregoing appropriation item 200644, Straight A Fund, 117723
\$5,000,000 in fiscal year 2016 shall be awarded by the Chancellor 117724
of Higher Education, in consultation with the State Superintendent 117725
of Public Instruction, as competitive grants to universities to 117726
provide free or reduced-cost courses for teachers to become 117727
credentialled for the College Credit Plus Program. Priority shall 117728
be given to proposals that enable teachers to become credentialled 117729
in the 2015-2016 school year. 117730

Of the foregoing appropriation item 200644, Straight A Fund, 117731
\$2,000,000 in fiscal year 2016 shall be distributed to the 117732
Ohio-West Virginia Youth Leadership Association for the 117733
development of the Cave Lake Center for Community Leadership. 117734

Of the foregoing appropriation item 200644, Straight A Fund, 117735
\$250,000 in fiscal year 2016 shall be used to support programming 117736
provided by the We Can Code IT organization in Cleveland. 117737

The remainder of the foregoing appropriation item 200644, 117738
Straight A Fund, shall be used by the Department of Education to 117739
make competitive grants in accordance with the section of this act 117740
entitled "STRAIGHT A PROGRAM." 117741

Section 263.325. SCHOOL DISTRICT TPP SUPPLEMENT 117742

The foregoing appropriation item 200697, School District TPP 117743
Supplement, shall be distributed to city, local, and exempted 117744
village school districts for supplemental foundation aid as 117745
provided in this section. 117746

For each fiscal year, the Department of Education shall 117747
compute and pay supplemental foundation aid to each school 117748
district as follows: 117749

(A)(1) Calculate the school district's combined state aid for 117750
fiscal year 2015, which equals the sum of: 117751

(a) The district's state education aid for fiscal year 2015, 117752
as defined in division (A)(4)(a) of section 5709.92 of the Revised 117753
Code; and 117754

(b) The district's current expense allocation, as defined in 117755
division (A)(8) of section 5709.92 of the Revised Code. 117756

(2) Calculate the school district's combined state aid for 117757
fiscal year 2016, which equals the sum of: 117758

(a) The sum of the amounts computed for the district for 117759
fiscal year 2016 under section 3317.022 of the Revised Code, as 117760
amended by this act, and under divisions (E), (F), and (G) of 117761
section 3317.0212 of the Revised Code, as amended by this act, 117762
plus any amount calculated for temporary transitional aid for 117763
fiscal year 2016 under division (A) of Section 263.230 of this 117764

act, and after any reductions made for fiscal year 2016 under 117765
division (B) of Section 263.230 of this act; 117766

(b) The additional funds paid to the school district in 117767
fiscal year 2016 under section 3317.26 of the Revised Code; and 117768

(c) If the district is not a qualifying school district, as 117769
defined in division (A) of section 5709.92 of the Revised Code, 117770
the sum of the payments received by the school district in fiscal 117771
year 2016 for current expense levy losses pursuant to division 117772
(C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding 117773
the portion of such payments attributable to levies for joint 117774
vocational school district purposes. 117775

(d) If the district is a qualifying school district, as 117776
defined in division (A) of section 5709.92 of the Revised Code, 117777
the sum of payments received by the school district in fiscal year 117778
2016 for current expense levy losses pursuant to division (C)(1) 117779
of section 5709.92 of the Revised Code, excluding the portion of 117780
such payments attributable to levies for joint vocational school 117781
district purposes. 117782

(3) Calculate the school district's combined state aid for 117783
fiscal year 2017, which equals the sum of: 117784

(a) The amounts computed for the district for fiscal year 117785
2017 under section 3317.022 of the Revised Code, as amended by 117786
this act, and under divisions (E), (F), and (G) of section 117787
3317.0212 of the Revised Code, as amended by this act, plus any 117788
amount calculated for temporary transitional aid for fiscal year 117789
2017 under division (A) of Section 263.230 of this act, and after 117790
any reductions made for fiscal year 2017 under division (B) of 117791
Section 263.230 of this act; 117792

(b) The additional funds paid to the school district in 117793
fiscal year 2017 under section 3317.26 of the Revised Code; and 117794

(c) If the district is not a qualifying school district, as 117795

defined in division (A) of section 5709.92 of the Revised Code, 117796
the sum of the payments received by the school district in fiscal 117797
year 2017 for current expense levy losses pursuant to division 117798
(C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding 117799
the portion of such payments attributable to levies for joint 117800
vocational school district purposes. 117801

(d) If the district is a qualifying school district, as 117802
defined in division (A) of section 5709.92 of the Revised Code, 117803
the sum of payments received by the school district in fiscal year 117804
2017 for current expense levy losses pursuant to division (C)(1) 117805
of section 5709.92 of the Revised Code, excluding the portion of 117806
such payments attributable to levies for joint vocational school 117807
district purposes. 117808

(B)(1) For fiscal year 2016, each district's payment shall be 117809
in an amount equal to the amount calculated in division (A)(1) of 117810
this section minus the amount calculated in division (A)(2) of 117811
this section. If the result is a negative number, the district's 117812
payment shall be zero. 117813

(2) For fiscal year 2017, each district's payment shall be in 117814
an amount equal to the following: 117815

(The amount calculated in division (A)(1) of this section - the 117816
sum of the amounts calculated under divisions (A)(8) and (A)(9) of 117817
section 3317.022 of the Revised Code for fiscal year 2016) - (The 117818
amount calculated in division (A)(3) of this section - the sum of 117819
the amounts calculated under divisions (A)(8) and (A)(9) of 117820
section 3317.022 of the Revised Code for fiscal year 2017) 117821

If the result is a negative number, the district's payment 117822
shall be zero. 117823

(C) On July 1 of each fiscal year, or as soon as possible 117824
thereafter, the Director of Budget and Management shall transfer 117825
\$12,000,000 cash from the General Revenue Fund to the School 117826

District TPP Supplement Fund (Fund 5RE0). 117827

Section 263.330. LOTTERY PROFITS EDUCATION FUND 117828

Appropriation item 200612, Foundation Funding (Fund 7017), 117829
shall be used in conjunction with appropriation item 200550, 117830
Foundation Funding (GRF), to provide state foundation payments to 117831
school districts. 117832

The Department of Education, with the approval of the 117833
Director of Budget and Management, shall determine the monthly 117834
distribution schedules of appropriation item 200550, Foundation 117835
Funding (GRF), and appropriation item 200612, Foundation Funding 117836
(Fund 7017). If adjustments to the monthly distribution schedule 117837
are necessary, the Department of Education shall make such 117838
adjustments with the approval of the Director of Budget and 117839
Management. 117840

COMMUNITY CONNECTORS PROGRAM 117841

The foregoing appropriation item 200629, Community 117842
Connectors, shall be used by the State Superintendent of Public 117843
Instruction to create the Community Connectors Grant Program. The 117844
Superintendent shall develop guidelines for the grants. The 117845
program shall award competitive matching grants to provide funding 117846
for local networks of volunteers and organizations to sponsor 117847
career advising and mentoring for students in eligible school 117848
districts. Each grant award shall match up to three times the 117849
funds allocated to the project by the local network. Eligible 117850
school districts are those with a high percentage of students in 117851
poverty, a high number of students not graduating on time, and 117852
other criteria as determined by the State Superintendent. Eligible 117853
school districts shall partner with members of the business 117854
community, civic organizations, or the faith-based community to 117855
provide sustainable career advising and mentoring services. Upon 117856
the request of the Superintendent of Public Instruction and the 117857

approval of the Director of Budget and Management, an amount equal 117858
to the unexpended, unencumbered portion of the foregoing 117859
appropriation item 200629, Community Connectors, at the end of 117860
fiscal year 2016 is hereby reappropriated to the Department of 117861
Education for the same purpose for fiscal year 2017. 117862

Notwithstanding any provision of law to the contrary, grants 117863
awarded under this section may be used by grant recipients for 117864
grant-related expenses for a period not to exceed three years from 117865
the date of the award according to guidelines established by the 117866
Superintendent. 117867

COMMUNITY SCHOOL FACILITIES 117868

Of the foregoing appropriation item 200684, Community School 117869
Facilities, up to \$550,000 in fiscal year 2016 and up to 117870
\$1,100,000 in fiscal year 2017 may be used as matching funds to 117871
support Ohio's State Charter School Facilities Incentive Grant 117872
application. If these funds are not required, they may be 117873
distributed with the remaining funds in appropriation item 200684, 117874
Community School Facilities. 117875

The remainder of the foregoing appropriation item 200684, 117876
Community School Facilities, shall be used to pay each community 117877
school established under Chapter 3314. of the Revised Code and 117878
each STEM school established under Chapter 3326. of the Revised 117879
Code an amount equal to \$25 in each fiscal year for each full-time 117880
equivalent pupil in an internet- or computer-based community 117881
school and \$150 in fiscal year 2016 and \$200 in fiscal year 2017 117882
for each full-time equivalent pupil in all other community or STEM 117883
schools for assistance with the cost associated with facilities. 117884
If the amount appropriated is not sufficient, the Department of 117885
Education shall prorate the amounts so that the aggregate amount 117886
appropriated is not exceeded. 117887

Section 263.350. STRAIGHT A PROGRAM 117888

(A) The Straight A Program is hereby created for fiscal years 117889
2016 and 2017 to provide grants to city, local, exempted village, 117890
and joint vocational school districts, educational service 117891
centers, community schools established under Chapter 3314., STEM 117892
schools established under Chapter 3326., college-preparatory 117893
boarding schools established under Chapter 3328. of the Revised 117894
Code, individual school buildings, education consortia (which may 117895
represent a partnership among school districts, school buildings, 117896
community schools, STEM schools or educational service centers or 117897
county boards of developmental disabilities that provide special 117898
education and related services to children with disabilities), 117899
institutions of higher education, and private or governmental 117900
entities partnering with one or more of the educational entities 117901
identified in this division for projects that aim to achieve 117902
significant advancement in one or more of the following goals: 117903

(1) Increased student achievement or, in the case of an 117904
educational service center, increased student achievement in the 117905
educational service center's client school districts or other 117906
schools or school districts that are members of the consortium; 117907

(2) Spending reduction in the five-year fiscal forecast 117908
required under section 5705.391 of the Revised Code or positive 117909
performance on other fiscal measures established by the governing 117910
board created under division (B)(1) of this section; 117911

(3) Utilization of a greater share of resources in the 117912
classrooms operated by the educational entity or by an educational 117913
service center's client school districts or other schools or 117914
school districts that are members of the consortium; 117915

(4) Use of a shared services delivery model that demonstrates 117916
increased efficiency and effectiveness, long-term sustainability, 117917
and scalability. 117918

(B)(1) Grants shall be awarded by a nine-member governing 117919

board consisting of the Superintendent of Public Instruction, or 117920
the Superintendent's designee, four members appointed by the 117921
Governor, two members appointed by the Speaker of the House of 117922
Representatives, and two members appointed by the President of the 117923
Senate. The Department of Education shall provide administrative 117924
support to the board. No member shall be compensated for the 117925
member's service on the board. 117926

(2) The board shall select grant advisors with fiscal 117927
expertise and education expertise. These advisors shall evaluate 117928
proposals from grant applicants and advise the staff administering 117929
the program. No advisor shall be compensated for this service. 117930

(3) The board shall issue an annual report to the Governor, 117931
the Speaker of the House of Representatives, the President of the 117932
Senate, and the chairpersons of the House and Senate committees 117933
that primarily deal with education regarding the types of grants 117934
awarded, the grant recipients, and the effectiveness of the grant 117935
program. 117936

(4) The board shall create a grant application and publish on 117937
the Department's web site the application and timeline for the 117938
submission, review, notification, and awarding of grant proposals. 117939

(5) With the approval of the board, the Department shall 117940
establish a system for evaluating and scoring the grant 117941
applications received under this section. 117942

(6) When determining whether to award grants from among two 117943
or more applicants of similar score, as determined by the board, 117944
the board shall award grants to applicants that demonstrate cost 117945
savings, as reflected in the goal described in division (A)(2) of 117946
this section, over applicants that do not demonstrate cost 117947
savings. 117948

(C) Each grant applicant shall submit a proposal that 117949
includes all of the following: 117950

(1) A description of the project for which the applicant is seeking a grant, including a description of how the project will have substantial value and lasting impact;

(2) An explanation of how the project will be self-sustaining. If the project will result in increased ongoing spending, the applicant shall show how the spending will be offset by verifiable, credible, permanent spending reductions.

(3) A description of quantifiable results of the project that can be benchmarked.

If an education consortium described in division (A) of this section applies for a grant, the lead applicant shall be the school district, school building, community school, STEM school, or educational service center that is a member of the consortium and shall so indicate on the grant application. In order for an educational service center to be the lead applicant on a grant application, at least one of the educational service center's client school districts shall also be included on the grant application as a member of the consortium.

(D)(1) The board shall issue a timely decision of "yes," "no," "hold," or "edit" for each application. In making its decision, the board shall consider whether the project has the capability of being replicated in other school districts and schools or creates something that can be used in other districts and schools. A grant awarded under this section to a school district, educational service center, community school, STEM school, college-preparatory boarding school, individual school building, institution of higher education, or private entity partnering with one or more of the educational entities identified in division (A) of this section shall not exceed \$1,000,000 in each fiscal year. A grant awarded to an education consortium shall not exceed \$15,000,000 in each fiscal year. The Superintendent of Public Instruction may make recommendations to the Controlling

Board that these maximum amounts be exceeded. Upon Controlling 117983
Board approval, grants may be awarded in excess of these amounts. 117984

(2) If the board issues a "hold" or "edit" decision for an 117985
application, it shall, upon returning the application to the 117986
applicant, specify the process for reconsideration of the 117987
application. An applicant may work with the grant advisors and 117988
staff to modify or improve a grant application. 117989

(E) Upon deciding to award a grant to an applicant, the board 117990
shall enter into a grant agreement with the applicant that 117991
includes all of the following: 117992

(1) The content of the applicant's proposal as outlined under 117993
division (C) of this section; 117994

(2) The project's deliverables and a timetable for their 117995
completion; 117996

(3) Conditions for receiving grant funding; 117997

(4) Conditions for receiving funding in future years if the 117998
contract is a multi-year contract; 117999

(5) A provision specifying that funding will be returned to 118000
the board if the applicant fails to implement the agreement. 118001

(6) A provision specifying that the agreement may be amended 118002
by mutual agreement between the board and the applicant. 118003

(F) Each grant awarded under this section shall be subject to 118004
approval by the Controlling Board prior to execution of the grant 118005
agreement. 118006

(G) As used in this section, "client school district" has the 118007
same meaning as in section 3311.0510 of the Revised Code. 118008

(H) At the discretion of the board, a portion of 118009
appropriation item 200644, Straight A Fund, may be used by the 118010
Department of Education to administer the Straight A Program. 118011

(I) Notwithstanding any provision of law to the contrary, 118012
grants awarded under this section may be used by grant recipients 118013
for grant-related expenses incurred for a period not to exceed two 118014
years from the date of the award according to guidelines 118015
established by the Straight A Fund governing board. 118016

Section 263.360. LOTTERY PROFITS EDUCATION RESERVE FUND 118017

(A) There is hereby created the Lottery Profits Education 118018
Reserve Fund (Fund 7018) in the State Treasury. Investment 118019
earnings of the Lottery Profits Education Reserve Fund shall be 118020
credited to the fund. 118021

(B) Notwithstanding any other provision of law to the 118022
contrary, the Director of Budget and Management may transfer cash 118023
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 118024
in fiscal year 2016 and fiscal year 2017. 118025

(C) On July 15, 2015, or as soon as possible thereafter, the 118026
Director of the Ohio Lottery Commission shall certify to the 118027
Director of Budget and Management the amount by which lottery 118028
profit transfers received by Fund 7017 exceeded \$974,500,000 in 118029
fiscal year 2015. 118030

(D) On July 15, 2016, or as soon as possible thereafter, the 118031
Director of the Ohio Lottery Commission shall certify to the 118032
Director of Budget and Management the amount by which lottery 118033
profit transfers received by Fund 7017 exceeded \$984,000,000 in 118034
fiscal year 2016. 118035

(E) Notwithstanding any provision of law to the contrary, in 118036
fiscal year 2016 and fiscal year 2017, the Director of Budget and 118037
Management may transfer cash in excess of the amounts necessary to 118038
support appropriations in Fund 7017 from that fund to Fund 7018. 118039

Section 263.370. DISTRIBUTION FORMULAS 118040

The Department of Education shall report the following to the 118041
Director of Budget and Management and the Legislative Service 118042
Commission: 118043

(A) Changes in formulas for distributing state 118044
appropriations, including administratively defined formula 118045
factors; 118046

(B) Discretionary changes in formulas for distributing 118047
federal appropriations; 118048

(C) Federally mandated changes in formulas for distributing 118049
federal appropriations. 118050

Any such changes shall be reported two weeks prior to the 118051
effective date of the change. 118052

Section 263.380. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS 118053

Upon the request of the Superintendent of Public Instruction, 118054
the Director of Budget and Management may transfer up to \$750,000 118055
cash in each fiscal year from the General Revenue Fund to the 118056
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 118057
transferred cash is to be used by the Department of Education to 118058
pay the expenses the Department incurs in administering the 118059
Medicaid School Component of the Medicaid program established 118060
under sections 5162.36 to 5162.364 of the Revised Code. On June 1 118061
of each fiscal year, or as soon as possible thereafter, the 118062
Director of Budget and Management shall transfer cash from Fund 118063
3AF0 back to the General Revenue Fund in an amount equal to the 118064
total amount transferred to Fund 3AF0 in that fiscal year. 118065

The money deposited into Fund 3AF0 under division (B) of 118066
section 5162.64 of the Revised Code is hereby appropriated for 118067
fiscal years 2016 and 2017 and shall be used in accordance with 118068
division (C) of section 5162.64 of the Revised Code. 118069

Section 263.390. EDUCATIONAL SERVICE CENTERS FUNDING 118070

As used in this section, "high-performing primary educational 118071
service center" means an educational service center that reduces 118072
client school district expenditures in fiscal year 2016 through 118073
efficiencies attained by coordinating and consolidating services. 118074

As used in this section, "student count" means the count 118075
calculated under division (G)(1) of section 3313.843 of the 118076
Revised Code. 118077

In fiscal year 2016, the Department of Education shall pay 118078
the governing board of each primary educational service center 118079
state funds equal to thirty-three dollars times its student count. 118080

In fiscal year 2017, the Department of Education shall pay 118081
the governing board of each high-performing educational service 118082
center state funds equal to thirty-five dollars times its student 118083
count, and to the governing board of each other center, state 118084
funds equal to thirty-three dollars times its student count. 118085

The State Board of Education shall adopt rules by December 118086
31, 2015, governing the determination of high-performing 118087
educational service centers and the distribution of state funds 118088
under this section for fiscal year 2017. The rules shall establish 118089
the following: (1) an application process whereby educational 118090
service centers may provide evidence of reductions in client 118091
school district expenditures in fiscal year 2016; (2) a deadline 118092
by which applications must be submitted to the Department of 118093
Education; (3) the criteria the Department will use in determining 118094
the degree of efficiencies attained by coordinating and 118095
consolidating services and which centers qualify as 118096
high-performing for purposes of funding under this section; (4) a 118097
metric the Department will use in evaluating and monitoring the 118098
efficiencies attained by coordinating and consolidating services. 118099

If the amount earmarked for the state reimbursement of educational service centers in appropriation item 200550, Foundation Funding, is not sufficient, the Department of Education shall prorate the payment amounts so that the appropriation is not exceeded.

Notwithstanding any provision of law to the contrary, the Department of Education shall modify the payments under this section as follows:

(A) If an educational service center ceases operation, the Department shall redistribute that center's funding, as calculated under this section, to the remaining centers in proportion to each center's service center ADM as defined in former section 3317.11 of the Revised Code, as that section existed prior to the date of its repeal.

(B) If two or more educational service centers merge operations to create a single service center, the Department shall distribute the sum of the original service centers' funding, as calculated under this section, to the new service center.

Section 263.400. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent of Public Instruction shall participate.

Section 263.410. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH STUDENTS

(A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 118129
118130

(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP. 118131
118132
118133

(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2016 and 2017 enrolls a number of SBH students equal to at least fifty per cent of the total number of students enrolled in the school in the applicable fiscal year. 118134
118135
118136
118137
118138

(C) In addition to any state foundation payments made, in each of fiscal years 2016 and 2017, the Department of Education shall pay to a community school to which this section applies a subsidy equal to the difference between the aggregate amount calculated and paid in that fiscal year to the community school for special education and related services additional weighted costs for the SBH students enrolled in the school and the aggregate amount that would have been calculated for the school for special education and related services additional weighted costs for those same students in fiscal year 2001. If the difference is a negative number, the amount of the subsidy shall be zero. 118139
118140
118141
118142
118143
118144
118145
118146
118147
118148
118149
118150

(D) The amount of any subsidy paid to a community school under this section shall not be deducted from the school district in which any of the students enrolled in the community school are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount of any subsidy paid to a community school under this section shall be paid from funds appropriated to the Department of Education in appropriation item 200550, Foundation Funding. 118151
118152
118153
118154
118155
118156
118157
118158

Section 263.420. EARMARK ACCOUNTABILITY

118159

At the request of the Superintendent of Public Instruction, 118160
any entity that receives a budget earmark under the Department of 118161
Education shall submit annually to the chairpersons of the 118162
committees of the House of Representatives and the Senate 118163
primarily concerned with education and education funding and to 118164
the Department of Education a report that includes a description 118165
of the services supported by the funds, a description of the 118166
results achieved by those services, an analysis of the 118167
effectiveness of the program, and an opinion as to the program's 118168
applicability to other school districts. For an earmarked entity 118169
that received state funds from an earmark in the prior fiscal 118170
year, no funds shall be provided by the Department of Education to 118171
an earmarked entity for a fiscal year until its report for the 118172
prior fiscal year has been submitted. 118173

Section 263.430. COMMUNITY SCHOOL OPERATING FROM HOME 118174

A community school established under Chapter 3314. of the 118175
Revised Code that was open for operation as a community school as 118176
of May 1, 2005, may operate from or in any home, as defined in 118177
section 3313.64 of the Revised Code, located in the state, 118178
regardless of when the community school's operations from or in a 118179
particular home began. 118180

Section 263.440. USE OF VOLUNTEERS 118181

The Department of Education may utilize the services of 118182
volunteers to accomplish any of the purposes of the Department. 118183
The Superintendent of Public Instruction shall approve for what 118184
purposes volunteers may be used and for these purposes may 118185
recruit, train, and oversee the services of volunteers. The 118186
Superintendent may reimburse volunteers for necessary and 118187
appropriate expenses in accordance with state guidelines and may 118188
designate volunteers as state employees for the purpose of motor 118189

vehicle accident liability insurance under section 9.83 of the 118190
Revised Code, for immunity under section 9.86 of the Revised Code, 118191
and for indemnification from liability incurred in the performance 118192
of their duties under section 9.87 of the Revised Code. 118193

Section 263.450. RESTRICTION OF LIABILITY FOR CERTAIN 118194
REIMBURSEMENTS 118195

(A) Except as expressly required under a court judgment not 118196
subject to further appeals, or a settlement agreement with a 118197
school district executed on or before June 1, 2009, in the case of 118198
a school district for which the formula ADM for fiscal year 2005, 118199
as reported for that fiscal year under division (A) of section 118200
3317.03 of the Revised Code, was reduced based on enrollment 118201
reports for community schools, made under section 3314.08 of the 118202
Revised Code, regarding students entitled to attend school in the 118203
district, which reduction of formula ADM resulted in a reduction 118204
of foundation funding or transitional aid funding for fiscal year 118205
2005, 2006, or 2007, no school district, except a district named 118206
in the court's judgment or the settlement agreement, shall have a 118207
legal claim for reimbursement of the amount of such reduction in 118208
foundation funding or transitional aid funding, and the state 118209
shall not have liability for reimbursement of the amount of such 118210
reduction in foundation funding or transitional aid funding. 118211

(B) As used in this section: 118212

(1) "Community school" means a community school established 118213
under Chapter 3314. of the Revised Code. 118214

(2) "Entitled to attend school" means entitled to attend 118215
school in a school district under section 3313.64 or 3313.65 of 118216
the Revised Code. 118217

(3) "Foundation funding" means payments calculated for the 118218
respective fiscal year under Chapter 3317. of the Revised Code. 118219

(4) "Transitional aid funding" means payments calculated for 118220
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 118221
of the 125th General Assembly, as subsequently amended; Section 118222
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 118223
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 118224
of the 127th General Assembly. 118225

Section 263.470. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 118226

In collaboration with the County Family and Children First 118227
Council, a city, local, or exempted village school district, 118228
community school, STEM school, joint vocational school district, 118229
educational service center, or county board of developmental 118230
disabilities that receives allocations from the Department of 118231
Education from appropriation item 200550, Foundation Funding, or 118232
appropriation item 200540, Special Education Enhancements, may 118233
transfer portions of those allocations to a flexible funding pool 118234
authorized by the Section of this act entitled "FAMILY AND 118235
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 118236
maintenance of effort or for federal or state funding matching 118237
requirements shall not be transferred unless the allocation may 118238
still be used to meet such requirements. 118239

Section 263.480. PRIVATE TREATMENT FACILITY PROJECT 118240

(A) As used in this section: 118241

(1) The following are "participating residential treatment 118242
centers": 118243

(a) Private residential treatment facilities that have 118244
entered into a contract with the Department of Youth Services to 118245
provide services to children placed at the facility by the 118246
Department and which, in fiscal year 2016 or fiscal year 2017 or 118247
both, the Department pays through appropriation item 470401, 118248
RECLAIM Ohio; 118249

(b) Abraxas, in Shelby;	118250
(c) Paint Creek, in Bainbridge;	118251
(d) F.I.R.S.T., in Mansfield.	118252
(2) "Education program" means an elementary or secondary	118253
education program or a special education program and related	118254
services.	118255
(3) "Served child" means any child receiving an education	118256
program pursuant to division (B) of this section.	118257
(4) "School district responsible for tuition" means a city,	118258
exempted village, or local school district that, if tuition	118259
payment for a child by a school district is required under law	118260
that existed in fiscal year 1998, is the school district required	118261
to pay that tuition.	118262
(5) "Residential child" means a child who resides in a	118263
participating residential treatment center and who is receiving an	118264
educational program under division (B) of this section.	118265
(B) A youth who is a resident of the state and has been	118266
assigned by a juvenile court or other authorized agency to a	118267
residential treatment facility specified in division (A) of this	118268
section shall be enrolled in an approved educational program	118269
located in or near the facility. Approval of the educational	118270
program shall be contingent upon compliance with the criteria	118271
established for such programs by the Department of Education. The	118272
educational program shall be provided by a school district or	118273
educational service center, or by the residential facility itself.	118274
Maximum flexibility shall be given to the residential treatment	118275
facility to determine the provider. In the event that a voluntary	118276
agreement cannot be reached and the residential facility does not	118277
choose to provide the educational program, the educational service	118278
center in the county in which the facility is located shall	118279
provide the educational program at the treatment center to	118280

children under twenty-two years of age residing in the treatment 118281
center. 118282

(C) Any school district responsible for tuition for a 118283
residential child shall, notwithstanding any conflicting provision 118284
of the Revised Code regarding tuition payment, pay tuition for the 118285
child for fiscal year 2016 and fiscal year 2017 to the education 118286
program provider and in the amount specified in this division. If 118287
there is no school district responsible for tuition for a 118288
residential child and if the participating residential treatment 118289
center to which the child is assigned is located in the city, 118290
exempted village, or local school district that, if the child were 118291
not a resident of that treatment center, would be the school 118292
district where the child is entitled to attend school under 118293
sections 3313.64 and 3313.65 of the Revised Code, that school 118294
district, notwithstanding any conflicting provision of the Revised 118295
Code, shall pay tuition for the child for fiscal year 2016 and 118296
fiscal year 2017 under this division unless that school district 118297
is providing the educational program to the child under division 118298
(B) of this section. 118299

A tuition payment under this division shall be made to the 118300
school district, educational service center, or residential 118301
treatment facility providing the educational program to the child. 118302

The amount of tuition paid shall be: 118303

(1) The amount of tuition determined for the district under 118304
division (A) of section 3317.08 of the Revised Code; 118305

(2) In addition, for any student receiving special education 118306
pursuant to an individualized education program as defined in 118307
section 3323.01 of the Revised Code, a payment for excess costs. 118308
This payment shall equal the actual cost to the school district, 118309
educational service center, or residential treatment facility of 118310
providing special education and related services to the student 118311

pursuant to the student's individualized education program, minus 118312
the tuition paid for the child under division (C)(1) of this 118313
section. 118314

A school district paying tuition under this division shall 118315
not include the child for whom tuition is paid in the district's 118316
average daily membership certified under division (A) of section 118317
3317.03 of the Revised Code. 118318

(D) In each of fiscal years 2016 and 2017, the Department of 118319
Education shall reimburse, from appropriations made for the 118320
purpose, a school district, educational service center, or 118321
residential treatment facility, whichever is providing the 118322
service, that has demonstrated that it is in compliance with the 118323
funding criteria for each served child for whom a school district 118324
must pay tuition under division (C) of this section. The amount of 118325
the reimbursement shall be the amount appropriated for this 118326
purpose divided by the full-time equivalent number of children for 118327
whom reimbursement is to be made. 118328

(E) Funds provided to a school district, educational service 118329
center, or residential treatment facility under this section shall 118330
be used to supplement, not supplant, funds from other public 118331
sources for which the school district, service center, or 118332
residential treatment facility is entitled or eligible. 118333

(F) The Department of Education shall track the utilization 118334
of funds provided to school districts, educational service 118335
centers, and residential treatment facilities under this section 118336
and monitor the effect of the funding on the educational programs 118337
they provide in participating residential treatment facilities. 118338
The Department shall monitor the programs for educational 118339
accountability. 118340

Section 263.490. Notwithstanding section 3302.21 of the 118341
Revised Code, for the 2014-2015 school year only, the Department 118342

of Education shall not rank school districts, community schools, 118343
and STEM schools according to the performance measures prescribed 118344
in divisions (A)(1), (2), and (5) of that section. However, the 118345
Department shall rank districts and schools according to the 118346
measures prescribed in divisions (A)(3) and (4) of that section 118347
for the 2014-2015 school year not later than January 31, 2016. 118348

Section 263.510. Notwithstanding section 3302.03 of the 118349
Revised Code, the Department of Education shall issue grades as 118350
described in division (E) of section 3302.03 of the Revised Code 118351
for each of the performance measures prescribed in division (C)(1) 118352
of that section for the 2014-2015 school year not later than 118353
January 15, 2016. 118354

Section 263.520. Notwithstanding anything to the contrary in 118355
section 3302.035 of the Revised Code, the Department of Education 118356
shall issue the reports required under that section on the 118357
performance measures for a school district's or school's students 118358
with disabilities subgroup, using data from the 2014-2015 school 118359
year, not later than January 31, 2016. 118360

For each school year thereafter, the Department shall issue 118361
those reports on the first day of October as required under that 118362
section. 118363

Section 263.530. (A) The Superintendent of Public Instruction 118364
may form partnerships with Ohio's business community, including 118365
the Ohio Business Roundtable, to create and implement initiatives 118366
that connect students with the business community in an effort to 118367
increase student engagement and job readiness through internships, 118368
work study, and site-based learning experiences. 118369

(B) If the Superintendent forms a partnership pursuant to 118370
division (A) of this section, the initiatives created and 118371

implemented through that partnership shall do all of the 118372
following: 118373

(1) Support the career connection learning strategies 118374
described in division (B)(2) of section 3301.079 of the Revised 118375
Code; 118376

(2) Provide an opportunity for students to earn high school 118377
credit toward graduation or to meet curriculum requirements in 118378
accordance with divisions (J)(1) and (2) of section 3313.603 of 118379
the Revised Code; 118380

(3) Inform the development of student success plans pursuant 118381
to division (C) of section 3313.6020 of the Revised Code. 118382

Section 263.540. The Department of Education shall provide 118383
assistance to the State Board of Education for the purposes of 118384
updating the statewide plan on subject area competency, including 118385
credit by examination, pursuant to division (J)(2) of section 118386
3313.603 of the Revised Code, to reduce barriers to student 118387
participation in credit flexibility options. 118388

Upon completion, the Department shall inform students, 118389
parents, and schools of the updated plan. 118390

Section 263.560. There is hereby created the School 118391
Transportation Joint Task Force to study the transportation of 118392
school children. The Task Force shall consist of members appointed 118393
equally by the Speaker of the House and by the President of the 118394
Senate. The members appointed shall choose a chairperson and 118395
vice-chairperson who shall be members of the General Assembly. The 118396
Task Force shall study and make recommendations to the General 118397
Assembly not later than February 1, 2016, on the following: 118398

(1) The appropriate funding formula to assist local school 118399
districts with the transportation of students to public and 118400
nonpublic schools; 118401

(2) The appropriate relationship, duties, and 118402
responsibilities between local school districts, community 118403
schools, and nonpublic schools with regard to student 118404
transportation. 118405

All state agencies shall provide such assistance to the Task 118406
Force as is requested by the Task Force. 118407

Section 263.590. The Department of Education, in conjunction 118408
with an association of education service centers in this state and 118409
an association that advocates for gifted children in the state, 118410
shall complete a feasibility analysis of the establishment of a 118411
start-up community school in each of the sixteen regions of the 118412
Educational Regional Service System to serve primarily identified 118413
gifted students. Not later than July 1, 2016, the Department shall 118414
submit the analysis to the chairpersons of the standing committees 118415
and subcommittees of the House of Representatives and the Senate 118416
principally responsible for education policy and finance. 118417

Section 263.600. (A) This section applies only to a city 118418
school district that is located in the same municipal corporation 118419
as a professional sports museum and is enacted under Article VIII, 118420
Section 13 of the Ohio Constitution to create and preserve jobs 118421
and employment opportunities and to improve the economic welfare 118422
of the people of the state. 118423

(B) Notwithstanding section 3313.41 of the Revised Code, the 118424
board of education of a school district to which this section 118425
applies may offer for sale any property it owns, or any interest 118426
in such property, to an Ohio nonprofit corporation operating a 118427
professional sports museum located in the same municipal 118428
corporation, or to an entity in which such a nonprofit corporation 118429
has an economic or other interest, prior to offering that property 118430
for sale under the provisions of section 3313.41 of the Revised 118431

Code and upon such terms and conditions as the board of education 118432
in its discretion may determine, including the right to continue 118433
using or to obtain the future use of that property or any 118434
improvements thereto under lease or other use agreement 118435
satisfactory to the board of education and any right or option to 118436
purchase agreed to by the parties. 118437

(C) Any property or property interest that may be sold to a 118438
nonprofit corporation operating a professional sports museum under 118439
division (B) of this section may be leased by the board of 118440
education to the nonprofit corporation or an entity in which that 118441
nonprofit corporation has an interest for such term not exceeding 118442
99 years and upon such other terms and conditions as the board of 118443
education in its discretion may determine, including the right to 118444
continue using or to obtain the future use of that property or any 118445
improvements thereto under lease or other use agreement 118446
satisfactory to the board of education and any right or option to 118447
purchase agreed to by the parties. 118448

(D)(1) Any property or property interest that may be sold to 118449
a nonprofit corporation operating a professional sports museum 118450
under division (B) or (C) of this section may be leased by the 118451
board of education to a port authority created under Chapter 4582. 118452
of the Revised Code for a term not exceeding 99 years and upon 118453
such other terms and conditions as the board of education in its 118454
discretion may determine, including the right to continue using or 118455
to obtain the future use of that property or any improvements 118456
thereto under lease or other use agreement satisfactory to the 118457
board of education and any right or option to purchase agreed to 118458
by the parties. 118459

(2) Any property or property interest leased to a port 118460
authority under division (D)(1) of this section may be leased, 118461
subject to the terms and conditions of the lease by the board of 118462
education, by the port authority to the nonprofit corporation 118463

operating a professional sports museum as described in division 118464
(B) of this section or to any other person designated by the 118465
nonprofit corporation, including an entity in which that nonprofit 118466
corporation has an interest, and may be leased by the nonprofit 118467
corporation or other designated person to any other person, and 118468
any improvements to that property may be procured and contracted 118469
for by the port authority, the nonprofit corporation operating the 118470
professional sports museum, or any other person to which the 118471
property or property interest is leased. 118472

(3) Any lease or other instrument, and any contract or other 118473
agreement, of a port authority authorized under division (D)(1) or 118474
(2) of this section may be made in any manner authorized by the 118475
board of directors of the port authority under division (A)(18)(e) 118476
of section 4582.31 of the Revised Code. 118477

(E) The authority granted in this section expires on July 1, 118478
2021. The expiration does not affect the legality, validity, or 118479
binding effect of any sale, lease, or other transfer effected, or 118480
any instrument, contract, or other agreement entered into under 118481
this section prior to the expiration. 118482

Section 263.601. The authority granted under Section 263.600 118483
of this act is intended to promote economic development and create 118484
and preserve jobs and employment opportunities and improve the 118485
economic welfare of the people of the state and to permit the 118486
board of education of a city school district, in cooperation with 118487
an Ohio nonprofit corporation operating a professional sports 118488
museum in the municipality served by the school district, to 118489
promote, and to cooperate with an Ohio port authority in 118490
promoting, economic development and creating and preserving jobs 118491
and employment opportunities and improving the economic welfare of 118492
the people of the state by enabling cooperative actions, including 118493
the sale or lease of property or interests in property owned by 118494

the board of education in furtherance of those purposes and of the 118495
efforts of Ohio port authorities to undertake activities, 118496
including financing activities, in furtherance of authorized 118497
purposes under existing authority within the powers and 118498
jurisdiction of such a port authority that enhance, foster, aid, 118499
provide, or promote economic development, recreation, education, 118500
governmental operations, culture, research, the creation and 118501
preservation of jobs and employment opportunities, and other 118502
development purposes, and to do so in cooperation with and in 118503
support of other governmental entities, including school 118504
districts, and nonprofit corporations operating professional 118505
sports museums in Ohio, and therefore the amendments apply to work 118506
commenced or to be commenced, as well as proceedings occurring or 118507
to occur, after their effective date, and insofar as the 118508
provisions are applicable to, support, or facilitate any property 118509
or financing proceedings that are pending, in progress, or 118510
completed on such effective date, also apply to those proceedings 118511
and to any property or property interest transferred or leased and 118512
to any securities authorized or issued pursuant to those 118513
proceedings, and any such proceedings pending, in progress or 118514
completed, any property or property interest transferred or leased 118515
and any securities authorized, sold, issued, delivered, or 118516
validated pursuant to those proceedings shall be deemed to have 118517
been taken, transferred, or leased, and authorized, sold, issued, 118518
delivered, and validated, in conformity with Section 263.600 of 118519
this act and any applicable provisions of the Ohio Constitution 118520
and Chapter 4582. or other applicable provisions of the Revised 118521
Code. 118522

Section 263.610. (A) As used in this section, "client school 118523
district" means a city, exempted village, or local school district 118524
that has entered into an agreement under section 3313.843 or 118525

3313.845 of the Revised Code to receive any services from an 118526
educational service center. 118527

(B) Notwithstanding anything to the contrary in the Revised 118528
Code, if an educational service center governing board is 118529
abolished under section 3311.0510 of the Revised Code not later 118530
than July 1, 2015, any indebtedness to the Department of Education 118531
for expenses related to the dissolution that exceed the available 118532
assets of the service center shall not be assessed against the 118533
client school districts of the service center. 118534

Section 263.620. (A) Not later than thirty days after the 118535
effective date of this section, the Superintendent of Public 118536
Instruction shall verify that the assessments prescribed under 118537
sections 3301.0710 and 3301.0712 of the Revised Code that are 118538
administered in the 2015-2016 school year will be administered 118539
once each year and not over multiple testing windows. The State 118540
Superintendent also shall verify that the timing of the 118541
administration of the assessments shall occur in the second half 118542
of the school year, except for end-of-course examinations for 118543
courses completed during the first semester of the school year. In 118544
addition, the Superintendent shall verify that the length of the 118545
assessments shall be reduced as compared to those that were 118546
administered in the 2014-2015 school year, in order to provide 118547
more time for classroom instruction and less disruption in student 118548
learning. For the online administration of assessments, a single 118549
technology platform is preferred but not required. 118550

(B) If the State Superintendent verifies that the assessments 118551
and their administration do not meet the conditions prescribed 118552
under this section, the State Superintendent shall take the steps 118553
necessary to find and contract with one or more entities to 118554
develop and provide assessments that meet the conditions 118555
prescribed under this section. 118556

Section 263.630. Not later than thirty days after the 118557
effective date of this section, the Ohio Department of Education 118558
shall apply to the United States Secretary of Education for a 118559
waiver from provisions of the "No Child Left Behind Act of 2001," 118560
to account for the prohibition on using the value-added progress 118561
dimension to calculate student academic growth for purposes of 118562
conducting teacher and principal evaluations for the 2015-2016 and 118563
2016-2017 school years that are based on the results of the 118564
assessments administered in the 2014-2015 and 2015-2016 school 118565
years. 118566

As used in this section, "value-added progress dimension" 118567
means the value-added progress dimension as defined in section 118568
3302.01 of the Revised Code. 118569

Section 263.640. Each school district, community school 118570
established under Chapter 3314. of the Revised Code, and STEM 118571
school established under Chapter 3326. of the Revised Code shall 118572
report to the Ohio Department of Education the number and 118573
percentage of its students who did not take an assessment 118574
prescribed under section 3301.0710 or 3301.0712 of the Revised 118575
Code that was administered in the 2014-2015 school year and who 118576
was not excused pursuant to division (C)(1) or (3) of section 118577
3301.0711 of the Revised Code from taking that assessment. 118578

Section 263.650. (A)(1) Notwithstanding anything in the 118579
Revised Code to the contrary and except as provided in division 118580
(A)(2) of this section, the board of education of a school 118581
district, the governing authority of a community school 118582
established under Chapter 3314. of the Revised Code, or the 118583
governing authority of a STEM school established under Chapter 118584
3326. of the Revised Code shall not use the value-added progress 118585
dimension rating that is based on the results of the assessments 118586

prescribed under sections 3301.0710 and 3301.0712 of the Revised Code administered in the 2014-2015 and 2015-2016 school years for purposes of assessing student academic growth for teacher and principal evaluations conducted under sections 3311.80, 3319.02, 3319.111, and 3319.112 of the Revised Code or when making decisions regarding the dismissal, retention, tenure, or compensation of the district's or school's teachers and principals.

(2) A school district, community school, or STEM school may enter into a memorandum of understanding collectively with its teachers or principals stipulating that the value-added progress dimension rating that is based on the results of the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code administered in the 2014-2015 or 2015-2016 school year may be used to assess student academic growth for purposes of teacher and principal evaluations or when making decisions regarding the dismissal, retention, tenure, or compensation of the district's or school's teachers and principals.

(3) For a teacher of a grade level and subject area for which the value-added progress dimension is applicable, if no other measure is available to determine student academic growth as required under section 3311.80, 3319.112, or 3319.114 of the Revised Code, teacher and principal evaluations shall be based solely on teacher or principal performance.

(B) As used in this section, "value-added progress dimension" means the value-added progress dimension prescribed by section 3302.021 of the Revised Code or an alternative student academic progress measure if adopted under division (C)(1)(e) of section 3303.03 of the Revised Code.

Section 263.660. Not later than July 1, 2016, the Department of Education shall submit and present to the standing committees

of the House of Representatives and the Senate that consider 118618
education legislation both of the following: 118619

(A) A plan that proposes the expansion of the Department's 118620
authority to directly authorize community schools under section 118621
3314.029 of the Revised Code; 118622

(B) Recommendations for a ratings rubric for the evaluation 118623
of sponsors under section 3314.016 of the Revised Code. The 118624
recommendations shall include research-based evidence that 118625
demonstrates the rubric will result in improved academic results. 118626

Section 265.10. ELC OHIO ELECTIONS COMMISSION 118627

General Revenue Fund 118628

GRF 051321 Operating Expenses	\$	333,117	\$	333,117	118629

TOTAL GRF General Revenue Fund	\$	333,117	\$	333,117	118630

Dedicated Purpose Fund Group 118631

4P20 051601 Operating Support	\$	194,500	\$	194,500	118632

TOTAL DPF Dedicated Purpose Fund	\$	194,500	\$	194,500	118633

Group

TOTAL ALL BUDGET FUND GROUPS	\$	527,617	\$	527,617	118634

ERRONEOUS FILING FEE DEPOSITS 118635

On July 1, 2015, or as soon as possible thereafter, the 118636
Executive Director of the Elections Commission and the Secretary 118637
of State, or the Secretary of State's designee, shall jointly 118638
certify to the Director of Budget and Management the amount of 118639
filing fees erroneously deposited by the Ohio Elections Commission 118640
and Secretary of State to the General Revenue Fund between 2007 118641
and 2015. Upon receipt of the certification, the Director of 118642
Budget and Management may transfer cash, up to the certified 118643
amount, from the General Revenue Fund to the Ohio Elections 118644
Commission Fund (Fund 4P20). This transfer corrects erroneous 118645
deposits of revenue that were made by the Ohio Elections 118646

Commission and Secretary of State to the General Revenue Fund. 118647

Section 267.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 118648
DIRECTORS 118649

Dedicated Purpose Fund Group 118650

4K90 881609 Operating Expenses \$ 741,000 \$ 771,000 118651

TOTAL DPF Dedicated Purpose 118652

Fund Group \$ 741,000 \$ 771,000 118653

TOTAL ALL BUDGET FUND GROUPS \$ 741,000 \$ 771,000 118654

Section 269.10. PAY EMPLOYEE BENEFITS FUNDS 118656

Fiduciary Fund Group 118657

1240 995673 Payroll Deductions \$ 786,081,277 \$ 801,802,903 118658

8060 995666 Accrued Leave Fund \$ 70,520,230 \$ 71,930,634 118659

8070 995667 Disability Fund \$ 22,271,135 \$ 22,716,558 118660

8080 995668 State Employee Health \$ 711,136,583 \$ 767,740,540 118661

Benefit Fund

8090 995669 Dependent Care \$ 3,323,438 \$ 3,487,159 118662

Spending Account

8100 995670 Life Insurance \$ 1,779,885 \$ 1,815,482 118663

Investment Fund

8110 995671 Parental Leave \$ 3,510,481 \$ 3,580,691 118664

Benefit Fund

8130 995672 Health Care Spending \$ 10,089,249 \$ 10,895,989 118665

Account

TOTAL FID Fiduciary Fund Group \$ 1,608,712,278 \$ 1,683,969,956 118666

TOTAL ALL BUDGET FUND GROUPS \$ 1,608,712,278 \$ 1,683,969,956 118667

PAYROLL DEDUCTION FUND 118668

The foregoing appropriation item 995673, Payroll Deductions, 118669

shall be used to make payments from the Payroll Deduction Fund 118670

(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 118671

is determined by the Director of Budget and Management that 118672

additional amounts are necessary, the amounts are hereby 118673
appropriated. 118674

ACCRUED LEAVE LIABILITY FUND 118675

The foregoing appropriation item 995666, Accrued Leave Fund, 118676
shall be used to make payments from the Accrued Leave Liability 118677
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 118678
If it is determined by the Director of Budget and Management that 118679
additional amounts are necessary, the amounts are hereby 118680
appropriated. 118681

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 118682

The foregoing appropriation item 995667, Disability Fund, 118683
shall be used to make payments from the State Employee Disability 118684
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 118685
Revised Code. If it is determined by the Director of Budget and 118686
Management that additional amounts are necessary, the amounts are 118687
hereby appropriated. 118688

STATE EMPLOYEE HEALTH BENEFIT FUND 118689

The foregoing appropriation item 995668, State Employee 118690
Health Benefit Fund, shall be used to make payments from the State 118691
Employee Health Benefit Fund (Fund 8080) pursuant to section 118692
124.87 of the Revised Code. If it is determined by the Director of 118693
Budget and Management that additional amounts are necessary, the 118694
amounts are hereby appropriated. 118695

DEPENDENT CARE SPENDING FUND 118696

The foregoing appropriation item 995669, Dependent Care 118697
Spending Account, shall be used to make payments from the 118698
Dependent Care Spending Fund (Fund 8090) to employees eligible for 118699
dependent care expenses pursuant to section 124.822 of the Revised 118700
Code. If it is determined by the Director of Budget and Management 118701
that additional amounts are necessary, the amounts are hereby 118702

appropriated.	118703
LIFE INSURANCE INVESTMENT FUND	118704
The foregoing appropriation item 995670, Life Insurance	118705
Investment Fund, shall be used to make payments from the Life	118706
Insurance Investment Fund (Fund 8100) for the costs and expenses	118707
of the state's life insurance benefit program pursuant to section	118708
125.212 of the Revised Code. If it is determined by the Director	118709
of Budget and Management that additional amounts are necessary,	118710
the amounts are hereby appropriated.	118711
PARENTAL LEAVE BENEFIT FUND	118712
The foregoing appropriation item 995671, Parental Leave	118713
Benefit Fund, shall be used to make payments from the Parental	118714
Leave Benefit Fund (Fund 8110) to employees eligible for parental	118715
leave benefits pursuant to section 124.137 of the Revised Code. If	118716
it is determined by the Director of Budget and Management that	118717
additional amounts are necessary, the amounts are hereby	118718
appropriated.	118719
HEALTH CARE SPENDING ACCOUNT FUND	118720
The foregoing appropriation item 995672, Health Care Spending	118721
Account, shall be used to make payments from the Health Care	118722
Spending Account Fund (Fund 8130) for payments pursuant to state	118723
employees' participation in a flexible spending account for	118724
non-reimbursed health care expenses and section 124.821 of the	118725
Revised Code. If it is determined by the Director of	118726
Administrative Services that additional amounts are necessary, the	118727
Director of Administrative Services may request that the Director	118728
of Budget and Management increase such amounts. Such amounts are	118729
hereby appropriated.	118730
Section 271.10. ERB STATE EMPLOYMENT RELATIONS BOARD	118731
General Revenue Fund	118732

GRF 125321	Operating Expenses	\$	3,761,457	\$	3,761,457	118733
TOTAL GRF	General Revenue Fund	\$	3,761,457	\$	3,761,457	118734
Dedicated Purpose Fund Group						118735
5720 125603	Training and Publications	\$	75,000	\$	75,000	118736
TOTAL DPF	Dedicated Purpose Fund Group	\$	75,000	\$	75,000	118738
TOTAL ALL BUDGET FUND GROUPS		\$	3,836,457	\$	3,836,457	118739

Section 273.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 118741

Dedicated Purpose Fund Group						118742
4K90 892609	Operating Expenses	\$	993,889	\$	993,889	118743
TOTAL DPF	Dedicated Purpose Fund Group	\$	993,889	\$	993,889	118745
TOTAL ALL BUDGET FUND GROUPS		\$	993,889	\$	993,889	118746

Section 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY 118748

General Revenue Fund						118749
GRF 715502	Auto Emissions e-Check Program	\$	10,923,093	\$	10,923,093	118750
GRF 715505	Drinking Water Solutions	\$	4,000,000	\$	4,000,000	118751
TOTAL GRF	General Revenue Fund	\$	14,923,093	\$	14,923,093	118752
Dedicated Purpose Fund Group						118753
4D50 715618	Recycled State Materials	\$	50,000	\$	50,000	118754
4J00 715638	Underground Injection Control	\$	393,917	\$	399,125	118755
4K20 715648	Clean Air - Non Title V	\$	3,309,301	\$	3,726,893	118756
4K30 715649	Solid Waste	\$	13,118,573	\$	13,202,293	118757
4K40 715650	Surface Water	\$	9,446,300	\$	8,422,600	118758

		Protection				
4K40	715686	Environmental	\$	2,096,007	\$	2,096,007 118759
		Laboratory Services				
4K50	715651	Drinking Water	\$	6,637,044	\$	6,825,955 118760
		Protection				
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000 118761
4R50	715656	Scrap Tire Management	\$	1,040,161	\$	1,060,965 118762
4R90	715658	Voluntary Action	\$	825,759	\$	842,275 118763
		Program				
4T30	715659	Clean Air - Title V	\$	13,507,000	\$	13,639,150 118764
		Permit Program				
5000	715608	Immediate Removal	\$	718,793	\$	731,293 118765
		Special Account				
5030	715621	Hazardous Waste	\$	5,765,075	\$	6,082,805 118766
		Facility Management				
5050	715623	Hazardous Waste	\$	14,388,348	\$	14,701,826 118767
		Cleanup				
5320	715646	Recycling and Litter	\$	4,691,000	\$	4,698,000 118768
		Control				
5410	715670	Site Specific Cleanup	\$	2,048,101	\$	2,048,101 118769
5420	715671	Risk Management	\$	214,826	\$	214,826 118770
		Reporting				
5860	715637	Scrap Tire Market	\$	1,150,000	\$	1,170,000 118771
		Development				
5BC0	715622	Local Air Pollution	\$	1,999,172	\$	1,999,172 118772
		Control				
5BC0	715624	Surface Water	\$	8,665,974	\$	8,665,974 118773
5BC0	715672	Air Pollution Control	\$	4,945,566	\$	4,945,566 118774
5BC0	715673	Drinking and Ground	\$	3,324,521	\$	3,324,520 118775
		Water				
5BC0	715676	Assistance and	\$	1,583,098	\$	1,591,682 118776
		Prevention				
5BC0	715677	Laboratory	\$	1,253,586	\$	1,253,586 118777

5BC0	715678	Corrective Actions	\$	1,316,878	\$	1,316,878	118778
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	118779
5BC0	715692	Administration	\$	12,885,000	\$	13,505,000	118780
5BC0	715694	Environmental Resource Coordination	\$	100,000	\$	100,000	118781
5BT0	715679	C&DD Groundwater Monitoring	\$	645,000	\$	919,000	118782
5CD0	715682	Clean Diesel School Buses	\$	150,000	\$	150,000	118783
5H40	715664	Groundwater Support	\$	350,499	\$	356,727	118784
5PZ0	715696	Drinking Water Loan Fee	\$	220,200	\$	126,200	118785
5Y30	715685	Surface Water Improvement	\$	1,800,000	\$	1,800,000	118786
6440	715631	Emergency Response Radiological Safety	\$	298,304	\$	303,174	118787
6760	715642	Water Pollution Control Loan Administration	\$	1,933,621	\$	1,990,262	118788
6780	715635	Air Toxic Release	\$	133,636	\$	133,636	118789
6790	715636	Emergency Planning	\$	2,623,252	\$	2,623,252	118790
6960	715643	Air Pollution Control Administration	\$	1,125,000	\$	1,125,000	118791
6990	715644	Water Pollution Control Administration	\$	800,000	\$	800,000	118792
6A10	715645	Environmental Education	\$	1,500,000	\$	1,500,000	118793
TOTAL	DPF	Dedicated Purpose Fund Group	\$	127,513,512	\$	128,901,743	118794
		Internal Service Activity Fund Group					118795
1990	715602	Laboratory Services	\$	427,234	\$	594,566	118796

2190	715604	Central Support	\$	6,900,000	\$	6,600,000	118797
		Indirect					
4A10	715640	Operating Expenses	\$	2,050,000	\$	2,050,000	118798
TOTAL ISA Internal Service Activity			\$	9,377,234	\$	9,244,566	118799
Fund Group							
Capital Projects Fund Group							118800
5S10	715607	Clean Ohio	\$	284,124	\$	284,124	118801
		Revitalization					
		Operating					
TOTAL CPF Capital Projects Fund			\$	284,124	\$	284,124	118802
Group							
Federal Fund Group							118803
3530	715612	Public Water Supply	\$	2,058,127	\$	2,113,020	118804
3540	715614	Hazardous Waste	\$	3,038,383	\$	3,038,383	118805
		Management - Federal					
3570	715619	Air Pollution Control	\$	6,310,203	\$	6,310,203	118806
		- Federal					
3620	715605	Underground Injection	\$	98,628	\$	102,859	118807
		Control - Federal					
3BU0	715684	Water Quality	\$	13,211,815	\$	14,537,389	118808
		Protection					
3CS0	715688	Federal NRD	\$	200,000	\$	200,000	118809
		Settlements					
3F20	715630	Revolving Loan Fund -	\$	2,800,000	\$	2,900,000	118810
		Operating					
3F30	715632	Federally Supported	\$	4,168,991	\$	4,291,191	118811
		Cleanup and Response					
3T30	715669	Drinking Water State	\$	2,824,076	\$	2,824,076	118812
		Revolving Fund					
3V70	715606	Agencywide Grants	\$	600,000	\$	600,000	118813
TOTAL FED Federal Fund Group			\$	35,310,223	\$	36,917,121	118814
TOTAL ALL BUDGET FUND GROUPS			\$	187,408,186	\$	190,270,647	118815

DRINKING WATER SOLUTIONS 118816

The Director of Environmental Protection, in consultation 118817
with the Director of Natural Resources, shall distribute the money 118818
appropriated to GRF appropriation item 715505, Drinking Water 118819
Solutions, to each municipal corporation the boundaries of which 118820
are located in both the Lake Erie drainage basin and the Ohio 118821
River drainage basin and that is subject to the Great Lakes-St. 118822
Lawrence River Basin Water Resources Compact if the municipal 118823
corporation is experiencing increased costs for treatment of, or 118824
to obtain, its drinking water supplies as a result of its 118825
inability to pursue alternate water resources due to the Compact 118826
and the location of its waste water plant and preferred water 118827
sources. A municipal corporation receiving this money shall use it 118828
for one of the following purposes: relocating its water treatment 118829
facility, partnering with another political subdivision or 118830
subdivisions to access water sources, establishing pipelines to 118831
access suitable water resources, or treating water to supply 118832
drinking water to the municipal corporation. Such a municipal 118833
corporation may also use this money for expenses related to 118834
undertaking one of these required purposes. 118835

AREAWIDE PLANNING AGENCIES 118836

The Director of Environmental Protection Agency may award 118837
grants from appropriation item 715687, Areawide Planning Agencies, 118838
to areawide planning agencies engaged in areawide water quality 118839
management and planning activities in accordance with Section 208 118840
of the "Federal Clean Water Act," 33 U.S.C. 1288. 118841

WATER POLLUTION CONTROL ADMINISTRATION FUND (FUND 6990) 118842
EXPENDITURES LIMITATION 118843

Notwithstanding division (B) of section 6111.09 of the 118844
Revised Code, the Director of Environmental Protection may expend 118845
not more than \$800,000 of the moneys credited to the Water 118846

Pollution Control Administration Fund (Fund 6990) under that	118847
division in either of fiscal years 2016 or 2017 for the purposes	118848
specified in that division.	118849

Section 277.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 118850

General Revenue Fund	118851

GRF 172321 Operating Expenses	\$	612,435	\$	612,435	118852
TOTAL GRF General Revenue Fund	\$	612,435	\$	612,435	118853
TOTAL ALL BUDGET FUND GROUPS	\$	612,435	\$	612,435	118854

Section 279.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 118856

General Revenue Fund	118857

GRF 935401 Statehouse News	\$	324,533	\$	324,533	118858
Bureau					

GRF 935402 Ohio Government	\$	1,452,089	\$	1,452,089	118859
Telecommunications					
Services					

GRF 935408 General Operations	\$	495,000	\$	495,000	118860

GRF 935409 Technology Operations	\$	2,743,962	\$	2,743,962	118861

GRF 935410 Content Development,	\$	3,957,094	\$	3,957,094	118862
Acquisition, and					
Distribution					

GRF 935412 Information	\$	533,716	\$	533,716	118863
Technology					

TOTAL GRF General Revenue Fund	\$	9,506,394	\$	9,506,394	118864

Dedicated Purpose Fund Group	118865

5FK0 935608 Media Services	\$	95,000	\$	95,000	118866

TOTAL DPF Dedicated Purpose Fund	\$	95,000	\$	95,000	118867
Group					

Internal Service Activity Fund Group	118868

4F30 935603 Affiliate Services	\$	4,000	\$	4,000	118869

4T20 935605 Government	\$	7,000	\$	7,000	118870

Television/Telecommunications

Operating

TOTAL ISA Internal Service Activity				118871
Fund Group	\$	11,000	\$	11,000 118872
TOTAL ALL BUDGET FUND GROUPS	\$	9,612,394	\$	9,612,394 118873

Section 279.20. STATEHOUSE NEWS BUREAU 118875

The foregoing appropriation item 935401, Statehouse News 118876
Bureau, shall be used solely to support the operations of the Ohio 118877
Statehouse News Bureau. 118878

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 118879

The foregoing appropriation item 935402, Ohio Government 118880
Telecommunications Services, shall be used solely to support the 118881
operations of Ohio Government Telecommunications Services which 118882
include providing multimedia support to the state government and 118883
its affiliated organizations and broadcasting the activities of 118884
the legislative, judicial, and executive branches of state 118885
government, among its other functions. 118886

TECHNOLOGY OPERATIONS 118887

The foregoing appropriation item 935409, Technology 118888
Operations, shall be used by the Broadcast Educational Media 118889
Commission to pay expenses of the network infrastructure, which 118890
includes the television and radio transmission infrastructure and 118891
infrastructure that shall link all public K-12 classrooms to each 118892
other and to the Internet, and provide access to voice, video, 118893
other communication services, and data educational resources for 118894
students and teachers. 118895

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 118896

The foregoing appropriation item 935410, Content Development, 118897
Acquisition, and Distribution, shall be used for the development, 118898
acquisition, and distribution of information resources by public 118899

media and radio reading services and for educational use in the 118900
classroom and online. 118901

Of the foregoing appropriation item 935410, Content 118902
Development, Acquisition, and Distribution, up to \$1,008,099 in 118903
each fiscal year shall be allocated equally among the Ohio 118904
educational television stations. Funds shall be used for the 118905
production of interactive instructional programming series with 118906
priority given to resources aligned with state academic content 118907
standards. The programming shall be targeted to the needs of the 118908
one-third lowest capacity school districts as determined by the 118909
district's state share index calculated by the Department of 118910
Education. 118911

Of the foregoing appropriation item 935410, Content 118912
Development, Acquisition, and Distribution, up to \$2,654,095 in 118913
each fiscal year shall be distributed by the Broadcast Educational 118914
Media Commission to Ohio's qualified public educational television 118915
stations and educational radio stations to support their 118916
operations. The funds shall be distributed pursuant to an 118917
allocation formula used by the Ohio Educational Telecommunications 118918
Network Commission unless a substitute formula is developed by the 118919
Broadcast Educational Media Commission in consultation with Ohio's 118920
qualified public educational television stations and educational 118921
radio stations. 118922

Of the foregoing appropriation item 935410, Content 118923
Development, Acquisition, and Distribution, up to \$294,900 in each 118924
fiscal year shall be distributed by the Broadcast Educational 118925
Media Commission to Ohio's qualified radio reading services to 118926
support their operations. The funds shall be distributed pursuant 118927
to an allocation formula used by the Ohio Educational 118928
Telecommunications Network Commission unless a substitute formula 118929
is developed by the Broadcast Educational Media Commission in 118930
consultation with Ohio's qualified radio reading services. 118931

Section 281.10. ETH OHIO ETHICS COMMISSION				118932
General Revenue Fund				118933
GRF 146321	Operating Expenses	\$ 1,381,556	\$ 1,381,556	118934
TOTAL GRF	General Revenue Fund	\$ 1,381,556	\$ 1,381,556	118935
Dedicated Purpose Fund Group				118936
4M60 146601	Operating Support	\$ 641,000	\$ 641,000	118937
TOTAL DPF	Dedicated Purpose Fund	\$ 641,000	\$ 641,000	118938
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 2,022,556	\$ 2,022,556	118939
Section 283.10. EXP OHIO EXPOSITIONS COMMISSION				118941
General Revenue Fund				118942
GRF 723403	Junior Fair Subsidy	\$ 375,000	\$ 375,000	118943
TOTAL GRF	General Revenue Fund	\$ 375,000	\$ 375,000	118944
Dedicated Purpose Fund Group				118945
4N20 723602	Ohio State Fair	\$ 235,000	\$ 235,000	118946
Harness Racing				
5060 723601	Operating Expenses	\$ 13,345,000	\$ 13,585,000	118947
5060 723604	Grounds Maintenance	\$ 300,000	\$ 300,000	118948
and Repairs				
TOTAL DPF	Dedicated Purpose Fund	\$ 13,880,000	\$ 14,120,000	118949
Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 14,255,000	\$ 14,495,000	118950
STATE FAIR RESERVE				118951
The General Manager of the Expositions Commission, in				118952
consultation with the Director of Budget and Management, may				118953
submit a request to the Controlling Board to use available amounts				118954
in the State Fair Reserve Fund (Fund 6400) if revenues from either				118955
the 2015 or the 2016 Ohio State Fair are unexpectedly low.				118956
GROUNDS MAINTENANCE AND REPAIRS				118957

The foregoing appropriation item 723604, Grounds Maintenance and Repairs, shall be used for maintenance and repairs on the grounds of the Ohio Expo Center.

Section 285.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION					118961
General Revenue Fund					118962
GRF	230321	Operating Expenses	\$ 6,500,000	\$ 6,500,000	118963
GRF	230401	Cultural Facilities	\$ 29,728,000	\$ 25,737,900	118964
Lease Rental Bond Payments					
GRF	230458	State Construction Management Services	\$ 2,200,000	\$ 2,000,000	118965
GRF	230459	Aronoff Center Building Maintenance	\$ 540,000	\$ 540,000	118966
GRF	230908	Common Schools General Obligation Bond Debt Service	\$ 366,000,000	\$ 377,000,000	118967
TOTAL GRF General Revenue Fund			\$ 404,968,000	\$ 411,777,900	118968
Internal Service Activity Fund Group					118969
1310	230639	State Construction Management Operations	\$ 8,500,000	\$ 8,500,000	118970
TOTAL ISA Internal Service Activity Fund Group			\$ 8,500,000	\$ 8,500,000	118971
TOTAL ALL BUDGET FUND GROUPS			\$ 413,468,000	\$ 420,277,900	118972

Section 285.20. CULTURAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 230401, Cultural Facilities Lease Rental Bond Payments shall be used to meet all payments during the period from July 1, 2015, through June 30, 2017, by the Ohio Facilities Construction Commission under the primary leases and agreements for cultural and sports facilities made under

Chapters 152. and 154. of the Revised Code. These appropriations 118981
are the source of funds pledged for bond service charges on 118982
related obligations issued under Chapters 152. and 154. of the 118983
Revised Code. 118984

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 118985

The foregoing appropriation item 230908, Common Schools 118986
General Obligation Bond Debt Service, shall be used to pay all 118987
debt service and related financing costs during the period from 118988
July 1, 2015, through June 30, 2017, on obligations issued under 118989
sections 151.01 and 151.03 of the Revised Code. 118990

Section 285.30. COMMUNITY PROJECT ADMINISTRATION 118991

The foregoing appropriation item 230458, State Construction 118992
Management Services, shall be used by the Ohio Facilities 118993
Construction Commission in administering Cultural and Sports 118994
Facilities Building Fund (Fund 7030) projects pursuant to section 118995
123.201 of the Revised Code. 118996

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 118997

At the request of the Executive Director of the Ohio School 118998
Facilities Commission, the Director of Budget and Management may 118999
cancel encumbrances for school district projects from a previous 119000
biennium if the district has not raised its local share of project 119001
costs within thirteen months of receiving Controlling Board 119002
approval under section 3318.05 or 3318.41 of the Revised Code. The 119003
Executive Director of the Ohio School Facilities Commission shall 119004
certify the amounts of the canceled encumbrances to the Director 119005
of Budget and Management on a quarterly basis. The amounts of the 119006
canceled encumbrances are hereby appropriated. 119007

Section 285.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 119008
APPROPRIATIONS 119009

On July 1, 2015, or as soon as possible thereafter, the
Executive Director of the Facilities Construction Commission shall
certify to the Director of Budget and Management the amount of
cash receipts and related investment income, irrevocable letters
of credit from a bank, or certification of the availability of
funds that have been received from a county or a municipal
corporation for deposit into the Capital Donations Fund (Fund
5A10) and that are related to an anticipated project. These
amounts are hereby appropriated to appropriation item C37146,
Capital Donations. Prior to certifying these amounts to the
Director, the Executive Director shall make a written agreement
with the participating entity on the necessary cash flows required
for the anticipated construction or equipment acquisition project.

Section 285.50. AMENDMENT TO PROJECT AGREEMENT FOR
MAINTENANCE LEVY

The Ohio School Facilities Commission shall amend the project
agreement between the Commission and a school district that is
participating in the Accelerated Urban School Building Assistance
Program on the effective date of this section, if the Commission
determines that it is necessary to do so in order to comply with
division (B)(3)(c) of section 3318.38 of the Revised Code.

Section 285.60. Notwithstanding any other provision of law to
the contrary, the Ohio School Facilities Commission may determine
the amount of funding available for disbursement in a given fiscal
year for any project approved under sections 3318.01 to 3318.20 of
the Revised Code in order to keep aggregate state capital spending
within approved limits and may take actions including, but not
limited to, determining the schedule for design or bidding of
approved projects, to ensure appropriate and supportable cash
flow.

Section 285.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 119040
DISTRICT 119041

Notwithstanding division (B) of section 3318.40 of the 119042
Revised Code, the Ohio School Facilities Commission may provide 119043
assistance to at least one joint vocational school district each 119044
fiscal year for the acquisition of classroom facilities in 119045
accordance with sections 3318.40 to 3318.45 of the Revised Code. 119046

Section 285.80. FUNDING OF DISTRICT SHARE OF BASIC PROJECT 119047
COST 119048

(A) The Ohio School Facilities Commission, in consultation 119049
with the Office of Budget and Management, shall prepare a study of 119050
the impacts, benefits, and risks associated with a school district 119051
funding its share of the basic project cost of a school facilities 119052
project under Chapter 3318. of the Revised Code with cash-on-hand 119053
resulting from a lease-purchase agreement or certificate of 119054
participation under section 3313.375 of the Revised Code that is 119055
not subject to voter approval. The study shall be completed not 119056
later than nine months after the effective date of this section 119057
and submitted to the Governor and General Assembly in accordance 119058
with section 101.68 of the Revised Code. Until this study is 119059
completed, a school district shall not fund its share of the basic 119060
project cost of a school facilities project under Chapter 3318. of 119061
the Revised Code with cash-on-hand resulting from a lease-purchase 119062
agreement or certificate of participation under section 3313.375 119063
of the Revised Code that is not subject to voter approval, except 119064
as provided in division (B) of this section. 119065

(B) Notwithstanding division (A) of this section and any 119066
other provision of law to the contrary, with the approval of the 119067
School Facilities Commission, a school district may use 119068
cash-on-hand resulting from a lease-purchase agreement or 119069

certificate of participation under section 3313.375 of the Revised Code that is not subject to voter approval in the following limited circumstances:

(1) Funding the district's share of an increase in the basic project cost approved under section 3318.083 of the Revised Code;

(2) Funding a locally funded initiative; or

(3) Funding a project under the Expedited Local Partnership Program established under either section 3318.36 or 3318.46 of the Revised Code.

Section 287.10. GOV OFFICE OF THE GOVERNOR

General Revenue Fund

GRF 040321 Operating Expenses	\$	2,851,552	\$	2,851,552

TOTAL GRF General Revenue Fund	\$	2,851,552	\$	2,851,552

Internal Service Activity Fund Group

5AK0 040607 Government Relations	\$	300,000	\$	300,000

TOTAL ISA Internal Service Activity

Fund Group	\$	300,000	\$	300,000

TOTAL ALL BUDGET FUND GROUPS	\$	3,151,552	\$	3,151,552

GOVERNMENT RELATIONS

A portion of the foregoing appropriation item 040607, Government Relations, may be used to support Ohio's membership in national or regional associations.

The Office of the Governor may charge any state agency of the executive branch using an intrastate transfer voucher such amounts necessary to defray the costs incurred for the conduct of governmental relations associated with issues that can be attributed to the agency. Amounts collected shall be deposited in the Government Relations Fund (Fund 5AK0).

Section 289.10. DOH DEPARTMENT OF HEALTH

General Revenue Fund				119099
GRF 440412	Cancer Incidence Surveillance System	\$ 600,000	\$ 600,000	119100
GRF 440413	Local Health Departments	\$ 823,061	\$ 823,061	119101
GRF 440416	Mothers and Children Safety Net Services	\$ 4,428,015	\$ 4,428,015	119102
GRF 440418	Immunizations	\$ 5,988,545	\$ 5,988,545	119103
GRF 440431	Free Clinics Safety Net Services	\$ 437,326	\$ 437,326	119104
GRF 440438	Breast and Cervical Cancer Screening	\$ 823,217	\$ 823,217	119105
GRF 440444	AIDS Prevention and Treatment	\$ 5,842,315	\$ 5,842,315	119106
GRF 440451	Public Health Laboratory	\$ 5,000,000	\$ 5,000,000	119107
GRF 440452	Child and Family Health Services Match	\$ 630,444	\$ 630,444	119108
GRF 440453	Health Care Quality Assurance	\$ 5,000,000	\$ 5,000,000	119109
GRF 440454	Environmental Health	\$ 1,209,430	\$ 1,209,430	119110
GRF 440459	Help Me Grow	\$ 31,708,080	\$ 31,708,080	119111
GRF 440465	FQHC Primary Care Workforce Initiative	\$ 2,686,688	\$ 2,686,688	119112
GRF 440467	Access to Dental Care	\$ 540,484	\$ 540,484	119113
GRF 440468	Chronic Disease and Injury Prevention	\$ 2,466,127	\$ 2,466,127	119114
GRF 440472	Alcohol Testing	\$ 1,114,244	\$ 1,114,244	119115
GRF 440473	Tobacco Prevention Cessation and Enforcement	\$ 5,050,000	\$ 7,050,000	119116
GRF 440474	Infant Vitality	\$ 4,116,688	\$ 4,116,688	119117
GRF 440477	Emergency Preparation	\$ 2,000,000	\$ 2,000,000	119118

	and Response				
GRF 440481	Lupus Awareness	\$	250,000	\$	250,000 119119
GRF 440505	Medically Handicapped Children	\$	7,512,451	\$	7,512,451 119120
GRF 440507	Targeted Health Care Services Over 21	\$	1,090,414	\$	1,090,414 119121
GRF 654453	Medicaid - Health Care Quality Assurance	\$	3,300,000	\$	3,300,000 119122
TOTAL GRF General Revenue Fund		\$	92,617,529	\$	94,617,529 119123
Highway Safety Fund Group					119124
4T40 440603	Child Highway Safety	\$	280,000	\$	280,000 119125
TOTAL HSF Highway Safety Fund Group		\$	280,000	\$	280,000 119126
Dedicated Purpose Fund Group					119127
4700 440647	Fee Supported Programs	\$	23,958,743	\$	24,183,552 119128
4710 440619	Certificate of Need	\$	878,433	\$	878,433 119129
4730 440622	Lab Operating Expenses	\$	5,250,000	\$	5,250,000 119130
4770 440627	Medically Handicapped Children Audit	\$	3,692,703	\$	3,692,703 119131
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039 119132
4F90 440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824 119133
4G00 440636	Heirloom Birth Certificate	\$	5,000	\$	5,000 119134
4G00 440637	Birth Certificate Surcharge	\$	5,000	\$	5,000 119135
4L30 440609	HIV Care and Miscellaneous Expenses	\$	15,000,000	\$	15,000,000 119136
4P40 440628	Ohio Physician Loan Repayment	\$	700,000	\$	700,000 119137

4V60	440641	Save Our Sight	\$	2,550,000	\$	2,550,000	119138
5B50	440616	Quality, Monitoring, and Inspection	\$	716,511	\$	736,194	119139
5BX0	440656	Tobacco Use Prevention	\$	6,350,000	\$	6,350,000	119140
5CN0	440645	Choose Life	\$	75,000	\$	75,000	119141
5D60	440620	Second Chance Trust	\$	1,500,000	\$	1,500,000	119142
5ED0	440651	Smoke Free Indoor Air	\$	400,000	\$	400,000	119143
5G40	440639	Adoption Services	\$	20,000	\$	20,000	119144
5PE0	440659	Breast and Cervical Cancer Services	\$	300,000	\$	300,000	119145
5QH0	440661	Dental Hygiene Resources Shortage Area	\$	5,000	\$	5,000	119146
5QJ0	440662	Dental Hygienist Loan Repayment	\$	80,000	\$	80,000	119147
5RZ0	440663	Hope For A Smile	\$	700,000	\$	0	119148
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	200,000	119149
6100	440626	Radiation Emergency Response	\$	1,086,098	\$	1,086,098	119150
6660	440607	Medically Handicapped Children - County Assessments	\$	19,739,617	\$	19,739,617	119151
6980	440634	Nurse Aide Training	\$	120,000	\$	120,000	119152
TOTAL DPF Dedicated Purpose Fund Group			\$	87,615,968	\$	87,220,460	119153
Internal Service Activity Fund Group							119154
1420	440646	Agency Health Services	\$	3,279,509	\$	3,130,613	119155
2110	440613	Central Support Indirect Costs	\$	30,052,469	\$	30,052,469	119156
TOTAL ISA Internal Service Activity			\$	33,331,978	\$	33,183,082	119157

Fund Group

Holding Account Fund Group						119158
R014 440631	Vital Statistics	\$	44,986	\$	44,986	119159
R048 440625	Refunds, Grants	\$	20,000	\$	20,000	119160
	Reconciliation, and					
	Audit Settlements					
TOTAL HLD Holding Account Fund		\$	64,986	\$	64,986	119161
Group						
Federal Fund Group						119162
3200 440601	Maternal Child Health	\$	22,000,000	\$	22,000,000	119163
	Block Grant					
3870 440602	Preventive Health	\$	8,000,000	\$	8,000,000	119164
	Block Grant					
3890 440604	Women, Infants, and	\$	240,000,000	\$	240,000,000	119165
	Children					
3910 440606	Medicare Survey and	\$	18,000,000	\$	18,000,000	119166
	Certification					
3920 440618	Federal Public Health	\$	107,198,791	\$	107,198,791	119167
	Programs					
3GD0 654601	Medicaid Program	\$	22,392,094	\$	22,392,094	119168
	Support					
3GN0 440660	Public Health	\$	27,941,795	\$	27,941,795	119169
	Emergency					
	Preparedness					
TOTAL FED Federal Fund Group		\$	445,532,680	\$	445,532,680	119170
TOTAL ALL BUDGET FUND GROUPS		\$	659,443,141	\$	660,898,737	119171

Section 289.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 119173

Of the foregoing appropriation item 440416, Mothers and 119174
Children Safety Net Services, \$200,000 in each fiscal year shall 119175
be used to assist families with hearing impaired children under 119176
twenty-one years of age in purchasing hearing aids. The Director 119177

of Health shall adopt rules governing the distribution of these 119178
funds, including rules that do both of the following: (1) 119179
establish eligibility criteria to include families with incomes at 119180
or below four hundred per cent of the federal poverty guidelines 119181
as defined in section 5101.46 of the Revised Code, and (2) develop 119182
a sliding scale of disbursements under this section based on 119183
family income. The Director may adopt other rules as necessary to 119184
implement this section. Rules adopted under this section shall be 119185
adopted in accordance with Chapter 119. of the Revised Code. 119186

The Department shall disburse all of the funds appropriated 119187
under this section. 119188

HIV/AIDS PREVENTION/TREATMENT 119189

The foregoing appropriation item 440444, AIDS Prevention and 119190
Treatment, shall be used to assist persons with HIV/AIDS in 119191
acquiring HIV-related medications and to administer educational 119192
prevention initiatives. 119193

PUBLIC HEALTH LABORATORY 119194

A portion of the foregoing appropriation item 440451, Public 119195
Health Laboratory, shall be used for coordination and management 119196
of prevention program operations and the purchase of drugs for 119197
sexually transmitted diseases. 119198

HELP ME GROW 119199

The foregoing appropriation item 440459, Help Me Grow, shall 119200
be used by the Department of Health to implement the Help Me Grow 119201
Program. Funds shall be distributed to counties through 119202
agreements, contracts, grants, or subsidies in accordance with 119203
section 3701.61 of the Revised Code. Appropriation item 440459, 119204
Help Me Grow, may be used in conjunction with other early 119205
childhood funds and services to promote the optimal development of 119206
young children and family-centered programs and services that 119207
acknowledge and support the social, emotional, cognitive, 119208

intellectual, and physical development of children and the vital 119209
role of families in ensuring the well-being and success of 119210
children. The Department of Health shall enter into interagency 119211
agreements with the Department of Education, Department of 119212
Developmental Disabilities, Department of Job and Family Services, 119213
and Department of Mental Health and Addiction Services to ensure 119214
that all early childhood programs and initiatives are coordinated 119215
and school linked. 119216

The foregoing appropriation item 440459, Help Me Grow, may 119217
also be used for the Developmental Autism and Screening Program. 119218

FQHC PRIMARY CARE WORKFORCE INITIATIVE 119219

The foregoing appropriation item 440465, FQHC Primary Care 119220
Workforce Initiative, shall be provided to the Ohio Association of 119221
Community Health Centers to administer the FQHC Primary Care 119222
Workforce Initiative. The Initiative shall provide medical, 119223
dental, behavioral health, physician assistant, and advanced 119224
practice nursing students with clinical rotations through 119225
federally qualified health centers. 119226

TOBACCO PREVENTION CESSATION AND ENFORCEMENT 119227

Of the foregoing appropriation item 440473, Tobacco 119228
Prevention Cessation and Enforcement, \$1,000,000 in each fiscal 119229
year shall be used to award grants in accordance with the section 119230
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 119231

INFANT VITALITY 119232

The foregoing appropriation item 440474, Infant Vitality, 119233
shall be used to fund initiatives including: 119234

(A) The Infant Safe Sleep Campaign to educate parents and 119235
caregivers with a uniform message regarding safe sleep 119236
environments; 119237

(B) The Progesterone Prematurity Prevention Project to enable 119238

prenatal care providers to identify, screen, treat, and track 119239
outcomes for women eligible for progesterone supplementation; and 119240

(C) The Prenatal Smoking Cessation Project to enable prenatal 119241
care providers who work with women of reproductive age, including 119242
pregnant women, to have the tools, training, and technical 119243
assistance needed to treat smokers effectively. 119244

EMERGENCY PREPARATION AND RESPONSE 119245

Of the foregoing appropriation item 440477, Emergency 119246
Preparation and Response, \$500,000 in each fiscal year shall be 119247
used for local public health emergency response and training 119248
activities. Local board of health emergency declarations and 119249
requests for local public health emergency response reimbursement 119250
and training shall be submitted to the Ohio Public Health Advisory 119251
Board and reviewed at their next regularly scheduled meeting. A 119252
majority of Board members present at the following meeting will 119253
decide by a majority vote the funding amounts for local 119254
activities. The Department shall prepare payment to the local 119255
health department in the amount prescribed by the Board. 119256

The foregoing appropriation item 440477, Emergency 119257
Preparation and Response, shall be used to support public health 119258
emergency preparedness and response efforts at the state level or 119259
at a regional sub-level within the state, and may also be used to 119260
support data infrastructure projects related to public health 119261
emergency preparedness/response. 119262

LUPUS AWARENESS 119263

The foregoing appropriation item 440481, Lupus Awareness, 119264
shall be used for the Lupus Education and Awareness Program 119265
established in section 3701.77 of the Revised Code. 119266

TARGETED HEALTH CARE SERVICES OVER 21 119267

The foregoing appropriation item 440507, Targeted Health Care 119268

Services Over 21, shall also be used to administer the Cystic 119269
Fibrosis Program and to implement the Hemophilia Insurance Premium 119270
Payment Program. The Department shall expend \$100,000 in each 119271
fiscal year to implement the Hemophilia Insurance Premium Payment 119272
Program. 119273

The foregoing appropriation item 440507, Targeted Health Care 119274
Services Over 21, shall also be used to provide essential 119275
medications and to pay the copayments for drugs approved by the 119276
Department of Health and covered by Medicare Part D that are 119277
dispensed to Bureau for Children with Medical Handicaps (BCMH) 119278
participants for the Cystic Fibrosis Program. 119279

The Department shall expend all of these funds. 119280

MEDICALLY HANDICAPPED CHILDREN AUDIT 119281

The Medically Handicapped Children Audit Fund (Fund 4770) 119282
shall receive revenue from audits of hospitals and recoveries from 119283
third-party payers. Moneys may be expended for payment of audit 119284
settlements and for costs directly related to obtaining recoveries 119285
from third-party payers and for encouraging Medically Handicapped 119286
Children's Program recipients to apply for third-party benefits. 119287
Moneys also may be expended for payments for diagnostic and 119288
treatment services on behalf of medically handicapped children, as 119289
defined in division (A) of section 3701.022 of the Revised Code, 119290
and Ohio residents who are twenty-one or more years of age and who 119291
are suffering from cystic fibrosis or hemophilia. Moneys may also 119292
be expended for administrative expenses incurred in operating the 119293
Medically Handicapped Children's Program. 119294

GENETICS SERVICES 119295

The foregoing appropriation item 440608, Genetics Services 119296
(Fund 4D60), shall be used by the Department of Health to 119297
administer programs authorized by sections 3701.501 and 3701.502 119298
of the Revised Code. None of these funds shall be used to counsel 119299

or refer for abortion, except in the case of a medical emergency. 119300

HOPE FOR A SMILE 119301

The foregoing appropriation item 440663, Hope For A Smile, 119302
shall be used to provide for the start-up costs of one bus for the 119303
Hope For A Smile Program. The source of funding shall be a cash 119304
transfer from the General Revenue Fund under Section 512.30 of 119305
this act into the Hope For a Smile Fund (Fund 5RZ0). 119306

An amount equal to the unexpended, unencumbered portion of 119307
the foregoing appropriation item, 440663, Hope For A Smile, at the 119308
end of fiscal year 2016 is hereby reappropriated for the same 119309
purpose in fiscal year 2017. 119310

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 119311

The foregoing appropriation item 440607, Medically 119312
Handicapped Children - County Assessments (Fund 6660), shall be 119313
used to make payments under division (E) of section 3701.023 of 119314
the Revised Code. 119315

Section 289.30. IMMUNIZATIONS 119316

Beginning on January 1, 2016, the Department of Health shall 119317
no longer provide GRF-funded vaccines or GRF funding for vaccines 119318
from GRF appropriation item 440418, Immunizations. Local health 119319
departments and other local providers who receive GRF funded 119320
vaccines or GRF funding for vaccines from the Department of Health 119321
before January 1, 2016, shall instead bill private insurance 119322
companies as appropriate to recover the costs of providing and 119323
administering vaccines. However, the Department of Health may 119324
continue to provide GRF-funded vaccines or GRF funding for 119325
vaccines to cover uninsured adults, to cover individuals on 119326
grandfathered private insurance plans that do not cover vaccines, 119327
and in certain exceptional cases as determined by the Director of 119328
Health. 119329

Section 289.33. MOMS QUIT FOR TWO GRANT PROGRAM 119330

(A) The Department of Health shall create the Moms Quit for 119331
Two Grant Program. Recognizing the significant health risks posed 119332
to women and their children by tobacco use during and after 119333
pregnancy, the Department shall award grants to private, nonprofit 119334
entities or government entities that demonstrate the ability to 119335
deliver evidence-based tobacco cessation interventions to women 119336
who reside in communities that have the highest incidence of 119337
infant mortality, as determined by the Director of Health, and who 119338
are pregnant or live with children. The Department may adopt any 119339
rules it considers necessary to administer the Program. 119340

(B) The Department shall create a grant application and 119341
develop a process for receiving and evaluating completed grant 119342
applications on a competitive basis. The Department shall select 119343
grant recipients not later than December 31, 2015, giving first 119344
preference to the entities described in division (A) of this 119345
section that are able to target the interventions to pregnant 119346
women and second preference to such entities that are able to 119347
target the interventions to women living with children. The 119348
Department's decision regarding a submitted grant application is 119349
final. 119350

(C) The Department shall establish performance objectives to 119351
be met by grant recipients. The Department shall monitor the 119352
performance of each grant recipient in meeting the objectives. 119353

(D) After the Program's conclusion, the Department shall 119354
evaluate the Program. Not later than December 31, 2017, the 119355
Department shall prepare a report describing its findings and make 119356
a recommendation on whether the Program should be continued. The 119357
Department shall provide a copy of the report to the Governor and 119358
General Assembly. The copy to the General Assembly shall be 119359
provided in accordance with section 101.68 of the Revised Code. 119360

The Department also shall make the report available to the public 119361
on the Department's internet web site. 119362

Section 289.40. WIC VENDOR CONTRACTS 119363

(A) As used in this section, "WIC" means the Special 119364
Supplemental Nutrition Program for Women, Infants, and Children 119365
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 119366
42 U.S.C. 1786, as amended. 119367

(B) During fiscal year 2016 and fiscal year 2017, the 119368
Department of Health shall process and review a WIC vendor 119369
contract application pursuant to Chapter 3701-42 of the 119370
Administrative Code not later than forty-five days after receipt 119371
of the application if the applicant is a WIC-contracted vendor at 119372
the time of application and meets all of the following 119373
requirements: 119374

(1) Submits a complete WIC vendor application with all 119375
required documents and information; 119376

(2) Passes the required unannounced preauthorization visit 119377
within forty-five days of submitting a complete application; 119378

(3) Completes the required in-person training within 119379
forty-five days of submitting the complete application. 119380

(C) If an applicant fails to meet any of the requirements 119381
described in division (B) of this section, the Department shall 119382
deny the application for the contract. After an application has 119383
been denied, the applicant may reapply for a contract to act as a 119384
WIC vendor during the contracting cycle that is applicable to the 119385
applicant's WIC region. 119386

Section 289.50. CASH TRANSFERS TO THE PUBLIC HEALTH EMERGENCY 119387
PREPAREDNESS FUND 119388

On July 1, 2015, or as soon as possible thereafter, the 119389

Director of Health shall certify to the Director of Budget and 119390
Management the cash balance relating to public health emergency 119391
preparedness and response activities in the General Operations 119392
Fund (Fund 3920) and the Central Support Indirect Cost Fund (Fund 119393
2110), both used by the Department of Health. Upon receiving this 119394
certification, the Director of Budget and Management may transfer 119395
the amount certified to the Public Health Emergency Preparedness 119396
Fund (Fund 3GN0) and/or the General Operations Fund (Fund 3920), 119397
both used by the Department of Health. 119398

Section 289.60. HOSPITAL COST ESTIMATES 119399

(A) Within one year after the effective date of this section, 119400
all hospitals registered under section 3701.07 of the Revised Code 119401
shall have either of the following: 119402

(1) A process in place under which the hospital can provide, 119403
upon a consumer's request, a reasonable, good faith estimate of a 119404
patient's out of pocket expenses associated with the hospital's 119405
one hundred most frequently provided non-emergency, outpatient 119406
services; 119407

(2) A process under which the hospital can direct consumers 119408
to a source, including the consumer's health plan issuer, where 119409
the consumer can get that information. 119410

(B) Within two years after the effective date of this 119411
section, all hospitals registered under section 3701.07 of the 119412
Revised Code shall have either of the following: 119413

(1) A process in place under which the hospital can provide, 119414
upon a consumer's request, a reasonable, good faith estimate of a 119415
patient's out of pocket expense associated with the hospital's one 119416
hundred most frequently provided inpatient services; 119417

(2) A process under which the hospital can direct consumers 119418
to a source, including the consumer's health plan issuer, where 119419

the consumer can get that information. 119420

(C) A good faith estimate for health care services provided 119421
by a hospital pursuant to divisions (A)(1) and (B)(1) of this 119422
section shall include information for consumers that is 119423
conspicuously displayed, if the estimate is written, or shared 119424
verbally, if the estimate is oral, informing the patient that the 119425
information provided pursuant to divisions (A) and (B) of this 119426
section is a good faith estimate based on information available to 119427
the hospital at the time the estimate is given, and that the 119428
actual costs to the patient could be different than the estimate 119429
based on the services actually received by the patient, the 119430
patient's health insurance plan coverage, and other factors. 119431

(D) Any health plan issuer contacted by a hospital in order 119432
for the hospital to obtain information regarding a health plan 119433
enrollee's out of pocket expenses so that the hospital can comply 119434
with divisions (A) and (B) of this section shall provide such 119435
information to the hospital within a reasonable time of the 119436
hospital's request. 119437

(E) On or about one year after the effective date of this 119438
section and on or about two years after the effective date of this 119439
section, a representative of the Ohio hospital association shall 119440
report to the joint medicaid oversight committee hospitals' 119441
experience in providing the information required by divisions (A) 119442
and (B) of this section. 119443

(F) As used in this section, "health plan issuer" means an 119444
entity subject to the insurance laws and rules of this state, or 119445
subject to the jurisdiction of the superintendent of insurance, 119446
that contracts, or offers to contract, to provide, deliver, 119447
arrange for, pay for, or reimburse any of the costs of health care 119448
services under a health benefit plan, including a sickness and 119449
accident insurance company; a health insuring corporation; a 119450
fraternal benefit society; a self-funded multiple employer welfare 119451

arrangement; or a nonfederal, government health plan. "Health plan issuer" includes a third party administrator licensed under Chapter 3959. of the Revised Code to the extent that the benefits that such an entity is contracted to administer under a health benefit plan are subject to the insurance laws and rules of this state or subject to the jurisdiction of the superintendent. "Health plan issuer" also includes a contracting entity as defined under Chapter 3963. of the Revised Code to the extent that the contracted for health care services are provided under a health benefit plan subject to the insurance laws and rules of this state or subject to the jurisdiction of the superintendent.

Section 291.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 119463

Dedicated Purpose Fund Group 119464

4610 372601	Operating Expenses	\$	12,500	\$	12,500	119465

TOTAL DPF Dedicated Purpose Fund	\$	12,500	\$	12,500	119466

Group

TOTAL ALL BUDGET FUND GROUPS	\$	12,500	\$	12,500	119467

Section 293.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 119469

General Revenue Fund 119470

GRF 148100	Personal Services	\$	368,459	\$	368,459	119471

GRF 148402	Community Programs	\$	44,924	\$	44,924	119472

TOTAL GRF General Revenue Fund	\$	413,383	\$	413,383	119473

Dedicated Purpose Fund Group 119474

6010 148602	Special Initiatives	\$	24,558	\$	24,558	119475

TOTAL DPF Dedicated Purpose					119476

Fund Group	\$	24,558	\$	24,558	119477

TOTAL ALL BUDGET FUND GROUPS	\$	437,941	\$	437,941	119478

Section 295.10. OHS OHIO HISTORY CONNECTION 119480

General Revenue Fund 119481

GRF	360501	Education and Collections	\$	4,368,997	\$	4,218,997	119482
GRF	360502	Site and Museum Operations	\$	6,091,086	\$	5,941,086	119483
GRF	360504	Ohio Preservation Office	\$	290,000	\$	290,000	119484
GRF	360505	National Afro-American Museum	\$	500,000	\$	500,000	119485
GRF	360506	Hayes Presidential Center	\$	500,000	\$	500,000	119486
GRF	360508	State Historical Grants	\$	1,500,000	\$	1,500,000	119487
GRF	360509	Outreach and Partnership	\$	160,395	\$	160,395	119488
GRF	360522	Ohio Veterans Admissions	\$	0	\$	500,000	119489
TOTAL GRF	General Revenue Fund		\$	13,410,478	\$	13,610,478	119490
Dedicated Purpose Fund Group							119491
5KL0	360602	Ohio History Tax Check-off	\$	250,000	\$	250,000	119492
5PD0	360603	Ohio History License Plate	\$	10,000	\$	10,000	119493
TOTAL DPF	Dedicated Purpose Fund Group		\$	260,000	\$	260,000	119494
TOTAL ALL BUDGET FUND GROUPS			\$	13,670,478	\$	13,870,478	119495

SUBSIDY APPROPRIATION 119496

Upon approval by the Director of Budget and Management, the 119497
foregoing appropriation items shall be released to the Ohio 119498
History Connection in quarterly amounts that in total do not 119499
exceed the annual appropriations. The funds and fiscal records of 119500
the society for fiscal year 2016 and fiscal year 2017 shall be 119501
examined by independent certified public accountants approved by 119502

the Auditor of State, and a copy of the audited financial 119503
statements shall be filed with the Office of Budget and 119504
Management. The society shall prepare and submit to the Office of 119505
Budget and Management the following: 119506

(A) An estimated operating budget for each fiscal year of the 119507
biennium. The operating budget shall be submitted at or near the 119508
beginning of each calendar year. 119509

(B) Financial reports, indicating actual receipts and 119510
expenditures for the fiscal year to date. These reports shall be 119511
filed at least semiannually during the fiscal biennium. 119512

The foregoing appropriations shall be considered to be the 119513
contractual consideration provided by the state to support the 119514
state's offer to contract with the Ohio History Connection under 119515
section 149.30 of the Revised Code. 119516

STATE HISTORICAL GRANTS 119517

Of the foregoing appropriation item 360508, State Historical 119518
Grants, \$250,000 in each fiscal year shall be used for the 119519
Cincinnati Museum Center, and \$250,000 in each fiscal year shall 119520
be used for the Western Reserve Historical Society. 119521

Of the foregoing appropriation item 360508, State Historical 119522
Grants, \$500,000 in each fiscal year shall be distributed to Lake 119523
View Cemetery for maintenance of the James A. Garfield Monument. 119524

Of the foregoing appropriation item 360508, State Historical 119525
Grants, \$500,000 in each fiscal year shall be distributed to the 119526
Murphy Theatre for preservation of the structure. 119527

OUTREACH AND PARTNERSHIP 119528

Of the foregoing appropriation item 360509, Outreach and 119529
Partnership, \$70,000 in each fiscal year shall be distributed to 119530
the Ohio World War I Centennial Working Group. 119531

OHIO VETERANS ADMISSIONS 119532

Of the foregoing appropriation item 360522, Ohio Veterans Admissions, \$500,000 in fiscal year 2017 shall be distributed to the Columbus Downtown Development Corporation for the purpose of providing free admission for Ohio veterans to the Ohio Veterans Memorial and Museum.

Section 297.10. REP OHIO HOUSE OF REPRESENTATIVES

General Revenue Fund

GRF 025321 Operating Expenses	\$	23,272,941	\$	23,272,941

TOTAL GRF General Revenue Fund	\$	23,272,941	\$	23,272,941

Internal Service Activity Fund Group

1030 025601 House Reimbursement	\$	1,433,664	\$	1,433,664

4A40 025602 Miscellaneous Sales	\$	37,849	\$	37,849

TOTAL Internal Service Activity

Fund Group	\$	1,471,513	\$	1,471,513

TOTAL ALL BUDGET FUND GROUPS	\$	24,744,454	\$	24,744,454

OPERATING EXPENSES

On July 1, 2015, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2015 to be reappropriated to fiscal year 2016. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2016.

On July 1, 2016, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2016 to be reappropriated to fiscal year 2017. The amount certified is

hereby reappropriated to the same appropriation item for fiscal 119563
year 2017. 119564

HOUSE REIMBURSEMENT 119565

If it is determined by the Chief Administrative Officer of 119566
the House of Representatives that additional appropriations are 119567
necessary for the foregoing appropriation item 025601, House 119568
Reimbursement, the amounts are hereby appropriated. 119569

Section 299.10. HFA OHIO HOUSING FINANCE AGENCY 119570

Dedicated Purpose Fund Group 119571

5AZ0 997601 Housing Finance Agency \$ 12,111,500 \$ 12,176,700 119572

Personal Services

TOTAL DPF Dedicated Purpose Fund \$ 12,111,500 \$ 12,176,700 119573
Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,111,500 \$ 12,176,700 119574

Section 301.10. IGO OFFICE OF THE INSPECTOR GENERAL 119576

General Revenue Fund 119577

GRF 965321 Operating Expenses \$ 1,327,759 \$ 1,327,759 119578

TOTAL GRF General Revenue Fund \$ 1,327,759 \$ 1,327,759 119579

Internal Service Activity Fund Group 119580

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 119581

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 119582

General for BWC/OIC

TOTAL ISA Internal Service Activity 119583

Fund Group \$ 825,000 \$ 825,000 119584

TOTAL ALL BUDGET FUND GROUPS \$ 2,152,759 \$ 2,152,759 119585

Section 303.10. INS DEPARTMENT OF INSURANCE 119587

Dedicated Purpose Fund Group 119588

5540	820601	Operating Expenses - OSHIIP	\$	180,000	\$	180,000	119589
5540	820606	Operating Expenses	\$	26,235,367	\$	26,235,367	119590
5550	820605	Examination	\$	8,184,065	\$	8,184,065	119591
5PT0	820613	Captive Insurance Regulation & Supervision	\$	496,252	\$	1,198,696	119592
TOTAL DPF Dedicated Purpose Fund Group							119593
			\$	35,095,684	\$	35,798,128	119594
Federal Fund Group							119595
3U50	820602	OSHIIP Operating Grant	\$	1,970,725	\$	1,970,725	119596
TOTAL FED Federal Fund Group							119597
TOTAL ALL BUDGET FUND GROUPS							119598
MARKET CONDUCT EXAMINATION							119599
When conducting a market conduct examination of any insurer doing business in this state, the Superintendent of Insurance may assess the costs of the examination against the insurer. The superintendent may enter into consent agreements to impose administrative assessments or fines for conduct discovered that may be violations of statutes or rules administered by the Superintendent. All costs, assessments, or fines collected shall be deposited to the credit of the Department of Insurance Operating Fund (Fund 5540).							119600 119601 119602 119603 119604 119605 119606 119607 119608
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES							119609
The Director of Budget and Management, at the request of the Superintendent of Insurance, may transfer cash from the Department of Insurance Operating Fund (Fund 5540), established by section 3901.021 of the Revised Code, to the Superintendent's Examination Fund (Fund 5550), established by section 3901.071 of the Revised Code, only for expenses incurred in examining domestic fraternal benefit societies as required by section 3921.28 of the Revised							119610 119611 119612 119613 119614 119615 119616

Code.					119617
TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND					119618
Not later than the thirty-first day of July each fiscal year,					119619
the Director of Budget and Management shall transfer \$5,000,000					119620
from the Department of Insurance Operating Fund (Fund 5540) to the					119621
General Revenue Fund.					119622
Section 303.20. TRANSFER OF FUNDS FOR CAPTIVE INSURANCE					119623
COMPANY REGULATION AND SUPERVISION					119624
During fiscal years 2016 and 2017, the Director of Budget and					119625
Management, in consultation with the Superintendent of Insurance,					119626
may transfer up to \$1,000,000 cash, from the Department of					119627
Insurance Operating Fund (Fund 5540) to the Captive Insurance					119628
Regulation and Supervision Fund (Fund 5PT0), to meet the operating					119629
needs associated with regulatory work related to the formation of					119630
captive insurance companies in this state that will occur before					119631
receipts from this activity are deposited into Fund 5PT0. Once					119632
funds from captive insurance company application fees,					119633
reimbursements from captive insurance companies for examinations,					119634
and other sources have accrued to Fund 5PT0 in such amounts as are					119635
deemed sufficient to sustain operations, the Director of Budget					119636
and Management, in consultation with the Superintendent of					119637
Insurance, shall establish a schedule for repaying the amounts					119638
previously transferred during fiscal years 2016 and 2017 from Fund					119639
5PT0 to Fund 5540.					119640
Section 305.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES					119641
General Revenue Fund					119642
GRF 600321 Program Support	\$	29,189,231	\$	29,189,231	119643
GRF 600410 TANF State/Maintenance	\$	152,886,934	\$	152,886,934	119644
of Effort					
GRF 600413 Child Care	\$	84,732,730	\$	84,732,730	119645

	State/Maintenance of Effort				
GRF 600416	Information Technology Projects	\$	54,184,700	\$	54,184,700 119646
GRF 600420	Child Support Programs	\$	6,591,048	\$	6,591,048 119647
GRF 600421	Family Assistance Programs	\$	3,161,930	\$	3,161,930 119648
GRF 600423	Families and Children Programs	\$	7,428,670	\$	7,428,670 119649
GRF 600445	Unemployment Insurance Administration	\$	23,718,724	\$	22,523,501 119650
GRF 600502	Child Support - Local	\$	23,814,103	\$	23,814,103 119651
GRF 600511	Disability Financial Assistance	\$	17,000,000	\$	17,000,000 119652
GRF 600521	Family Assistance - Local	\$	46,132,751	\$	46,132,751 119653
GRF 600523	Family and Children Services	\$	57,755,323	\$	57,755,323 119654
GRF 600528	Adoption Services				119655
	State	\$	28,623,389	\$	28,623,389 119656
	Federal	\$	38,202,557	\$	38,202,557 119657
	Adoption Services Total	\$	66,825,946	\$	66,825,946 119658
GRF 600533	Child, Family, and Community Protective Services	\$	13,500,000	\$	13,500,000 119659
GRF 600534	Adult Protective Services	\$	2,640,000	\$	2,640,000 119660
GRF 600535	Early Care and Education	\$	143,617,211	\$	143,436,793 119661
GRF 600541	Kinship Permanency Incentive Program	\$	3,500,000	\$	3,500,000 119662
GRF 600546	Healthy Food Financing Initiative	\$	1,000,000	\$	1,000,000 119663

GRF 655522	Medicaid Program	\$	31,067,970	\$	31,067,970	119664
	Support - Local					
GRF 655523	Medicaid Program	\$	42,280,495	\$	45,080,495	119665
	Support - Local					
	Transportation					
TOTAL GRF General Revenue Fund						119666
	State	\$	772,825,209	\$	774,249,568	119667
	Federal	\$	38,202,557	\$	38,202,557	119668
	GRF Total	\$	811,027,766	\$	812,452,125	119669
	Dedicated Purpose Fund Group					119670
1980 600647	Children's Trust Fund	\$	5,873,848	\$	5,873,848	119671
4A80 600658	Public Assistance	\$	26,000,000	\$	26,000,000	119672
	Activities					
4A90 600607	Unemployment	\$	15,850,000	\$	15,250,000	119673
	Compensation					
	Administration Fund					
4E70 600604	Family and Children	\$	400,000	\$	400,000	119674
	Services Collections					
4F10 600609	Family and Children	\$	383,549	\$	383,549	119675
	Activities					
5DM0 600633	Audit Settlements and	\$	5,000,000	\$	5,000,000	119676
	Contingency					
5DP0 600634	Adoption Assistance	\$	500,000	\$	500,000	119677
	Loan					
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000	119678
5HC0 600695	Unemployment	\$	38,701,835	\$	28,668,609	119679
	Compensation Interest					
5KT0 600696	Early Childhood	\$	20,000,000	\$	20,000,000	119680
	Education					
5KU0 600611	Unemployment	\$	500,000	\$	500,000	119681
	Insurance Support -					
	Other Sources					
5NG0 600660	Victims of Human	\$	100,000	\$	100,000	119682

		Trafficking				
5RC0	600669	Healthier Buckeye	\$	5,000,000	\$	6,500,000 119683
		Grant Pilot Program				
5U60	600663	Family and Children	\$	4,000,000	\$	4,000,000 119684
		Support				
TOTAL DPF		Dedicated Purpose Fund	\$	122,809,232	\$	113,676,006 119685
Group						
Internal Service Activity Fund Group						119686
5HL0	600602	State and County	\$	3,000,000	\$	3,000,000 119687
		Shared Services				
TOTAL ISA		Internal Service Activity	\$	3,000,000	\$	3,000,000 119688
Fund Group						
Fiduciary Fund Group						119689
1920	600646	Child Support	\$	129,250,000	\$	129,250,000 119690
		Intercept - Federal				
5830	600642	Child Support	\$	14,000,000	\$	14,000,000 119691
		Intercept - State				
5B60	600601	Food Assistance	\$	1,000,000	\$	1,000,000 119692
		Intercept				
TOTAL FID		Fiduciary Fund Group	\$	144,250,000	\$	144,250,000 119693
Holding Account Fund Group						119694
R012	600643	Refunds and Audit	\$	500,000	\$	500,000 119695
		Settlements				
R013	600644	Forgery Collections	\$	10,000	\$	10,000 119696
TOTAL HLD		Holding Account Fund	\$	510,000	\$	510,000 119697
Group						
Federal Fund Group						119698
3270	600606	Child Welfare	\$	29,769,866	\$	29,769,866 119699
3310	600615	Veterans Programs	\$	8,000,000	\$	8,000,000 119700
3310	600624	Employment Services	\$	26,000,000	\$	26,000,000 119701
		Programs				
3310	600686	Workforce Programs	\$	6,260,000	\$	6,260,000 119702

3840	600610	Food Assistance Programs	\$	160,381,394	\$	160,381,394	119703
3850	600614	Refugee Services	\$	12,564,952	\$	12,564,952	119704
3950	600616	Federal Discretionary Grants	\$	2,259,264	\$	2,259,264	119705
3960	600620	Social Services Block Grant	\$	47,000,000	\$	47,000,000	119706
3970	600626	Child Support - Federal	\$	200,000,000	\$	200,000,000	119707
3980	600627	Adoption Program - Federal	\$	171,178,779	\$	171,178,779	119708
3A20	600641	Emergency Food Distribution	\$	5,000,000	\$	5,000,000	119709
3D30	600648	Children's Trust Fund Federal	\$	3,477,699	\$	3,477,699	119710
3F01	655624	Medicaid Program Support	\$	122,280,495	\$	125,080,495	119711
3H70	600617	Child Care Federal	\$	222,212,089	\$	213,000,000	119712
3N00	600628	Foster Care Program - Federal	\$	291,968,616	\$	291,968,616	119713
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	119714
3V00	600688	Workforce Innovation and Opportunity Act Programs	\$	128,000,000	\$	128,000,000	119715
3V40	600678	Federal Unemployment Programs	\$	133,814,212	\$	133,814,212	119716
3V40	600679	UC Review Commission - Federal	\$	6,185,788	\$	6,185,788	119717
3V60	600689	TANF Block Grant	\$	824,900,560	\$	836,437,504	119718
TOTAL FED Federal Fund Group			\$	2,401,787,764	\$	2,406,912,619	119719
TOTAL ALL BUDGET FUND GROUPS			\$	3,483,384,762	\$	3,480,800,750	119720

Section 305.20. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 119722

The Fiduciary Fund Group and Holding Account Fund Group shall 119723
be used to hold revenues until the appropriate fund is determined 119724
or until the revenues are directed to the appropriate governmental 119725
agency other than the Department of Job and Family Services. Any 119726
Department of Job and Family Services refunds or reconciliations 119727
received or held by the Department of Medicaid shall be 119728
transferred or credited to the Refunds and Audit Settlement Fund 119729
(Fund R012). If receipts credited to the Support Intercept - 119730
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 119731
5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and 119732
Audit Settlements Fund (Fund R012), or the Forgery Collections 119733
Fund (Fund R013) exceed the amounts appropriated from the fund, 119734
the Director of Job and Family Services may request the Director 119735
of Budget and Management to authorize expenditures from the fund 119736
in excess of the amounts appropriated. Upon the approval of the 119737
Director of Budget and Management, the additional amounts are 119738
hereby appropriated. 119739

Section 305.22. OHIO PARENTING AND PREGNANCY PROGRAM 119740

Of the foregoing appropriation item 600410, TANF 119741
State/Maintenance of Effort, \$500,000 in each fiscal year shall be 119742
used to support the Ohio Parenting and Pregnancy Program. 119743

Section 305.30. COUNTY ADMINISTRATIVE FUNDS 119744

(A) The foregoing appropriation item 600521, Family 119745
Assistance - Local, may be provided to county departments of job 119746
and family services to administer food assistance and disability 119747
assistance programs. 119748

(B) The foregoing appropriation item 655522, Medicaid Program 119749
Support - Local, may be provided to county departments of job and 119750
family services to administer the Medicaid program and the State 119751
Children's Health Insurance program. 119752

(C) The foregoing appropriation item 655523, Medicaid Program Support - Local Transportation, may be provided to county departments of job and family services to administer the Medicaid transportation program.

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item:

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support - Local.

(E) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

HEALTHIER BUCKEYE GRANT PILOT PROGRAM

(A) There is hereby created the Healthier Buckeye Grant Pilot Program. The purpose of the Program is to promote financial self-sufficiency and reduced reliance on public assistance through a community environment that maximizes opportunities for individuals and families to achieve optimal health in all aspects, including care coordination among providers of physical and behavioral health services and community providers of social, employment, education, and housing services. The Program shall award grants to local healthier buckeye councils established under

section 355.02 of the Revised Code and to any other individual or organization that meets the goals and objectives set forth in this section.

(B) The Ohio Healthier Buckeye Advisory Council shall recommend to the Director of Job and Family Services eligibility criteria, application processes, and maximum grant amounts for the Program. Eligibility criteria established for the Program shall give priority to proposals including the following factors:

(1) Prior effectiveness in providing services that achieve lasting self-sufficiency for low-income individuals;

(2) Alignment and coordination of public and private resources to assist low-income individuals achieve self-sufficiency;

(3) Maintenance of continuous mentoring support and coordinated community-level participation for participants as they resolve barriers;

(4) Use of local matching funds;

(5) Use of volunteers and peer supports;

(6) Evidence of previous experience managing or providing similar services with public funds;

(7) Evidence of capability to effectively evaluate program outcomes, including success at assisting individuals and families in achieving and maintaining financial self-sufficiency, and to report relevant participant data;

(8) Creation through local assessment and planning processes;

(9) Collaboration between entities that participate in assessment and planning processes.

(C) Not later than 180 days after the effective date of this section, the Department of Job and Family Services, in collaboration with the Ohio Healthier Buckeye Advisory Council,

shall issue a request for grant proposals that meet the goals and
objectives set forth in this section or that propose means to
measure and achieve those goals and objectives. Each grant
proposal shall specify how the council, individual, or
organization plans to test and evaluate effective models of
intensive case management to achieve the purpose set forth in
division (A) of this section. The case management may include
mentoring, coordinated community level partnerships, and
comprehensive assessments to identify barriers and gaps to
achieving self-sufficiency.

(D) The Director, in collaboration with the Council, shall
review all grant proposals submitted and shall select recipients
to receive grants through the Program in the remainder of fiscal
year 2016 and in fiscal year 2017. Grant recipients may contract
with public and private entities, community-based organizations,
and individuals to provide the services outlined in the grant
proposals.

(E) Funds for grants awarded under the Program shall be made
from the Healthier Buckeye Fund, which is hereby created in the
state treasury for fiscal year 2016 and fiscal year 2017. The Fund
shall consist of moneys appropriated to it and any grants or
donations received. Interest earned on the money in the Fund shall
be credited to the Fund.

Section 305.40. FOOD STAMPS TRANSFER

On July 1, 2015, or as soon as possible thereafter, the
Director of Budget and Management may transfer up to \$1,000,000
cash from the Supplemental Nutrition Assistance Program Fund (Fund
3840), to the Food Assistance Fund (Fund 5ES0).

Section 305.50. NAME OF FOOD STAMP PROGRAM

The Director of Job and Family Services is not required to

amend rules regarding the Food Stamp Program to change the name of 119844
the program to the Supplemental Nutrition Assistance Program. The 119845
Director may refer to the program as the Food Stamp Program, the 119846
Supplemental Nutrition Assistance Program, or the Food Assistance 119847
Program in rules and documents of the Department of Job and Family 119848
Services. 119849

Section 305.53. HEALTHY FOOD FINANCING INITIATIVE 119850

The foregoing GRF appropriation item 600546, Healthy Food 119851
Financing Initiative, shall be used by the Director of Job and 119852
Family Services to support healthy food access in underserved 119853
communities in urban and rural Low and Moderate Income Areas, as 119854
defined by either the U.S. Department of Agriculture (USDA), as 119855
identified in the USDA's Food Access Research Atlas, or through a 119856
methodology that has been adopted for use by another governmental 119857
or philanthropic healthy food initiative. 119858

The Director of Job and Family Services, in cooperation with 119859
the Director of Health and with the approval of the Director of 119860
the Governor's Office of Health Transformation, shall, not later 119861
than October 1, 2015, contract with an Ohio domiciled community 119862
development financial institution certified by the United States 119863
Department of the Treasury and designated as a statewide community 119864
development financial institution to initiate and administer a 119865
Healthy Food Financing Initiative. The selected community 119866
development financial institution shall demonstrate a capacity to 119867
administer grant and forgivable loan programs in accordance with 119868
state and federal rules and accounting principles and shall 119869
partner with one or more entities with demonstrable experience in 119870
healthy food access-related policy matters. The Department of Job 119871
and Family Services shall establish monitoring and accountability 119872
mechanisms for the initiative, including the cost of start-up and 119873
administration of the initiative. The Director of Job and Family 119874

Services shall establish a request for proposals, using funds 119875
appropriated for the initiative, to contract with an Ohio-based 119876
research and/or academic institution to evaluate the health impact 119877
of the initiative. 119878

Of the foregoing appropriation item 600546, Healthy Food 119879
Financing Initiative, \$250,000 in each fiscal year shall be 119880
provided for the East Side Market in Cleveland to support healthy 119881
food access under the Healthy Food Financing Initiative. 119882

The Director of Job and Family Services shall, not later than 119883
December 31, 2016, provide to the Governor, Speaker of the House 119884
of Representatives, President of the Senate, and Minority Leaders 119885
of the House of Representatives and Senate a written progress 119886
report on the Health Food Financing Initiative including, but not 119887
limited to, state funds granted or loaned, the number of new or 119888
retained jobs associated with related projects, the health impact 119889
of the initiative and the number and location of healthy food 119890
access projects established or in development. 119891

Section 305.60. OHIO ASSOCIATION OF FOOD BANKS 119892

Of the foregoing appropriation items 600410, TANF 119893
State/Maintenance of Effort, 600658, Public Assistance Activities, 119894
and 600689, TANF Block Grant, a total of \$17,250,000 in each 119895
fiscal year shall be used to provide funds to the Ohio Association 119896
of Food Banks to purchase and distribute food products. 119897

Notwithstanding section 5101.46 of the Revised Code and any 119898
other provision in this bill, including funds designated for the 119899
Ohio Association of Food Banks in this section, in fiscal year 119900
2016 and fiscal year 2017, the Director of Job and Family Services 119901
shall provide assistance from eligible funds to the Ohio 119902
Association of Food Banks in an amount not less than \$19,750,000 119903
in each fiscal year. Of these funds, \$200,000 in each fiscal year 119904
shall be used to expand the Freestone Foodbank's Cincinnati COOKS! 119905

Program to the Food Bank operations in the City of Logan and the 119906
City of Cleveland. 119907

These programs shall be offered free of charge to unemployed 119908
or underemployed adults between the ages of eighteen and 119909
twenty-four years of age with incomes below two hundred per cent 119910
of the federal poverty guidelines. Participants must be drug free. 119911
Participants shall receive a ServSafe culinary safety and 119912
sanitation certification and a certificate of completion. Each 119913
program shall be affiliated with a local community college and 119914
have the support of the local restaurant industry. The expansion 119915
programs in the cities of Logan and Cleveland shall provide 119916
training to a total of not fewer than seventy-five participants 119917
combined over the course of the biennium. 119918

The Food Bank shall submit a report, not later than June 30, 119919
2017, to the Governor and to the General Assembly in accordance 119920
with section 101.68 of the Revised Code. The report shall outline 119921
the number of people trained through the program, the number of 119922
graduates who found jobs within three months of completing the 119923
course, the number of graduates who retained their jobs for at 119924
least a twelve-month period after completing the program, and the 119925
average starting wage of all graduates of the program. 119926

Eligible nonfederal expenditures made by member food banks of 119927
the Association shall be counted by the Department of Job and 119928
Family Services toward the TANF maintenance of effort requirements 119929
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 119930
shall enter into an agreement with the Ohio Association of Food 119931
Banks, in accordance with sections 5101.80 and 5101.801 of the 119932
Revised Code, to carry out the requirements under this section. 119933

Section 305.70. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 119934

The foregoing appropriation item 600658, Public Assistance 119935
Activities, shall be used by the Department of Job and Family 119936

Services to meet the TANF maintenance of effort requirements of 42 119937
U.S.C. 609(a)(7). When the state is assured that it will meet the 119938
maintenance of effort requirement, the Department of Job and 119939
Family Services may use funds from appropriation item 600658, 119940
Public Assistance Activities, to support public assistance 119941
activities. 119942

Section 305.73. TANF CASELOAD CONTINGENCY FUNDING 119943

Of the foregoing appropriation items 600410, TANF 119944
State/Maintenance of Effort, 600658, Public Assistance Activities, 119945
and 600689, TANF Block Grant, not more than a total of \$33,750,000 119946
in each fiscal year shall be used by the Department of Job and 119947
Family Services for the purposes of TANF caseload contingency 119948
funding. 119949

Section 305.80. GOVERNOR'S OFFICE OF FAITH-BASED AND 119950
COMMUNITY INITIATIVES 119951

Of the foregoing appropriation item 600689, TANF Block Grant, 119952
up to \$6,540,000 in each fiscal year shall be used, in accordance 119953
with sections 5101.80 and 5101.801 of the Revised Code, to provide 119954
support to programs or organizations that provide services that 119955
align with the mission and goals of the Governor's Office of 119956
Faith-Based and Community Initiatives, as outlined in section 119957
107.12 of the Revised Code, and that further at least one of the 119958
four purposes of the TANF program, as specified in 42 U.S.C. 601. 119959

Section 305.90. INDEPENDENT LIVING INITIATIVE 119960

Of the foregoing appropriation item 600689, TANF Block Grant, 119961
up to \$2,000,000 in each fiscal year shall be used, in accordance 119962
with sections 5101.80 and 5101.801 of the Revised Code, to support 119963
the Independent Living Initiative, including life skills training 119964
and work supports for older children in foster care and those who 119965

have recently aged out of foster care. 119966

Section 305.100. OHIO COMMISSION ON FATHERHOOD 119967

Of the foregoing appropriation item 600689, TANF Block Grant, 119968
\$1,000,000 in each fiscal year shall be provided to the Ohio 119969
Commission on Fatherhood. 119970

Section 305.103. OHIO ALLIANCE OF BOYS & GIRLS CLUBS 119971

Of the foregoing appropriation item 600689, TANF Block Grant, 119972
\$625,000 in each fiscal year shall be provided to the Ohio 119973
Alliance of Boys & Girls Clubs for after-school and summer 119974
programs that protect at-risk children and enable youth to become 119975
responsible adults. Of these funds, \$50,000 in each fiscal year 119976
shall be provided to the Boys & Girls Club of Massillon. 119977

Section 305.105. HARVARD COMMUNITY SERVICES CENTER 119978

Of the foregoing appropriation item 600689, TANF Block Grant, 119979
\$250,000 in fiscal year 2016 shall be provided, in accordance with 119980
sections 5101.80 and 5101.801 of the Revised Code, to the Harvard 119981
Community Services Center in Cleveland to provide workforce 119982
development and other supportive services to individuals under the 119983
Harvard Hands-On Initiative. At the end of fiscal year 2016, any 119984
amount equal to the unexpended portion of this earmark is hereby 119985
reappropriated in fiscal year 2017 for the same purpose. 119986

Section 305.107. SEVEN YEAR PROMISE PROGRAM 119987

Of the foregoing appropriation item 600689, TANF Block Grant, 119988
\$400,000 in each fiscal year shall be used to support the Seven 119989
Year Promise Program, operated by the Open Doors Academy. Funding 119990
shall be used for a program consisting of the following: 119991

(A) Year-round enrichment programming for middle and high 119992
school youth, from sixth grade through high school graduation; 119993

(B) Participant enrollment requirements of:	119994
(1) Eighty per cent of participants at or below one hundred per cent of the poverty rate;	119995 119996
(2) Financial commitment for all program participants;	119997
(3) Family engagement for all participants, as evidenced by a contract, service hours, or other measures.	119998 119999
(C) Active partnerships with local schools where enrolled participants attend;	120000 120001
(D) Structured weekly programming, outside of regularly scheduled school hours, of thirteen hours each week during the school year and thirty-five hours each week, for a minimum of eight weeks, during the summer;	120002 120003 120004 120005
(E) Strong adult-peer relationships through tutoring, volunteerism, internships, apprenticeships, college tours, national service learning trips, individual mentoring and support, and other activities;	120006 120007 120008 120009
(F) Programming that addresses character, values, civic responsibility, and academic regression in the summer;	120010 120011
(G) Participant academic requirements of:	120012
(1) An overall high school graduation rate of ninety-two per cent among participants with at least three consecutive years of participation in the program;	120013 120014 120015
(2) Academic improvement of all participants;	120016
(3) An overall college enrollment rate of eighty-five per cent from participants who have graduated from high school;	120017 120018
(4) Overall college graduation of program participants.	120019
Section 305.108. BIG BROTHERS BIG SISTERS	120020
Of the foregoing appropriation item 600689, TANF Block Grant,	120021

\$500,000 in each fiscal year shall be distributed to Big Brothers 120022
Big Sisters of Central Ohio to provide mentoring services to 120023
children of incarcerated parents throughout the state. 120024

Section 305.110. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 120025

In collaboration with the county family and children first 120026
council, a county department of job and family services or public 120027
children services agency that receives an allocation from the 120028
Department of Job and Family Services from the foregoing 120029
appropriation item 600523, Family and Children Services, or 120030
600533, Child, Family, and Community Protective Services, may 120031
transfer a portion of either or both allocations to a flexible 120032
funding pool as authorized by the section of this act titled 120033
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 120034

Section 305.120. STATE CHILD PROTECTION ALLOCATION 120035

Of the foregoing appropriation item 600523, Family and 120036
Children Services, up to \$3,200,000 shall be used to match 120037
eligible federal Title IV-B ESSA funds and federal Title IV-E 120038
Chafee funds allocated to public children services agencies. 120039

CHILD PLACEMENT LEVEL OF CARE TOOL PILOT PROGRAM 120040

(A) The Ohio Department of Job and Family Services shall 120041
implement and oversee use of a Child Placement Level of Care Tool 120042
on a pilot basis. The Department shall implement the pilot program 120043
in up to ten counties selected by the Department and shall include 120044
the county and at least one private child placing agency or 120045
private noncustodial agency. The pilot program shall be developed 120046
with the participating counties and agencies and must be 120047
acceptable to all participants. A selected county or agency must 120048
agree to participate in the pilot program. 120049

(B) The pilot program shall begin not later than one hundred 120050
eighty days after the effective date of this section and end not 120051

later than eighteen months after the date the pilot program 120052
begins. The length of the pilot program shall not include any time 120053
expended in preparation for implementation or any post-pilot 120054
program evaluation activity. 120055

(C)(1) In accordance with sections 125.01 to 125.11 of the 120056
Revised Code, the Ohio Department of Job and Family Services shall 120057
provide for an independent evaluation of the pilot program to rate 120058
the program's success in the following areas: 120059

(a) Placement stability, length of stay, and other outcomes 120060
for children; 120061

(b) Cost; 120062

(c) Worker satisfaction; 120063

(d) Any other criteria the Department determines will be 120064
useful in the consideration of statewide implementation. 120065

(2) The evaluation design shall include: 120066

(a) A comparison of data to historical outcomes or control 120067
counties; 120068

(b) A prospective data evaluation in each of the pilot 120069
counties. 120070

(D) The Ohio Department of Job and Family Services may adopt 120071
rules in accordance with Chapter 119. of the Revised Code as 120072
necessary to carry out the purposes of this section. The 120073
Department shall seek maximum federal financial participation to 120074
support the pilot program and the evaluation. 120075

(E) Notwithstanding division (E) of section 5101.141 of the 120076
Revised Code, the Department of Job and Family Services shall seek 120077
state funding to implement the Child Placement Level of Care Tool 120078
pilot program described in this section and to contract for the 120079
independent evaluation of the pilot program. 120080

(F) As used in this section, "Child Placement Level of Care 120081

Tool" means an assessment tool to be used by participating 120082
counties and agencies to assess a child's placement needs when a 120083
child must be removed from the child's own home and cannot be 120084
placed with a relative or kin not certified as a foster caregiver 120085
that includes assessing a child's functioning, needs, strengths, 120086
risk behaviors, and exposure to traumatic experiences. 120087

(G) Of the foregoing appropriation item 600523, Family and 120088
Children Services, \$700,000 in fiscal year 2016 and \$200,000 in 120089
fiscal year 2017 shall be used to fund the Child Placement Level 120090
of Care Tool Pilot Program established in Section 301.143 of Am. 120091
Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. 120092
H.B. 483 of the 130th General Assembly. These amounts represent 120093
the expected unencumbered, unexpended balance of appropriations 120094
established in Am. Sub. S.B. 243 of the 130th General Assembly. 120095

Section 305.122. CHILDREN'S CRISIS CARE FACILITIES 120096

Of the foregoing appropriation item 600523, Family and 120097
Children Services, \$300,000 in each fiscal year shall be provided 120098
to children's crisis care facilities as defined in section 5103.13 120099
of the Revised Code. The Director of Job and Family Services shall 120100
allocate funds based on the number of children at each facility. A 120101
children's crisis care facility may decline to receive funds 120102
provided under this section. A children's crisis care facility 120103
that accepts funds provided under this section shall use the funds 120104
in accordance with section 5103.13 of the Revised Code and the 120105
rules as defined in rule 5101:2-9-36 of the Administrative Code. 120106

Section 305.130. CHILD, FAMILY, AND COMMUNITY PROTECTIVE 120107
SERVICES 120108

(A) The foregoing appropriation item 600533, Child, Family, 120109
and Community Protective Services, shall be distributed to each 120110
county department of job and family services using the formula the 120111

Department of Job and Family Services uses when distributing Title 120112
XX funds to county departments of job and family services under 120113
section 5101.46 of the Revised Code. County departments shall use 120114
the funds distributed to them under this section as follows, in 120115
accordance with the written plan of cooperation entered into under 120116
section 307.983 of the Revised Code: 120117

(1) To assist individuals in achieving or maintaining 120118
self-sufficiency, including by reducing or preventing dependency 120119
among individuals with family income not exceeding two hundred per 120120
cent of the federal poverty guidelines; 120121

(2) Subject to division (B) of this section, to respond to 120122
reports of abuse, neglect, or exploitation of children and adults, 120123
including through the differential response approach program 120124
developed under Section 309.50.10 of this act; 120125

(3) To provide outreach and referral services regarding home 120126
and community-based services to individuals at risk of placement 120127
in a group home or institution, regardless of the individuals' 120128
family income and without need for a written application; 120129

(4) To provide outreach, referral, application assistance, 120130
and other services to assist individuals receive assistance, 120131
benefits, or services under Medicaid; Title IV-A programs, as 120132
defined in section 5101.80 of the Revised Code; the Supplemental 120133
Nutrition Assistance Program; and other public assistance 120134
programs. 120135

(B) Protective services may be provided to a child or adult 120136
as part of a response, under division (A)(2) of this section, to a 120137
report of abuse, neglect, or exploitation without regard to a 120138
child or adult's family income and without need for a written 120139
application. The protective services may be provided if the case 120140
record documents circumstances of actual or potential abuse, 120141
neglect, or exploitation. 120142

Section 305.140. FAMILY AND CHILDREN SERVICES ACTIVITIES 120143

The foregoing appropriation item 600609, Family and Children 120144
Services Activities, shall be used to expend miscellaneous 120145
foundation funds and grants to support family and children 120146
services activities. 120147

Section 305.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 120148

Notwithstanding section 5101.073 of the Revised Code, the 120149
Audit Settlements and Contingency Fund (Fund 5DM0) may also 120150
consist of earned federal revenue the final disposition of which 120151
is unknown. 120152

Section 305.160. ADOPTION ASSISTANCE LOAN 120153

Of the foregoing appropriation item 600634, Adoption 120154
Assistance Loan, the Department of Job and Family Services may use 120155
up to ten per cent for administration of adoption assistance loans 120156
pursuant to section 3107.018 of the Revised Code. 120157

Section 305.163. EARLY CHILDHOOD EDUCATION 120158

Of the foregoing appropriation item 600696, Early Childhood 120159
Education, up to \$20,000,000 in each fiscal year shall be used to 120160
achieve the goals described in division (C) of section 5104.29 of 120161
the Revised Code. The funds shall be used to support early 120162
learning and development programs operating in smaller 120163
communities, early learning and development programs that are 120164
rated in the Step Up to Quality program at the third highest tier 120165
or higher, or both. 120166

Section 305.170. VICTIMS OF HUMAN TRAFFICKING 120167

The foregoing appropriation item 600660, Victims of Human 120168
Trafficking, shall be used to provide treatment, care, 120169

rehabilitation, education, housing, and assistance for victims of 120170
trafficking in persons as specified in section 5101.87 of the 120171
Revised Code. If receipts credited to the Victims of Human 120172
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 120173
the fund, the Director of Job and Family Services may request the 120174
Director of Budget and Management to authorize expenditures from 120175
the fund in excess of the amounts appropriated. Upon the approval 120176
of the Director of Budget and Management, the additional amounts 120177
are hereby appropriated. 120178

Section 305.180. UNEMPLOYMENT COMPENSATION INTEREST 120179

The foregoing appropriation item 600695, Unemployment 120180
Compensation Interest, shall be used for payment of interest costs 120181
paid to the United States Secretary of the Treasury for the 120182
repayment of accrued interest related to federal unemployment 120183
account borrowing. 120184

Section 305.190. COMPREHENSIVE CASE MANAGEMENT AND EMPLOYMENT 120185
PROGRAM 120186

(A) As used in this section: 120187

(1) "Adult" means an individual at least eighteen years of 120188
age. 120189

(2) "Equivalent of a high school diploma" has the same 120190
meaning as in section 5107.30 of the Revised Code. 120191

(3) "In-school youth" has the same meaning as in section 120192
129(a)(1)(C) of the "Workforce Innovation and Opportunity Act," 29 120193
U.S.C. 3164(a)(1)(C), except that it does not mean an individual 120194
younger than sixteen years of age. 120195

(4) "Local participating agencies" means the county 120196
department of job and family services and workforce development 120197
agency that serve a county. 120198

- (5) "Low-income individual" has the same meaning as in section 3(36) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3102(36). 120199 120200 120201
- (6) "Ohio Works First" has the same meaning as in section 5107.02 of the Revised Code. 120202 120203
- (7) "Out-of-school youth" has the same meaning as in section 129(a)(1)(B) of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164(a)(1)(B). 120204 120205 120206
- (8) "Prevention, Retention, and Contingency Program" has the same meaning as in section 5108.01 of the Revised Code. 120207 120208
- (9) "Subcontractor" means an entity with which a local participating agency contracts to perform, on behalf of the local participating agency, one or more of the local participating agency's duties regarding the Comprehensive Case Management and Employment Program. 120209 120210 120211 120212 120213
- (10) "TANF block grant" means the Temporary Assistance for Needy Families block grant established by Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq. 120214 120215 120216
- (11) "Work-eligible individual" has the same meaning as in 45 C.F.R. 261.2(n). 120217 120218
- (12) "Workforce development activity" has the same meaning as in section 6301.01 of the Revised Code. 120219 120220
- (13) "Workforce development agency" means the public or private entity designated by any of the following to administer county programs under the "Workforce Investment Act of 1998," 29 U.S.C. 2801, as amended, or the Workforce Innovation and Opportunity Act: 120221 120222 120223 120224 120225
- (a) The board of county commissioners in accordance with section 330.04 of the Revised Code; 120226 120227
- (b) The chief elected official of a municipal corporation in 120228

accordance with section 763.05 of the Revised Code; 120229

(c) The chief elected officials of a local area defined in 120230
division (A)(3) of section 6301.01 of the Revised Code. 120231

(14) "Workforce Innovation and Opportunity Act" means Public 120232
Law 113-128, 29 U.S.C. 3101 et seq. 120233

(B) The Director of Job and Family Services shall administer 120234
the Workforce Innovation and Opportunity Act during fiscal year 120235
2016 and fiscal year 2017. 120236

(C) The Department of Job and Family Services, in 120237
consultation with the Governor's Office of Workforce 120238
Transformation, shall create, coordinate, and supervise the 120239
Comprehensive Case Management and Employment Program during fiscal 120240
year 2016 and fiscal year 2017. 120241

To the extent funds under the TANF block grant and Workforce 120242
Innovation and Opportunity Act are available, the program shall 120243
make employment and training services specified in division (E) of 120244
this section available to the program's participants in accordance 120245
with the comprehensive assessments of the participants' employment 120246
and training needs conducted under that division. As part of the 120247
creation of the program, the Department shall establish the 120248
procedures for the comprehensive assessments. 120249

(D) Beginning July 1, 2016, individuals who are at least 120250
sixteen but not more than twenty-four years of age are required to 120251
participate or permitted to volunteer to participate in the 120252
Comprehensive Case Management and Employment Program in accordance 120253
with the following: 120254

(1) Each work-eligible individual shall participate in the 120255
Comprehensive Case Management and Employment Program as a 120256
condition of participating in Ohio Works First. 120257

(2) Each Ohio Works First participant who is not a 120258

work-eligible individual may volunteer to participate in the 120259
Comprehensive Case Management and Employment Program. 120260

(3) Each individual receiving benefits and services under the 120261
Prevention, Retention, and Contingency Program may volunteer to 120262
participate in the Comprehensive Case Management and Employment 120263
Program. 120264

(4) Each low-income individual who is an adult, in-school 120265
youth, or out-of-school youth and who is considered to have a 120266
barrier to employment under the Workforce Innovation and 120267
Opportunity Act shall participate in the Comprehensive Case 120268
Management and Employment Program as a condition of enrollment in 120269
workforce development activities funded by the TANF block grant or 120270
Workforce Innovation and Opportunity Act. 120271

(E)(1) An individual participating in the Comprehensive Case 120272
Management and Employment Program shall undergo a comprehensive 120273
assessment of the individual's employment and training needs in 120274
accordance with the procedures established under division (C) of 120275
this section. As part of the assessment, an individualized 120276
employment plan shall be created for the individual. The plan 120277
shall be reviewed, revised, and terminated in accordance with the 120278
procedures established for the comprehensive assessment. The plan 120279
shall specify which of the following services, if any, the 120280
individual needs: 120281

(a) Support for the individual to obtain a high school 120282
diploma or the equivalent of a high school diploma; 120283

(b) Job placement; 120284

(c) Job retention support; 120285

(d) Other services that aid the individual in achieving the 120286
plan's goals. 120287

(2) The services an individual receives in accordance with 120288

the individualized employment plan are inalienable by way of 120289
assignment, charge, or otherwise and exempt from execution, 120290
attachment, garnishment, and other similar processes. 120291

(F)(1) Not later than May 15, 2016, each board of county 120292
commissioners shall designate one of the local participating 120293
agencies as the lead agency for purposes of the Comprehensive Case 120294
Management and Employment Program. Each board shall inform the 120295
Department of its designation. The lead agency shall do all of the 120296
following: 120297

(a) Submit to the Department a plan that establishes standard 120298
processes for determining and maintaining individuals' eligibility 120299
to participate in the Comprehensive Case Management and Employment 120300
Program; 120301

(b) Administer the program; 120302

(c) In partnership with the other local participating agency 120303
and any subcontractors, both of the following: 120304

(i) Actively coordinate activities regarding the program with 120305
the other local participating agency and any subcontractors; 120306

(ii) Help both local participating agencies and any 120307
subcontractors to use their expertise in administering the 120308
program. 120309

(2) The lead agency is responsible for all funds that any of 120310
the following determines have been expended or claimed for the 120311
Comprehensive Case Management and Employment Program, by or on 120312
behalf of the county that the lead agency serves, in a manner that 120313
federal or state law or policy does not permit: 120314

(a) The Department; 120315

(b) The Auditor of State; 120316

(c) The United States Department of Health and Human 120317
Services; 120318

(d) The United States Department of Labor; 120319

(e) Any other government entity. 120320

(G)(1) The Comprehensive Case Management and Employment 120321
Program Advisory Board shall establish an evaluation system in 120322
accordance with the section of this act titled "Comprehensive Case 120323
Management and Employment Program Advisory Board." 120324

(2) The Department shall evaluate local participating 120325
agencies' administration of the Comprehensive Case Management and 120326
Employment Program in accordance with the evaluation system 120327
established under division (G)(1) of this section. 120328

(H) In an effort to increase the number of individuals who 120329
participate in the Comprehensive Case Management and Employment 120330
Program and the availability of services under the program, the 120331
Department, in consultation with local participating agencies, 120332
shall review the agencies' existing functions to discover 120333
opportunities to make their administration of the functions more 120334
efficient. 120335

(I)(1) Notwithstanding the second sentence of division 120336
(A)(1)(b) of section 307.981 of the Revised Code, the 120337
Comprehensive Case Management and Employment Program is a family 120338
services duty and therefore subject to all statutes applicable to 120339
family services duties, including sections 5101.183, 5101.21, 120340
5101.212, 5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, 120341
and 5101.243 of the Revised Code. 120342

(2) The Comprehensive Case Management and Employment Program 120343
is a Title IV-A program for the purpose of division (A)(4)(c) of 120344
section 5101.80 of the Revised Code and, therefore, is subject to 120345
all statutes applicable to such a program, including sections 120346
5101.16, 5101.35, 5101.80, and 5101.801 of the Revised Code. 120347

(3) The Comprehensive Case Management and Employment Program 120348
is a workforce development activity and therefore subject to all 120349

statutes applicable to workforce development activities, including 120350
sections 5101.20, 5101.214, 5101.241, and 5101.243 of the Revised 120351
Code and Chapter 6301. of the Revised Code. 120352

(J) The Director of Job and Family Services shall adopt rules 120353
as necessary to implement this section. The rules may address any 120354
of the following issues: 120355

(1) Eligibility for the Comprehensive Case Management and 120356
Employment Program; 120357

(2) Employment and training services available under the 120358
program; 120359

(3) Partnerships between local participating agencies and 120360
subcontractors; 120361

(4) The plan required by division (F)(1)(a) of this section; 120362

(5) Internal management concerning day-to-day staff 120363
procedures and operations of the Department or financial and 120364
operational matters between the Department and another government 120365
entity or a private entity receiving a grant from the Department; 120366

(6) Any other issues that the Director determines should be 120367
addressed in rules to implement this section. 120368

Rules other than those described in division (J)(5) of this 120369
section shall be adopted in accordance with Chapter 119. of the 120370
Revised Code. Rules described in division (J)(5) of this section 120371
shall be adopted in accordance with section 111.15 of the Revised 120372
Code. 120373

Section 305.193. Comprehensive Case Management and Employment 120374
Program Advisory Board 120375

(A) There is hereby created the Comprehensive Case Management 120376
and Employment Program Advisory Board. The Board shall consist of 120377
the following members: 120378

(1) The Executive Director of the Governor's Office of	120379
Workforce Transformation, or the Executive Director's designee;	120380
(2) The Director of Job and Family Services, or the	120381
Director's designee;	120382
(3) One member of the Senate, appointed by the President of	120383
the Senate;	120384
(4) One member of the House of Representatives, appointed by	120385
the Speaker of the House of Representatives;	120386
(5) One member representing the County Commissioners'	120387
Association of Ohio, appointed by the Governor;	120388
(6) One member representing the Ohio Job and Family Services	120389
Directors' Association, appointed by the Governor;	120390
(7) One member of a local workforce investment board	120391
established under section 117 of the "Workforce Investment Act of	120392
1998," 29 U.S.C. 2832, as amended, appointed by the Governor.	120393
(B) Initial appointments to the Board shall be made not later	120394
than thirty days after the effective date of this section.	120395
(C) A member shall serve at the pleasure of the member's	120396
appointing authority. Members may be reappointed to the Board.	120397
Vacancies on the Board shall be filled in the same manner as the	120398
original appointments.	120399
(D) Members shall serve without compensation, but shall be	120400
reimbursed for their actual and necessary expenses incurred in the	120401
performance of their official duties.	120402
(E)(1) The Board shall develop an evaluation system for the	120403
local participating agencies' administration of the Comprehensive	120404
Case Management and Employment Program created under the section	120405
of this act titled "Comprehensive Case Management and Employment	120406
Program." The evaluation system shall specify data required to be	120407
collected, performance metrics, and a performance report card.	120408

(2) The Board shall submit its proposed evaluation system to the Department of Job and Family Services for review. If the Department disapproves the proposal, the Board shall revise the proposal and submit it to the Department for review. This process shall continue until the Department approves a proposal. An evaluation system approved by the Department must be in place not later than July 1, 2016.

Section 305.195. COUNTY TANF FUNDING ALLOCATION REVIEW

(A) As used in this section, "TANF block grant" means the Temporary Assistance for Needy Families block grant established by Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq.

(B) The Department of Job and Family Services shall study funding allocations to each county for programs funded in whole or in part by the TANF Block Grant for the most recently completed federal fiscal year. As part of its study, the Department shall determine the benefits and services provided in each county through the Prevention, Retention, and Contingency Program established by section 5108.02 of the Revised Code and the benefits and services provided through other programs funded in whole or in part by the TANF block grant. The Department shall complete the study not later than June 30, 2016.

Section 305.198. OHIO WORKS FIRST AND SNAP WORK REQUIREMENTS AND SERVICES

Of the foregoing appropriation item 600410, TANF State/Maintenance of Effort, \$500,000 in each fiscal year shall be used by the Department of Job and Family Services for both of the following:

(A) To establish a pilot program to implement reforms to the work requirements of the Ohio Works First program and Supplemental Nutrition Assistance Program. The pilot program shall be operated

during fiscal years 2016 and 2017 in Cuyahoga County. 120439

(B) To provide services to Supplemental Nutrition Assistance 120440
Program recipients who face significant barriers to employment, 120441
including recipients who have disabilities or mental or physical 120442
health problems, are long-term welfare recipients, or have been 120443
incarcerated. 120444

Section 305.200. STATE AND COUNTY SHARED SERVICES TRANSFER 120445

Upon receipt of a request from the Director of the Department 120446
of Job and Family Services and the Director of the Department of 120447
Medicaid, the Director of Budget and Management may transfer up to 120448
\$7,200,000 cash from the State and County Shared Services Fund 120449
(Fund 5HL0) in the Department of Job and Family Services, to the 120450
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) in 120451
the Department of Medicaid. 120452

Section 307.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 120453

General Revenue Fund 120454

GRF 029321 Operating Expenses	\$	493,139	\$	512,253	120455

TOTAL GRF General Revenue Fund	\$	493,139	\$	512,253	120456

TOTAL ALL BUDGET FUND GROUPS	\$	493,139	\$	512,253	120457

OPERATING GUIDANCE 120458

The Legislative Service Commission shall act as fiscal agent 120459
for the Joint Committee on Agency Rule Review. Members of the 120460
Committee shall be paid in accordance with section 101.35 of the 120461
Revised Code. 120462

OPERATING EXPENSES 120463

On July 1, 2015, or as soon as possible thereafter, the 120464
Executive Director of the Joint Committee on Agency Rule Review 120465
may certify to the Director of Budget and Management the amount of 120466
the unexpended, unencumbered balance of the foregoing 120467

appropriation item 029321, Operating Expenses, at the end of 120468
fiscal year 2015 to be reappropriated to fiscal year 2016. The 120469
amount certified is hereby reappropriated to the same 120470
appropriation item for fiscal year 2016. 120471

On July 1, 2016, or as soon as possible thereafter, the 120472
Executive Director of the Joint Committee on Agency Rule Review 120473
may certify to the Director of Budget and Management the amount of 120474
the unexpended, unencumbered balance of the foregoing 120475
appropriation item 029321, Operating Expenses, at the end of 120476
fiscal year 2016 to be reappropriated to fiscal year 2017. The 120477
amount certified is hereby reappropriated to the same 120478
appropriation item for fiscal year 2017. 120479

Section 307.30. JEO JOINT EDUCATION OVERSIGHT COMMITTEE 120480

General Revenue Fund 120481

GRF 047321 Operating Expenses	\$	350,000	\$	500,000	120482

TOTAL GRF General Revenue Fund	\$	350,000	\$	500,000	120483

TOTAL ALL BUDGET FUND GROUPS	\$	350,000	\$	500,000	120484

OPERATING EXPENSES 120485

The foregoing appropriation item 047321, Operating Expenses, 120486
shall be used to support expenses related to the Joint Education 120487
Oversight Committee under section 103.45 to 103.50 of the Revised 120488
Code. 120489

On July 1, 2016, or as soon as possible thereafter, the Joint 120490
Education Oversight Committee may certify to the Director of 120491
Budget and Management the amount of the unexpended, unencumbered 120492
balance of the foregoing appropriation item 047321, Operating 120493
Expenses, at the end of fiscal year 2016 to be reappropriated to 120494
fiscal year 2017. The amount certified is hereby reappropriated to 120495
the same appropriation item for fiscal year 2017. 120496

Section 308.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE 120497

General Revenue Fund				120498
GRF 048321 Operating Expenses	\$	321,995	\$ 490,320	120499
TOTAL GRF General Revenue Fund	\$	321,995	\$ 490,320	120500
TOTAL ALL BUDGET FUND GROUPS	\$	321,995	\$ 490,320	120501

OPERATING EXPENSES 120502

The foregoing appropriation item 048321, Operating Expenses, 120503
shall be used to support expenses related to the Joint Medicaid 120504
Oversight Committee created by section 103.41 of the Revised Code. 120505

On July 1, 2015, or as soon as possible thereafter, the 120506
Executive Director of the Joint Medicaid Oversight Committee may 120507
certify to the Director of Budget and Management the amount of the 120508
unexpended, unencumbered balance of the foregoing appropriation 120509
item 048321, Operating Expenses, at the end of fiscal year 2015 to 120510
be reappropriated to fiscal year 2016. The amount certified is 120511
hereby reappropriated to the same appropriation item for fiscal 120512
year 2016. 120513

On July 1, 2016, or as soon as possible thereafter, the 120514
Executive Director of the Joint Medicaid Oversight Committee may 120515
certify to the Director of Budget and Management the amount of the 120516
unexpended, unencumbered balance of the foregoing appropriation 120517
item 048321, Operating Expenses, at the end of fiscal year 2016 to 120518
be reappropriated to fiscal year 2017. The amount certified is 120519
hereby reappropriated to the same appropriation item for fiscal 120520
year 2017. 120521

The Legislative Service Commission shall act as fiscal agent 120522
for the Joint Medicaid Oversight Committee. 120523

REVIEW OF CERTAIN DEPARTMENT OF HEALTH LINE ITEMS 120524

The Joint Medicaid Oversight Committee shall review the 120525
following Department of Health appropriation items: 440416, 120526
Mothers and Children Safety Net Services; 440418, Immunizations; 120527
440438, Breast and Cervical Cancer Screening; 440444, AIDS 120528

Prevention and Treatment; and 440505, Medically Handicapped 120529
Children. The review shall include the uses and the necessity of 120530
these appropriation items both before and after the enactment of 120531
section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 120532
U.S.C. 1396a(a)(10)(A)(i)(VIII). The review shall also detail all 120533
funding sources, maintenance of effort requirements, and any grant 120534
restrictions. Additionally, the review shall include analysis and 120535
recommendations to maximize integration into the formal health 120536
care system with the goal of achieving the statutory goals of the 120537
Joint Medicaid Oversight Committee. 120538

Section 309.10. JCO JUDICIAL CONFERENCE OF OHIO 120539

General Revenue Fund 120540

GRF 018321 Operating Expenses	\$	749,250	\$	389,250	120541

TOTAL GRF General Revenue Fund	\$	749,250	\$	389,250	120542

Dedicated Purpose Fund Group 120543

4030 018601 Ohio Jury	\$	252,750	\$	126,375	120544

Instructions

TOTAL DPF Dedicated Purpose Fund	\$	252,750	\$	126,375	120545

Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,002,000	\$	515,625	120546

STATE COUNCIL OF UNIFORM STATE LAWS 120547

Notwithstanding section 105.26 of the Revised Code, of the 120548
foregoing appropriation item 018321, Operating Expenses, up to 120549
\$88,300 in fiscal year 2016 and up to \$91,832 in fiscal year 2017 120550
shall be used to pay the expenses of the State Council of Uniform 120551
State Laws, including membership dues to the National Conference 120552
of Commissioners on Uniform State Laws. 120553

OHIO JURY INSTRUCTIONS FUND 120554

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 120555
grants, royalties, dues, conference fees, bequests, devises, and 120556

other gifts received for the purpose of supporting costs incurred 120557
by the Judicial Conference of Ohio in its activities as a part of 120558
the judicial system of the state as determined by the Judicial 120559
Conference Executive Committee. Fund 4030 shall be used by the 120560
Judicial Conference of Ohio to pay expenses incurred in its 120561
activities as a part of the judicial system of the state as 120562
determined by the Judicial Conference Executive Committee. 120563

Section 311.10. JSC THE JUDICIARY/SUPREME COURT 120564

General Revenue Fund 120565

GRF 005321 Operating Expenses - \$ 149,025,157 \$ 155,576,646 120566
Judiciary/Supreme
Court

GRF 005406 Law-Related Education \$ 166,172 \$ 166,172 120567

GRF 005409 Ohio Courts \$ 3,350,000 \$ 3,350,000 120568
Technology Initiative

TOTAL GRF General Revenue Fund \$ 152,541,329 \$ 159,092,818 120569

Dedicated Purpose Fund Group 120570

4C80 005605 Attorney Services \$ 5,841,263 \$ 5,795,909 120571

5HT0 005617 Court Interpreter \$ 10,000 \$ 10,000 120572
Certification

5T80 005609 Grants and Awards \$ 6,000 \$ 6,000 120573

6720 005601 Continuing Judicial \$ 120,000 \$ 120,000 120574
Education

6A80 005606 Supreme Court \$ 1,415,963 \$ 1,425,709 120575
Admissions

TOTAL DPF Dedicated Purpose Fund \$ 7,393,226 \$ 7,357,618 120576
Group

Fiduciary Fund Group 120577

5JY0 005620 County Law Library \$ 423,000 \$ 423,000 120578
Resources Boards

TOTAL FID Fiduciary Fund Group \$ 423,000 \$ 423,000 120579

Federal Fund Group				120580
3J00 005603 Federal Grants	\$	1,389,018	\$	1,402,091 120581
TOTAL FED Federal Fund Group	\$	1,389,018	\$	1,402,091 120582
TOTAL ALL BUDGET FUND GROUPS	\$	161,746,573	\$	168,275,527 120583
OPERATING EXPENSES - JUDICIARY/SUPREME COURT				120584
Of the foregoing appropriation item 005321, Operating				120585
Expenses - Judiciary/Supreme Court, up to \$304,353 in fiscal year				120586
2016 and up to \$308,433 in fiscal year 2017 may be used to support				120587
the functions of the State Criminal Sentencing Council.				120588
LAW-RELATED EDUCATION				120589
The foregoing appropriation item 005406, Law-Related				120590
Education, shall be distributed directly to the Ohio Center for				120591
Law-Related Education for the purposes of providing continuing				120592
citizenship education activities to primary and secondary				120593
students, expanding delinquency prevention programs, increasing				120594
activities for at-risk youth, and accessing additional public and				120595
private money for new programs.				120596
OHIO COURTS TECHNOLOGY INITIATIVE				120597
The foregoing appropriation item 005409, Ohio Courts				120598
Technology Initiative, shall be used to fund an initiative by the				120599
Supreme Court to facilitate the exchange of information and				120600
warehousing of data by and between Ohio courts and other justice				120601
system partners through the creation of an Ohio Courts Network,				120602
the delivery of technology services to courts throughout the				120603
state, including the provision of hardware, software, and the				120604
development and implementation of educational and training				120605
programs for judges and court personnel, and operation of the				120606
Commission on Technology and the Courts by the Supreme Court for				120607
the promulgation of statewide rules, policies, and uniform				120608
standards, and to aid in the orderly adoption and comprehensive				120609
use of technology in Ohio courts.				120610

ATTORNEY SERVICES 120611

The Attorney Services Fund (Fund 4C80), formerly known as the 120612
Attorney Registration Fund, shall consist of money received by the 120613
Supreme Court (The Judiciary) pursuant to the Rules for the 120614
Government of the Bar of Ohio. In addition to funding other 120615
activities considered appropriate by the Supreme Court, the 120616
foregoing appropriation item 005605, Attorney Services, may be 120617
used to compensate employees and to fund appropriate activities of 120618
the following offices established by the Supreme Court: the Office 120619
of Disciplinary Counsel, the Board of Commissioners on Grievances 120620
and Discipline, the Clients' Security Fund, and the Attorney 120621
Services Division. If it is determined by the Administrative 120622
Director of the Supreme Court that additional appropriations are 120623
necessary, the amounts are hereby appropriated. 120624

No money in Fund 4C80 shall be transferred to any other fund 120625
by the Director of Budget and Management or the Controlling Board. 120626
Interest earned on money in Fund 4C80 shall be credited to the 120627
fund. 120628

COURT INTERPRETER CERTIFICATION 120629

The Court Interpreter Certification Fund (Fund 5HT0) shall 120630
consist of money received by the Supreme Court (The Judiciary) 120631
pursuant to Rules 80 through 87 of the Rules of Superintendence 120632
for the Courts of Ohio. The foregoing appropriation item 005617, 120633
Court Interpreter Certification, shall be used to provide 120634
training, to provide the written examination, and to pay language 120635
experts to rate, or grade, the oral examinations of those applying 120636
to become certified court interpreters. If it is determined by the 120637
Administrative Director that additional appropriations are 120638
necessary, the amounts are hereby appropriated. 120639

No money in Fund 5HT0 shall be transferred to any other fund 120640
by the Director of Budget and Management or the Controlling Board. 120641

Interest earned on money in Fund 5HT0 shall be credited to the 120642
fund. 120643

GRANTS AND AWARDS 120644

The Grants and Awards Fund (Fund 5T80) shall consist of 120645
grants and other money awarded to the Supreme Court (The 120646
Judiciary) by the State Justice Institute, the Division of 120647
Criminal Justice Services, or other entities. The foregoing 120648
appropriation item 005609, Grants and Awards, shall be used in a 120649
manner consistent with the purpose of the grant or award. If it is 120650
determined by the Administrative Director of the Supreme Court 120651
that additional appropriations are necessary, the amounts are 120652
hereby appropriated. 120653

No money in Fund 5T80 shall be transferred to any other fund 120654
by the Director of Budget and Management or the Controlling Board. 120655
Interest earned on money in Fund 5T80 shall be credited or 120656
transferred to the General Revenue Fund. 120657

CONTINUING JUDICIAL EDUCATION 120658

The Continuing Judicial Education Fund (Fund 6720) shall 120659
consist of fees paid by judges and court personnel for attending 120660
continuing education courses and other gifts and grants received 120661
for the purpose of continuing judicial education. The foregoing 120662
appropriation item 005601, Continuing Judicial Education, shall be 120663
used to pay expenses for continuing education courses for judges 120664
and court personnel. If it is determined by the Administrative 120665
Director of the Supreme Court that additional appropriations are 120666
necessary, the amounts are hereby appropriated. 120667

No money in Fund 6720 shall be transferred to any other fund 120668
by the Director of Budget and Management or the Controlling Board. 120669
Interest earned on money in Fund 6720 shall be credited to the 120670
fund. 120671

SUPREME COURT ADMISSIONS 120672

The foregoing appropriation item 005606, Supreme Court Admissions, shall be used to compensate Supreme Court employees who are primarily responsible for administering the attorney admissions program under the Rules for the Government of the Bar of Ohio, and to fund any other activities considered appropriate by the court. Moneys shall be deposited into the Supreme Court Admissions Fund (Fund 6A80) under the Supreme Court Rules for the Government of the Bar of Ohio. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 6A80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 6A80 shall be credited to the fund.

COUNTY LAW LIBRARY RESOURCES BOARD

The Statewide Consortium of County Law Library Resources Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant to section 307.515 of the Revised Code into a county's law library resources fund and forwarded by that county's treasurer for deposit in the state treasury pursuant to division (E)(1) of section 3375.481 of the Revised Code. The foregoing appropriation item 005620, County Law Library Resources Board, shall be used for the operation of the Statewide Consortium of County Law Library Resources Boards. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 5JY0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5JY0 shall be credited to the fund.

FEDERAL GRANTS

The Federal Grants Fund (Fund 3J00) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the United States Government or other entities that receive the moneys directly from the United States Government and distribute those moneys to the Supreme Court (The Judiciary). The foregoing appropriation item 005603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 3J00 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund.

Section 313.10. LEC LAKE ERIE COMMISSION

Dedicated Purpose Fund Group						
4C00 780601 Lake Erie Protection	\$	300,000	\$	300,000		
5D80 780602 Lake Erie Resources	\$	329,000	\$	367,000		
TOTAL DPF Dedicated Purpose						
Fund Group	\$	629,000	\$	667,000		
Federal Fund Group						
3EP0 780603 Lake Erie Federal	\$	30,000	\$	0		
Grants						
TOTAL FED Federal Fund Group	\$	30,000	\$	0		
TOTAL ALL BUDGET FUND GROUPS	\$	659,000	\$	667,000		

CASH TRANSFERS TO THE LAKE ERIE RESOURCES FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer cash from the funds specified below, up to the amounts specified below, to the Lake Erie Resources Fund (Fund 5D80). Fund 5D80 may

accept contributions and transfers made to the fund.					120733
Fund	Fund Name	User	FY 2016	FY 2017	120734
5BC0	Environmental Protection	Environmental Protection Agency	\$44,000	\$44,000	120735
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$44,000	\$44,000	120736
4700	General Operations	Department of Health	\$44,000	\$44,000	120737
1570	Central Support Indirect	Department of Natural Resources	\$44,000	\$44,000	120738
On July 1, 2015, or as soon as possible thereafter, the					120739
Director of Budget and Management may transfer \$44,000 cash from a					120740
fund used by the Development Services Agency, as specified by the					120741
Director of Development Services, to Fund 5D80.					120742
On July 1, 2016, or as soon as possible thereafter, the					120743
Director of Budget and Management may transfer \$44,000 cash from a					120744
fund used by the Development Services Agency, as specified by the					120745
Director of Development Services, to Fund 5D80.					120746
Section 315.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE					120747
General Revenue Fund					120748
GRF 028321	Legislative Ethics Committee	\$ 550,000	\$ 550,000		120749
TOTAL GRF	General Revenue Fund	\$ 550,000	\$ 550,000		120750
Dedicated Purpose Fund Group					120751
4G70 028601	Joint Legislative Ethics Committee	\$ 150,000	\$ 150,000		120752
TOTAL DPF	Dedicated Purpose Fund Group	\$ 150,000	\$ 150,000		120753
TOTAL ALL BUDGET FUND GROUPS		\$ 700,000	\$ 700,000		120754
LEGISLATIVE ETHICS COMMITTEE					120755

On July 1, 2015, or as soon as possible thereafter, the
Legislative Inspector General of the Joint Legislative Ethics
Committee may certify to the Director of Budget and Management the
amount of the unexpended, unencumbered balance of the foregoing
appropriation item 028321, Legislative Ethics Committee, at the
end of fiscal year 2015 to be reappropriated to fiscal year 2016.
The amount certified is hereby reappropriated to the same
appropriation item for fiscal year 2016.

On July 1, 2016, or as soon as possible thereafter, the
Legislative Inspector General of the Joint Legislative Ethics
Committee may certify to the Director of Budget and Management the
amount of the unexpended, unencumbered balance of the foregoing
appropriation item 028321, Legislative Ethics Committee, at the
end of fiscal year 2016 to be reappropriated to fiscal year 2017.
The amount certified is hereby reappropriated to the same
appropriation item for fiscal year 2017.

Section 317.10. LSC LEGISLATIVE SERVICE COMMISSION

General Revenue Fund
GRF 035321 Operating Expenses \$ 15,600,000 \$ 15,600,000
GRF 035402 Legislative Fellows \$ 1,022,120 \$ 1,022,120
GRF 035405 Correctional \$ 460,845 \$ 460,845
Institution Inspection
Committee
GRF 035407 Legislative Task Force \$ 400,000 \$ 400,000
on Redistricting
GRF 035409 National Associations \$ 460,560 \$ 460,560
GRF 035410 Legislative \$ 6,126,953 \$ 6,126,953
Information Systems
GRF 035411 Ohio Constitutional \$ 600,000 \$ 600,000
Modernization
Commission

GRF	035419	Criminal Justice	\$	150,000	\$	150,000	120781
		Recodification					
		Committee					
GRF	035501	Litigation	\$	500,000	\$	500,000	120782
TOTAL GRF	General Revenue Fund		\$	25,320,478	\$	25,320,478	120783
	Dedicated Purpose Fund Group						120784
4100	035601	Sale of Publications	\$	10,000	\$	10,000	120785
TOTAL DPF	Dedicated Purpose Fund		\$	10,000	\$	10,000	120786
	Group						
	Internal Service Activity Fund Group						120787
4F60	035603	Legislative Budget	\$	100,000	\$	0	120788
		Services					
TOTAL ISA	Internal Service Activity						120789
	Fund Group		\$	100,000	\$	0	120790
TOTAL ALL BUDGET FUND GROUPS			\$	25,430,478	\$	25,330,478	120791
	OPERATING EXPENSES						120792
	On July 1, 2015, or as soon as possible thereafter, the						120793
	Director of the Legislative Service Commission may certify to the						120794
	Director of Budget and Management the amount of the unexpended,						120795
	unencumbered balance of the foregoing appropriation item 035321,						120796
	Operating Expenses, at the end of fiscal year 2015 to be						120797
	reappropriated to fiscal year 2016. The amount certified is hereby						120798
	reappropriated to the same appropriation item for fiscal year						120799
	2016.						120800
	On July 1, 2016, or as soon as possible thereafter, the						120801
	Director of the Legislative Service Commission may certify to the						120802
	Director of Budget and Management the amount of the unexpended,						120803
	unencumbered balance of the foregoing appropriation item 035321,						120804
	Operating Expenses, at the end of fiscal year 2016 to be						120805
	reappropriated to fiscal year 2017. The amount certified is hereby						120806
	reappropriated to the same appropriation item for fiscal year						120807
	2017.						120808

LEGISLATIVE TASK FORCE ON REDISTRICTING 120809

An amount up to \$2,000,000 of the unexpended, unencumbered 120810
portion of the foregoing appropriation item 035407, Legislative 120811
Task Force on Redistricting, at the end of fiscal year 2015 is 120812
hereby reappropriated to the Legislative Service Commission for 120813
the same purpose for fiscal year 2016. 120814

An amount equal to the unexpended, unencumbered portion of 120815
the foregoing appropriation item 035407, Legislative Task Force on 120816
Redistricting, at the end of fiscal year 2016 is hereby 120817
reappropriated to the Legislative Service Commission for the same 120818
purpose for fiscal year 2017. 120819

LEGISLATIVE INFORMATION SYSTEMS 120820

On July 1, 2015, or as soon as possible thereafter, the 120821
Director of the Legislative Service Commission may certify to the 120822
Director of Budget and Management the amount of the unexpended, 120823
unencumbered balance of the foregoing appropriation item 035410, 120824
Legislative Information Systems, at the end of fiscal year 2015 to 120825
be reappropriated to fiscal year 2016. The amount certified is 120826
hereby reappropriated to the same appropriation item for fiscal 120827
year 2016. 120828

On July 1, 2016, or as soon as possible thereafter, the 120829
Director of the Legislative Service Commission may certify to the 120830
Director of Budget and Management the amount of the unexpended, 120831
unencumbered balance of the foregoing appropriation item 035410, 120832
Legislative Information Systems, at the end of fiscal year 2016 to 120833
be reappropriated to fiscal year 2017. The amount certified is 120834
hereby reappropriated to the same appropriation item for fiscal 120835
year 2017. 120836

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION 120837

The foregoing appropriation item 035411, Ohio Constitutional 120838
Modernization Commission, shall be used to support the operation 120839

and expenses of the Ohio Constitutional Modernization Commission 120840
under sections 103.61 to 103.67 of the Revised Code. All 120841
expenditures paid from the appropriation item must be approved by 120842
the director and chairperson of the Legislative Service Commission 120843
under division (A) of section 103.21 of the Revised Code. 120844

An amount up to \$150,000 of the unexpended, unencumbered 120845
portion of the foregoing appropriation item 035411, Ohio 120846
Constitutional Modernization Commission, at the end of fiscal year 120847
2015 is hereby reappropriated to the Legislative Service 120848
Commission for the same purpose for fiscal year 2016. 120849

An amount equal to the unexpended, unencumbered portion of 120850
the foregoing appropriation item 035411, Ohio Constitutional 120851
Modernization Commission, at the end of fiscal year 2016 is hereby 120852
reappropriated to the Legislative Service Commission for the same 120853
purpose for fiscal year 2017. 120854

CRIMINAL JUSTICE RECODIFICATION COMMITTEE 120855

The foregoing appropriation item 035419, Criminal Justice 120856
Recodification Committee, shall be used to support the operation 120857
and expenses of the Criminal Justice Recodification Committee. 120858

LITIGATION 120859

The foregoing appropriation item 035501, Litigation, shall be 120860
used for any lawsuit in which the General Assembly is a party 120861
because a legal or constitutional challenge is made against the 120862
Ohio Constitution or an act of the General Assembly. The 120863
chairperson and vice-chairperson of the Legislative Service 120864
Commission shall both approve the use of the appropriated moneys. 120865

An amount equal to the unexpended, unencumbered portion of 120866
the foregoing appropriation item 035501, Litigation, at the end of 120867
fiscal year 2016 is hereby reappropriated to the Legislative 120868
Service Commission for the same purpose for fiscal year 2017. 120869

Section 319.10. LIB STATE LIBRARY BOARD				120870
General Revenue Fund				120871
GRF 350321	Operating Expenses	\$ 5,057,364	\$ 5,057,364	120872
GRF 350401	Ohioana Rental	\$ 120,114	\$ 120,114	120873
Payments				
GRF 350502	Regional Library	\$ 582,469	\$ 582,469	120874
Systems				
TOTAL GRF General Revenue Fund		\$ 5,759,947	\$ 5,759,947	120875
Dedicated Purpose Fund Group				120876
4590 350603	Services for	\$ 4,094,092	\$ 4,190,834	120877
Libraries				
4S40 350604	Ohio Public Library	\$ 5,689,788	\$ 5,689,788	120878
Information Network				
5GB0 350605	Library for the Blind	\$ 1,274,194	\$ 1,274,194	120879
TOTAL DPF Dedicated Purpose				120880
Fund Group		\$ 11,058,074	\$ 11,154,816	120881
Internal Service Activity Fund				120882
1390 350602	Services for State	\$ 8,000	\$ 8,000	120883
Agencies				
TOTAL ISA Internal Service Activity				120884
Fund Group		\$ 8,000	\$ 8,000	120885
Federal Fund Group				120886
3130 350601	LSTA Federal	\$ 5,350,000	\$ 5,350,000	120887
TOTAL FED Federal Fund Group		\$ 5,350,000	\$ 5,350,000	120888
TOTAL ALL BUDGET FUND GROUPS		\$ 22,176,021	\$ 22,272,763	120889
OHIOANA RENTAL PAYMENTS				120890
The foregoing appropriation item 350401, Ohioana Rental				120891
Payments, shall be used to pay the rental expenses of the Martha				120892
Kinney Cooper Ohioana Library Association under section 3375.61 of				120893
the Revised Code.				120894

REGIONAL LIBRARY SYSTEMS 120895

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. 120896
120897
120898
120899

OHIO PUBLIC LIBRARY INFORMATION NETWORK 120900

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN). 120901
120902
120903
120904
120905

The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network. 120906
120907
120908
120909

(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service. 120910
120911
120912
120913
120914
120915
120916
120917
120918
120919
120920

(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort. 120921
120922
120923
120924
120925

LIBRARY FOR THE BLIND				120926
The foregoing appropriation item 350605, Library for the				120927
Blind, shall be used for the statewide Talking Book Program to				120928
assist the blind and disabled.				120929
TRANSFER TO OPLIN TECHNOLOGY FUND				120930
Notwithstanding sections 5747.03 and 5747.47 of the Revised				120931
Code and any other provision of law to the contrary, in accordance				120932
with a schedule established by the Director of Budget and				120933
Management, the Director of Budget and Management shall transfer				120934
\$3,689,788 cash in each fiscal year from the Public Library Fund				120935
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40).				120936
TRANSFER TO LIBRARY FOR THE BLIND FUND				120937
Notwithstanding sections 5747.03 and 5747.47 of the Revised				120938
Code and any other provision of law to the contrary, in accordance				120939
with a schedule established by the Director of Budget and				120940
Management, the Director of Budget and Management shall transfer				120941
\$1,274,194 cash in each fiscal year from the Public Library Fund				120942
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0).				120943
Section 321.10. LCO LIQUOR CONTROL COMMISSION				120944
Dedicated Purpose Fund Group				120945
5LP0 970601 Commission Operating	\$	796,368	\$	796,368 120946
Expenses				
TOTAL DPF Dedicated Purpose Fund	\$	796,368	\$	796,368 120947
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	796,368	\$	796,368 120948
Section 323.10. LOT STATE LOTTERY COMMISSION				120950
State Lottery Fund Group				120951
7044 950321 Operating Expenses	\$	52,218,910	\$	53,320,434 120952
7044 950402 Advertising Contracts	\$	24,550,000	\$	24,550,000 120953

7044 950403	Gaming Contracts	\$	68,934,057	\$	69,081,749	120954
7044 950601	Direct Prize Payments	\$	131,894,037	\$	132,397,721	120955
7044 950605	Problem Gambling	\$	3,000,000	\$	3,000,000	120956
8710 950602	Annuity Prizes	\$	81,705,325	\$	82,313,553	120957
TOTAL SLF State Lottery Fund						120958
Group		\$	362,302,329	\$	364,663,457	120959
TOTAL ALL BUDGET FUND GROUPS		\$	362,302,329	\$	364,663,457	120960

OPERATING EXPENSES 120961

Notwithstanding sections 127.14 and 131.35 of the Revised 120962
Code, the Controlling Board may, at the request of the State 120963
Lottery Commission, authorize expenditures from the State Lottery 120964
Fund in excess of the amounts appropriated, up to a maximum of 10 120965
per cent of anticipated total revenue accruing from the sale of 120966
lottery products. Upon the approval of the Controlling Board, the 120967
additional amounts are hereby appropriated. 120968

DIRECT PRIZE PAYMENTS 120969

Any amounts, in addition to the amounts appropriated in 120970
appropriation item 950601, Direct Prize Payments, that the 120971
Director of the State Lottery Commission determines to be 120972
necessary to fund prizes are hereby appropriated. 120973

ANNUITY PRIZES 120974

Upon request of the State Lottery Commission, the Director of 120975
Budget and Management may transfer cash from the State Lottery 120976
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 120977
an amount sufficient to fund deferred prizes. The Treasurer of 120978
State, from time to time, shall credit the Deferred Prizes Trust 120979
Fund (Fund 8710) the pro rata share of interest earned by the 120980
Treasurer of State on invested balances. 120981

Any amounts, in addition to the amounts appropriated in 120982
appropriation item 950602, Annuity Prizes, that the Director of 120983
the State Lottery Commission determines to be necessary to fund 120984

deferred prizes and interest earnings are hereby appropriated. 120985

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 120986

Estimated transfers from the State Lottery Fund (Fund 7044) 120987
to the Lottery Profits Education Fund (Fund 7017) are to be 120988
\$984,000,000 in fiscal year 2016 and \$988,000,000 in fiscal year 120989
2017. The Director of Budget and Management shall transfer such 120990
amounts contingent upon the availability of resources. Transfers 120991
from the State Lottery Fund to the Lottery Profits Education Fund 120992
shall represent the estimated net income from operations for the 120993
Commission in fiscal year 2016 and fiscal year 2017. Transfers by 120994
the Director of Budget and Management to the Lottery Profits 120995
Education Fund shall be administered as the statutes direct. 120996

Section 325.10. MHC MANUFACTURED HOMES COMMISSION 120997

Dedicated Purpose Fund Group 120998

4K90 996609 Operating Expenses \$ 459,134 \$ 459,134 120999

5MC0 996610 Manufactured Homes \$ 747,825 \$ 747,825 121000

Regulation

TOTAL DPF Dedicated Purpose Fund \$ 1,206,959 \$ 1,206,959 121001
Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,206,959 \$ 1,206,959 121002

Section 327.10. MCD DEPARTMENT OF MEDICAID 121004

General Revenue Fund 121005

GRF 651425 Medicaid Program \$ 192,082,820 \$ 196,608,060 121006
Support - State

GRF 651525 Medicaid/Health Care 121007
Services

State \$ 4,756,088,703 \$ 4,911,290,484 121008

Federal \$12,270,971,080 \$12,943,334,622 121009

Medicaid/Health Care \$17,027,059,783 \$17,854,625,106 121010

Services Total

GRF	651526	Medicare Part D	\$	308,277,654	\$	341,617,182	121011
TOTAL GRF	General Revenue Fund						121012
		State	\$	5,256,449,177	\$	5,449,515,726	121013
		Federal	\$	12,270,971,080	\$	12,943,334,622	121014
		GRF Total	\$	17,527,420,257	\$	18,392,850,348	121015
Dedicated Purpose Fund Group							121016
4E30	651605	Resident Protection Fund	\$	2,878,000	\$	2,878,000	121017
5AJ0	651631	Money Follows the Person	\$	5,161,000	\$	4,910,000	121018
5DL0	651639	Medicaid Services - Recoveries	\$	551,125,000	\$	561,317,000	121019
5FX0	651638	Medicaid Services - Payment Withholding	\$	6,000,000	\$	6,000,000	121020
5GF0	651656	Medicaid Services - Hospitals/UPL	\$	582,887,931	\$	613,303,715	121021
5KC0	651682	Health Care Grants - State	\$	10,000,000	\$	10,000,000	121022
5R20	651608	Medicaid Services - Long Term Care	\$	400,000,000	\$	403,311,000	121023
5SA0	651628	Maternal and Child Health	\$	500,000	\$	0	121024
5U30	651654	Medicaid Program Support	\$	62,885,000	\$	53,834,000	121025
6510	651649	Medicaid Services - HCAP	\$	451,535,858	\$	237,049,000	121026
TOTAL DPF	Dedicated Purpose Fund Group					\$ 2,072,972,789 \$ 1,892,602,715	121027
Holding Account Fund Group							121028
R055	651644	Refunds and Reconciliations	\$	1,000,000	\$	1,000,000	121029
TOTAL HLD	Holding Account Fund					\$ 1,000,000 \$ 1,000,000	121030

Group

Federal Fund Group					121031
3ER0 651603 Medicaid Health	\$	71,764,000	\$	61,896,000	121032
Information					
Technology					
3F00 651623 Medicaid Services -	\$	3,725,394,919	\$	3,456,139,022	121033
Federal					
3F00 651624 Medicaid Program	\$	567,832,000	\$	562,547,000	121034
Support - Federal					
3FA0 651680 Health Care Grants -	\$	45,718,000	\$	36,296,000	121035
Federal					
3G50 651655 Medicaid Interagency	\$	91,400,000	\$	91,406,000	121036
Pass-Through					
TOTAL FED Federal Fund Group	\$	4,502,108,919	\$	4,208,284,022	121037
TOTAL ALL BUDGET FUND GROUPS	\$	24,103,501,965	\$	24,494,737,085	121038

Section 327.20. TEMPORARY AUTHORITY REGARDING EMPLOYEES 121040

(A) As used in this section, "medical assistance program" has 121041
the same meaning as in section 5160.01 of the Revised Code. 121042

(B) During the period beginning July 1, 2015, and ending June 121043
30, 2017, all of the following apply: 121044

(1) The Medicaid Director has the authority to establish, 121045
change, and abolish positions for the Department of Medicaid, and 121046
to assign, reassign, classify, reclassify, transfer, reduce, 121047
promote, or demote all employees of the Department of Medicaid who 121048
are not subject to Chapter 4117. of the Revised Code. 121049

(2) As part of the transfer of medical assistance programs to 121050
the Department of Medicaid, the Director of Job and Family 121051
Services has the authority to establish, change, and abolish 121052
positions for the Department of Job and Family Services, and to 121053
assign, reassign, classify, reclassify, transfer, reduce, promote, 121054
or demote all employees of the Department of Job and Family 121055

Services who are not subject to Chapter 4117. of the Revised Code. 121056

(C) The authority granted under division (B) of this section 121057
includes assigning or reassigning an exempt employee, as defined 121058
in section 124.152 of the Revised Code, to a bargaining unit 121059
classification if the Medicaid Director or Director of Job and 121060
Family Services determines that the bargaining unit classification 121061
is the proper classification for that employee. The actions of the 121062
Medicaid Director or Director of Job and Family Services shall be 121063
consistent with the requirements of 5 C.F.R. 900.603 for those 121064
employees subject to such requirements. If an employee in the E-1 121065
pay range is to be assigned, reassigned, classified, reclassified, 121066
transferred, reduced, or demoted to a position in a lower 121067
classification during the period specified in this section, the 121068
Medicaid Director or Director of Job and Family Services, or in 121069
the case of a transfer outside the Department of Medicaid or 121070
Department of Job and Family Services, the Director of 121071
Administrative Services, shall assign the employee to the 121072
appropriate classification and place the employee in Step X. The 121073
employee shall not receive any increase in compensation until the 121074
maximum rate of pay for that classification exceeds the employee's 121075
compensation. 121076

(D) Actions taken by the Medicaid Director, Director of Job 121077
and Family Services, and Director of Administrative Services 121078
pursuant to this section are not subject to appeal to the State 121079
Personnel Board of Review. 121080

(E) A portion of the foregoing appropriation items 651425, 121081
Medicaid Program Support - State, 651603, Medicaid Health 121082
Information Technology, 651624, Medicaid Program Support - 121083
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 121084
Interagency Pass-Through, 651605, Resident Protection Fund, 121085
651631, Money Follows the Person, 651682, Health Care Grants - 121086
State, and 651654, Medicaid Program Support, may be used to pay 121087

for costs associated with the administration of the Medicaid 121088
program, including the assignment, reassignment, classification, 121089
reclassification, transfer, reduction, promotion, or demotion of 121090
employees authorized by this section. 121091

Section 327.30. NEW AND AMENDED GRANT AGREEMENTS 121092

(A) As used in this section: 121093

(1) "Grant agreement" has the same meaning as in section 121094
5101.21 of the Revised Code. 121095

(2) "Medical assistance program" has the same meaning as in 121096
section 5160.01 of the Revised Code. 121097

(B) The Director of Job and Family Services and boards of 121098
county commissioners may enter into negotiations to amend an 121099
existing grant agreement or to enter into a new grant agreement 121100
regarding the transfer of medical assistance programs to the 121101
Department of Medicaid. Any such amended or new grant agreement 121102
shall be drafted in the name of the Department of Job and Family 121103
Services. The amended or new grant agreement may be executed 121104
before July 1, 2015, if the amendment or agreement does not become 121105
effective sooner than that date. 121106

(C) A portion of the foregoing appropriation items 651525, 121107
Medicaid/Health Care Services, 651603, Medicaid Health Information 121108
Technology, 651623, Medicaid Services - Federal, 651624, Medicaid 121109
Program Support - Federal, 651680, Health Care Grants - Federal, 121110
and 651682, Health Care Grants - State, may be used to pay for 121111
Medicaid services and costs associated with the administration of 121112
the Medicaid program. 121113

Section 327.40. EXCHANGE OF CERTAIN INFORMATION BETWEEN 121114
SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES 121115

A portion of the foregoing appropriation items 651425, 121116

Medicaid Program Support-State, 651525, Medicaid/Health Care 121117
Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid 121118
Services-Payment Withholding, 651624, Medicaid Program 121119
Support-Federal, 651680, Health Care Grants-Federal, 651655, 121120
Medicaid Interagency Pass-Through, 651605, Resident Protection 121121
Fund, 651631, Money Follows the Person, 651656, Medicaid 121122
Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 121123
Medicaid Services-Long Term Care, 651654, Medicaid Program 121124
Support, and 651649, Medicaid Services-HCAP, may be used to pay 121125
for services and costs associated with operating protocols adopted 121126
under sections 191.04 and 191.06 of the Revised Code. 121127

Section 327.53. MEDICAID/HEALTH CARE SERVICES 121128

The foregoing appropriation item 651525, Medicaid/Health Care 121129
Services, shall not be limited by section 131.33 of the Revised 121130
Code. 121131

Section 327.60. MANAGED CARE PERFORMANCE PAYMENT PROGRAM 121132

At the beginning of each quarter, or as soon as possible 121133
thereafter, the Medicaid Director shall certify to the Director of 121134
Budget and Management the amount withheld in accordance with 121135
section 5167.30 of the Revised Code for purposes of the Managed 121136
Care Performance Payment Program. Upon receiving certification, 121137
the Director of Budget and Management shall transfer cash in the 121138
amount certified from the General Revenue Fund to the Managed Care 121139
Performance Payment Fund. Appropriation item 651525, 121140
Medicaid/Health Care Services, is hereby reduced by the amount of 121141
the transfer and by the corresponding federal share of the 121142
transfer. Upon request of the Medicaid Director and approval of 121143
the Director of Budget and Management, appropriation up to the 121144
cash balance in the Managed Care Performance Payment Fund is 121145
hereby appropriated. The federal share of the cash balance may 121146

also be appropriated in a federal appropriation item specified in 121147
the request. Any federal share specified in the request is hereby 121148
appropriated. 121149

In addition to any other purpose authorized by law, the 121150
Department of Medicaid may use money in the Managed Care 121151
Performance Payment Fund for the following purposes for fiscal 121152
year 2016 and fiscal year 2017: 121153

(A) To meet obligations specified in provider agreements with 121154
Medicaid managed care organizations; 121155

(B) To pay for Medicaid services provided by a Medicaid 121156
managed care organization; 121157

(C) To reimburse a Medicaid managed care organization that 121158
has paid a fine for failure to meet performance standards or other 121159
requirements specified in provider agreements or rules adopted 121160
under section 5167.02 of the Revised Code if the organization 121161
comes into compliance with the standards or requirements. 121162

Section 327.70. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED 121163
CARE 121164

(A) As used in this section: 121165

(1) "ICDS participant" has the same meaning as in section 121166
5164.01 of the Revised Code. 121167

(2) "Integrated Care Delivery System" and "ICDS" have the 121168
same meaning as section 5164.01 of the Revised Code. 121169

(3) "Medicaid managed care organization" has the same meaning 121170
as in section 5167.01 of the Revised Code. 121171

(B) For fiscal year 2016 and fiscal year 2017, the Department 121172
of Medicaid shall provide performance payments as provided under 121173
this section to Medicaid managed care organizations providing care 121174
under the Integrated Care Delivery System. 121175

(C) If ICDS participants receive care through Medicaid managed care organizations under ICDS, the Department shall, in consultation with the United States Centers for Medicare and Medicaid Services, do both of the following:

(1) Develop quality measures designed specifically to determine the effectiveness of the health care and other services provided to ICDS participants by Medicaid managed care organizations;

(2) Determine an amount to be withheld from the Medicaid premium payments paid to Medicaid managed care organizations for ICDS participants.

(D)(1) For the purposes of division (C)(2) of this section, the Department shall establish an amount that is to be withheld each time a premium payment is made to a Medicaid managed care organization for an ICDS participant. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all Medicaid managed care organizations providing care to ICDS participants.

(2) Each Medicaid managed care organization shall agree to the withholding as a condition of receiving or maintaining its Medicaid provider agreement with the Department.

(3) When the amount is established and each time the amount is modified thereafter, the Department shall certify the amount to the Director of Budget and Management and begin withholding the amount from each premium the Department pays to a Medicaid managed care organization for an ICDS participant.

(E) The Director of Budget and Management shall transfer the amounts certified in accordance with division (D) of this section into the Managed Care Performance Payment Fund created under section 5162.60 of the Revised Code. The amounts transferred may be used to make performance payments to Medicaid managed care

organizations providing care to ICDS participants in accordance 121207
with rules that may be adopted by the Medicaid Director under 121208
Chapter 119. of the Revised Code. 121209

(F) A Medicaid managed care organization subject to this 121210
section is not subject to section 5167.30 of the Revised Code for 121211
premium payments attributed to ICDS participants during fiscal 121212
year 2016 and fiscal year 2017. 121213

Section 327.80. INTEGRATED CARE DELIVERY SYSTEM PERFORMANCE 121214
PAYMENT PROGRAM 121215

At the beginning of each quarter, or as soon as possible 121216
thereafter, the Medicaid Director may certify to the Director of 121217
Budget and Management the amount withheld in accordance with the 121218
section in this act titled "PERFORMANCE PAYMENTS FOR MEDICAID 121219
MANAGED CARE." On receipt of certification, the Director of Budget 121220
and Management shall transfer cash in the amount certified from 121221
the General Revenue Fund to the Managed Care Performance Payment 121222
Fund (Fund 5KW0). The federal share may also be appropriated in a 121223
federal appropriation item specified in the request. The 121224
transferred cash and the corresponding federal share is hereby 121225
appropriated. Appropriation item 651525, Medicaid/Health Care 121226
Services, is hereby reduced by the amount of the transfer and the 121227
corresponding federal share of the transfer. 121228

Section 327.90. HOSPITAL FRANCHISE FEE PROGRAM 121229

The Director of Budget and Management may authorize 121230
additional expenditures from appropriation item 651623, Medicaid 121231
Services - Federal, appropriation item 651525, Medicaid/Health 121232
Care Services, and appropriation item 651656, Medicaid Services - 121233
Hospital/UPL, in order to implement the programs authorized by 121234
sections 5168.20 through 5168.28 of the Revised Code. Any amounts 121235
authorized are hereby appropriated. 121236

Section 327.95. DENTAL PROVIDER RATES AND PILOT PROJECT 121237

Of the foregoing appropriation item 651525, Medicaid/Health 121238
Care Services, \$6,000,000 in each fiscal year shall be provided 121239
for the purpose of establishing a demonstration pilot project 121240
which pays Medicaid dental providers in Brown, Scioto, Adams, 121241
Lawrence, Jackson, Gallia, Vinton, Perry, Hocking, Meigs, Morgan, 121242
Washington, Pike, Athens, Noble, and Monroe counties at 65 per 121243
cent of the American Dental Association survey of fees for dental 121244
services. 121245

Section 327.100. ADMINISTRATIVE ISSUES RELATED TO TERMINATION 121246
OF MEDICAID WAIVER PROGRAMS 121247

(A) As used in this section, "MCD or ODA Medicaid waiver 121248
component" means the following: 121249

(1) The Medicaid waiver component of the PASSPORT program 121250
created under section 173.52 of the Revised Code; 121251

(2) The Medicaid waiver component of the Assisted Living 121252
program created under section 173.54 of the Revised Code. 121253

(3) The Ohio Home Care Waiver program as defined in section 121254
5166.01 of the Revised Code; 121255

(4) The Ohio Transitions II Aging Carve-Out program as 121256
defined in section 5166.01 of the Revised Code; 121257

(B) If an MCD or ODA Medicaid waiver component is terminated 121258
under section 173.52, 173.53, 173.54, 5166.12, or 5166.13 of the 121259
Revised Code, all of the following apply: 121260

(1) All applicable statutes, and all applicable rules, 121261
standards, guidelines, or orders issued by the Medicaid Director 121262
or Department of Medicaid or Director or Department of Aging 121263
before the component is terminated, shall remain in full force and 121264
effect on and after that date, but solely for purposes of 121265

concluding the component's operations, including fulfilling the 121266
Departments' legal obligations for claims arising from the 121267
component relating to eligibility determinations, covered medical 121268
assistance provided to eligible persons, and recovering erroneous 121269
overpayments. 121270

(2) Notwithstanding the termination of the component, the 121271
right of subrogation for the cost of medical assistance given 121272
under section 5160.37 of the Revised Code to the Department of 121273
Medicaid and an assignment of the right to medical assistance 121274
given under section 5160.38 of the Revised Code to the Department 121275
continue to apply with respect to the component and remain in 121276
force to the full extent provided under those sections. 121277

(3) The Department of Medicaid and Department of Aging may 121278
use appropriated funds to satisfy any claims or contingent claims 121279
for medical assistance provided under the component before the 121280
component's termination. 121281

(4) Neither the Department of Medicaid nor the Department of 121282
Aging has liability under the component to reimburse any provider 121283
or other person for claims for medical assistance rendered under 121284
the component after it is terminated. 121285

(C) The Medicaid Director and Director of Aging may adopt 121286
rules in accordance with Chapter 119. of the Revised Code to 121287
implement this section. 121288

Section 327.110. MONEY FOLLOWS THE PERSON ENHANCED 121289
REIMBURSEMENT FUND 121290

The federal payments made to the state under subsection (e) 121291
of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. 121292
No. 109-171, as amended, shall be deposited into the Money Follows 121293
the Person Enhanced Reimbursement Fund. The Department of Medicaid 121294
shall continue to use money deposited into the fund for system 121295

reform activities related to the Money Follows the Person 121296
demonstration project. 121297

Section 327.115. PEOPLE WORKING COOPERATIVELY 121298

Of the foregoing appropriation item 651631, Money Follows the 121299
Person, \$250,000 in each fiscal year shall be allocated to People 121300
Working Cooperatively to perform home modification/repair services 121301
to low-income, frail, or cognitively impaired persons sixty years 121302
of age and older to achieve independent living in their private 121303
residence and to avoid institutional placement. 121304

Section 327.120. MEDICARE PART D 121305

The foregoing appropriation item 651526, Medicare Part D, may 121306
be used by the Department of Medicaid for the implementation and 121307
operation of the Medicare Part D requirements contained in the 121308
"Medicare Prescription Drug, Improvement, and Modernization Act of 121309
2003," Pub. L. No. 108-173, as amended. Upon the request of the 121310
Department of Medicaid, the Director of Budget and Management may 121311
transfer the state share of appropriations between appropriation 121312
item 651525, Medicaid/Health Care Services, and appropriation item 121313
651526, Medicare Part D. If the state share of appropriation item 121314
651525, Medicaid/Health Care Services, is adjusted, the Director 121315
of Budget and Management shall adjust the federal share 121316
accordingly. The Department of Medicaid shall provide notification 121317
to the Controlling Board of any transfers at the next scheduled 121318
Controlling Board meeting. 121319

Section 327.130. OHIO ACCESS SUCCESS PROJECT 121320

Of the foregoing appropriation item, 651525, Medicaid/Health 121321
Care Services, up to \$450,000 in each fiscal year may be used to 121322
provide one-time transitional benefits under the Ohio Access 121323
Success Project that the Medicaid Director may establish under 121324

section 5166.35 of the Revised Code. 121325

Section 327.140. HEALTH CARE SERVICES ADMINISTRATION FUND 121326

Of the amount received by the Department of Medicaid during 121327
fiscal year 2016 and fiscal year 2017 from the first installment 121328
of assessments paid under section 5168.06 of the Revised Code and 121329
intergovernmental transfers made under section 5168.07 of the 121330
Revised Code, the Medicaid Director shall deposit \$350,000 in each 121331
fiscal year into the state treasury to the credit of the Health 121332
Care Services Administration Fund (Fund 5U30). 121333

Section 327.150. TRANSFERS OF OFFSETS TO THE HEALTH CARE 121334
SERVICES ADMINISTRATION FUND 121335

(A) As used in this section: 121336

"Hospital offset" means an offset from a hospital's Medicaid 121337
payment authorized by section 5168.991 of the Revised Code. 121338

"Vendor offset" means a reduction of a Medicaid payment to a 121339
Medicaid provider to correct a previous, incorrect Medicaid 121340
payment. 121341

(B) During fiscal year 2016 and fiscal year 2017, at 121342
intervals selected by the Medicaid Director, the Director shall 121343
certify to the Director of Budget and Management the amount of 121344
hospital offsets and vendor offsets for the period covered by the 121345
certification and the particular funds that would have been used 121346
to make Medicaid payments to providers if not for the offsets. 121347
Each certification shall specify the amount that would have been 121348
taken from each of the funds if not for the hospital offsets and 121349
vendor offsets. 121350

(C) On receipt of a certification under division (B) of this 121351
section, the Director of Budget and Management shall transfer cash 121352
from the funds identified in the certification to the Health Care 121353

Services Administration Fund (Fund 5U30). The amount transferred 121354
from a fund shall equal the amount that would have been taken from 121355
the fund if not for the hospital offsets and vendor offsets as 121356
specified in the certification. The federal share may also be 121357
appropriated in a federal appropriation item specified in the 121358
certification. The transferred cash and the corresponding federal 121359
share is hereby appropriated. The appropriations for those 121360
appropriation items identified in the certification, and from 121361
which transfers occurred, are hereby reduced by the amount of the 121362
transfer and the amount of the corresponding federal share. 121363

Section 327.160. HOSPITAL CARE ASSURANCE MATCH 121364

If receipts credited to the Health Care Federal Fund (Fund 121365
3F00) exceed the amounts appropriated from the fund for making the 121366
hospital care assurance program distribution, the Medicaid 121367
Director may request the Director of Budget and Management to 121368
authorize expenditures from the fund in excess of the amounts 121369
appropriated. Upon the approval of the Director of Budget and 121370
Management, the additional amounts are hereby appropriated. 121371

The foregoing appropriation item 651649, Medicaid Services - 121372
HCAP, shall be used by the Department of Medicaid for distributing 121373
the state share of all hospital care assurance program funds to 121374
hospitals under section 5168.09 of the Revised Code. If receipts 121375
credited to the Hospital Care Assurance Program Fund (Fund 6510) 121376
exceed the amounts appropriated from the fund for making the 121377
hospital care assurance program distribution, the Medicaid 121378
Director may request the Director of Budget and Management to 121379
authorize expenditures from the fund in excess of the amounts 121380
appropriated. Upon the approval of the Director of Budget and 121381
Management, the additional amounts are hereby appropriated. 121382

Section 327.170. REFUNDS AND RECONCILIATION FUND 121383

The Refunds and Reconciliation Fund (Fund R055) shall be used 121384
to hold refund and reconciliation revenues until the appropriate 121385
fund is determined or until the revenues are directed to the 121386
appropriate governmental agency other than the Department of 121387
Medicaid. Any Medicaid refunds or reconciliations received or held 121388
by the Department of Job and Family Services shall be transferred 121389
or credited to this fund. If receipts credited to the Refunds and 121390
Reconciliation Fund exceed the amounts appropriated from the fund, 121391
the Medicaid Director may request the Director of Budget and 121392
Management to authorize expenditures from the fund in excess of 121393
the amounts appropriated. Upon approval of the Director of Budget 121394
and Management, the additional amounts are hereby appropriated. 121395

Section 327.180. MEDICAID INTERAGENCY PASS-THROUGH 121396

The Medicaid Director may request the Director of Budget and 121397
Management to increase appropriation item 651655, Medicaid 121398
Interagency Pass-Through. Upon the approval of the Director of 121399
Budget and Management, the additional amounts are hereby 121400
appropriated. 121401

Section 327.190. STATE PLAN HOME AND COMMUNITY-BASED SERVICES 121402

(A) As used in this section: 121403

"Federal poverty line" means the official poverty line 121404
defined by the United States Office of Management and Budget based 121405
on the most recent data available from the United States Bureau of 121406
the Census and revised by the United States Secretary of Health 121407
and Human Services pursuant to the "Omnibus Budget Reconciliation 121408
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 121409

"State plan home and community-based services" means home and 121410
community-based services that may be included in the Medicaid 121411
state plan pursuant to the "Social Security Act," section 1915(i), 121412
42 U.S.C. 1396n(i). 121413

(B) During fiscal year 2016 and fiscal year 2017, the Medicaid program may cover state plan home and community-based services for Medicaid recipients of any age who have behavioral health issues and countable incomes not exceeding one hundred fifty per cent of the federal poverty line. A Medicaid recipient is not required to undergo a level of care determination to be eligible for the state plan home and community-based services.

The Medicaid Director may adopt rules under section 5164.02 of the Revised Code as necessary to implement this section.

Section 327.200. UPDATING AUTHORIZING STATUTE CITATIONS

As used in this section, "authorizing statute" means a Revised Code section or provision of a Revised Code section that is cited in the Ohio Administrative Code as the statute that authorizes the adoption of a rule.

The Medicaid Director is not required to amend any rule for the sole purpose of updating the citation in the Ohio Administrative Code to the rule's authorizing statute to reflect that this act renumbers the authorizing statute or relocates it to another Revised Code section. Such citations shall be updated as the Director amends the rules for other purposes.

Section 327.210. NON-EMERGENCY MEDICAL TRANSPORTATION

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid/Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support - Local Transportation, within the Department of Job and Family Services. If such a transfer occurs,

the Director of Budget and Management shall adjust, using the 121444
federal reimbursement rate, the federal share appropriations of 121445
General Revenue Fund appropriation line 651525, Medicaid/Health 121446
Care Services, within the Department of Medicaid, and the Medicaid 121447
Program Support Fund (3F01) appropriation line 655624, Medicaid 121448
Program Support, within the Department of Job and Family Services. 121449
The Director of Medicaid shall transmit to the Medicaid Program 121450
Support Fund (3F01) the federal funds which the Department of 121451
Medicaid, as the state's sole point of contact with the federal 121452
government for Medicaid reimbursements, has drawn for this 121453
transaction. 121454

Section 327.220. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION 121455
SYSTEM IMPLEMENTATION 121456

Upon the request of the Medicaid Director, the Director of 121457
Budget and Management may transfer up to \$7,200,000 of state share 121458
appropriations in each fiscal year between General Revenue Fund 121459
appropriation item 651525, Medicaid/Health Care Services, within 121460
the Department of Medicaid, and 655522, Medicaid Program Support - 121461
Local, within the Department of Job and Family Services. If such a 121462
transfer occurs, the Director of Budget and Management shall 121463
adjust, using the federal reimbursement rate, the federal share 121464
appropriations of General Revenue Fund appropriation item 651525, 121465
Medicaid/Health Care Services, within the Department of Medicaid, 121466
and the Medicaid Program Support Fund (Fund 3F01) appropriation 121467
item 655624, Medicaid Program Support, within the Department of 121468
Job and Family Services. The Director of Medicaid shall transmit 121469
to the Medicaid Program Support Fund (3F01) the federal funds 121470
which the Department of Medicaid, as the state's sole point of 121471
contact with the federal government for Medicaid reimbursements, 121472
has drawn for this transaction. 121473

Any increase in funding shall be provided to county 121474

departments of job and family services and shall only be used for 121475
costs related to transitioning to a new public assistance 121476
eligibility determination system. These funds shall not be used 121477
for existing and ongoing operating expenses. The Medicaid Director 121478
shall establish criteria for distributing these funds and for 121479
county departments of job and family services to submit allowable 121480
expenses. 121481

County departments of job and family services shall comply 121482
with new roles, processes, and responsibilities related to the new 121483
eligibility determination system. County departments of job and 121484
family services shall report to the Ohio Department of Job and 121485
Family Services and the Ohio Department of Medicaid, on a schedule 121486
determined by the Medicaid Director, how the funds were used. 121487

Section 327.230. ABOLISHMENT OF THE HOME AND COMMUNITY-BASED 121488
SERVICES FUND (FUND 4J50) 121489

On July 1, 2015, or as soon as possible thereafter, the 121490
Director of Budget and Management shall transfer the cash balance 121491
in the Home and Community - Based Services Fund (Fund 4J50) to the 121492
Nursing Facility Franchise Permit Fee Fund (Fund 5R20), both used 121493
by the Department of Medicaid. Upon completion of the transfer, 121494
Fund 4J50 is hereby abolished. 121495

Section 327.243. HOLZER CLINIC PAYMENT 121496

Of the foregoing appropriation item 651525, Medicaid/Health 121497
Care Services, \$1,000,000 in fiscal year 2016 and \$500,000 in 121498
fiscal year 2017 shall be used to make, subject to division (B) of 121499
this section, Medicaid payments in accordance with rule 121500
5160-1-60.1 of the Administrative Code, as the rule is in effect 121501
on the day immediately preceding the effective date of this 121502
section, for physician, pregnancy-related, evaluation, and 121503
management services provided by physician groups that meet the 121504

criteria described in the rule. 121505

Section 327.244. COMMUNITY HEALTH WORKER SERVICES 121506

Of the foregoing appropriation item 651525, Medicaid/Health 121507
Care Services, \$13,400,000 in each fiscal year shall be used to 121508
provide community health worker services and other services to 121509
certain Medicaid recipients as specified in section 5167.15 of the 121510
Revised Code. 121511

Section 327.245. MATERNAL AND CHILD HEALTH 121512

The foregoing appropriation item 651628, Maternal and Child 121513
Health, shall be allocated to Integrating Professionals for 121514
Appalachian Children. These funds shall be used to improve 121515
maternal and child health outcomes in the service area comprised 121516
of Athens, Gallia, Hocking, Jackson, Meigs, Perry, Ross, Vinton, 121517
and Washington counties. 121518

Section 327.250. RATE FOR HOME HEALTH AIDE SERVICES 121519

(A) As used in this section, "independent provider" means an 121520
individual who personally provides home health aide services and 121521
is not employed by, under contract with, or affiliated with 121522
another entity that provides those services. 121523

(B) Notwithstanding section 5164.77 of the Revised Code, the 121524
Medicaid payment rate for home health aide services that are 121525
provided by a provider, other than an independent provider, during 121526
the period beginning January 1, 2016, and ending June 30, 2017, 121527
shall be at least five per cent higher than the rate in effect on 121528
October 1, 2015, for those services. 121529

Section 327.270. NURSING FACILITY DEMONSTRATION PROJECT 121530

(A) As used in this section: 121531

(1) "Freestanding long-term care hospital" means a hospital 121532
to which all of the following apply: 121533

(a) It is a freestanding long-term care hospital as defined 121534
in 42 C.F.R. 412.23(e)(5). 121535

(b) It has a Medicaid provider agreement to provide inpatient 121536
hospital services. 121537

(c) Pursuant to rules adopted under section 5164.02 of the 121538
Revised Code, it is exempt from the all patient refined diagnosis 121539
related groups (APR-DRG) and prospective payment methodology the 121540
Department of Medicaid uses to determine Medicaid payment rates 121541
for inpatient services provided by other types of hospitals not 121542
also excluded from the methodology. 121543

(2) "Nursing facility," "nursing facility services," "nursing 121544
home," and "provider" have the same meanings as in section 5165.01 121545
of the Revised Code. 121546

(B) Not later than thirty days after the effective date of 121547
this section, the Department of Medicaid shall submit to the 121548
United States Secretary of Health and Human Services a request for 121549
a Medicaid Waiver to operate, beginning January 1, 2016, a 121550
two-year demonstration project under which Medicaid recipients 121551
receive nursing facility services in participating nursing 121552
facilities in lieu of hospital inpatient services in freestanding 121553
long-term care hospitals. 121554

(1) The Department shall select four nursing facilities to 121555
participate in the demonstration project. To be selected for 121556
participation, a nursing facility must meet all of the following 121557
requirements: 121558

(a) The nursing facility's provider must hold the nursing 121559
facility out to the public as providing short-term rehabilitation 121560
services. 121561

(b) The nursing facility must have a hydrotherapy pool. 121562

(c) The nursing facility's Medicaid-certified capacity must 121563
include at least ten single-occupancy sleeping rooms that will be 121564
used for Medicaid recipients admitted to the nursing facility 121565
under the demonstration project. 121566

(d) The nursing facility must have been initially 121567
constructed, licensed as a nursing home, and certified as a 121568
nursing facility on or after January 1, 2010. 121569

(2) In selecting four nursing facilities to participate in 121570
the demonstration project, the Department shall select one nursing 121571
facility located in Cuyahoga county, one located in Franklin 121572
county, one located in Hamilton county, and one located in Lucas 121573
county. However, the Department may select a nursing facility 121574
located in another county if necessary to find four nursing 121575
facilities that meet the requirements specified in division (B)(1) 121576
of this section. 121577

(C)(1) The provider of each participating nursing facility 121578
shall develop admission criteria that Medicaid recipients must 121579
meet to be admitted to the nursing facility under the 121580
demonstration project. The provider shall give the criteria to 121581
each hospital that is located within fifty miles of the nursing 121582
facility and routinely refers Medicaid patients to freestanding 121583
long-term care hospitals. A hospital that receives the criteria 121584
shall consider the criteria when determining where to refer a 121585
Medicaid recipient who needs the types of services freestanding 121586
long-term care hospitals provide. 121587

(2) A Medicaid recipient may refuse a referral to a 121588
participating nursing facility and instead seek admission to a 121589
freestanding long-term care hospital. If a Medicaid recipient 121590
seeks admission to a participating nursing facility under the 121591
demonstration project, the nursing facility's staff shall ensure 121592

that the recipient meets the nursing facility's criteria before 121593
admitting the recipient. 121594

(3) A participating nursing facility shall notify the 121595
Department each time it admits a Medicaid recipient under the 121596
demonstration project. A Medicaid recipient's admission to a 121597
participating nursing facility under the demonstration project is 121598
not subject to prior authorization from the Department or a 121599
designee of the Department. 121600

(D) Notwithstanding Chapter 5165. of the Revised Code, the 121601
Medicaid payment rate for nursing facility services that a 121602
Medicaid recipient receives from a participating nursing facility 121603
under the demonstration project shall not exceed the Medicaid 121604
payment rate for comparable hospital inpatient services provided 121605
by freestanding long-term care hospitals in effect at the time the 121606
nursing facility services are provided. 121607

(E) Not later than thirty days after the end of each quarter 121608
of the demonstration project, the provider of each participating 121609
nursing facility shall report to the Department all of the 121610
following information about each Medicaid recipient residing in 121611
the nursing facility under the demonstration project during the 121612
quarter: 121613

(1) The cost of the nursing facility services that the 121614
nursing facility provided to the recipient that quarter; 121615

(2) The number of days the recipient resided in the nursing 121616
facility that quarter; 121617

(3) The recipient's health outcomes; 121618

(4) The recipient's satisfaction with the nursing facility as 121619
reported to the nursing facility's staff; 121620

(5) All other information that the Department requires the 121621
providers to include in the reports. 121622

(F) Not later than three months after the demonstration project ends, the Department shall complete a report about it. The report shall include an analysis of the information submitted to the Department under division (E) of this section. The report also shall include recommendations about resuming operation of the demonstration project and selecting nursing facilities from additional counties to participate. The Department shall submit the report to all of the following:

(1) The Governor;

(2) In accordance with section 101.68 of the Revised Code, the General Assembly;

(3) The Joint Medicaid Oversight Committee.

Section 327.280. PRE-ENROLLMENT PROVIDER SCREENINGS AND REVIEWS

During fiscal year 2016 and fiscal year 2017, it is recommended that the Department of Medicaid perform pre-enrollment screenings and reviews of Medicaid providers designated as moderate or high categorical risks to the Medicaid program under the categorical risk levels established pursuant to Subpart E of Part 455 of Title 42 of the Code of Federal Regulations.

Section 327.300. MEDICAID RATES FOR AMBULETTE SERVICES

The Medicaid payment rates for ambulette services provided during the period beginning July 1, 2015, and ending June 30, 2017, shall be at least ten per cent higher than the amount of the rates for the services in effect on June 30, 2015.

Section 327.310. TERMINATION OF 209(b) OPTION

As used in this section, "209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42

U.S.C. 1396a(f), under which the Medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the Supplemental Security Income program.

The Department of Medicaid shall not terminate the implementation of the 209(b) option before July 1, 2016.

Section 327.320. GRADUATE MEDICAL EDUCATION STUDY COMMITTEE

(A) There is hereby created the Graduate Medical Education Study Committee. The Committee shall consist of all of the following members:

(1) The Executive Director of the Office of Health Transformation;

(2) The Medicaid Director;

(3) The Chancellor of Higher Education;

(4) Four deans of medical schools of colleges and universities located in this state, appointed by the President of the Senate;

(5) Four presidents of colleges and universities that are located in this state and have medical schools, appointed by the Speaker of the House of Representatives;

(6) The chief executive officer of each of the following:

(a) The Ohio State Medical Association;

(b) The Ohio Osteopathic Association;

(c) The Ohio Hospital Association;

(d) The Ohio Children's Hospital Association.

(B) Appointments to the Committee shall be made not later than fifteen days after the effective date of this section. A member of the Committee may designate an individual to serve on

the Committee in the member's place for one or more meetings. 121679
Members shall serve without compensation or reimbursement, except 121680
to the extent that serving on the Committee is considered part of 121681
their usual job duties. 121682

(C) The Executive Director of the Office of Health 121683
Transformation shall serve as chairperson of the Committee. The 121684
Department of Medicaid shall provide the Committee all support 121685
services the Committee needs. 121686

(D) The Committee shall study the issue of Medicaid payments 121687
to hospitals for the costs of graduate medical education. The 121688
Committee shall include in its study the feasibility of targeting 121689
the payments in a manner that rewards graduates of medical schools 121690
of colleges and universities located in this state who practice 121691
medicine and surgery or osteopathic medicine and surgery in this 121692
state for at least five years after graduation. The Committee 121693
shall complete a report about its study not later than December 121694
31, 2015. The Committee shall submit copies of the report to the 121695
Governor, the General Assembly (in accordance with section 101.68 121696
of the Revised Code), and the Joint Medicaid Oversight Committee. 121697
The Graduate Medical Education Study Committee shall cease to 121698
exist on submission of the report. 121699

Section 327.330. STUDY OF SELF-SELECTING MANAGED CARE 121700
ORGANIZATION 121701

(A) Not later than one hundred eighty days after the 121702
effective date of this section, the Department of Medicaid shall 121703
complete a study of the feasibility and potential savings to the 121704
state of delaying an individual's coverage under the Medicaid 121705
program until the individual self-selects a Medicaid managed care 121706
organization in which to enroll if the individual is required to 121707
participate in the care management system established under 121708
section 5167.03 of the Revised Code. As part of the study, the 121709

Department shall do both of the following: 121710

(1) Examine the feasibility of obtaining any necessary 121711
federal waivers, including a waiver of the default enrollment 121712
process required by section 1932(a)(1)(D) of the "Social Security 121713
Act," 42 U.S.C. 1396u-2(a)(1)(D); 121714

(2) Contract with an actuary to determine the effect that the 121715
delay in coverage would have on the amount of premiums to be paid 121716
Medicaid managed care organizations under the care management 121717
system. 121718

(B) The Department shall prepare a report about the study 121719
conducted under this section and submit the report to the 121720
Governor, General Assembly (in accordance with section 101.68 of 121721
the Revised Code), and the Joint Medicaid Oversight Committee. 121722

Section 327.340. PREFERENCE TO MANAGED CARE ORGANIZATIONS 121723
REGARDING INFANT MORTALITY RATES 121724

For the period beginning January 1, 2016, and ending June 30, 121725
2017, the Department of Medicaid shall modify the default 121726
enrollment process established pursuant to section 1932(a)(4)(D) 121727
of the "Social Security Act," 42 U.S.C. 1396u-2(a)(4)(D), under 121728
which the Department enrolls in a Medicaid managed care 121729
organization a Medicaid recipient who is designated for 121730
participation in the Medicaid managed care program but fails to 121731
select a Medicaid managed care organization during the enrollment 121732
period. Under the modifications, the Department shall give 121733
preference under the default enrollment process to Medicaid 121734
managed care organizations that have demonstrated to the 121735
Department's satisfaction success in reducing the infant mortality 121736
rates among children born to women enrolled in the organizations. 121737
In determining a Medicaid managed care organization's success in 121738
reducing infant mortality rates, the Department may consider 121739
direct and indirect measures of infant mortality and factors that 121740

differ from the performance standards the Department establishes 121741
for the Managed Care Performance Payment Program under section 121742
5167.30 of the Revised Code. 121743

A determination of whether to give preference to a Medicaid 121744
managed care organization under this section shall have no effect 121745
on a Medicaid managed care organization's eligibility for a 121746
performance payment under section 5167.30 of the Revised Code or 121747
on the amount of such a performance payment. 121748

Section 329.10. MED STATE MEDICAL BOARD 121749

Dedicated Purpose Fund Group 121750

5C60 883609 Operating Expenses	\$	9,467,737	\$	9,655,200	121751

TOTAL DPF Dedicated Purpose Fund	\$	9,467,737	\$	9,655,200	121752

Group

TOTAL ALL BUDGET FUND GROUPS	\$	9,467,737	\$	9,655,200	121753

Section 331.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 121755
SERVICES 121756

General Revenue Fund 121757

GRF 336321 Central	\$	13,632,646	\$	13,632,646	121758

Administration

GRF 336402 Resident Trainees	\$	450,000	\$	450,000	121759

GRF 336405 Family & Children	\$	1,386,000	\$	1,386,000	121760

First

GRF 336406 Prevention and	\$	3,488,659	\$	3,488,659	121761

Wellness

GRF 336412 Hospital Services	\$	200,658,333	\$	200,658,333	121762

GRF 336415 Mental Health	\$	20,817,900	\$	19,902,200	121763

Facilities

Lease-Rental Bond

Payments

GRF 336421 Continuum of Care	\$	72,389,846	\$	72,339,846	121764

		Services					
GRF	336422	Criminal Justice	\$	11,416,418	\$	11,416,418	121765
		Services					
GRF	336423	Addiction Services	\$	27,422,269	\$	34,362,315	121766
		Partnership with					
		Corrections					
GRF	336424	Recovery Housing	\$	2,500,000	\$	2,500,000	121767
GRF	336425	Specialized Docket	\$	5,000,000	\$	5,000,000	121768
		Support					
GRF	336504	Community Innovations	\$	9,250,000	\$	9,250,000	121769
GRF	336506	Court Costs	\$	1,284,210	\$	1,284,210	121770
GRF	336510	Residential State	\$	15,002,875	\$	15,002,875	121771
		Supplement					
GRF	336511	Early Childhood	\$	2,500,000	\$	2,500,000	121772
		Mental Health					
		Counselors and					
		Consultation					
GRF	652321	Medicaid Support	\$	1,736,600	\$	1,736,600	121773
TOTAL GRF	General Revenue Fund		\$	388,935,756	\$	394,910,102	121774
		Dedicated Purpose Fund Group					121775
2320	336621	Family and Children	\$	400,000	\$	400,000	121776
		First Administration					
4750	336623	Statewide Treatment	\$	15,550,000	\$	15,550,000	121777
		and Prevention					
4850	336632	Mental Health	\$	2,611,733	\$	2,611,733	121778
		Operating					
5AU0	336615	Behavioral Health	\$	7,850,000	\$	7,850,000	121779
		Care					
5JL0	336629	Problem Gambling and	\$	6,250,000	\$	6,250,000	121780
		Casino Addictions					
5T90	336641	Problem Gambling	\$	435,000	\$	435,000	121781
		Services					
6320	336616	Community Capital	\$	350,000	\$	350,000	121782

		Replacement				
6890	336640	Education and	\$	150,000	\$	150,000 121783
		Conferences				
TOTAL	DPF	Dedicated Purpose Fund	\$	33,596,733	\$	33,596,733 121784
Group						
Internal Service Activity Fund Group						121785
1490	336609	Hospital Operating	\$	24,790,000	\$	24,790,000 121786
		Expenses				
1490	336610	Operating Expenses	\$	6,743,190	\$	6,743,190 121787
1500	336620	Special Education	\$	150,000	\$	150,000 121788
1510	336601	Ohio Pharmacy	\$	75,000,000	\$	75,000,000 121789
		Services				
4P90	336604	Community Mental	\$	250,000	\$	250,000 121790
		Health Projects				
TOTAL	ISA	Internal Service Activity	\$	106,933,190	\$	106,933,190 121791
Fund Group						
Federal Fund Group						121792
3240	336605	Medicaid/Medicare	\$	28,200,000	\$	28,200,000 121793
3A60	336608	Federal Miscellaneous	\$	2,510,000	\$	2,510,000 121794
3A70	336612	Social Services Block	\$	8,450,000	\$	8,450,000 121795
		Grant				
3A80	336613	Federal Grants	\$	11,417,000	\$	11,417,000 121796
3A90	336614	Mental Health Block	\$	16,058,470	\$	16,058,470 121797
		Grant				
3FR0	336638	Race to the Top -	\$	1,164,000	\$	1,164,000 121798
		Early Learning				
		Challenge Grant				
3G40	336618	Substance Abuse Block	\$	65,865,756	\$	65,865,756 121799
		Grant				
3H80	336606	Demonstration Grants	\$	20,050,000	\$	20,050,000 121800
3N80	336639	Administrative	\$	1,300,000	\$	1,300,000 121801
		Reimbursement				

3B10 652635	Community Medicaid	\$	5,000,000	\$	5,000,000	121802
	Legacy Costs					
3B10 652636	Community Medicaid	\$	7,000,000	\$	7,000,000	121803
	Legacy Support					
TOTAL FED	Federal Fund Group	\$	167,015,226	\$	167,015,226	121804
TOTAL ALL BUDGET FUND GROUPS		\$	696,480,905	\$	702,455,251	121805

Section 331.21. TRANSITION RELATING TO CONSOLIDATION OF DEPARTMENTS 121807
121808

All of the authority, functions, and assets and liabilities of the Department of Mental Health and the Department of Alcohol and Drug Addiction Services are transferred to the Department of Mental Health and Addiction Services. The Department of Mental Health and Addiction Services is thereupon and thereafter successor to, assumes the obligations of, and otherwise constitutes the continuation of the Department of Alcohol and Drug Addiction Services and the Department of Mental Health. The Director of Mental Health and Addiction Services assumes all of the duties, authorities, and responsibilities of the Director of Alcohol and Drug Addiction Services and the Director of Mental Health. Any action, license, or certification that was undertaken or issued by the Director of Alcohol and Drug Addiction Services or the Director of Mental Health that is current and valid on the effective date of the consolidation is deemed to be an action, license, or certification undertaken or issued by the Department of Mental Health and Addiction Services under the statute creating that Department. 121809
121810
121811
121812
121813
121814
121815
121816
121817
121818
121819
121820
121821
121822
121823
121824
121825
121826

Any business commenced but not completed by July 1, 2013, by the Department of Mental Health or the Department of Alcohol and Drug Addiction Services shall be completed by the Department of Mental Health and Addiction Services. The business shall be completed in the same manner, and with the same effect, as if completed by the Department of Mental Health or by the Department 121827
121828
121829
121830
121831
121832

of Alcohol and Drug Addiction Services prior to July 1, 2013. 121833

No validation, cure, right, privilege, remedy, obligation, or 121834
liability is lost or impaired by reason of this act's transfer of 121835
responsibility from the Department of Mental Health and the 121836
Department of Alcohol and Drug Addiction Services to the 121837
Department of Mental Health and Addiction Services. Each such 121838
validation, cure, right, remedy, obligation, or liability shall be 121839
administered by the Department of Mental Health and Addiction 121840
Services pursuant to the statute creating that department. 121841

All rules, orders, and determinations made or undertaken 121842
pursuant to the authority and responsibilities of the Department 121843
of Mental Health and the Department of Alcohol and Drug Addiction 121844
Services prior to July 1, 2013, shall continue in effect as rules, 121845
orders, and determinations of the Department of Mental Health and 121846
Addiction Services until modified or rescinded by the Department 121847
of Mental Health and Addiction Services. If necessary to ensure 121848
the integrity of the numbering system of the Administrative Code, 121849
the Director of the Legislative Service Commission shall renumber 121850
the rules to reflect the transfer of authority and responsibility 121851
to the Department of Mental Health and Addiction Services. 121852

Any action or proceeding that is related to the functions or 121853
duties of the Department of Mental Health or the Department of 121854
Alcohol and Drug Addiction Services pending on July 1, 2013, is 121855
not affected by the transfer of responsibility to the Department 121856
of Mental Health and Addiction Services and shall be prosecuted or 121857
defended in the name of the Department of Mental Health and 121858
Addiction Services. In all such actions and proceedings, the 121859
Department of Mental Health and Addiction Services, on application 121860
to the court, shall be substituted as a party. 121861

Section 331.40. PREVENTION AND WELLNESS 121862

Of the foregoing appropriation item 336406, Prevention and 121863

Wellness: 121864

(A) Up to \$1,500,000 in each fiscal year shall be used to 121865
expand evidence-based prevention resources statewide. 121866

(B) Up to \$1,000,000 in each fiscal year shall be used to 121867
support and expand suicide prevention efforts. 121868

(C) \$120,000 in each fiscal year shall be allocated to 121869
Northeast Ohio Medical University's statewide campus safety and 121870
mental health programs, including suicide prevention. 121871

Section 331.50. HOSPITAL SERVICES 121872

The foregoing appropriation item 336412, Hospital Services, 121873
shall be used for the operation of the State Regional Psychiatric 121874
Hospitals, including, but not limited to, all aspects involving 121875
civil and forensic commitment, treatment, and discharge as 121876
determined by the Director of Mental Health and Addiction 121877
Services. A portion of this appropriation may be used by the 121878
Department of Mental Health and Addiction Services to create, 121879
purchase, or contract for the custody, supervision, control, and 121880
treatment of persons committed to the Department of Mental Health 121881
and Addiction Services in other clinically appropriate 121882
environments, consistent with public safety. 121883

Section 331.60. MENTAL HEALTH FACILITIES LEASE-RENTAL BOND 121884
PAYMENTS 121885

The foregoing appropriation item 336415, Mental Health 121886
Facilities Lease-Rental Bond Payments, shall be used to meet all 121887
payments during the period from July 1, 2015, through June 30, 121888
2017, by the Department of Mental Health and Addiction Services 121889
under leases and agreements made under section 154.20 of the 121890
Revised Code. These appropriations are the source of funds pledged 121891
for bond service charges on obligations issued pursuant to Chapter 121892
154. of the Revised Code. 121893

Section 331.70. CONTINUUM OF CARE SERVICES 121894

The foregoing appropriation item 336421, Continuum of Care 121895
Services, shall be used as follows: 121896

(A) A portion of this appropriation shall be allocated to 121897
community alcohol, drug addiction, and mental health services 121898
boards in accordance with a distribution methodology determined by 121899
the Director of Mental Health and Addiction Services for the 121900
boards to purchase mental health and addiction services permitted 121901
under Chapter 340. of the Revised Code. Boards may use a portion 121902
of the funds allocated: 121903

(1) To provide subsidized support for psychotropic medication 121904
needs of indigent citizens in the community to reduce unnecessary 121905
hospitalization due to lack of medication; and 121906

(2) To provide subsidized support for medication-assisted 121907
treatment costs. 121908

(B) A portion of this appropriation may be distributed to 121909
community alcohol, drug addiction, and mental health services 121910
boards, community addiction and/or mental health services 121911
providers, courts, or other governmental entities to provide 121912
specific grants in support of initiatives concerning mental health 121913
and addiction services. 121914

(C)(1) \$400,000 in fiscal year 2016 and \$350,000 in fiscal 121915
year 2017 shall be allocated to the Geauga County Board of Mental 121916
Health and Recovery Services. The Board shall distribute \$316,250 121917
in fiscal year 2016 and \$284,750 in fiscal year 2017 to the 121918
Chardon School District to be used for program-related activities. 121919

(2) The Department of Mental Health and Addiction Services 121920
shall submit a report to the General Assembly in accordance with 121921
section 101.68 of the Revised Code regarding the performance of 121922
the program by September 30, 2017. 121923

Section 331.80. CRIMINAL JUSTICE SERVICES 121924

The foregoing appropriation item 336422, Criminal Justice Services, shall be used to provide forensic psychiatric evaluations to courts of common pleas and to conduct evaluations of patients of forensic status in facilities operated or designated by the Department of Mental Health and Addiction Services prior to conditional release to the community. A portion of this appropriation may be allocated through community alcohol, drug addiction, and mental health services boards to community addiction and/or mental health services providers in accordance with a distribution methodology as determined by the Director of Mental Health and Addiction Services. 121925
121926
121927
121928
121929
121930
121931
121932
121933
121934
121935

Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$1,000,000 in each fiscal year shall be used to support specialty dockets and expand and/or create new certified court programs. 121936
121937
121938
121939

Appropriation item 336422, Criminal Justice Services, may also be used to: 121940
121941

(A) Provide forensic monitoring and tracking of individuals on conditional release; 121942
121943

(B) Provide forensic training; 121944

(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders; 121945
121946
121947

(D) Provide specialized re-entry services to offenders leaving prisons and jails; 121948
121949

(E) Provide specific grants in support of addiction services alternatives to incarceration; and 121950
121951

(F) Support therapeutic communities. 121952

Section 331.90. MEDICATION-ASSISTED TREATMENT DRUG COURT	121953
PROGRAM FOR SPECIALIZED DOCKET PROGRAMS	121954
(A) As used in this section:	121955
(1) "Medication-assisted treatment (MAT) drug court program"	121956
means a session of any of the following that holds initial or	121957
final certification from the Supreme Court of Ohio as a	121958
specialized docket program for drugs: a common pleas court,	121959
municipal court, or county court, or a division of any of those	121960
courts.	121961
(2) "Prescriber" has the same meaning as in section 4729.01	121962
of the Revised Code.	121963
(B)(1) The Department of Mental Health and Addiction Services	121964
shall conduct a program to provide addiction treatment, including	121965
medication-assisted treatment, to persons who are offenders within	121966
the Criminal Justice System, eligible to participate in a MAT drug	121967
court program, and are selected under this section to be	121968
participants in the program because of their dependence on	121969
opioids, alcohol, or both.	121970
(2) The Department shall conduct the program in those courts	121971
of Allen, Clinton, Crawford, Cuyahoga, Franklin, Gallia, Hamilton,	121972
Hardin, Hocking, Jackson, Marion, Mercer, Montgomery, Summit, and	121973
Warren counties that are conducting MAT drug court programs. If in	121974
any of these counties there is no court conducting a MAT drug	121975
court program, the Department shall conduct the program in a court	121976
that is conducting a MAT drug court program in another county.	121977
(3) In addition to conducting the program in accordance with	121978
division (B)(2) of this section, the Department may conduct the	121979
program in any court that is conducting a MAT drug court program.	121980
(C) In conducting the program, the Department shall	121981
collaborate with the Supreme Court, the Department of	121982

Rehabilitation and Correction, and any agency of the state that 121983
the Department determines may be of assistance in accomplishing 121984
the objectives of the program. The Department may collaborate with 121985
the boards of alcohol, drug addiction, and mental health services 121986
and with local law enforcement agencies that serve the counties in 121987
which a court participating in the program is located. 121988

(D)(1) A MAT drug court program shall select persons who are 121989
criminal offenders to be participants in the program. A person 121990
shall not be selected to be a participant unless the person meets 121991
the legal and clinical eligibility criteria for the MAT drug court 121992
program and is an active participant in the program. 121993

(2) The total number of persons participating in a program at 121994
any time shall not exceed one thousand five hundred, subject to 121995
available funding, except that the Department of Mental Health and 121996
Addiction Services may authorize the maximum number to be exceeded 121997
in circumstances that the Department considers to be appropriate. 121998

(3) After being enrolled in a MAT drug court program, a 121999
participant shall comply with all requirements of the MAT drug 122000
court program. 122001

(E) The treatment provided in a MAT drug court program shall 122002
be provided by a community addiction services provider that is 122003
certified under section 5119.36 of the Revised Code. In serving as 122004
a community addiction services provider, a provider shall do all 122005
of the following: 122006

(1) Provide treatment based on an integrated service delivery 122007
model that consists of the coordination of care between a 122008
prescriber and the community addiction services provider; 122009

(2) Conduct professional, comprehensive substance abuse and 122010
mental health diagnostic assessments of a person under 122011
consideration for selection as a program participant to determine 122012
whether the person would benefit from substance abuse treatment 122013

and monitoring; 122014

(3) Determine, based on the assessment described in division 122015
(E)(2) of this section, the treatment needs of the participants 122016
served by the treatment provider; 122017

(4) Develop, for participants served by the treatment 122018
provider, individualized goals and objectives; 122019

(5) Provide access to the long-acting antagonist therapies, 122020
partial agonist therapies, or both, that are included in the 122021
program's medication-assisted treatment; 122022

(6) Provide other types of therapies, including psychosocial 122023
therapies, for both substance abuse and any disorders that are 122024
considered by the treatment provider to be co-occurring disorders; 122025

(7) Monitor program compliance through the use of regular 122026
drug testing, including urinalysis, of the participants being 122027
served by the community addiction services provider. 122028

(F) In the case of medication-assisted treatment provided 122029
under the program, all of the following conditions apply: 122030

(1) A drug may be used only if the drug has been approved by 122031
the United States Food and Drug Administration for use in treating 122032
dependence on opioids, alcohol, or both, or for preventing relapse 122033
into the use of opioids, alcohol, or both. 122034

(2) One or more drugs may be used, but each drug that is used 122035
must constitute long-acting antagonist therapy or partial agonist 122036
therapy. 122037

(3) If a drug constituting partial agonist therapy is used, 122038
the program shall provide safeguards to minimize abuse and 122039
diversion of the drug, including such safeguards as routine drug 122040
testing of program participants. 122041

(G) It is anticipated and expected that drug courts will 122042
expand their ability to serve more drug court participants as a 122043

result of increased access to commercial or publicly funded health insurance. In order to ensure that funds appropriated to support this MAT drug court program are used in the most efficient manner with a goal of enrolling the maximum number of participants, the Medicaid Director with major Ohio healthcare plans, shall develop plans consistent with this division. There shall be no prior authorizations or step therapy for medication-assisted treatment for participants in the MAT drug court program. The plans developed under this division shall ensure all of the following:

(1) The development of an efficient and timely process for review of eligibility for health benefits for all offenders selected to participate in the MAT drug court program;

(2) A rapid conversion to reimbursement for all healthcare services by the participant's health insurance company following approval for coverage of healthcare benefits;

(3) The development of a consistent benefit package that provides ready access to and reimbursement for essential healthcare services including, but not limited to, primary healthcare, alcohol and opiate detoxification services, appropriate psychosocial services, and medication for long-acting injectable antagonist therapies and partial agonist therapies;

(4) The development of guidelines that require the provision of all treatment services, including medication, with minimal administrative barriers and within a timeframe that meets the requirements of individual patient care plans.

(H) A report of the findings obtained from the addiction treatment pilot program established by Section 327.120 of Am. Sub. H.B. 59 of the 130th General Assembly shall be prepared by a research institution and include data derived from the drug testing and performance measures used in the program. The research institution shall complete its report not later than December 31,

2015. Upon completion, the institution shall submit the report to the Governor, Chief Justice of the Supreme Court, President of the Senate, Speaker of the House of Representatives, Department of Mental Health and Addiction Services, Department of Rehabilitation and Correction, and any other state agency that the Department of Mental Health and Addiction Services collaborates with in conducting the program.

(I) Within 90 days after the effective date of this section, the Department shall select a research institution with experience in evaluating multiple court systems across jurisdictions in both rural and urban regions. The research institution shall have demonstrated experience evaluating the use of agonist and antagonist medication assisted treatment in drug courts, a track record of scientific publications, experience in health economics, and ethical and patient selection and consent issues. The institution shall also have an internal institutional review board. The institution shall prepare the report described in division (J) of this section.

(J) A report of the findings obtained from the MAT drug court program established under this section shall be prepared by a research institution and include data derived from the drug testing and performance measures used in the program. The research institution shall complete its report not later than June 30, 2017. Upon completion, the institution shall submit the report to the Governor, Chief Justice of the Supreme Court, President of the Senate, Speaker of the House of Representatives, Department of Mental Health and Addiction Services, Department of Rehabilitation and Correction, and any other state agency that the Department of Mental Health and Addiction Services collaborates with in conducting the program.

(K) Of the foregoing appropriation item 336422, Criminal Justice Services, not more than \$5.5 million in each fiscal year

shall be used to support the Medication-Assisted Treatment Drug 122107
Court Program for Specialized Docket Programs. 122108

Section 331.100. ADDICTION SERVICES PARTNERSHIP WITH 122109
CORRECTIONS 122110

On the effective date of this section, the Bureau of Recovery 122111
Services within the Department of Rehabilitation and Correction is 122112
abolished and all of its functions, assets, and liabilities, 122113
regardless of form or medium, agreements and contracts of the 122114
program are transferred to the Department of Mental Health and 122115
Addiction Services. The Department of Mental Health and Addiction 122116
Services is thereupon and thereafter successor to, assumes the 122117
obligations of, and otherwise constitutes the continuation of the 122118
Bureau of Recovery Services. 122119

Any business commenced but not completed by the effective 122120
date of this section by the Department of Rehabilitation and 122121
Correction regarding recovery services shall be completed by the 122122
Department of Mental Health and Addiction Services. No validation, 122123
cure, right, privilege, remedy, obligation, or liability is lost 122124
or impaired by reason of the transfer required by this section and 122125
shall be administered by the Department of Mental Health and 122126
Addiction Services. Any rules, orders, and determinations 122127
pertaining to the Bureau of Recovery Services continue in effect 122128
as rules, orders, and determinations of the Department of Mental 122129
Health and Addiction Services until modified or rescinded by the 122130
Department of Mental Health and Addiction Services. If necessary 122131
to ensure the integrity of the numbering of the Administrative 122132
Code, the Director of the Legislative Service Commission shall 122133
renumber the numbers to reflect their transfer to the Department 122134
of Mental Health and Addiction Services. 122135

Subject to the lay-off provisions of sections 124.321 to 122136
124.382 of the Revised Code, all employees of the Bureau of 122137

Recovery Services are hereby transferred to the Department of 122138
Mental Health and Addiction Services and retain their positions 122139
and all of their benefits. 122140

Wherever the Bureau of Recovery Services is referred to in 122141
any law, contract, or other document, the reference shall be 122142
deemed to refer to the Department of Mental Health and Addiction 122143
Services or its director, as appropriate. 122144

No action or proceeding pending on the effective date of this 122145
act, is affected by the transfer, and shall be prosecuted or 122146
defended in the name of the Department of Mental Health and 122147
Addiction Services or its director. In all such actions and 122148
proceedings, the Department of Mental Health and Addiction 122149
Services or its director shall be substituted as a party. 122150

On July 1, 2015, or as soon as possible thereafter, the 122151
Director of Budget and Management shall cancel any existing 122152
encumbrances against appropriation item 505321, Institutional 122153
Medical Services, used by the Department of Rehabilitation and 122154
Correction, that pertain to the Bureau of Recovery Services in the 122155
Department of Rehabilitation and Correction. The canceled 122156
encumbrances shall be reestablished against appropriation item 122157
336423, Addiction Services Partnership with Corrections, used by 122158
the Department of Mental Health and Addiction Services. The 122159
reestablished encumbrance amounts are hereby appropriated. Any 122160
business commenced but not completed under appropriation item 122161
505321, Institutional Medical Services, pertaining to the Bureau 122162
of Recovery Services, shall be completed under appropriation item 122163
336423, Addiction Services Partnership with Corrections, in the 122164
same manner, and with the same effect, as if completed with regard 122165
to appropriation item 505321, Institutional Medical Services. 122166

Section 331.110. RECOVERY HOUSING 122167

The foregoing appropriation item 336424, Recovery Housing, 122168

shall be used to expand and support access to recovery housing. 122169
"Recovery housing" means housing for individuals recovering from 122170
alcoholism or drug addiction that provides an alcohol and 122171
drug-free living environment, peer support, assistance with 122172
obtaining alcohol and drug addiction services, and other alcohol 122173
and drug addiction recovery assistance where the length of stay is 122174
not limited to a specific duration. Recovery housing does not 122175
include residential facilities subject to licensure pursuant to 122176
section 5119.34 of the Revised Code. Medication-assisted treatment 122177
may be allowed in recovery housing. Support for projects in 122178
counties of the state that are underserved or do not currently 122179
have recovery housing stock shall be given priority. For 122180
expenditures that are capital in nature, the Department of Mental 122181
Health and Addiction Services shall develop procedures to 122182
administer these funds in a manner that is consistent with current 122183
community capital assistance guidelines. 122184

New recovery housing projects awarded grants through this 122185
appropriation item shall have at least one public meeting to 122186
present the project to the community before purchase. Following 122187
the public meeting, a resolution of support from the county 122188
commissioners shall be submitted to the Department by the grantee 122189
before purchasing the property using grant funds. The Department 122190
shall not release grant monies awarded under this section until 122191
receiving the resolution of support from the county commissioners. 122192

Section 331.113. SPECIALIZED DOCKET SUPPORT 122193

(A) The foregoing appropriation item 336425, Specialized 122194
Docket Support, shall be used to defray a portion of the annual 122195
payroll costs associated with the employment of one full-time, or 122196
full-time equivalent, specialized docket staff member by a 122197
specialized docket of a common pleas court, municipal court, 122198
county court, juvenile court, or family court that meets all of 122199

the eligibility requirements in division (B) of this section, 122200
including a family dependency treatment docket. A specialized 122201
docket staff member employed under this section shall be 122202
considered an employee of the court. 122203

(B) To be eligible, the specialized docket must have received 122204
Supreme Court of Ohio final certification and include participants 122205
with a drug addiction or dependency in its target population. In 122206
addition, the specialized docket staff member must have received 122207
training for or education in alcohol and other drug addiction, 122208
abuse, and recovery and have demonstrated, prior to or within 122209
ninety days of hire, competencies in fundamental alcohol and other 122210
drug addiction, abuse, and recovery. Fundamental competencies 122211
shall include, at a minimum, an understanding of alcohol and other 122212
drug treatment and recovery, how to engage a person in treatment 122213
and recovery, and an understanding of other health care systems, 122214
social service systems, and the criminal justice system. 122215

(C) For the purposes of this section, payroll costs include 122216
annual compensation and fringe benefits. 122217

(D) The Department, solely for the purpose of determining the 122218
amount of the state share available to a court under division (F) 122219
of this section for the employment of one full-time or full-time 122220
equivalent specialized docket staff member, shall use the lesser 122221
of: 122222

(1) The actual annual compensation and fringe benefits paid 122223
to that staff member proportionally reflecting the staff member's 122224
time allocated for specialized docket duties and responsibilities; 122225
or 122226

(2) \$78,000. 122227

(E) In accordance with any applicable rules, guidelines, or 122228
procedures adopted by the Department pursuant to this section, the 122229
municipal auditor, for a municipal court that is not a 122230

county-operated municipal court and that is located in the 122231
municipal corporation, or the county auditor, for any other court 122232
located within the county, that is applying for or receiving 122233
funding under this section, shall certify to the Department the 122234
information necessary to determine that court's eligibility for, 122235
and the amount of, funding under this section. 122236

(F) For a specialized docket staff member employed by a 122237
court, the amount of state funding available under this section 122238
shall be sixty-five per cent of the payroll costs specified in 122239
division (D) of this section. The state funding shall not exceed 122240
\$50,700. 122241

(G) The Department shall disburse this state funding in 122242
semi-annual installments to the appropriate county or municipality 122243
in which the court is located. 122244

(H) Of the foregoing appropriation item 336425, Specialized 122245
Docket Support, the Department shall use up to one per cent of the 122246
funds appropriated in each fiscal year to pay the cost it incurs 122247
in administering the duties established in this section. 122248

(I) The Department, in consultation with the Supreme Court of 122249
Ohio, may adopt rules, guidelines, and procedures as necessary to 122250
carry out the purposes of this section. 122251

Section 331.120. COMMUNITY INNOVATIONS 122252

The foregoing appropriation item 336504, Community 122253
Innovations, may be used by the Department of Mental Health and 122254
Addiction Services to make targeted investments in programs, 122255
projects, or systems operated by or under the authority of other 122256
state agencies, governmental entities, or private not-for-profit 122257
agencies that impact, or are impacted by, the operations and 122258
functions of the Department, with the goal of achieving a net 122259
reduction in expenditure of state general revenue funds and/or 122260

improved outcomes for Ohio citizens without a net increase in 122261
state general revenue fund spending. 122262

The Director shall identify and evaluate programs, projects, 122263
or systems proposed or operated, in whole or in part, outside of 122264
the authority of the Department, where targeted investment of 122265
these funds in the program, project, or system is expected to 122266
decrease demand for the Department or other resources funded with 122267
state general revenue funds, and/or to measurably improve outcomes 122268
for Ohio citizens with mental illness or with alcohol, drug, or 122269
gambling addictions. The Director shall have discretion to 122270
transfer money from the appropriation item to other state 122271
agencies, governmental entities, or private not-for-profit 122272
agencies in amounts, and subject to conditions, that the Director 122273
determines most likely to achieve state savings and/or improved 122274
outcomes. Distribution of moneys from this appropriation item 122275
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 122276
the Revised Code. 122277

The Department shall enter into an agreement with each 122278
recipient of community innovation funds, identifying: allowable 122279
expenditure of the funds; other commitment of funds or other 122280
resources to the program, project, or system; expected state 122281
savings and/or improved outcomes and proposed mechanisms for 122282
measurement of such savings or outcomes; and required reporting 122283
regarding expenditure of funds and savings or outcomes achieved. 122284

Of the foregoing appropriation item 336504, Community 122285
Innovations, up to \$3,000,000 in each fiscal year shall be used to 122286
provide funding for community projects across the state that focus 122287
on support for families, assisting families in avoiding crisis, 122288
and crisis intervention. 122289

Of the foregoing appropriation item 336504, Community 122290
Innovations, up to \$500,000 in each fiscal year shall be used to 122291
enhance access to Naloxone across the state for county health 122292

departments to then disperse through a grant program to local law enforcement, emergency personnel, and first responders.

Of the foregoing appropriation item 336504, Community Innovations, up to \$3,000,000 in each fiscal year shall be used to improve collaboration between local jails, state hospitals, and community addiction and mental health services providers in order to reduce transfers, improve safety and judicial oversight as well as address capacity issues in both jails and state hospitals.

Of the foregoing appropriation item 336504, Community Innovations, up to \$100,000 in each fiscal year shall be used to continue the Department of Mental Health and Addiction Services cross-agency efforts to share evidence-based practices that encourage the use of trauma-informed care.

Of the foregoing appropriation item 336504, Community Innovations, up to \$1,000,000 in each fiscal year shall be used to implement strategies to increase job opportunities, reduce the number of positive drug screens, and improve workforce readiness for individuals in recovery.

Section 331.130. RESIDENTIAL STATE SUPPLEMENT

(A) The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness and to make benefit payments to residential state supplement recipients.

(B) The Department of Mental Health and Addiction Services shall adopt rules establishing eligibility criteria and benefit payment amounts under section 5119.41 of the Revised Code.

Section 331.140. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND

CONSULTATION 122323

The foregoing appropriation item 336511, Early Childhood 122324
Mental Health Counselors and Consultation, shall be used to 122325
promote identification and intervention for early childhood mental 122326
health and to enhance healthy social emotional development in 122327
order to reduce preschool to third grade classroom expulsions. 122328
Funds shall be used by the Department of Mental Health and 122329
Addiction Services to support early childhood mental health 122330
credentialed counselors and consultation services, as well as 122331
administration and workforce development for the program. 122332

Section 331.143. MEDICAID SUPPORT 122333

The Department of Mental Health and Addiction Services shall 122334
administer specified Medicaid services as delegated by the State's 122335
single agency responsible for the Medicaid program. Effective July 122336
1, 2015, the Department shall use appropriation item 652321, 122337
Medicaid Support, to fund the Medicaid-related services and 122338
supports performed by the Department. 122339

Section 331.150. PROBLEM GAMBLING AND CASINO ADDICTIONS 122340

A portion of appropriation item 336629, Problem Gambling and 122341
Casino Addictions, shall be allocated to boards of alcohol, drug 122342
addiction, and mental health services in accordance with a 122343
distribution methodology determined by the Director of Mental 122344
Health and Addiction Services. 122345

Section 331.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 122346
POOL 122347

A county family and children first council may establish and 122348
operate a flexible funding pool in order to assure access to 122349
needed services by families, children, and older adults in need of 122350

protective services. The operation of the flexible funding pools 122351
shall be subject to the following restrictions: 122352

(A) The county council shall establish and operate the 122353
flexible funding pool in accordance with formal guidance issued by 122354
the Family and Children First Cabinet Council; 122355

(B) The county council shall produce an annual report on its 122356
use of the pooled funds. The annual report shall conform to a 122357
format prescribed in the formal guidance issued by the Family and 122358
Children First Cabinet Council; 122359

(C) Unless otherwise restricted, funds transferred to the 122360
flexible funding pool may include state general revenues allocated 122361
to local entities to support the provision of services to families 122362
and children; 122363

(D) The amounts transferred to the flexible funding pool 122364
shall be limited to amounts that can be redirected without 122365
impairing the achievement of the objectives for which the initial 122366
allocation is designated; and 122367

(E) Each amount transferred to the flexible funding pool from 122368
a specific allocation shall be approved for transfer by the 122369
director of the local agency that was the original recipient of 122370
the allocation. 122371

Section 331.170. MEDICAID SPENDING AS MAINTENANCE OF EFFORT 122372

The designation of administering agency for federal aid shall 122373
be held jointly by the Department of Mental Health and Addiction 122374
Services and the Department of Medicaid for determining 122375
maintenance of effort pursuant to 42 U.S.C. 300x-30. The 122376
Department of Mental Health and Addiction Services remains the 122377
designated agency for all other purposes established by 42 U.S.C. 122378
300x et seq. and section 5119.32 of the Revised Code. 122379

Section 331.180. ACCESS SUCCESS II PROGRAM 122380

To the extent cash is available, the Director of Budget and 122381
Management may transfer cash from the Money Follows the Person 122382
Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of 122383
Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used 122384
by the Department of Mental Health and Addiction Services. The 122385
transferred cash is hereby appropriated. 122386

The Department of Mental Health and Addiction Services shall 122387
use the transferred funds to administer the Access Success II 122388
Program to help non-Medicaid patients in any hospital established, 122389
controlled, or supervised by the Department under Chapter 5119. of 122390
the Revised Code to transition from inpatient status to a 122391
community setting. 122392

Section 333.10. MIH COMMISSION ON MINORITY HEALTH 122393

General Revenue Fund 122394

GRF	149321	Operating Expenses	\$	639,297	\$	639,297	122395

GRF	149501	Minority Health	\$	878,975	\$	878,975	122396

Grants

GRF	149502	Lupus Program	\$	96,000	\$	96,000	122397

GRF	149503	Infant Mortality	\$	1,000,000	\$	1,000,000	122398

Health Grants

TOTAL GRF	General Revenue Fund	\$	2,614,272	\$	2,614,272	122399

Dedicated Purpose Fund Group 122400

4C20	149601	Minority Health	\$	50,000	\$	50,000	122401

Conference

TOTAL DPF	Dedicated Purpose Fund	\$	50,000	\$	50,000	122402

Group

Federal Fund Group 122403

3J90	149602	Federal Grant Program	\$	126,833	\$	90,929	122404

Support

TOTAL FED Federal Fund Group	\$	126,833	\$	90,929	122405
TOTAL ALL BUDGET FUND GROUPS	\$	2,791,105	\$	2,755,201	122406

Section 333.20. INFANT MORTALITY HEALTH GRANTS 122408

The foregoing appropriation item, 149503, Infant Mortality 122409
Health Grants, shall be distributed to six community-based 122410
agencies to help support the continuation or establishment of a 122411
pathways community HUB model that has the primary purpose of 122412
reducing infant mortality in the urban and rural communities of 122413
this state with the highest rates of infant mortality. 122414

Section 334.10. CRB MOTOR VEHICLE REPAIR BOARD 122415

Dedicated Purpose Fund Group					122416
4K90 865601 Operating Expenses	\$	484,292	\$	484,292	122417
TOTAL DPF Dedicated Purpose Fund Group	\$	484,292	\$	484,292	122418
TOTAL ALL BUDGET FUND GROUPS	\$	484,292	\$	484,292	122419

Section 337.10. DNR DEPARTMENT OF NATURAL RESOURCES 122421

General Revenue Fund					122422
GRF 725401 Division of Wildlife-Operating Subsidy	\$	1,800,000	\$	1,800,000	122423
GRF 725413 Parks and Recreational Facilities Lease Rental Bond Payments	\$	23,239,600	\$	24,655,600	122424
GRF 725456 Canal Lands	\$	135,000	\$	135,000	122425
GRF 725502 Soil and Water Districts	\$	3,250,000	\$	0	122426
GRF 725505 Healthy Lake Erie Program	\$	1,000,000	\$	1,000,000	122427
GRF 725507 Coal and Mine Safety	\$	2,600,000	\$	2,700,000	122428

		Program					
GRF	725512	Portage County	\$	150,000	\$	150,000	122429
		Stormwater					
GRF	725903	Natural Resources	\$	27,079,900	\$	26,074,400	122430
		General Obligation					
		Bond Debt Service					
GRF	727321	Division of Forestry	\$	4,467,001	\$	4,542,001	122431
GRF	729321	Office of Information	\$	177,405	\$	177,405	122432
		Technology					
GRF	730321	Division of Parks and	\$	30,000,000	\$	30,000,000	122433
		Recreation					
GRF	736321	Division of	\$	2,324,736	\$	2,324,736	122434
		Engineering					
GRF	737321	Division of Soil and	\$	2,899,952	\$	1,013,652	122435
		Water Resources					
GRF	738321	Division of Real	\$	670,342	\$	670,342	122436
		Estate and Land					
		Management					
GRF	741321	Division of Natural	\$	1,200,000	\$	1,200,000	122437
		Areas and Preserves					
TOTAL GRF		General Revenue Fund	\$	100,993,936	\$	96,443,136	122438
		Dedicated Purpose Fund Group					122439
2270	725406	Parks Projects	\$	685,098	\$	696,995	122440
		Personnel					
4300	725671	Canal Lands	\$	883,879	\$	883,879	122441
4J20	725628	Injection Well Review	\$	128,466	\$	128,466	122442
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	122443
4S90	725622	NatureWorks Personnel	\$	818,618	\$	833,076	122444
4U60	725668	Scenic Rivers	\$	100,000	\$	100,000	122445
		Protection					
5090	725602	State Forest	\$	6,879,410	\$	6,880,148	122446
5110	725646	Ohio Geological	\$	1,400,000	\$	1,800,000	122447
		Mapping					

5120	725605	State Parks Operations	\$	31,471,044	\$	31,471,044	122448
5140	725606	Lake Erie Shoreline	\$	1,559,583	\$	1,559,583	122449
5160	725620	Water Management	\$	2,559,291	\$	2,559,291	122450
5180	725643	Oil and Gas Regulation and Safety	\$	19,193,271	\$	19,444,876	122451
5180	725677	Oil and Gas Well Plugging	\$	3,000,000	\$	3,000,000	122452
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	122453
5220	725656	Natural Areas and Preserves	\$	546,639	\$	546,639	122454
5260	725610	Strip Mining Administration Fee	\$	2,977,956	\$	2,977,955	122455
5270	725637	Surface Mining Administration	\$	1,681,153	\$	1,681,154	122456
5290	725639	Unreclaimed Lands	\$	1,804,180	\$	1,804,180	122457
5310	725648	Reclamation Forfeiture	\$	500,000	\$	500,000	122458
5B30	725674	Mining Regulation	\$	28,135	\$	28,135	122459
5BV0	725658	Heidelberg Water Quality Lab	\$	125,000	\$	0	122460
5BV0	725683	Soil and Water Districts	\$	4,000,000	\$	0	122461
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	122462
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	122463
5EN0	725614	Watercraft Law Enforcement	\$	7,500	\$	7,500	122464
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000	122465
5MF0	725635	Ohio Geology License Plate	\$	2,520	\$	2,520	122466
5MW0	725604	Natural Resources Special Purposes	\$	6,000,000	\$	6,000,000	122467
5P20	725634	Wildlife Boater Angler	\$	3,000,000	\$	3,000,000	122468

		Administration			
5SA1	725609	Mentor Stormwater Project	\$	350,000	\$ 0 122469
6150	725661	Dam Safety	\$	943,517	\$ 943,517 122470
6970	725670	Submerged Lands	\$	869,145	\$ 869,145 122471
7015	740401	Division of Wildlife Conservation	\$	56,325,976	\$ 59,997,307 122472
7086	725414	Waterways Improvement	\$	6,193,671	\$ 6,193,671 122473
7086	725418	Buoy Placement	\$	60,000	\$ 60,000 122474
7086	725501	Waterway Safety Grants	\$	120,000	\$ 120,000 122475
7086	725506	Watercraft Marine Patrol	\$	576,153	\$ 576,153 122476
7086	725513	Watercraft Educational Grants	\$	400,000	\$ 400,000 122477
7086	739401	Division of Watercraft	\$	21,271,870	\$ 21,071,870 122478
8150	725636	Cooperative Management Projects	\$	649,000	\$ 456,000 122479
8160	725649	Wetlands Habitat	\$	966,885	\$ 966,885 122480
8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$ 2,000,000 122481
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$ 1,500,000 122482
8190	725685	Ohio River Management	\$	203,584	\$ 203,584 122483
81B0	725688	Wildlife Habitats	\$	1,200,000	\$ 1,200,000 122484
TOTAL DPF Dedicated Purpose Fund Group			\$	183,272,034	\$ 182,754,063 122485
Internal Service Activity Fund Group					122486
1550	725601	Departmental Projects	\$	2,444,457	\$ 1,805,807 122487
1570	725651	Central Support Indirect	\$	5,176,611	\$ 5,351,233 122488
2040	725687	Information Services	\$	5,633,426	\$ 5,633,426 122489
2050	725696	Human Resource Direct Service	\$	2,634,135	\$ 2,696,052 122490

2070	725690	Real Estate Services	\$	34,291	\$	34,834	122491
2230	725665	Law Enforcement	\$	2,553,054	\$	2,609,277	122492
		Administration					
4X80	725662	Water Resources	\$	138,005	\$	138,005	122493
		Council					
5100	725631	Maintenance -	\$	249,611	\$	249,611	122494
		State-owned					
		Residences					
6350	725664	Fountain Square	\$	3,457,486	\$	3,469,467	122495
		Facilities Management					
TOTAL ISA Internal Service Activity							122496
Fund Group			\$	22,321,076	\$	21,987,712	122497
Capital Projects Fund Group							122498
7061	725405	Clean Ohio Trail	\$	300,775	\$	300,775	122499
		Operating					
TOTAL CPF Capital Projects Fund Group			\$	300,775	\$	300,775	122500
Fiduciary Fund Group							122501
4M80	725675	FOP Contract	\$	20,219	\$	20,219	122502
TOTAL FID Fiduciary Fund Group			\$	20,219	\$	20,219	122503
Holding Account Fund Group							122504
R017	725659	Performance Cash Bond	\$	528,993	\$	528,993	122505
		Refunds					
R043	725624	Forestry	\$	2,100,000	\$	2,100,000	122506
TOTAL HLD Holding Account							122507
Fund Group			\$	2,628,993	\$	2,628,993	122508
Federal Fund Group							122509
3320	725669	Federal Mine Safety	\$	265,000	\$	265,000	122510
		Grant					
3B30	725640	Federal Forest	\$	500,000	\$	500,000	122511
		Pass-Thru					
3B40	725641	Federal Flood	\$	500,000	\$	500,000	122512

		Pass-Thru					
3B50	725645	Federal Abandoned	\$	11,851,759	\$	11,851,759	122513
		Mine Lands					
3B60	725653	Federal Land and	\$	950,000	\$	950,000	122514
		Water Conservation					
		Grants					
3B70	725654	Reclamation -	\$	2,977,956	\$	2,977,955	122515
		Regulatory					
3P10	725632	Geological Survey -	\$	160,000	\$	160,000	122516
		Federal					
3P20	725642	Oil and Gas - Federal	\$	234,509	\$	234,509	122517
3P30	725650	Coastal Management -	\$	1,746,000	\$	1,746,000	122518
		Federal					
3P40	725660	Federal - Soil and	\$	4,165,738	\$	1,195,738	122519
		Water Resources					
3R50	725673	Acid Mine Drainage	\$	4,342,280	\$	4,342,280	122520
		Abatement/Treatment					
3Z50	725657	Federal Recreation	\$	1,600,000	\$	1,600,000	122521
		and Trails					
TOTAL FED	Federal Fund Group		\$	29,293,242	\$	26,323,241	122522
TOTAL ALL BUDGET	FUND GROUPS		\$	338,830,275	\$	330,458,139	122523

Section 337.20. CENTRAL SUPPORT INDIRECT 122525

The Department of Natural Resources, with approval of the 122526
Director of Budget and Management, shall utilize a methodology for 122527
determining each division's payments into the Central Support 122528
Indirect Fund (Fund 1570). The methodology used shall contain the 122529
characteristics of administrative ease and uniform application in 122530
compliance with federal grant requirements. It may include direct 122531
cost charges for specific services provided. Payments to Fund 1570 122532
shall be made using an intrastate transfer voucher. The foregoing 122533
appropriation item 725401, Division of Wildlife-Operating Subsidy, 122534
shall be used to pay the direct and indirect costs of the Division 122535

of Wildlife. 122536

Section 337.30. PARKS AND RECREATIONAL FACILITIES LEASE 122537
RENTAL BOND PAYMENTS 122538

The foregoing appropriation item 725413, Parks and 122539
Recreational Facilities Lease Rental Bond Payments, shall be used 122540
to meet all payments during the period from July 1, 2015, through 122541
June 30, 2017, by the Department of Natural Resources pursuant to 122542
leases and agreements made under section 154.22 of the Revised 122543
Code. These appropriations are the source of funds pledged for 122544
bond service charges on related obligations issued under Chapter 122545
154. of the Revised Code. 122546

CANAL LANDS 122547

The foregoing appropriation item 725456, Canal Lands, shall 122548
be used to provide operating expenses for the State Canal Lands 122549
Program. 122550

SOIL AND WATER CONSERVATION DISTRICTS 122551

Of the foregoing appropriation item 725502, Soil and Water 122552
Conservation Districts, \$350,000 in fiscal year 2016 shall be used 122553
by the Chief of the Division of Soil and Water Resources for a 122554
program to support soil and water conservation districts in the 122555
Western Lake Erie Basin comply with provisions of Sub. S.B. 1 of 122556
the 131st General Assembly. The Chief shall approve a soil and 122557
water district's application for funding under the program if the 122558
application demonstrates that funding will be used for, but not 122559
limited to, providing technical assistance, developing applicable 122560
nutrient or manure management plans, hiring and training of soil 122561
and water conservation district staff on best conservation 122562
practices, or other activities the Chief determines is appropriate 122563
to assist farmers in the Western Lake Erie Basin in complying with 122564
the provisions of Sub. S.B. 1 of the 131st General Assembly. 122565

HEALTHY LAKE ERIE PROGRAM 122566

The foregoing appropriation item 725505, Healthy Lake Erie 122567
Program, shall be used by the Director of Natural Resources, in 122568
support of (1) conservation measures in the Western Lake Erie 122569
Basin as determined by the Director; (2) funding assistance for 122570
soil testing, winter cover crops, edge of field testing, tributary 122571
monitoring, animal waste abatement; and (3) any additional efforts 122572
to reduce nutrient runoff as the Director may decide. The Director 122573
shall give priority to recommendations that encourage farmers to 122574
adopt agricultural production guidelines commonly known as 4R 122575
nutrient stewardship practices. 122576

COAL AND MINE SAFETY PROGRAM 122577

The foregoing appropriation item 725507, Coal and Mine Safety 122578
Program, shall be used for the administration of the Mine Safety 122579
Program and the Coal Regulation Program. 122580

PORTAGE COUNTY STORMWATER 122581

The foregoing appropriation item 725512, Portage County 122582
Stormwater, shall be used by the Director of Natural Resources to 122583
support the Portage County stormwater project. 122584

TRANSFER OF FUNDS FOR MINERAL RESOURCES MANAGEMENT 122585

During fiscal years 2016 and 2017, the Director of Budget and 122586
Management may, at the request of the Director of Natural 122587
Resources, following the identification of available balances by 122588
the Director of Natural Resources in the Unreclaimed Land Fund 122589
(Fund 5290), transfer up to \$500,000 per year from Fund 5290 to 122590
the Coal Mining Administration and Reclamation Reserve Fund (Fund 122591
5260) created in section 1513.181 of the Revised Code. The cash 122592
transfer to Fund 5260 shall be used to operate the Coal Regulatory 122593
Program. 122594

During fiscal years 2016 and 2017, the Director of Budget and 122595

Management may, at the request of the Director of Natural 122596
Resources, following the identification of available balances by 122597
the Director of Natural Resources in Fund 5290, transfer up to 122598
\$800,000 per year from Fund 5290 to the Surface Mining Fund (Fund 122599
5270) created in section 1514.06 of the Revised Code. The cash 122600
transfer to Fund 5270 shall be used to operate the industrial 122601
minerals and Ohio mine safety and training programs. 122602

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 122603

The foregoing appropriation item 725903, Natural Resources 122604
General Obligation Bond Debt Service, shall be used to pay all 122605
debt service and related financing costs during the period July 1, 122606
2015, through June 30, 2017, on obligations issued under sections 122607
151.01 and 151.05 of the Revised Code. 122608

Section 337.40. SOIL AND WATER DISTRICTS 122609

In addition to state payments to soil and water conservation 122610
districts authorized by section 1515.10 of the Revised Code, as 122611
amended and renumbered as section 940.12 of the Revised Code by 122612
this act, the Department of Natural Resources may use 122613
appropriation item 725683, Soil and Water Districts, to pay any 122614
soil and water conservation district an annual amount not to 122615
exceed \$40,000, upon receipt of a request and justification from 122616
the district and approval by the Ohio Soil and Water Conservation 122617
Commission. The county auditor shall credit the payments to the 122618
special fund established under section 1515.10 of the Revised 122619
Code, as amended and renumbered as section 940.12 of the Revised 122620
Code by this act, for the local soil and water conservation 122621
district. Moneys received by each district shall be expended for 122622
the purposes of the district. 122623

OIL AND GAS WELL PLUGGING 122624

The foregoing appropriation item 725677, Oil and Gas Well 122625

Plugging, shall be used exclusively for the purposes of plugging 122626
wells and to properly restore the land surface of idle and orphan 122627
oil and gas wells pursuant to section 1509.071 of the Revised 122628
Code. No funds from the appropriation item shall be used for 122629
salaries, maintenance, equipment, or other administrative 122630
purposes, except for those costs directly attributed to the 122631
plugging of an idle or orphan well. This appropriation item shall 122632
not be used to transfer cash to any other fund or appropriation 122633
item. 122634

TRANSFER OF FUNDS FOR OIL AND GAS DIVISION AND GEOLOGICAL 122635
MAPPING OPERATIONS 122636

During fiscal years 2016 and 2017, the Director of Budget and 122637
Management may, in consultation with the Director of Natural 122638
Resources, transfer such cash as necessary from the General 122639
Revenue Fund to the Oil and Gas Well Fund (Fund 5180) and the 122640
Geological Mapping Fund (Fund 5110). The cash transfer to Fund 122641
5180 shall be used for handling the increased regulatory work 122642
related to the expansion of the oil and gas program that will 122643
occur before receipts from this activity are deposited into Fund 122644
5180. The cash transfer to Fund 5110 shall be used for handling 122645
the increased field and laboratory research efforts related to the 122646
expansion of the oil and gas program that will occur before 122647
receipts from this activity are deposited into Fund 5110. Once 122648
funds from severance taxes, application and permitting fees, and 122649
other sources have accrued to Fund 5180 and Fund 5110 in such 122650
amounts as are considered sufficient to sustain expanded 122651
operations, the Director of Budget and Management, in consultation 122652
with the Director of Natural Resources, shall establish a schedule 122653
for repaying the transferred funds from Fund 5180 and Fund 5110 to 122654
the General Revenue Fund. 122655

MENTOR STORMWATER PROJECT 122656

The foregoing appropriation item 725609, Mentor Stormwater 122657

Project, shall be used by the Director of Natural Resources to 122658
support the City of Mentor wetland and stormwater management 122659
project. 122660

Section 337.43. DIVISION OF WILDLIFE CONSERVATION 122661

Of the foregoing appropriation item 740401, Division of 122662
Wildlife Conservation, \$50,000 in FY 2016 shall be used by the 122663
Director of Natural Resources to study the effect that zebra 122664
mussels and quagga mussels have on Lake Erie. 122665

Of the foregoing appropriation item 740401, Division of 122666
Wildlife Conservation, \$50,000 in FY 2016 shall be used by the 122667
Director of Natural Resources to study the effect that Canada 122668
geese have on Lake Erie. 122669

Section 337.45. WATERWAYS IMPROVEMENTS 122670

On July 1, 2015, or as soon as possible thereafter, the 122671
Director of Budget and Management shall transfer \$1.0 million in 122672
cash from the General Revenue Fund to the Waterway Safety Fund 122673
(Fund 7086). Of the foregoing appropriation item 725414, Waterways 122674
Improvements, \$500,000 in each fiscal year shall be used by the 122675
Director of Natural Resources to conduct enhanced activity aimed 122676
at maximizing sediment removal and dredging in Grand Lake St. 122677
Marys in accordance with section 1521.20 of the Revised Code as 122678
enacted by this act. 122679

Section 337.60. WELL LOG FILING FEES 122680

The Chief of the Division of Soil and Water Resources shall 122681
deposit fees forwarded to the Division pursuant to section 1521.05 122682
of the Revised Code into the Departmental Services - Intrastate 122683
Fund (Fund 1550) for the purposes described in that section. 122684

Section 337.63. DEPARTMENTAL PROJECTS 122685

Of the foregoing appropriation item 725601, Departmental 122686
Projects, \$45,054 shall be used in each fiscal year by the 122687
Director of Natural Resources to distribute a grant to the Josh 122688
Project, a 501(c)(3) charitable organization in Lucas County, for 122689
the purpose of water safety instruction programs. 122690

Section 337.70. HUMAN RESOURCES DIRECT SERVICE 122691

The foregoing appropriation item 725696, Human Resources 122692
Direct Service, shall be used to cover the cost of support, 122693
coordination, and oversight of the Department of Natural 122694
Resources' human resources functions. The Human Resources 122695
Chargeback Fund (Fund 2050) shall consist of cash transferred to 122696
it via intrastate transfer voucher from other funds as determined 122697
by the Director of Natural Resources and the Director of Budget 122698
and Management. 122699

Section 337.80. LAW ENFORCEMENT ADMINISTRATION 122700

The foregoing appropriation item 725665, Law Enforcement 122701
Administration, shall be used to cover the cost of support, 122702
coordination, and oversight of the Department of Natural 122703
Resources' law enforcement functions. The Law Enforcement 122704
Administration Fund (Fund 2230) shall consist of cash transferred 122705
to it via intrastate transfer voucher from other funds as 122706
determined by the Director of Natural Resources and the Director 122707
of Budget and Management. 122708

Section 337.90. FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO 122709
EXPO CENTER 122710

The foregoing appropriation item 725664, Fountain Square 122711
Facilities Management, shall be used for payment of repairs, 122712
renovation, utilities, property management, and building 122713
maintenance expenses for the Fountain Square complex and the 122714

Department of Natural Resources grounds at the Ohio Expo Center. 122715
Cash transferred by intrastate transfer vouchers from various 122716
department funds and rental income received by the Department of 122717
Natural Resources shall be deposited into the Fountain Square 122718
Facilities Management Fund (Fund 6350). 122719

Section 337.100. CLEAN OHIO TRAIL OPERATING EXPENSES 122720

The foregoing appropriation item 725405, Clean Ohio Trail 122721
Operating, shall be used by the Department of Natural Resources in 122722
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 122723
to section 1519.05 of the Revised Code. 122724

Section 337.110. PARKS CAPITAL EXPENSES FUND 122725

The Director of Natural Resources shall submit to the 122726
Director of Budget and Management the estimated design, 122727
engineering, and planning costs of capital-related work to be done 122728
by Department of Natural Resources staff for parks projects within 122729
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 122730
Director of Budget and Management approves the estimated costs, 122731
the Director may release appropriations from appropriation item 122732
C725E6, Project Planning, Fund 7035, for those purposes. Upon 122733
release of the appropriations, the Department of Natural Resources 122734
shall pay for these expenses from the Parks Capital Expenses Fund 122735
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 122736
Fund 7035 using an intrastate transfer voucher. 122737

NATUREWORKS CAPITAL EXPENSES FUND 122738

The Department of Natural Resources shall submit to the 122739
Director of Budget and Management the estimated design, planning, 122740
and engineering costs of capital-related work to be done by 122741
Department of Natural Resources staff for each capital improvement 122742
project within the Ohio Parks and Natural Resources Fund (Fund 122743
7031). If the Director of Budget and Management approves the 122744

estimated costs, the Director may release appropriations from 122745
appropriation item C725E5, Project Planning, in Fund 7031, for 122746
those purposes. Upon release of the appropriations, the Department 122747
of Natural Resources shall pay for these expenses from the Capital 122748
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 122749
reimbursed by Fund 7031 by using an intrastate transfer voucher. 122750

Section 339.10. NUR STATE BOARD OF NURSING 122751

Dedicated Purpose Fund Group 122752

4K90 884609 Operating Expenses \$ 7,602,328 \$ 7,622,328 122753

5AC0 884602 Nurse Education Grant \$ 1,523,506 \$ 1,523,506 122754
Program

5P80 884601 Nursing Special \$ 2,000 \$ 2,000 122755
Issues

TOTAL DPF Dedicated Purpose 122756

Fund Group \$ 9,127,834 \$ 9,147,834 122757

TOTAL ALL BUDGET FUND GROUPS \$ 9,127,834 \$ 9,147,834 122758

Section 341.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 122760
AND ATHLETIC TRAINERS BOARD 122761

Dedicated Purpose Fund Group 122762

4K90 890609 Operating Expenses \$ 925,897 \$ 944,865 122763

TOTAL DPF Dedicated Purpose Fund \$ 925,897 \$ 944,865 122764
Group

TOTAL ALL BUDGET FUND GROUPS \$ 925,897 \$ 944,865 122765

Section 343.20. OLA OHIOANA LIBRARY ASSOCIATION 122767

General Revenue Fund 122768

GRF 355501 Library Subsidy \$ 155,000 \$ 160,000 122769

TOTAL GRF General Revenue Fund \$ 155,000 \$ 160,000 122770

TOTAL ALL BUDGET FUND GROUPS \$ 155,000 \$ 160,000 122771

Section 345.10. OOD OPPORTUNITIES FOR OHIOANS WITH						122773
DISABILITIES AGENCY						122774
General Revenue Fund						122775
GRF	415402	Independent Living	\$	252,000	\$ 252,000	122776
GRF	415406	Assistive Technology	\$	26,618	\$ 26,618	122777
GRF	415431	Brain Injury	\$	126,567	\$ 126,567	122778
GRF	415506	Services for	\$	15,817,709	\$ 15,817,709	122779
Individuals with						
Disabilities						
GRF	415508	Services for the Deaf	\$	28,000	\$ 28,000	122780
TOTAL GRF General Revenue Fund			\$	16,250,894	\$ 16,250,894	122781
Dedicated Purpose Fund Group						122782
4670	415609	Business Enterprise	\$	1,430,633	\$ 1,217,633	122783
Operating Expenses						
4680	415618	Partnership Funding	\$	12,400,000	\$ 12,400,000	122784
4L10	415619	Services for	\$	3,099,971	\$ 3,099,971	122785
Vocational						
Rehabilitation						
4W50	415606	Program Management	\$	12,357,482	\$ 12,357,482	122786
TOTAL DPF Dedicated Purpose						122787
Fund Group			\$	29,288,086	\$ 29,075,086	122788
Federal Fund Group						122789
3170	415620	Disability	\$	81,000,000	\$ 81,000,000	122790
Determination						
3790	415616	Federal - Vocational	\$	124,415,653	\$ 123,628,652	122791
Rehabilitation						
3GH0	415602	Personal Care	\$	2,752,396	\$ 2,752,396	122792
Assistance						
3GH0	415604	Community Centers for	\$	772,000	\$ 772,000	122793
the Deaf						
3GH0	415613	Federal Independent	\$	638,431	\$ 638,431	122794

VOCATIONAL REHABILITATION SERVICES	122820

The foregoing appropriation item 415506, Services for
Individuals with Disabilities, shall be used as state matching
funds to provide vocational rehabilitation services to eligible
consumers.

SERVICES FOR THE DEAF

The foregoing appropriation item 415508, Services for the
Deaf, shall be used to provide grants to community centers for the
deaf.

PROGRAM MANAGEMENT

The foregoing appropriation item 415606, Program Management,
shall be used to support the administrative functions of the
agency related to the provision of vocational rehabilitation,
disability determination services, and ancillary programs.

SOCIAL SECURITY REIMBURSEMENT FUNDS

Reimbursement funds received from the Social Security
Administration, United States Department of Health and Human
Services, for the costs of providing services and training to
return disability recipients to gainful employment shall be
expended, to the extent funds are available, as follows:

(A) Appropriation item 415602, Personal Care Assistance, to
provide personal care services in accordance with section 3304.41
of the Revised Code;

(B) Appropriation item 415604, Community Centers for the
Deaf, to provide grants to community centers for the deaf in Ohio
for services to individuals with hearing impairments; and

(C) Appropriation item 415608, Social Security Vocational
Rehabilitation, to provide vocational rehabilitation services to
individuals with severe disabilities who are Social Security
beneficiaries, to enable them to achieve competitive employment.

Section 347.20. ODB OHIO OPTICAL DISPENSERS BOARD				122850
Dedicated Purpose Fund Group				122851
4K90 894609 Program Support	\$	373,000	\$ 375,400	122852
TOTAL DPF Dedicated Purpose Fund Group	\$	373,000	\$ 375,400	122853
TOTAL ALL BUDGET FUND GROUPS	\$	373,000	\$ 375,400	122854
Section 349.10. OPT STATE BOARD OF OPTOMETRY				122856
Dedicated Purpose Fund Group				122857
4K90 885609 Program Support	\$	347,278	\$ 347,278	122858
TOTAL DPF Dedicated Purpose Fund Group	\$	347,278	\$ 347,278	122859
TOTAL ALL BUDGET FUND GROUPS	\$	347,278	\$ 347,278	122860
Section 351.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS				122862
Dedicated Purpose Fund Group				122864
4K90 973609 Operating Expenses	\$	176,950	\$ 186,438	122865
TOTAL DPF Dedicated Purpose Fund Group	\$	176,950	\$ 186,438	122866
TOTAL ALL BUDGET FUND GROUPS	\$	176,950	\$ 186,438	122867
Section 353.10. UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD				122868
Dedicated Purpose Fund Group				122870
6910 810632 Petroleum Underground Storage Tank Release Compensation Board - Operating	\$	1,257,155	\$ 1,258,914	122871
TOTAL DPF Dedicated Purpose Fund Group	\$	1,257,155	\$ 1,258,914	122872

TOTAL ALL BUDGET FUND GROUPS	\$	1,257,155	\$	1,258,914	122873

Section 355.10. PRX STATE BOARD OF PHARMACY	122875

Dedicated Purpose Fund Group	122876

4A50 887605 Drug Law Enforcement	\$	150,000	\$	150,000	122877

4K90 887609 Operating Expenses	\$	6,779,608	\$	6,818,799	122878

TOTAL DPF Dedicated Purpose Fund	\$	6,929,608	\$	6,968,799	122879

Group

Federal Fund Group	122880

3DV0 887607 Enhancing Ohio's PMP	\$	128,677	\$	0	122881

TOTAL FED Federal Fund Group	\$	128,677	\$	0	122882

TOTAL ALL BUDGET FUND GROUPS	\$	7,058,285	\$	6,968,799	122883

Section 357.10. PSY STATE BOARD OF PSYCHOLOGY	122885

Dedicated Purpose Fund Group	122886

4K90 882609 Operating Expenses	\$	588,690	\$	598,890	122887

TOTAL DPF Dedicated Purpose	122888

Fund Group	\$	588,690	\$	598,890	122889

TOTAL ALL BUDGET FUND GROUPS	\$	588,690	\$	598,890	122890

Section 359.10. PUB OHIO PUBLIC DEFENDER COMMISSION	122892

General Revenue Fund	122893

GRF 019401 State Legal Defense	\$	3,020,855	\$	3,020,855	122894

Services

GRF 019403 Multi-County: State	\$	1,960,463	\$	1,977,325	122895

Share

GRF 019404 Trumbull County -	\$	545,658	\$	552,337	122896

State Share

GRF 019405 Training Account	\$	50,000	\$	50,000	122897

GRF 019501 County Reimbursement	\$	22,628,268	\$	22,628,268	122898

TOTAL GRF General Revenue Fund	\$	28,205,244	\$	28,228,785	122899

Dedicated Purpose Fund Group	122900

1010	019607	Juvenile Legal Assistance	\$	200,000	\$	200,000	122901
4070	019604	County Representation	\$	225,800	\$	228,456	122902
4080	019605	Client Payments	\$	969,964	\$	834,277	122903
4C70	019601	Multi-County: County Share	\$	2,364,693	\$	2,389,985	122904
4N90	019613	Gifts and Grants	\$	50,250	\$	50,250	122905
4X70	019610	Trumbull County - County Share	\$	654,790	\$	664,809	122906
5740	019606	Civil Legal Aid	\$	17,250,000	\$	17,250,000	122907
5CX0	019617	Civil Case Filing Fee	\$	446,820	\$	453,580	122908
5DY0	019618	Indigent Defense Support - County Share	\$	38,005,178	\$	39,409,939	122909
5DY0	019619	Indigent Defense Support - State Office	\$	5,772,000	\$	5,850,000	122910
TOTAL DPF Dedicated Purpose							122911
Fund Group			\$	65,939,495	\$	67,331,296	122912
Federal Fund Group							122913
3GJ0	019622	Byrne Memorial Grant	\$	39,958	\$	39,958	122914
3S80	019608	Federal Representation	\$	202,942	\$	202,942	122915
TOTAL FED Federal Fund Group			\$	242,900	\$	242,900	122916
TOTAL ALL BUDGET FUND GROUPS			\$	94,387,639	\$	95,802,981	122917
INDIGENT DEFENSE OFFICE							122918
The foregoing appropriation items 019404, Trumbull County - State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.							122919 122920 122921
MULTI-COUNTY OFFICE							122922
The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to							122923 122924

support the Office of the Ohio Public Defender's Multi-County 122925
Branch Office Program. 122926

TRAINING ACCOUNT 122927

The foregoing appropriation item 019405, Training Account, 122928
shall be used by the Ohio Public Defender to provide legal 122929
training programs at no cost for private appointed counsel who 122930
represents at least one indigent defendant at no cost and for 122931
state and county public defenders and attorneys who contract with 122932
the Ohio Public Defender to provide indigent defense services. 122933

CAPITAL CASE REIMBURSEMENT 122934

Of the foregoing appropriation item 019501, County 122935
Reimbursement, \$1,500,000 in each fiscal year shall be used to 122936
reimburse counties for the costs and expenses of providing legal 122937
representation to indigent persons in capital cases. 122938

LEGAL AID FUND 122939

On July 1 of each fiscal year, or as soon as possible 122940
thereafter, the Director of Budget and Management shall transfer 122941
\$750,000 cash from the General Revenue Fund to the Legal Aid Fund 122942
(Fund 5740). 122943

Of the foregoing appropriation item 019606, Civil Legal Aid, 122944
and notwithstanding any provision of law to the contrary, \$750,000 122945
in each fiscal year shall be distributed by the Ohio Legal 122946
Assistance Foundation to Ohio's civil legal aid societies for the 122947
sole purpose of providing legal services for economically 122948
disadvantaged veterans. None of the funds shall be used for 122949
administrative costs, including, but not limited to, salaries, 122950
benefits, or travel reimbursements. For purposes of this section, 122951
"economically disadvantaged veteran" is defined as a person: (1) 122952
who presents a valid copy of United States Department of Defense 122953
form DD-214, DD-215, or equivalent service-related document, and 122954
(2) whose income does not exceed one hundred fifty per cent of the 122955

federal poverty line as defined in section 5162.01 of the Revised Code.					122956
					122957
FEDERAL REPRESENTATION					122958
The foregoing appropriation item 019608, Federal Representation, shall be used to receive reimbursements from the federal courts when the Ohio Public Defender provides representation in federal court cases and to support representation in such cases.					122959
					122960
					122961
					122962
					122963
INDIGENT DEFENSE SUPPORT FUND					122964
Notwithstanding section 120.08 of the Revised Code, the Ohio Public Defender may use up to thirteen per cent of the money in the indigent defense support fund created by section 120.08 of the Revised Code for the purposes of appointing assistant state public defenders, providing other personnel, equipment, and facilities necessary for the operation of the state public defender office, and providing training, developing and implementing electronic forms, or establishing and maintaining an information technology system used for the uniform operation of Chapter 120. of the Revised Code.					122965
					122966
					122967
					122968
					122969
					122970
					122971
					122972
					122973
					122974
Section 361.10. DPS DEPARTMENT OF PUBLIC SAFETY					122975
General Revenue Fund					122976
GRF 763403 EMA Operating	\$	4,300,000	\$	4,300,000	122977
GRF 767420 Investigative Unit - Operating	\$	11,399,300	\$	11,399,300	122978
GRF 768425 Justice Program Services	\$	725,000	\$	725,000	122979
GRF 769406 Homeland Security - Operating	\$	2,000,000	\$	2,000,000	122980
TOTAL GRF General Revenue Fund	\$	18,424,300	\$	18,424,300	122981
Dedicated Purpose Fund Group					122982

4P60	768601	Justice Program Services	\$	150,000	\$	150,000	122983
4V30	763662	STORMS/NOAA Maintenance	\$	265,000	\$	265,000	122984
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	122985
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000	122986
5ET0	768625	Drug Law Enforcement	\$	7,500,000	\$	6,000,000	122987
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	850,946	\$	850,946	122988
5ML0	769635	Infrastructure Protection	\$	100,000	\$	100,000	122989
5RH0	767697	OIU Special Projects	\$	460,000	\$	460,000	122990
5RS0	768621	Community Police Relations	\$	2,000,000	\$	2,000,000	122991
5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$	20,000	\$	20,000	122992
6220	767615	Investigative, Contraband, and Forfeiture	\$	325,000	\$	325,000	122993
6570	763652	Utility Radiological Safety	\$	1,200,000	\$	1,200,000	122994
6810	763653	SARA Title III HAZMAT Planning	\$	262,438	\$	262,438	122995
8500	767628	Investigative Unit Salvage	\$	92,700	\$	92,700	122996
TOTAL	DPF	Dedicated Purpose Fund Group	\$	15,176,084	\$	13,676,084	122997
		Federal Fund Group					122998
3290	763645	Federal Mitigation	\$	10,413,642	\$	10,413,642	122999

		Program				
3370	763609	Federal Disaster Relief	\$	27,707,636	\$	27,707,636 123000
3390	763647	Emergency Management Assistance and Training	\$	67,684,765	\$	68,684,765 123001
3EU0	768614	Justice Assistance Grants - FFY10	\$	100,000	\$	25,000 123002
3FK0	768615	Justice Assistance Grants - FFY11	\$	300,000	\$	100,000 123003
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	55,000	\$	55,000 123004
3FY0	768616	Justice Assistance Grant - FFY12	\$	650,000	\$	300,000 123005
3FZ0	768617	Justice Assistance Grant - FFY13	\$	2,000,000	\$	650,000 123006
3GA0	768618	Justice Assistance Grant - FFY14	\$	3,000,000	\$	2,000,000 123007
3GL0	768619	Justice Assistance Grants	\$	7,500,000	\$	10,500,000 123008
3GT0	767691	Equitable Share Account	\$	300,000	\$	300,000 123009
3GU0	769610	Investigation Grants - Food Stamps, Liquor & Tobacco Laws	\$	1,400,000	\$	1,400,000 123010
3GU0	769631	Homeland Security Disaster Grants	\$	1,400,000	\$	1,400,000 123011
3L50	768604	Justice Program	\$	10,500,000	\$	10,500,000 123012
3N50	763644	U.S. Department of Energy Agreement	\$	31,672	\$	31,672 123013
TOTAL FED	Federal Fund Group		\$	133,042,715	\$	134,067,715 123014
TOTAL ALL BUDGET FUND GROUPS			\$	166,643,099	\$	166,168,099 123015

CASH TRANSFER - OHIO INVESTIGATIVE UNIT FUND 123016

On July 1, 2015, or as soon as possible thereafter, the 123017
Director of Budget and Management shall transfer \$350,000 in cash 123018
from the Investigations Fund (Fund 5FL0) to the Ohio Investigative 123019
Unit Fund (Fund 5RH0). 123020

CASH TRANSFER - INVESTIGATIVE UNIT FEDERAL EQUITABLE SHARING 123021
FUND 123022

Upon written request of the Director of Public Safety, the 123023
Director of Budget and Management may transfer cash from the 123024
Investigative Unit Federal Equitable Sharing Fund (Fund 5CM0) to 123025
the Investigative Unit Federal Equitable Sharing Fund (Fund 3GT0). 123026

CASH TRANSFER - JUSTICE PROGRAM SERVICES 123027

Upon written request of the Director of Public Safety, the 123028
Director of Budget and Management may transfer cash from the 123029
Justice Program Services Fund (Fund 4P60) to the State Bureau of 123030
Motor Vehicles Fund (Fund 4W40). 123031

STATE DISASTER RELIEF 123032

The State Disaster Relief Fund (Fund 5330) may accept 123033
transfers of cash and appropriations from Controlling Board 123034
appropriation items for the Ohio Emergency Management Agency 123035
disaster response costs and disaster program management costs, and 123036
may also be used for the following purposes: 123037

(A) To accept transfers of cash and appropriations from 123038
Controlling Board appropriation items for Ohio Emergency 123039
Management Agency public assistance and mitigation program match 123040
costs to reimburse eligible local governments and private 123041
nonprofit organizations for costs related to disasters; 123042

(B) To accept transfers of cash to reimburse the costs 123043
associated with Emergency Management Assistance Compact (EMAC) 123044
deployments; 123045

(C) To accept disaster related reimbursement from federal, 123046
state, and local governments. The Director of Budget and 123047
Management may transfer cash from reimbursements received by this 123048
fund to other funds of the state from which transfers were 123049
originally approved by the Controlling Board. 123050

(D) To accept transfers of cash and appropriations from 123051
Controlling Board appropriation items to fund the State Disaster 123052
Relief Program, for disasters that qualify for the program by 123053
written authorization of the Governor, and the State Individual 123054
Assistance Program for disasters that have been declared by the 123055
federal Small Business Administration and that qualify for the 123056
program by written authorization from the Governor. The Ohio 123057
Emergency Management Agency shall publish and make available 123058
application packets outlining procedures for the State Disaster 123059
Relief Program and the State Individual Assistance Program. 123060

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 123061
AGENCY SERVICE AND REIMBURSEMENT FUND 123062

On July 1 of each fiscal year, or as soon as possible 123063
thereafter, the Director of Budget and Management shall transfer 123064
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 123065
Emergency Management Agency Service and Reimbursement Fund (Fund 123066
4V30) to be distributed to the Ohio Task Force One - Urban Search 123067
and Rescue Unit, other similar urban search and rescue units 123068
around the state, and for maintenance of the statewide fire 123069
emergency response plan by an entity recognized by the Ohio 123070
Emergency Management Agency. 123071

COMMUNITY POLICE RELATIONS 123072

The foregoing appropriation item 768621, Community Police 123073
Relations, shall be used to implement key recommendations of the 123074
Ohio Task Force on Community-Police Relations, including a 123075
database on use of force and officer involved shootings, a public 123076

awareness campaign, and state-provided assistance with					123077
policy-making and manuals.					123078
SARA TITLE III HAZMAT PLANNING					123079
The SARA Title III HAZMAT Planning Fund (Fund 6810) is					123080
entitled to receive grant funds from the Emergency Response					123081
Commission to implement the Emergency Management Agency's					123082
responsibilities under Chapter 3750. of the Revised Code.					123083
Section 363.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO					123084
Dedicated Purpose Fund Group					123085
4A30 870614 Grade Crossing	\$	1,347,357	\$	1,347,357	123086
Protection					
Devices-State					
4L80 870617 Pipeline Safety-State	\$	331,992	\$	331,992	123087
5610 870606 Power Siting Board	\$	581,618	\$	581,618	123088
5F60 870622 Utility and Railroad	\$	30,619,708	\$	30,619,708	123089
Regulation					
5F60 870624 NARUC/NRRI Subsidy	\$	85,000	\$	85,000	123090
5LT0 870640 Intrastate	\$	180,000	\$	180,000	123091
Registration					
5LT0 870641 Unified Carrier	\$	420,000	\$	420,000	123092
Registration					
5LT0 870642 Hazardous Materials	\$	753,346	\$	753,346	123093
Registration					
5LT0 870643 Non-hazardous	\$	277,496	\$	277,496	123094
Materials Civil					
Forfeiture					
5LT0 870644 Hazardous Materials	\$	898,800	\$	898,800	123095
Civil Forfeiture					
5LT0 870645 Motor Carrier	\$	4,709,592	\$	4,709,592	123096
Enforcement					
5Q50 870626 Telecommunications	\$	5,000,000	\$	5,000,000	123097

Relay Service				
TOTAL DPF Dedicated Purpose Fund Group	\$	45,204,909	\$	45,204,909 123098
Federal Fund Group				123099
3330 870601 Gas Pipeline Safety	\$	597,959	\$	597,959 123100
3500 870608 Motor Carrier Safety	\$	7,351,660	\$	7,351,660 123101
3V30 870604 Commercial Vehicle	\$	100,000	\$	100,000 123102
Information Systems/Networks				
TOTAL FED Federal Fund Group	\$	8,049,619	\$	8,049,619 123103
TOTAL ALL BUDGET FUND GROUPS	\$	53,254,528	\$	53,254,528 123104

Section 363.20. TELECOMMUNICATIONS TRANSITION PLANNING 123106

The foregoing appropriation item 870622, Utility and Railroad Regulation, shall be used in part to plan for the transition, consistent with the directives and policies of the Federal Communications Commission, from the current public switched telephone network to an internet-protocol network that will stimulate investment in the internet-protocol network in Ohio and that will expand the availability of advanced telecommunications services to all Ohioans. The transition plan shall include a review of statutes or rules that may prevent or delay an appropriate transition. The Public Utilities Commission shall report to the General Assembly on any further action required to be taken by the General Assembly to ensure a successful and timely transition.

Section 363.30. (A) The Public Utilities Commission shall do both of the following not later than one hundred eighty days after the effective date of this section:

(1) Adopt rules to implement section 4927.10 of the Revised Code and the amendments to sections 4927.01, 4927.02, 4927.07, and

4927.11 of the Revised Code made by H.B. 64 of the 131st General Assembly;	123125
	123126
(2) Bring its rules into conformity with this act.	123127
(B) Rules adopted or amended under this section shall include provisions for reasonable customer notice of the steps to be taken during, and the actions resulting from, the transition plan described in Section 363.20 of H.B. 64 of the 131st General Assembly.	123128
	123129
	123130
	123131
	123132
(C) Any rule adopted or amended under this section shall be consistent with the rules of the Federal Communications Commission.	123133
	123134
	123135
(D) If the Public Utilities Commission fails to comply with division (A) of this section before the Federal Communications Commission adopts the order described in section 4927.10 of the Revised Code, any rule of the Public Utilities Commission that is inconsistent with that order shall not be enforced.	123136
	123137
	123138
	123139
	123140
Section 365.10. PWC PUBLIC WORKS COMMISSION	123141
General Revenue Fund	123142
GRF 150904 Conservation General \$ 33,174,900 \$ 37,725,700	123143
Obligation Bond Debt Service	
GRF 150907 Infrastructure \$ 227,937,400 \$ 231,303,200	123144
Improvement General Obligation Bond Debt Service	
TOTAL GRF General Revenue Fund \$ 261,112,300 \$ 269,028,900	123145
Capital Projects Fund Group	123146
7056 150403 Clean Ohio \$ 288,980 \$ 288,980	123147
Conservation Operating	

TOTAL CPF Capital Projects Fund	\$	288,980	\$	288,980	123148
Group					

TOTAL ALL BUDGET FUND GROUPS	\$	261,401,280	\$	269,317,880	123149

CONSERVATION GENERAL OBLIGATION BOND DEBT SERVICE	123150

The foregoing appropriation item 150904, Conservation General	123151
Obligation Bond Debt Service, shall be used to pay all debt	123152
service and related financing costs during the period from July 1,	123153
2015, through June 30, 2017, at the times they are required to be	123154
made for obligations issued under sections 151.01 and 151.09 of	123155
the Revised Code.	123156

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT	123157
SERVICE	123158

The foregoing appropriation item 150907, Infrastructure	123159
Improvement General Obligation Bond Debt Service, shall be used to	123160
pay all debt service and related financing costs during the period	123161
from July 1, 2015, through June 30, 2017, at the times they are	123162
required to be made for obligations issued under sections 151.01	123163
and 151.08 of the Revised Code.	123164

CLEAN OHIO CONSERVATION OPERATING	123165

The foregoing appropriation item 150403, Clean Ohio	123166
Conservation Operating, shall be used by the Ohio Public Works	123167
Commission in administering Clean Ohio Conservation Fund (Fund	123168
7056) projects pursuant to sections 164.20 to 164.27 of the	123169
Revised Code.	123170

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS	123171

The Director of the Public Works Commission is authorized to	123172
create a District Administration Costs Program for districts	123173
represented by natural resource assistance councils. This program	123174
shall be funded from proceeds of the Clean Ohio Conservation Fund.	123175
This program shall be used by natural resource assistance councils	123176
in order to provide for administration costs of the nineteen	123177

natural resource assistance councils for the direct costs of 123178
council administration. Councils choosing to participate in this 123179
program may be eligible for up to \$15,000 per fiscal year from its 123180
district allocation as provided in section 164.27 of the Revised 123181
Code. The director shall define allowable and nonallowable costs 123182
for the purpose of the District Administration Costs Program. 123183
Nonallowable costs include indirect costs, elected official 123184
salaries and benefits, and project-specific costs. 123185

Section 367.10. RAC STATE RACING COMMISSION 123186

Dedicated Purpose Fund Group 123187

5620 875601 Thoroughbred \$ 1,400,000 \$ 1,400,000 123188
Development

5630 875602 Standardbred \$ 1,300,000 \$ 1,300,000 123189
Development

5650 875604 Racing Commission \$ 3,335,000 \$ 3,335,000 123190
Operating

5JK0 875610 Horse Racing \$ 8,500,000 \$ 8,500,000 123191
Development-Casino

5NL0 875611 Revenue \$ 17,000,000 \$ 17,000,000 123192
Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 31,535,000 \$ 31,535,000 123193
Group

Fiduciary Fund Group 123194

5C40 875607 Simulcast Horse \$ 12,000,000 \$ 12,000,000 123195
Racing Purse

TOTAL FID Fiduciary Fund Group \$ 12,000,000 \$ 12,000,000 123196

Holding Account Fund Group 123197

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 123198

TOTAL HLD Holding Account Fund \$ 100,000 \$ 100,000 123199
Group

TOTAL ALL BUDGET FUND GROUPS \$ 43,635,000 \$ 43,635,000 123200

Section 369.10. BOR DEPARTMENT OF HIGHER EDUCATION				123202
General Revenue Fund				123203
GRF 235321	Operating Expenses	\$ 5,377,193	\$ 5,377,193	123204
GRF 235402	Sea Grants	\$ 299,250	\$ 299,250	123205
GRF 235406	Articulation and Transfer	\$ 2,000,000	\$ 2,000,000	123206
GRF 235408	Midwest Higher Education Compact	\$ 115,000	\$ 115,000	123207
GRF 235414	State Grants and Scholarship Administration	\$ 830,180	\$ 830,180	123208
GRF 235417	eStudent Services	\$ 2,532,688	\$ 2,532,688	123209
GRF 235428	Appalachian New Economy Partnership	\$ 1,500,000	\$ 1,500,000	123210
GRF 235438	Choose Ohio First Scholarship	\$ 16,665,114	\$ 16,665,114	123211
GRF 235443	Adult Basic and Literacy Education - State	\$ 7,402,416	\$ 7,372,416	123212
GRF 235444	Ohio Technical Centers	\$ 16,817,547	\$ 16,817,547	123213
GRF 235474	Area Health Education Centers Program Support	\$ 900,000	\$ 900,000	123214
GRF 235483	Technology Integration and Professional Development	\$ 378,598	\$ 378,598	123215
GRF 235492	Campus Safety and Training	\$ 2,000,000	\$ 0	123216
GRF 235501	State Share of Instruction	\$ 1,903,285,144	\$ 1,979,416,550	123217
GRF 235502	Student Support Services	\$ 632,974	\$ 632,974	123218

GRF 235504	War Orphans Scholarships	\$	6,835,710	\$	7,124,141	123219
GRF 235507	OhioLINK	\$	6,211,012	\$	6,211,012	123220
GRF 235508	Air Force Institute of Technology	\$	1,740,803	\$	1,740,803	123221
GRF 235510	Ohio Supercomputer Center	\$	5,818,900	\$	5,818,900	123222
GRF 235511	Cooperative Extension Service	\$	24,209,491	\$	24,209,491	123223
GRF 235514	Central State Supplement	\$	11,063,468	\$	11,063,468	123224
GRF 235515	Case Western Reserve University School of Medicine	\$	2,146,253	\$	2,146,253	123225
GRF 235519	Family Practice	\$	3,166,185	\$	3,166,185	123226
GRF 235520	Shawnee State Supplement	\$	2,326,097	\$	2,326,097	123227
GRF 235524	Police and Fire Protection	\$	107,814	\$	107,814	123228
GRF 235525	Geriatric Medicine	\$	522,151	\$	522,151	123229
GRF 235526	Primary Care Residencies	\$	1,500,000	\$	1,500,000	123230
GRF 235533	Higher Education Program Support	\$	600,000	\$	600,000	123231
GRF 235535	Ohio Agricultural Research and Development Center	\$	36,861,470	\$	36,361,470	123232
GRF 235536	The Ohio State University Clinical Teaching	\$	9,668,941	\$	9,668,941	123233
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,952,573	\$	7,952,573	123234

GRF 235538	University of Toledo Clinical Teaching	\$	6,198,600	\$	6,198,600	123235
GRF 235539	Wright State University Clinical Teaching	\$	3,011,400	\$	3,011,400	123236
GRF 235540	Ohio University Clinical Teaching	\$	2,911,212	\$	2,911,212	123237
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,994,178	\$	2,994,178	123238
GRF 235546	Central State Agricultural Research and Development	\$	1,850,000	\$	1,850,000	123239
GRF 235548	Central State Cooperative Extension Services	\$	350,000	\$	350,000	123240
GRF 235552	Capital Component	\$	10,280,387	\$	6,350,817	123241
GRF 235555	Library Depositories	\$	1,440,342	\$	1,440,342	123242
GRF 235556	Ohio Academic Resources Network	\$	3,172,519	\$	3,172,519	123243
GRF 235558	Long-term Care Research	\$	325,300	\$	325,300	123244
GRF 235559	Central State University - Agriculture Education	\$	300,000	\$	300,000	123245
GRF 235563	Ohio College Opportunity Grant	\$	97,187,107	\$	100,187,107	123246
GRF 235572	The Ohio State University Clinic Support	\$	766,533	\$	766,533	123247
GRF 235591	Co-op Internship Program	\$	3,770,000	\$	3,770,000	123248
GRF 235599	National Guard	\$	18,750,552	\$	18,900,003	123249

Scholarship Program					
GRF 235909	Higher Education	\$ 252,470,800	\$ 259,289,500	123250	
General Obligation					
Bond Debt Service					
TOTAL GRF	General Revenue Fund	\$ 2,487,245,902	\$ 2,567,174,320	123251	
Dedicated Purpose Fund Group				123252	
2200 235614	Program Approval and	\$ 650,000	\$ 650,000	123253	
Reauthorization					
4560 235603	Sales and Services	\$ 199,250	\$ 199,250	123254	
4E80 235602	Higher Educational	\$ 29,100	\$ 29,100	123255	
Facility Commission					
Administration					
4X10 235674	Telecommunity and	\$ 49,150	\$ 49,150	123256	
Distance Learning					
5D40 235675	Conferences/Special	\$ 1,884,095	\$ 1,884,095	123257	
Purposes					
5JC0 235620	Regional Partnership	\$ 500,000	\$ 500,000	123258	
and Training Center					
5JC0 235668	Defense/Aerospace	\$ 10,000,000	\$ 10,000,000	123259	
Workforce Development					
Initiative					
5NH0 235684	OhioMeansJobs	\$ 500,000	\$ 0	123260	
Workforce Development					
Revolving Loan					
Program					
5P30 235663	Variable Savings Plan	\$ 8,028,685	\$ 8,082,899	123261	
5RA0 235616	Workforce and Higher	\$ 10,750,000	\$ 16,500,000	123262	
Education Programs					
5RA0 235673	NCERCMP	\$ 2,000,000	\$ 2,000,000	123263	
6450 235664	Guaranteed Savings	\$ 1,068,048	\$ 1,061,886	123264	
Plan					
6820 235606	Nursing Loan Program	\$ 891,320	\$ 891,320	123265	
TOTAL DPF	Dedicated Purpose Fund	\$ 36,549,648	\$ 41,847,700	123266	

Group

Bond Research and Development Fund Group				123267
7011	235634	Research Incentive	\$ 8,000,000 \$ 8,000,000	123268
Third Frontier Fund				
TOTAL BRD Bond Research and Development Fund Group				123269
Federal Fund Group				123270
3120	235611	Gear-up Grant	\$ 3,050,600 \$ 3,169,050	123271
3120	235612	Carl D. Perkins Grant/Plan Administration	\$ 1,350,000 \$ 1,350,000	123272
3120	235617	Improving Teacher Quality Grant	\$ 2,800,000 \$ 2,800,000	123273
3120	235641	Adult Basic and Literacy Education - Federal	\$ 15,207,359 \$ 15,207,359	123274
3120	235672	H-1B Tech Skills Training	\$ 2,100,000 \$ 2,100,000	123275
3H20	235608	Human Services Project	\$ 375,000 \$ 375,000	123276
TOTAL FED Federal Fund Group				123277
TOTAL ALL BUDGET FUND GROUPS				123278

Section 369.13. OPERATING EXPENSES 123280

Of the foregoing appropriation item 235321, Operating Expenses, up to \$2,854,000 in fiscal year 2016 and up to \$2,996,000 in fiscal year 2017 shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Higher Education and the University System of Ohio. The information technology solutions may be provided by the Ohio Academic Resources Network

(OARnet). 123289

Section 369.20. SEA GRANTS 123290

The foregoing appropriation item 235402, Sea Grants, shall be 123291
used to match federal dollars and leverage additional support by 123292
The Ohio State University's Sea Grant program, including Stone 123293
Laboratory, for research, education, and outreach to enhance the 123294
economic value, public utilization, and responsible management of 123295
Lake Erie and Ohio's coastal resources. 123296

Section 369.30. ARTICULATION AND TRANSFER 123297

The foregoing appropriation item 235406, Articulation and 123298
Transfer, shall be used by the Chancellor of Higher Education to 123299
maintain and expand the work of the Articulation and Transfer 123300
Council to develop a system of transfer policies to ensure that 123301
students at state institutions of higher education can transfer 123302
and have coursework apply to their majors and degrees at any other 123303
state institution of higher education without unnecessary 123304
duplication or institutional barriers under sections 3333.16, 123305
3333.161, and 3333.162 of the Revised Code. 123306

Section 369.40. MIDWEST HIGHER EDUCATION COMPACT 123307

The foregoing appropriation item 235408, Midwest Higher 123308
Education Compact, shall be distributed by the Chancellor of 123309
Higher Education under section 3333.40 of the Revised Code. 123310

Section 369.50. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION 123311

The foregoing appropriation item 235414, State Grants and 123312
Scholarship Administration, shall be used by the Chancellor of 123313
Higher Education to administer the following student financial aid 123314
programs: Ohio College Opportunity Grant, Ohio War Orphans' 123315
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 123316

Officers College Memorial Fund, and any other student financial 123317
aid programs created by the General Assembly. The appropriation 123318
item also shall be used to support all state financial aid audits 123319
and student financial aid programs created by Congress, and to 123320
provide fiscal services for the Ohio National Guard Scholarship 123321
Program. 123322

Section 369.60. ESTUDENT SERVICES 123323

The foregoing appropriation item 235417, eStudent Services, 123324
shall be used by the Chancellor of Higher Education to support the 123325
continued implementation of eStudent Services, a consortium 123326
organized under division (T) of section 3333.04 of the Revised 123327
Code to expand access to dual enrollment opportunities for high 123328
school students, as well as adult and higher education 123329
opportunities through technology. The funds shall be used by 123330
eStudent Services to develop and promote learning and assessment 123331
through the use of technology, to test and provide advice on 123332
emerging learning-directed technologies, to support the distance 123333
learning clearinghouse and platform created under section 3333.82 123334
of the Revised Code, to facilitate cost-effectiveness through 123335
shared educational technology investments, and for any other 123336
priorities of the Chancellor of Higher Education. 123337

Section 369.70. APPALACHIAN NEW ECONOMY PARTNERSHIP 123338

The foregoing appropriation item 235428, Appalachian New 123339
Economy Partnership, shall be distributed to Ohio University to 123340
continue a multi-campus and multi-agency coordinated effort to 123341
link Appalachia to the new economy. Ohio University shall use 123342
these funds to provide leadership in the development and 123343
implementation of initiatives in the areas of entrepreneurship, 123344
management, education, and technology. 123345

Section 369.80. CHOOSE OHIO FIRST SCHOLARSHIP 123346

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code.

Section 369.90. ADULT BASIC AND LITERACY EDUCATION

Of the foregoing appropriation item 235443, Adult Basic and Literacy Education - State, \$100,000 in fiscal year 2016 and \$70,000 in fiscal year 2017 shall be used to provide a grant for an Ohio public library that provides remedial coursework instruction for postsecondary students.

The remainder of the foregoing appropriation item 235443, Adult Basic and Literacy Education - State, shall be used to support the adult basic and literacy education instructional grant program and state leadership program. The supported programs shall satisfy the state match and maintenance of effort requirements for the state-administered grant program.

Section 369.100. OHIO TECHNICAL CENTERS FUNDING

The foregoing appropriation item 235444, Ohio Technical Centers, shall be used by the Chancellor of Higher Education to support post-secondary adult career-technical education.

(A)(1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor of Higher Education, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's files, to the Chancellor.

(a) In defining the number of full-time equivalent students for state subsidy purposes, the Chancellor of Higher Education shall exclude all students who are not residents of Ohio.

(b) A full-time equivalent student shall be defined as a student who completes 450 hours. Those students that complete some

portion of 450 hours shall be counted as a partial full-time 123376
equivalent for funding purposes, while students that complete more 123377
than 450 hours shall be counted as proportionally greater than one 123378
full-time equivalent. 123379

(c) In calculating each Ohio Technical Center's full-time 123380
equivalent students, the Chancellor of Higher Education shall use 123381
a three-year average. 123382

(2) In each fiscal year, twenty-five per cent of the 123383
allocation for Ohio Technical Centers shall be distributed based 123384
on the proportion of each Center's full-time equivalent students 123385
to the total full-time equivalent students who complete a 123386
post-secondary workforce training program approved by the 123387
Chancellor with a grade of C or better or a grade of pass if the 123388
program is evaluated on a pass/fail basis. 123389

(3) In each fiscal year, twenty per cent of the allocation 123390
for Ohio Technical Centers shall be distributed based on the 123391
proportion of each Center's full-time equivalent students to the 123392
total full-time equivalent students who complete 50 per cent of a 123393
program of study as a measure of student retention. 123394

(4) In each fiscal year, fifty per cent of the allocation for 123395
Ohio Technical Centers shall be distributed based on the 123396
proportion of each Center's full-time equivalent students to the 123397
total full-time equivalent students who have found employment, 123398
entered military service, or enrolled in additional post-secondary 123399
education and training in accordance with the placement 123400
definitions of the Carl D. Perkins Career and Technical Education 123401
Act of 2006 (Perkins). The calculation for eligible full-time 123402
equivalent students shall be based on the per cent of Perkins 123403
placements for students who have completed at least 50 per cent of 123404
a program of study. 123405

(5) In each fiscal year, five per cent of the allocation for 123406

Ohio Technical Centers shall be distributed based on the 123407
proportion of each Center's full-time equivalent students to the 123408
total full-time equivalent students who have earned a credential 123409
from an industry-recognized third party. 123410

(B) Of the foregoing appropriation item 235444, Ohio 123411
Technical Centers, up to \$400,000 in each fiscal year shall be 123412
distributed by the Chancellor of Higher Education to the Ohio 123413
Central School System, up to \$48,000 in each fiscal year shall be 123414
utilized for assistance for Ohio Technical Centers, and up to 123415
\$975,000 in each fiscal year shall be distributed by the 123416
Chancellor to Ohio Technical Centers that provide business 123417
consultation with matching local dollars. Centers meeting this 123418
requirement shall receive an amount not to exceed \$25,000 per 123419
center. 123420

(C) The remainder of the foregoing appropriation item 235444, 123421
Ohio Technical Centers, in each fiscal year shall be distributed 123422
in accordance with division (A) of this section. 123423

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 123424
CENTERS 123425

(1) No Ohio Technical Center shall receive performance 123426
funding calculated under division (A) of this section, excluding 123427
funding for third party credentials calculated under division 123428
(A)(5) of this section, that is less than 96 per cent of the 123429
average allocation the Center received, excluding funding for 123430
third party credentials, in the three prior fiscal years. 123431

(2) In order to ensure that no Center receives less than 96 123432
per cent of the prior three-year average allocation in accordance 123433
with division (D)(1) of this section, funds shall be made 123434
available to support the phase-in allocation by proportionally 123435
reducing formula earnings from each Center not receiving phase-in 123436
funding. 123437

Section 369.110. AREA HEALTH EDUCATION CENTERS 123438

The foregoing appropriation item 235474, Area Health 123439
Education Centers Program Support, shall be used by the Chancellor 123440
of Higher Education to support the medical school regional area 123441
health education centers' educational programs for the continued 123442
support of medical and other health professions education and for 123443
support of the Area Health Education Center Program. 123444

Section 369.120. TECHNOLOGY INTEGRATION AND PROFESSIONAL 123445
DEVELOPMENT 123446

The foregoing appropriation item 235483, Technology 123447
Integration and Professional Development, shall be used by the 123448
Chancellor of Higher Education for the provision of staff 123449
development, hardware, software, telecommunications services, and 123450
information resources to support educational uses of technology in 123451
the classroom and at a distance and for professional development 123452
for teachers, administrators, and technology staff on the use of 123453
educational technology in qualifying public schools, including the 123454
State School for the Blind, the School for the Deaf, and the 123455
Department of Youth Services. 123456

Section 369.140. CAMPUS SAFETY AND TRAINING 123457

The foregoing appropriation item 235492, Campus Safety and 123458
Training, shall be used by the Chancellor of Higher Education for 123459
the purpose of developing model best practices for preventing and 123460
responding to sexual assault on campus. By September 1, 2015, the 123461
Chancellor of Higher Education, in consultation with state 123462
institutions of higher education as defined in section 3345.011 of 123463
the Revised Code and private nonprofit institutions of higher 123464
education holding certificates of authorization under Chapter 123465
1713. of the Revised Code, shall develop model best practices for 123466
preventing and responding to sexual assault and protecting 123467

students and staff who are victims of sexual assault on campus. 123468
The Chancellor shall convene state institutions of higher 123469
education and private nonprofit institutions of higher education 123470
in the training and implementation of best practices regarding 123471
campus sexual assault. 123472

Section 369.150. STATE SHARE OF INSTRUCTION FORMULAS 123473

The Chancellor of Higher Education shall establish procedures 123474
to allocate the foregoing appropriation item 235501, State Share 123475
of Instruction, based on the formulas detailed in this section 123476
that utilize the enrollment, course completion, degree attainment, 123477
and student achievement factors reported annually by each state 123478
institution of higher education participating in the Higher 123479
Education Information (HEI) system. 123480

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 123481
COMPLETIONS 123482

(1) As soon as possible during each fiscal year of the 123483
biennium ending June 30, 2017, in accordance with instructions of 123484
the Department of Higher Education, each state institution of 123485
higher education shall report its actual data, consistent with the 123486
definitions in the Higher Education Information (HEI) system's 123487
enrollment files, to the Chancellor of Higher Education. 123488

(2) In defining the number of full-time equivalent students 123489
for state subsidy instructional cost purposes, the Chancellor of 123490
Higher Education shall exclude all undergraduate students who are 123491
not residents of Ohio, except those charged in-state fees in 123492
accordance with reciprocity agreements made under section 3333.17 123493
of the Revised Code or employer contracts entered into under 123494
section 3333.32 of the Revised Code. 123495

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 123496

For purposes of calculating state share of instruction 123497

allocations, the total instructional costs per full-time			123498
equivalent student shall be:			123499
Model	Fiscal Year 2016	Fiscal Year 2017	123500
ARTS AND HUMANITIES 1	\$7,773	\$7,920	123501
ARTS AND HUMANITIES 2	\$11,093	\$11,302	123502
ARTS AND HUMANITIES 3	\$14,209	\$14,477	123503
ARTS AND HUMANITIES 4	\$21,021	\$21,417	123504
ARTS AND HUMANITIES 5	\$35,834	\$36,509	123505
ARTS AND HUMANITIES 6	\$38,135	\$38,854	123506
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$7,311	\$7,449	123507
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$8,310	\$8,467	123508
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$10,805	\$11,009	123509
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$12,842	\$13,084	123510
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$19,879	\$20,254	123511
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$21,678	\$22,087	123512
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$31,806	\$32,406	123513
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$7,244	\$7,380	123514
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$10,041	\$10,231	123515
SCIENCE, TECHNOLOGY, ENGINEERING,	\$11,841	\$12,064	123516

MATHEMATICS, MEDICINE

3

SCIENCE, TECHNOLOGY,	\$14,170	\$14,437	123517
ENGINEERING,			

MATHEMATICS, MEDICINE

4

SCIENCE, TECHNOLOGY,	\$19,290	\$19,654	123518
ENGINEERING,			

MATHEMATICS, MEDICINE

5

SCIENCE, TECHNOLOGY,	\$20,814	\$21,206	123519
ENGINEERING,			

MATHEMATICS, MEDICINE

6

SCIENCE, TECHNOLOGY,	\$23,462	\$23,905	123520
ENGINEERING,			

MATHEMATICS, MEDICINE

7

SCIENCE, TECHNOLOGY,	\$36,983	\$37,680	123521
ENGINEERING,			

MATHEMATICS, MEDICINE

8

SCIENCE, TECHNOLOGY,	\$49,923	\$50,864	123522
ENGINEERING,			

MATHEMATICS, MEDICINE

9

Doctoral I and Doctoral II models shall be allocated in	123523
accordance with division (D)(2) of this section.	123524

Medical I and Medical II models shall be allocated in	123525
accordance with divisions (D)(3) and (D)(4) of this section.	123526

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,	123527
AND GRADUATE WEIGHTS	123528

For the purpose of implementing the recommendations of the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this section shall be weighted by the amounts provided below:

Model	Fiscal Year 2016	Fiscal Year 2017	
ARTS AND HUMANITIES 1	1.0000	1.0000	123529
ARTS AND HUMANITIES 2	1.0000	1.0000	123530
ARTS AND HUMANITIES 3	1.0000	1.0000	123531
ARTS AND HUMANITIES 4	1.0000	1.0000	123532
ARTS AND HUMANITIES 5	1.0425	1.0425	123533
ARTS AND HUMANITIES 6	1.0425	1.0425	123534
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	123535
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	123536
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	123537
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0425	1.0425	123538
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	123539
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	123540
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	123541
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	123542
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0017	1.0017	123543
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0017	1.0017	123544
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0017	1.0017	123545
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0017	1.0017	123546
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0017	1.0017	123547
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0017	1.0017	123548
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0017	1.0017	123549
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0017	1.0017	123550
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0017	1.0017	123551

ENGINEERING, MATHEMATICS, MEDICINE 2			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	123552
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	123553
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	123554
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	123555
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	123556
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	123557
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361	123558
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			123559
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			123560

(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," in each fiscal year shall be reserved for support of associate, baccalaureate, master's, and professional level degree attainment.

The degree attainment funding shall be allocated to universities in proportion to each campus's share of the total statewide degrees granted, weighted by the cost of the degree programs. The degree cost calculations shall include the model cost weights for the science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

For degrees including credits earned at multiple institutions, degree attainment funding shall be allocated to universities in proportion to each campus's share of the cost of earned credits for the degree. Each institution shall receive its prorated share of degree funding for credits earned at that institution. Cost of credits not earned at a university main or regional campus shall be credited to the degree-granting institution for the first degree earned by a student at each degree level. The cost credited to the degree-granting institution shall not be eligible for at-risk weights and shall be limited to 12.5 per cent of the degree costs. However, the 12.5 per cent limitation shall not apply if the student transferred 12 or fewer credits into the degree granting institution.

In calculating the subsidy entitlements for degree attainment for universities, the Chancellor of Higher Education shall use the following count of degrees and degree costs:

(a) The subsidy eligible undergraduate degrees shall be defined as follows:

(i) The subsidy eligible degrees conferred to students 123593
identified as residents of the state of Ohio in any term of their 123594
studies, as reported through the Higher Education Information 123595
(HEI) system student enrollment file, shall be weighted by a 123596
factor of 1. 123597

(ii) The subsidy eligible degrees conferred to students 123598
identified as out-of-state residents during all terms of their 123599
studies, as reported through the Higher Education Information 123600
(HEI) system student enrollment file, who remain in the state of 123601
Ohio at least one year after graduation, as calculated based on 123602
the three-year average in-state residency rate for out-of-state 123603
graduates at each institution, shall be weighted by a factor of 50 123604
per cent. 123605

(iii) Subsidy eligible associate degrees are defined as those 123606
earned by students attending any state-supported university main 123607
or regional campus. 123608

(b) In calculating each campus's count of degrees, the 123609
Chancellor of Higher Education shall use the three-year average 123610
associate, baccalaureate, master's, and professional degrees 123611
awarded for the three-year period ending in the prior year. 123612

(i) If a student is awarded an associate degree and, 123613
subsequently, is awarded a baccalaureate degree, the amount funded 123614
for the baccalaureate degree shall be limited to either the 123615
difference in cost between the cost of the baccalaureate degree 123616
and the cost of the associate degree paid previously, or if the 123617
associate degree has a higher cost than the baccalaureate degree, 123618
the cost of the credits earned by the student after the associate 123619
degree was awarded. 123620

(ii) If a student earns an associate degree then, 123621
subsequently, earns a baccalaureate degree, the associate degree 123622
granting institution shall only receive the prorated share of the 123623

baccalaureate degree funding for the credits earned at that 123624
institution after the associate degree is awarded. 123625

(iii) If a student earns more than one degree at the same 123626
institution at the same degree level in the same fiscal year, the 123627
funding for the highest cost degree shall be prorated among 123628
institutions based on where the credits were earned and additional 123629
degrees shall be funded at 25 per cent of the cost of the degrees. 123630

(c) Associate degrees and baccalaureate degrees earned by a 123631
student defined as at-risk based on academic underpreparation, 123632
age, minority status, or financial status, shall be defined as 123633
degrees earned by an at-risk student and shall be weighted by the 123634
following: 123635

A student-specific degree completion weight, where the weight 123636
is calculated based on the at-risk factors of the individual 123637
student, determined by calculating the difference between the 123638
percentage of students with each risk factor who earned a degree 123639
and the percentage of non-at-risk students who earned a degree. 123640

(2) Of the foregoing appropriation item 235501, State Share 123641
of Instruction, up to 11.78 per cent of the appropriation for 123642
universities, as established in division (A)(2) of the section of 123643
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 123644
2016 and 2017," in each fiscal year shall be reserved for support 123645
of doctoral programs to implement the funding recommendations made 123646
by representatives of the universities. The amount so reserved 123647
shall be referred to as the doctoral set-aside. 123648

In fiscal year 2016, NEOMED shall receive \$150,000 and in 123649
fiscal year 2017 NEOMED shall receive \$200,000 of the doctoral 123650
set-aside funding allocation with the remaining doctoral set-aside 123651
allocated to universities as follows: 123652

(a) 47.50 per cent of the remaining doctoral set-aside in 123653
fiscal year 2016 and 40 per cent of the remaining doctoral 123654

set-aside in fiscal year 2017 shall be allocated to universities 123655
in proportion to their share of the statewide total of each state 123656
institution's three-year average Doctoral I equivalent FTEs as 123657
calculated on an institutional basis using historical FTEs for the 123658
period fiscal year 1994 through fiscal year 1998 with annualized 123659
FTEs for fiscal years 1994 through 1997 and all-term FTEs for 123660
fiscal year 1998 as adjusted to reflect the effects of doctoral 123661
review and subsequent changes in Doctoral I equivalent 123662
enrollments. For the purposes of this calculation, Doctoral I 123663
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 123664
times the sum of Doctoral II FTEs. 123665

(b) 35 per cent of the doctoral set-aside in fiscal year 2016 123666
and 40 per cent of the doctoral set-aside in fiscal year 2017 123667
shall be allocated to universities in proportion to each campus's 123668
share of the total statewide doctoral degrees, weighted by the 123669
cost of the doctoral discipline. In calculating each campus's 123670
doctoral degrees the Chancellor of Higher Education shall use the 123671
three-year average doctoral degrees awarded for the three-year 123672
period ending in the prior year. 123673

(c) 17.5 per cent of the doctoral set-aside in fiscal year 123674
2016 and 20 per cent of the doctoral set-aside in fiscal year 2017 123675
shall be allocated to universities in proportion to their share of 123676
research grant activity. Funding for this component shall be 123677
allocated to eligible universities in proportion to their share of 123678
research grant activity published by the National Science 123679
Foundation. Grant awards from the Department of Health and Human 123680
Services shall be weighted at 50 per cent. 123681

(3) Of the foregoing appropriation item 235501, State Share 123682
of Instruction, 6.41 per cent of the appropriation for 123683
universities, as established in division (A)(2) of the section of 123684
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 123685
2016 AND 2017," in each fiscal year shall be reserved for support 123686

of Medical II FTEs. The amount so reserved shall be referred to as 123687
the medical II set-aside. 123688

The medical II set-aside shall be allocated to universities 123689
in proportion to their share of the statewide total of each state 123690
institution's three-year average Medical II FTEs as calculated in 123691
division (A) of this section. 123692

In calculating the core subsidy entitlements for Medical II 123693
models only, students repeating terms may be no more than five per 123694
cent of current year enrollment. 123695

(4) Of the foregoing appropriation item 235501, State Share 123696
of Instruction, 1.48 per cent of the appropriation for 123697
universities, as established in division (A)(2) of the section of 123698
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 123699
2016 AND 2017," in each fiscal year shall be reserved for support 123700
of Medical I FTEs. The amount so reserved shall be referred to as 123701
the medical I set-aside. 123702

The medical I set-aside shall be allocated to universities in 123703
proportion to their share of the statewide total of each state 123704
institution's three-year average Medical I FTEs as calculated in 123705
division (A) of this section. 123706

(5) In calculating the course completion funding for 123707
universities, the Chancellor of Higher Education shall use the 123708
following count of FTE students: 123709

(a) The subsidy eligible enrollments by model shall equal 123710
only those FTE students who successfully complete the course as 123711
defined and reported through the Higher Education Information 123712
(HEI) system course enrollment file; 123713

(b) Those undergraduate FTE students with successful course 123714
completions, identified in division (D)(5)(a) of this section, 123715
that had an expected family contribution less than 2190 or were 123716
determined to have been academically underprepared shall be 123717

defined as at-risk students and shall have their eligible 123718
completions weighted by the following: 123719

(i) Campus-specific course completion indexes, where the 123720
indexes are calculated based upon the number of at-risk students 123721
enrolled during the 2012 - 2014 academic years; and 123722

(ii) A statewide average at-risk course completion weight 123723
determined for each subsidy model. The statewide average at-risk 123724
course completion weight shall be determined by calculating the 123725
difference between the percentage of traditional students who 123726
complete a course and the percentage of at-risk students who 123727
complete the same course. 123728

(c) The course completion earnings shall be determined by 123729
multiplying the amounts listed above in divisions (B) and (C) of 123730
this section by the subsidy-eligible FTEs for the three-year 123731
period ending in the prior year for all models except Medical I, 123732
Medical II, Doctoral I, and Doctoral II. 123733

(d) For universities, the Chancellor of Higher Education 123734
shall compute the course completion earnings by dividing the 123735
appropriation for universities, established in division (A)(2) of 123736
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 123737
FISCAL YEARS 2016 AND 2017," and adjusted pursuant to division (B) 123738
of that section, less the degree attainment funding as calculated 123739
in division (D)(1) of this section, less the doctoral set-aside, 123740
less the medical I set-aside, and less the medical II set-aside, 123741
by the sum of all campuses' instructional costs as calculated in 123742
division (D)(5) of this section. 123743

(6) In addition to the Access Challenge funding as described 123744
in divisions (B)(1) and (B)(2) of the section of this act entitled 123745
"STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," 123746
doctoral set-aside, medical I set-aside, medical II set-aside, and 123747
the degree attainment allocation determined in division (D)(1) of 123748

this section and the course completion earnings calculated in 123749
division (D)(5) of this section, an allocation based on a 123750
facility-based plant operations and maintenance (POM) subsidy 123751
shall be made. 123752

(a) In fiscal year 2016, for each eligible university, the 123753
amount of the POM allocation shall be two-thirds of the POM 123754
distributed in fiscal year 2015 based on what each campus received 123755
in the fiscal year 2009 POM allocation. 123756

(b) In fiscal year 2017, for each eligible university, the 123757
amount of the POM allocation shall be one-third of the POM 123758
distributed in fiscal year 2015 based on what each campus received 123759
in the fiscal year 2009 POM allocation. 123760

(c) Any POM allocations required by this division shall be 123761
funded by proportionately reducing formula earnings, including the 123762
POM allocations, for all universities. 123763

(d) POM allocations shall expire on June 30, 2017. 123764

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 123765
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 123766

(1) Of the foregoing appropriation item 235501, State Share 123767
of Instruction, 50 per cent of the appropriation for 123768
state-supported community colleges, state community colleges, and 123769
technical colleges as established in division (A)(1) of the 123770
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 123771
YEARS 2016 AND 2017," in each fiscal year shall be reserved for 123772
course completion FTEs as aggregated by the subsidy models defined 123773
in division (B) of this section. 123774

The course completion funding shall be allocated to campuses 123775
in proportion to each campus's share of the total sector's course 123776
completions, weighted by the instructional cost of the subsidy 123777
models. 123778

To calculate the subsidy entitlements for course completions 123779
at community colleges, state community colleges, and technical 123780
colleges, the Chancellor of Higher Education shall use the 123781
following calculations: 123782

(a) In calculating each campus's count of FTE course 123783
completions, the Chancellor of Higher Education shall use a 123784
three-year average for course completions for the three year 123785
period ending in the prior year. 123786

(b) The subsidy eligible enrollments by model shall equal 123787
only those FTE students who successfully complete the course as 123788
defined and reported through the Higher Education Information 123789
(HEI) system course enrollment file. 123790

(c) Those students with successful course completions, that 123791
are or have been Pell eligible at any time while enrolled at a 123792
state institution of higher education, meet the definition of 123793
minority status, are enrolled at a given institution after age 24, 123794
or are academically underprepared shall be defined as access 123795
students and shall have their eligible course completions weighted 123796
by a statewide access weight. The weight given to any student that 123797
meets any access factor shall be 15 per cent for all course 123798
completions. 123799

(d) The model costs as used in the calculation shall be 123800
augmented by the model weights for science, technology, 123801
engineering, mathematics, and medicine models as established in 123802
division (C) of this section. 123803

(2) Of the foregoing appropriation item 235501, State Share 123804
of Instruction, 25 per cent of the appropriation for 123805
state-supported community colleges, state community colleges, and 123806
technical colleges as established in division (A)(1) of the 123807
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 123808
FISCAL YEARS 2016 AND 2017," in each fiscal year shall be reserved 123809

for colleges in proportion to their share of college student 123810
success factors as recommended in formal communication from 123811
community college presidents to the Chancellor of Higher Education 123812
dated December 31, 2013, using a three year average. 123813

(3) Of the foregoing appropriation item 235501, State Share 123814
of Instruction, 25 per cent of the appropriation for 123815
state-supported community colleges, state community colleges, and 123816
technical colleges shall be reserved for completion milestones as 123817
identified in formal communication from community college 123818
presidents to the Chancellor of Higher Education dated December 123819
31, 2013. 123820

Completion milestones shall include associate degrees, 123821
certificates over 30 credit hours approved by the Department of 123822
Higher Education, and students transferring to any four-year 123823
institution with at least 12 credit hours earned at that community 123824
college, state community college, or technical college. 123825

The completion milestone funding shall be allocated to 123826
colleges in proportion to each institution's share of the sector's 123827
total completion milestones, weighted by the instructional cost of 123828
the associate degree, certificate, or transfer models. Costs for 123829
certificates over 30 hours shall be weighted one-half of the 123830
associate degree model costs and transfers with at least 12 credit 123831
hours shall be weighted one-fourth of the average cost for all 123832
associate degree model costs. 123833

(4) To calculate the subsidy entitlements for completions at 123834
community colleges, state community colleges, and technical 123835
colleges, the Chancellor of Higher Education shall use the 123836
following calculations: 123837

(a) In calculating each campus's count of completions, the 123838
Chancellor of Higher Education shall use a three-year average for 123839
completion metrics. 123840

(b) The subsidy eligible completions by model shall equal 123841
only those students who successfully complete an associate degree 123842
or certificate over 30 credit hours, or transfer to any four-year 123843
institution with at least 12 credit hours as defined and reported 123844
in the Higher Education Information (HEI) system. 123845

(c) Those students with successful completions for associate 123846
degrees, certificates over 30 credit hours, or transfer to any 123847
four-year institution with at least 12 credit hours, identified in 123848
division (E)(3) of this section, that are or have been Pell 123849
eligible at any time while enrolled at a state institution of 123850
higher education, meet the definition of minority status, first 123851
enrolled at a given institution after age 24, or are academically 123852
underprepared, shall be defined as access students and shall have 123853
their eligible completions weighted by a statewide access weight. 123854
The weight shall be 25 per cent for students with one access 123855
factor, 66 per cent for students with two access factors, 150 per 123856
cent for students with three access factors, and 200 per cent for 123857
students with four access factors. 123858

(d) For those students who complete more than one completion 123859
metric, funding for each additional associate degree or 123860
certificate over 30 credit hours approved by the Department of 123861
Higher Education shall be funded at 50 per cent of the model costs 123862
as defined in division (3) of this section. 123863

(F) CAPITAL COMPONENT DEDUCTION 123864

After all other adjustments have been made, state share of 123865
instruction earnings shall be reduced for each campus by the 123866
amount, if any, by which debt service charged in Am. H.B. 748 of 123867
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 123868
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 123869
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 123870
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 123871
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 123872

562 of the 127th General Assembly for that campus exceeds that 123873
campus's capital component earnings. The sum of the amounts 123874
deducted shall be transferred to appropriation item 235552, 123875
Capital Component, in each fiscal year. 123876

(G) EXCEPTIONAL CIRCUMSTANCES 123877

Adjustments may be made to the state share of instruction 123878
payments and other subsidies distributed by the Chancellor of 123879
Higher Education to state colleges and universities for 123880
exceptional circumstances. No adjustments for exceptional 123881
circumstances may be made without the recommendation of the 123882
Chancellor and the approval of the Controlling Board. 123883

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 123884
INSTRUCTION 123885

The standard provisions of the state share of instruction 123886
calculation as described in the preceding sections of temporary 123887
law shall apply to any reductions made to appropriation item 123888
235501, State Share of Instruction, before the Chancellor of 123889
Higher Education has formally approved the final allocation of the 123890
state share of instruction funds for any fiscal year. 123891

Any reductions made to appropriation item 235501, State Share 123892
of Instruction, after the Chancellor of Higher Education has 123893
formally approved the final allocation of the state share of 123894
instruction funds for any fiscal year, shall be uniformly applied 123895
to each campus in proportion to its share of the final allocation. 123896

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 123897

The state share of instruction payments to the institutions 123898
shall be in substantially equal monthly amounts during the fiscal 123899
year, unless otherwise determined by the Director of Budget and 123900
Management pursuant to section 126.09 of the Revised Code. 123901
Payments during the first six months of the fiscal year shall be 123902
based upon the state share of instruction appropriation estimates 123903

made for the various institutions of higher education and payments 123904
during the last six months of the fiscal year shall be based on 123905
the final data from the Chancellor of Higher Education. 123906

Section 369.160. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 123907
2016 AND 2017 123908

(A) The foregoing appropriation item 235501, State Share of 123909
Instruction, shall be distributed according to the section of this 123910
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 123911

(1) Of the foregoing appropriation item 235501, State Share 123912
of Instruction, \$438,707,698 in fiscal year 2016 and \$456,256,006 123913
in fiscal year 2017 shall be distributed to state-supported 123914
community colleges, state community colleges, and technical 123915
colleges. 123916

(2) Of the foregoing appropriation item 235501, State Share 123917
of Instruction, \$1,464,577,446 in fiscal year 2016 and 123918
\$1,523,160,544 in fiscal year 2017 shall be distributed to 123919
state-supported university main and regional campuses. 123920

(B) Of the amounts earmarked in division (A)(2) of this 123921
section: 123922

(1) In fiscal year 2016, two-thirds of \$3,923,764 shall be 123923
distributed to university main campuses in proportion to each 123924
campus' share of the appropriation item 235418, Access Challenge, 123925
in fiscal year 2009. 123926

(2) In fiscal year 2017, one-third of \$3,923,764 shall be 123927
distributed to university main campuses in proportion to each 123928
campus' share of the appropriation item 235418, Access Challenge, 123929
in fiscal year 2009. 123930

(C) The Chancellor of Higher Education shall develop a 123931
methodology in each fiscal year to reduce the state share of 123932
instruction formula allocations of institutions participating in 123933

an undergraduate tuition guarantee program pursuant to sections 123934
3333.33 and 3345.48 of the Revised Code in recognition of and in 123935
proportion to the tuition growth that is authorized by the 123936
undergraduate tuition guarantee program. Formula amounts realized 123937
by this reduction shall be distributed to each institution not 123938
participating in an approved tuition guarantee program under 123939
section 3345.48 of the Revised Code in proportion and in addition 123940
to those institutions' original allocations. 123941

Section 369.170. RESTRICTION ON FEE INCREASES 123942

In fiscal years 2016 and 2017, the boards of trustees of 123943
state institutions of higher education shall restrain increases in 123944
in-state undergraduate instructional and general fees. For the 123945
2015-2016 and 2016-2017 academic years, each state institution of 123946
higher education shall not increase its in-state undergraduate 123947
instructional and general fees over what the institution charged 123948
for the 2014-2015 academic year. 123949

These limitations shall not apply to increases required to 123950
comply with institutional covenants related to their obligations 123951
or to meet unfunded legal mandates or legally binding obligations 123952
incurred or commitments made prior to the effective date of this 123953
section with respect to which the institution had identified such 123954
fee increases as the source of funds. Any increase required by 123955
such covenants and any such mandates, obligations, or commitments 123956
shall be reported by the Chancellor of Higher Education to the 123957
Controlling Board. These limitations may also be modified by the 123958
Chancellor of Higher Education, with the approval of the 123959
Controlling Board, to respond to exceptional circumstances as 123960
identified by the Chancellor of Higher Education. 123961

These limitations shall not apply to institutions 123962
participating in an undergraduate tuition guarantee program 123963
pursuant to section 3345.48 of the Revised Code. 123964

Section 369.180. HIGHER EDUCATION - BOARD OF TRUSTEES 123965

(A) Funds appropriated for instructional subsidies at 123966
colleges and universities may be used to provide such branch or 123967
other off-campus undergraduate courses of study and such master's 123968
degree courses of study as may be approved by the Chancellor of 123969
Higher Education. 123970

(B) In providing instructional and other services to 123971
students, boards of trustees of state institutions of higher 123972
education shall supplement state subsidies with income from 123973
charges to students. Except as otherwise provided in this act, 123974
each board shall establish the fees to be charged to all students, 123975
including an instructional fee for educational and associated 123976
operational support of the institution and a general fee for 123977
noninstructional services, including locally financed student 123978
services facilities used for the benefit of enrolled students. The 123979
instructional fee and the general fee shall encompass all charges 123980
for services assessed uniformly to all enrolled students. Each 123981
board may also establish special purpose fees, service charges, 123982
and fines as required; such special purpose fees and service 123983
charges shall be for services or benefits furnished individual 123984
students or specific categories of students and shall not be 123985
applied uniformly to all enrolled students. A tuition surcharge 123986
shall be paid by all students who are not residents of Ohio. 123987

The board of trustees of a state institution of higher 123988
education shall not authorize a waiver or nonpayment of 123989
instructional fees or general fees for any particular student or 123990
any class of students other than waivers specifically authorized 123991
by law or approved by the Chancellor. This prohibition is not 123992
intended to limit the authority of boards of trustees to provide 123993
for payments to students for services rendered the institution, 123994
nor to prohibit the budgeting of income for staff benefits or for 123995

student assistance in the form of payment of such instructional 123996
and general fees. 123997

Each state institution of higher education in its statement 123998
of charges to students shall separately identify the instructional 123999
fee, the general fee, the tuition charge, and the tuition 124000
surcharge. Fee charges to students for instruction shall not be 124001
considered to be a price of service but shall be considered to be 124002
an integral part of the state government financing program in 124003
support of higher educational opportunity for students. 124004

(C) The boards of trustees of state institutions of higher 124005
education shall ensure that faculty members devote a proper and 124006
judicious part of their work week to the actual instruction of 124007
students. Total class credit hours of production per academic term 124008
per full-time faculty member is expected to meet the standards set 124009
forth in the budget data submitted by the Chancellor of Higher 124010
Education. 124011

(D) The authority of government vested by law in the boards 124012
of trustees of state institutions of higher education shall in 124013
fact be exercised by those boards. Boards of trustees may consult 124014
extensively with appropriate student and faculty groups. 124015
Administrative decisions about the utilization of available 124016
resources, about organizational structure, about disciplinary 124017
procedure, about the operation and staffing of all auxiliary 124018
facilities, and about administrative personnel shall be the 124019
exclusive prerogative of boards of trustees. Any delegation of 124020
authority by a board of trustees in other areas of responsibility 124021
shall be accompanied by appropriate standards of guidance 124022
concerning expected objectives in the exercise of such delegated 124023
authority and shall be accompanied by periodic review of the 124024
exercise of this delegated authority to the end that the public 124025
interest, in contrast to any institutional or special interest, 124026
shall be served. 124027

Section 369.190. STUDENT SUPPORT SERVICES 124028

The foregoing appropriation item 235502, Student Support 124029
Services, shall be distributed by the Chancellor of Higher 124030
Education to Ohio's state colleges and universities that incur 124031
disproportionate costs in the provision of support services to 124032
disabled students. 124033

Section 369.200. WAR ORPHANS SCHOLARSHIPS 124034

The foregoing appropriation item 235504, War Orphans 124035
Scholarships, shall be used to reimburse state institutions of 124036
higher education for waivers of instructional fees and general 124037
fees provided by them, to provide grants to institutions that have 124038
received a certificate of authorization from the Chancellor of 124039
Higher Education under Chapter 1713. of the Revised Code, in 124040
accordance with the provisions of section 5910.04 of the Revised 124041
Code, and to fund additional scholarship benefits provided by 124042
section 5910.032 of the Revised Code. 124043

Section 369.210. OHIOLINK 124044

The foregoing appropriation item 235507, OhioLINK, shall be 124045
used by the Chancellor of Higher Education to support OhioLINK, a 124046
consortium organized under division (T) of section 3333.04 of the 124047
Revised Code to serve as the state's electronic library 124048
information and retrieval system, which provides access statewide 124049
to an extensive set of electronic databases and resources, the 124050
library holdings of Ohio's public and participating private 124051
nonprofit colleges and universities, and the State Library of 124052
Ohio. 124053

Section 369.220. AIR FORCE INSTITUTE OF TECHNOLOGY 124054

The foregoing appropriation item 235508, Air Force Institute 124055

of Technology, shall be used to: (A) strengthen the research and 124056
educational linkages between the Wright Patterson Air Force Base 124057
and institutions of higher education in Ohio; and (B) support the 124058
Dayton Area Graduate Studies Institute, an engineering graduate 124059
consortium of Wright State University, the University of Dayton, 124060
and the Air Force Institute of Technology, with the participation 124061
of the University of Cincinnati and The Ohio State University. 124062

Section 369.230. OHIO SUPERCOMPUTER CENTER 124063

The foregoing appropriation item 235510, Ohio Supercomputer 124064
Center, shall be used by the Chancellor of Higher Education to 124065
support the operation of the Ohio Supercomputer Center, a 124066
consortium organized under division (T) of section 3333.04 of the 124067
Revised Code, located at The Ohio State University. The Ohio 124068
Supercomputer Center is a statewide resource available to Ohio 124069
research universities both public and private. It is also intended 124070
that the center be made accessible to private industry as 124071
appropriate. 124072

Funds shall be used, in part, to support the Ohio 124073
Supercomputer Center's Computational Science Initiative, which 124074
includes its industrial outreach program, Blue Collar Computing, 124075
and its School of Computational Science. These collaborations 124076
between the Ohio Supercomputer Center and Ohio's colleges and 124077
universities shall be aimed at making Ohio a leader in using 124078
computer modeling to promote economic development. 124079

Section 369.240. COOPERATIVE EXTENSION SERVICE 124080

The foregoing appropriation item 235511, Cooperative 124081
Extension Service, shall be disbursed through the Chancellor of 124082
Higher Education to The Ohio State University in monthly payments, 124083
unless otherwise determined by the Director of Budget and 124084
Management under section 126.09 of the Revised Code. 124085

Of the foregoing appropriation item 235511, Cooperative Extension Service, \$134,244 in fiscal year 2016 and \$141,136 in fiscal year 2017 shall be used to support salaries and benefits for one after-school 4-H Club at an elementary school in Cleveland and one after-school 4-H Club at an elementary school in Cincinnati.

Of the foregoing appropriation item 235511, Cooperative Extension Service, \$7,000 in each fiscal year shall be used to support mileage, telephone, supplies, and classroom activities costs at after-school 4-H Clubs in Cleveland and Cincinnati. Seventy per cent of this amount shall be spent directly in relation to student involvement in 4-H.

Section 369.250. CENTRAL STATE SUPPLEMENT

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the General Assembly as directed by Am. Sub. H.B. 153 of the 129th General Assembly. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

The Chancellor shall monitor the implementation of the plan and the use of funds. Central State University shall provide any information requested by the Chancellor related to the implementation of the plan. If the Chancellor determines that Central State University's use of supplemental funds is not in accordance with the plan or if the plan is not having the desired effect, the Chancellor may notify Central State University that the plan is suspended. Upon receiving such notice, Central State University shall avoid all unnecessary expenditures under the plan. The Chancellor shall notify the Controlling Board of the

suspension of the plan and within sixty days prepare a new plan 124117
for the use of any remaining funds. 124118

Section 369.260. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 124119
MEDICINE 124120

The foregoing appropriation item 235515, Case Western Reserve 124121
University School of Medicine, shall be disbursed to Case Western 124122
Reserve University through the Chancellor of Higher Education in 124123
accordance with agreements entered into under section 3333.10 of 124124
the Revised Code, provided that the state support per full-time 124125
medical student shall not exceed that provided to full-time 124126
medical students at state universities. 124127

Section 369.270. FAMILY PRACTICE 124128

The Chancellor of Higher Education shall develop plans 124129
consistent with existing criteria and guidelines as may be 124130
required for the distribution of appropriation item 235519, Family 124131
Practice. 124132

Section 369.280. SHAWNEE STATE SUPPLEMENT 124133

The foregoing appropriation item 235520, Shawnee State 124134
Supplement, shall be disbursed by the Chancellor of Higher 124135
Education to Shawnee State University in accordance with the plan 124136
developed by the Chancellor and submitted to the Governor and the 124137
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 124138
General Assembly. Funds shall be used in a manner consistent with 124139
the goals of improving course completion, increasing the number of 124140
degrees conferred, and furthering the university's mission of 124141
service to the Appalachian region. 124142

The Chancellor shall monitor the implementation of the plan 124143
and the use of funds. Shawnee State University shall provide any 124144
information requested by the Chancellor related to the 124145

implementation of the plan. If the Chancellor determines that 124146
Shawnee State University's use of supplemental funds is not in 124147
accordance with the plan or if the plan is not having the desired 124148
effect, the Chancellor may notify Shawnee State University that 124149
the plan is suspended. Upon receiving such notice, Shawnee State 124150
University shall avoid all unnecessary expenditures under the 124151
plan. The Chancellor shall notify the Controlling Board of the 124152
suspension of the plan and within sixty days prepare a new plan 124153
for the use of any remaining funds. 124154

Section 369.290. POLICE AND FIRE PROTECTION 124155

The foregoing appropriation item 235524, Police and Fire 124156
Protection, shall be used for police and fire services in the 124157
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 124158
Portsmouth, Xenia Township (Greene County), Rootstown Township, 124159
and the City of Nelsonville that may be used to assist these local 124160
governments in providing police and fire protection for the 124161
central campus of the state-affiliated university located therein. 124162

Section 369.300. GERIATRIC MEDICINE 124163

The Chancellor of Higher Education shall develop plans 124164
consistent with existing criteria and guidelines as may be 124165
required for the distribution of appropriation item 235525, 124166
Geriatric Medicine. 124167

Section 369.310. PRIMARY CARE RESIDENCIES 124168

The Chancellor of Higher Education shall develop plans 124169
consistent with existing criteria and guidelines as may be 124170
required for the distribution of appropriation item 235526, 124171
Primary Care Residencies. 124172

The foregoing appropriation item 235526, Primary Care 124173
Residencies, shall be distributed in each fiscal year of the 124174

biennium, based on whether or not the institution has submitted 124175
and gained approval for a plan. If the institution does not have 124176
an approved plan, it shall receive five per cent less funding per 124177
student than it would have received from its annual allocation. 124178
The remaining funding shall be distributed among those 124179
institutions that meet or exceed their targets. 124180

Section 369.314. HIGHER EDUCATION PROGRAM SUPPORT 124181

Of the foregoing appropriation item 235533, Higher Education 124182
Program Support, \$250,000 in each fiscal year shall be used by The 124183
Ohio State University to support its hosting of the annual Special 124184
Olympics Ohio Summer Games. 124185

Of the foregoing appropriation item 235533, Higher Education 124186
Program Support, \$100,000 in each fiscal year shall be used to 124187
support program development and equipment purchase expenses for 124188
the Cores + Connections program at the Cleveland Institute of Art. 124189

Of the foregoing appropriation item 235533, Higher Education 124190
Program Support, \$100,000 in each fiscal year shall be used by 124191
Eastern Gateway Community College to establish and provide 124192
scholarships under the Energy Sector Scholarship Pilot Program. 124193
The program shall seek to incentivize and connect high school 124194
students with scholarship opportunities to pursue careers in the 124195
oil and gas industry in Ohio. Staff from Eastern Gateway Community 124196
College shall provide administration, outreach, and marketing for 124197
the program. 124198

Of the foregoing appropriation item 235533, Higher Education 124199
Program Support, \$75,000 in each fiscal year shall be distributed 124200
to the Ohio University Leadership Project. 124201

Of the foregoing appropriation item 235533, Higher Education 124202
Program Support, \$75,000 in each fiscal year shall be used to 124203
establish the Customized Employee Recruitment Workforce Program at 124204

Sinclair Community College. 124205

Section 369.320. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 124206
CENTER 124207

The foregoing appropriation item 235535, Ohio Agricultural 124208
Research and Development Center, shall be disbursed through the 124209
Chancellor of Higher Education to The Ohio State University in 124210
monthly payments, unless otherwise determined by the Director of 124211
Budget and Management under section 126.09 of the Revised Code. 124212
The Ohio Agricultural Research and Development Center shall not be 124213
required to remit payment to The Ohio State University during the 124214
biennium ending June 30, 2017, for cost reallocation assessments. 124215
The cost reallocation assessments include, but are not limited to, 124216
any assessment on state appropriations to the Center. 124217

The Ohio Agricultural Research and Development Center, an 124218
entity of the College of Food, Agricultural, and Environmental 124219
Sciences of The Ohio State University, shall further its mission 124220
of enhancing Ohio's economic development and job creation by 124221
continuing to internally allocate on a competitive basis 124222
appropriated funding of programs based on demonstrated 124223
performance. Academic units, faculty, and faculty-driven programs 124224
shall be evaluated and rewarded consistent with agreed-upon 124225
performance expectations as called for in the College's 124226
Expectations and Criteria for Performance Assessment. 124227

Section 369.330. STATE UNIVERSITY CLINICAL TEACHING 124228

The foregoing appropriation items 235536, The Ohio State 124229
University Clinical Teaching; 235537, University of Cincinnati 124230
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 124231
235539, Wright State University Clinical Teaching; 235540, Ohio 124232
University Clinical Teaching; and 235541, Northeast Ohio Medical 124233
University Clinical Teaching, shall be distributed through the 124234

Chancellor of Higher Education. 124235

Section 369.333. CENTRAL STATE AGRICULTURAL RESEARCH AND 124236
DEVELOPMENT 124237

The foregoing appropriation item 235546, Central State 124238
Agricultural Research and Development, shall be used in 124239
conjunction with appropriation item 235548, Central State 124240
Cooperative Extension Services, by Central State University for 124241
its state match requirement as an 1890 land grant university. 124242

Section 369.340. CAPITAL COMPONENT 124243

The foregoing appropriation item 235552, Capital Component, 124244
shall be used by the Chancellor of Higher Education to provide 124245
funding for prior commitments made pursuant to the state's former 124246
capital funding policy for state colleges and universities that 124247
was originally established in Am. H.B. 748 of the 121st General 124248
Assembly. Appropriations from this item shall be distributed to 124249
all campuses for which the estimated campus debt service 124250
attributable to qualifying capital projects was less than the 124251
campus's formula-determined capital component allocation. Campus 124252
allocations shall be determined by subtracting the estimated 124253
campus debt service attributable to qualifying capital projects 124254
from the campus's formula-determined capital component allocation. 124255
Moneys distributed from this appropriation item shall be 124256
restricted to capital-related purposes. 124257

Any campus for which the estimated campus debt service 124258
attributable to qualifying capital projects is greater than the 124259
campus's formula-determined capital component allocation shall 124260
have the difference subtracted from its State Share of Instruction 124261
allocation in each fiscal year. Appropriation equal to the sum of 124262
all such amounts except that of the Ohio Agricultural Research and 124263
Development Center shall be transferred from appropriation item 124264

235501, State Share of Instruction, to appropriation item 235552, 124265
Capital Component. Appropriation equal to any estimated Ohio 124266
Agricultural Research and Development Center debt service 124267
attributable to qualifying capital projects that is greater than 124268
the Center's formula-determined capital component allocation shall 124269
be transferred from appropriation item 235535, Ohio Agricultural 124270
Research and Development Center, to appropriation item 235552, 124271
Capital Component. 124272

Section 369.350. LIBRARY DEPOSITORIES 124273

The foregoing appropriation item 235555, Library 124274
Depositories, shall be distributed to the state's five regional 124275
depository libraries for the cost-effective storage of and access 124276
to lesser-used materials in university library collections. The 124277
depositories shall be administrated by the Chancellor of Higher 124278
Education, or by OhioLINK at the discretion of the Chancellor. 124279

Section 369.360. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 124280

The foregoing appropriation item 235556, Ohio Academic 124281
Resources Network, shall be used by the Chancellor of Higher 124282
Education to support the operations of the Ohio Academic Resources 124283
Network, a consortium organized under division (T) of section 124284
3333.04 of the Revised Code, which shall include support for 124285
Ohio's colleges and universities in maintaining and enhancing 124286
network connections, using new network technologies to improve 124287
research, education, and economic development programs, and 124288
sharing information technology services. To the extent network 124289
capacity is available, OARnet shall support allocating bandwidth 124290
to eligible programs directly supporting Ohio's economic 124291
development. 124292

Section 369.370. LONG-TERM CARE RESEARCH 124293

The foregoing appropriation item 235558, Long-term Care 124294
Research, shall be disbursed to Miami University for long-term 124295
care research. 124296

Section 369.373. CENTRAL STATE UNIVERSITY - AGRICULTURE 124297
EDUCATION 124298

The foregoing appropriation item 235559, Central State 124299
University - Agriculture Education, shall be distributed to 124300
Central State University to establish the School of Agriculture 124301
Education and Food Science within the College of Education. The 124302
School shall use these funds to establish programs to prepare 124303
extension educators with a focus on childhood development and 124304
agri-science educators for grades 7 through 12; to work with other 124305
higher education institutions in Ohio that have agriculture or 124306
agriculture education programs in order to establish partnerships 124307
that shall result in students enrolled in the School having access 124308
to learning labs, pertinent facilities, and collaboration with 124309
faculty; to provide, by the fall semester of 2016, a program for 124310
students that shall result in a Bachelor of Science in Education 124311
with students eligible for an Ohio teaching license in agriculture 124312
education for grades 7 through 12 upon passing the appropriate 124313
assessments; and to provide a program for students that shall 124314
result in a bachelor degree, including the minimum requirements 124315
for employment as an extension educator with a focus in childhood 124316
development. 124317

Section 369.380. OHIO COLLEGE OPPORTUNITY GRANT 124318

(A) Except as provided in division (C) of this section: 124319

Of the foregoing appropriation item 235563, Ohio College 124320
Opportunity Grant, \$88,914,884 in fiscal year 2016 and \$91,747,278 124321
in fiscal year 2017 shall be used by the Chancellor of Higher 124322
Education to award need-based financial aid to students enrolled 124323

in eligible public and private nonprofit institutions of higher 124324
education, excluding early college high school and post-secondary 124325
enrollment option participants. 124326

The remainder of the foregoing appropriation item 235563, 124327
Ohio College Opportunity Grant, shall be used by the Chancellor of 124328
Higher Education to award needs-based financial aid to students 124329
enrolled in eligible private for-profit career colleges and 124330
schools. 124331

(B)(1) As used in this section: 124332

(a) "Eligible institution" means any institution described in 124333
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 124334
Code. 124335

(b) The three "sectors" of institutions of higher education 124336
consist of the following: 124337

(i) State colleges and universities, community colleges, 124338
state community colleges, university branches, and technical 124339
colleges; 124340

(ii) Eligible private nonprofit institutions of higher 124341
education; 124342

(iii) Eligible private for-profit career colleges and 124343
schools. 124344

(2) Awards for students attending eligible private nonprofit 124345
institutions of higher education shall be determined at twice the 124346
rate of the awards for students attending eligible public 124347
institutions of higher education. 124348

(3) For students attending an eligible institution 124349
year-round, awards may be distributed on an annual basis, once 124350
Pell grants have been exhausted. 124351

(4) If the Chancellor determines that the amounts 124352
appropriated for support of the Ohio College Opportunity Grant 124353

program are inadequate to provide grants to all eligible students 124354
as calculated under division (D) of section 3333.122 of the 124355
Revised Code, the Chancellor may create a distribution formula for 124356
fiscal year 2016 and fiscal year 2017 based on the formula used in 124357
fiscal year 2015, or may follow methods established in division 124358
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 124359
Chancellor shall notify the Controlling Board of the distribution 124360
method. Any formula calculated under this division shall be 124361
complete and established to coincide with the start of the 124362
2015-2016 academic year. 124363

(C) Prior to determining the amount of funds available to 124364
award under this section and section 3333.122 of the Revised Code, 124365
the Chancellor shall use the foregoing appropriation item 235563, 124366
Ohio College Opportunity Grant, to pay for renewals or partial 124367
renewals of scholarships students receive under the Ohio Academic 124368
Scholarship Program under sections 3333.21 and 3333.22 of the 124369
Revised Code. In paying for scholarships under this division, the 124370
Chancellor shall deduct funds from the allocations made under 124371
division (A) of this section. Deductions shall be proportionate to 124372
the amounts allocated to each sector from the total amounts 124373
appropriated for each sector under the foregoing appropriation 124374
item 235563, Ohio College Opportunity Grant. 124375

In each fiscal year, with the exception of sections 3333.121 124376
and 3333.124 of the Revised Code and Section 363.530 of this act, 124377
the Chancellor shall not distribute or obligate or commit to be 124378
distributed an amount greater than what is appropriated under the 124379
foregoing appropriation item 235563, Ohio College Opportunity 124380
Grant. 124381

(D) The Chancellor shall establish, and post on the 124382
Department of Higher Education's web site, award tables based on 124383
any formulas created under division (B) of this section. The 124384
Chancellor shall notify students and institutions of any 124385

reductions in awards under this section. 124386

On or before August 31, 2015, the Chancellor of Higher 124387
Education shall submit award tables to the Controlling Board for 124388
the 2015-2016 academic year and allocations of Ohio College 124389
Opportunity Grant awards not already specified in section 3333.122 124390
of the Revised Code. 124391

(E) Notwithstanding section 3333.122 of the Revised Code, no 124392
student shall be eligible to receive an Ohio College Opportunity 124393
Grant for more than ten semesters, fifteen quarters, or the 124394
equivalent of five academic years, less the number of semesters or 124395
quarters in which the student received an Ohio Instructional 124396
Grant. 124397

Section 369.390. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 124398

The foregoing appropriation item 235572, The Ohio State 124399
University Clinic Support, shall be distributed through the 124400
Chancellor of Higher Education to The Ohio State University for 124401
support of dental and veterinary medicine clinics. 124402

Section 369.393. CO-OP INTERNSHIP PROGRAM 124403

Of the foregoing appropriation item 235591, Co-op Internship 124404
Program, \$75,000 in each fiscal year shall be used to support the 124405
operations of Ohio University's Voinovich School of Leadership and 124406
Public Affairs. 124407

Of the foregoing appropriation item 235591, Co-op Internship 124408
Program, \$75,000 in each fiscal year, shall be used to support the 124409
operations of The Ohio State University's John Glenn College of 124410
Public Affairs. 124411

Of the foregoing appropriation item 235591, Co-op Internship 124412
Program, \$75,000 in each fiscal year shall be used to support the 124413
Bliss Institute of Applied Politics at the University of Akron. 124414

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Public Management and Regional Affairs at Miami University. 124415
124416
124417
124418

Of the foregoing appropriation item 235591, Co-op Internship Program, \$245,000 in each fiscal year shall be used to support students who attend institutions of higher education in Ohio and are participating in the Washington Center Internship Program. 124419
124420
124421
124422

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Ohio Center for the Advancement of Women in Public Service at the Maxine Goodman Levin College of Urban Affairs at Cleveland State University. 124423
124424
124425
124426
124427

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Cincinnati Internship Program. 124428
124429
124430

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the operations of the Center for Regional Development at Bowling Green State University. 124431
124432
124433
124434

Of the foregoing appropriation item 235591, Co-op Internship Program, \$500,000 in each fiscal year shall be used to support the operations of the Wright State Public Policy Institute at Wright State University. 124435
124436
124437
124438

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Kent State University Columbus Program. 124439
124440
124441

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Toledo Jack Ford Urban Affairs Center. 124442
124443
124444

Of the foregoing appropriation item 235591, Co-op Internship Program, \$10,000 in each fiscal year shall be provided to the Ohio College Access Network to support the Ohio Student Education Policy Institute.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Urban and Regional Studies at Youngstown State University.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$250,000 shall be used to establish and support the Wright State Policy Institute at Wright State University and the Workforce Immersion Program at the Wright State Policy Institute. The Wright State Policy Institute shall offer a premier leadership development program designed to identify, educate, and motivate a network of future community leaders and critical workforce as well as increase their capacity to serve their community, state, and country while preparing to enter public service or for in-demand jobs in Ohio. The Workforce Immersion Program shall provide an intensive learning and pre-professional experience in four tracks: local government, state government, federal government, and in-demand jobs as identified by OhioMeansJobs. It shall increase the number of students pursuing careers in public services and in-demand occupations and encourage them to remain in Ohio for their employment.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$200,000 in each fiscal year shall be allocated to support the Museum of Contemporary Art Cleveland Fellowship Program in collaboration with Cleveland State University.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$100,000 in each fiscal year shall be used to support the Children's Museum of Cleveland Fellowship Program in collaboration with Cleveland State University.

Section 369.400. NATIONAL GUARD SCHOLARSHIP PROGRAM 124477

The Chancellor of Higher Education shall disburse funds from 124478
appropriation item 235599, National Guard Scholarship Program. 124479
During each fiscal year, the Chancellor of Higher Education, as 124480
soon as possible after cancellation, may certify to the Director 124481
of Budget and Management the amount of canceled prior-year 124482
encumbrances in appropriation item 235599, National Guard 124483
Scholarship Program. Upon receipt of the certification, the 124484
Director of Budget and Management may transfer cash in an amount 124485
up to the amount certified from the General Revenue Fund to the 124486
National Guard Scholarship Reserve Fund (Fund 5BM0). 124487

Section 369.410. PLEDGE OF FEES 124488

Any new pledge of fees, or new agreement for adjustment of 124489
fees, made in the biennium ending June 30, 2017, to secure bonds 124490
or notes of a state institution of higher education for a project 124491
for which bonds or notes were not outstanding on the effective 124492
date of this section shall be effective only after approval by the 124493
Chancellor of Higher Education, unless approved in a previous 124494
biennium. 124495

Section 369.420. HIGHER EDUCATION GENERAL OBLIGATION BOND 124496
DEBT SERVICE 124497

The foregoing appropriation item 235909, Higher Education 124498
General Obligation Bond Debt Service, shall be used to pay all 124499
debt service and related financing costs during the period from 124500
July 1, 2015, through June 30, 2017, for obligations issued under 124501
sections 151.01 and 151.04 of the Revised Code. 124502

Section 369.430. SALES AND SERVICES 124503

The Chancellor of Higher Education is authorized to charge 124504

and accept payment for the provision of goods and services. Such 124505
charges shall be reasonably related to the cost of producing the 124506
goods and services. Except as otherwise provided by law, no 124507
charges may be levied for goods or services that are produced as 124508
part of the routine responsibilities or duties of the Chancellor. 124509
All revenues received by the Chancellor of Higher Education shall 124510
be deposited into Fund 4560, and may be used by the Chancellor of 124511
Higher Education to pay for the costs of producing the goods and 124512
services. 124513

Section 369.440. HIGHER EDUCATIONAL FACILITY COMMISSION 124514
ADMINISTRATION 124515

The foregoing appropriation item 235602, Higher Educational 124516
Facility Commission Administration, shall be used by the 124517
Chancellor of Higher Education for operating expenses related to 124518
the Chancellor of Higher Education's support of the activities of 124519
the Ohio Higher Educational Facility Commission. Upon the request 124520
of the Chancellor of Higher Education, the Director of Budget and 124521
Management may transfer up to \$29,100 cash in each fiscal year 124522
from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC 124523
Administration Fund (Fund 4E80). 124524

Section 369.450. TELECOMMUNITY AND DISTANCE LEARNING 124525

Of the foregoing appropriation item 235674, Telecommunity and 124526
Distance Learning, up to \$25,000 in each fiscal year shall be 124527
distributed by the Chancellor of Higher Education on a grant basis 124528
to eligible school districts to establish "distance learning" 124529
through interactive video technologies in the school district. Per 124530
agreements with eight Ohio local telephone companies, ALLTEL Ohio, 124531
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 124532
Cincinnati Bell Telephone Company, Orwell Telephone Company, 124533
Sprint North Central Telephone, VERIZON, and Western Reserve 124534

Telephone Company, school districts are eligible for funds if they 124535
are within one of the listed telephone company service areas. 124536
Funds to administer the program shall be expended by the 124537
Chancellor of Higher Education up to the amount specified in the 124538
agreements with the listed telephone companies. 124539

Within thirty days after the effective date of this section, 124540
the Director of Budget and Management shall transfer to Fund 4X10 124541
in the Dedicated Purpose Fund Group any investment earnings from 124542
moneys paid by any telephone company as part of any settlement 124543
agreement between the listed companies and the Public Utilities 124544
Commission in fiscal years 1996 and beyond. 124545

Of the foregoing appropriation item 235674, Telecommunity and 124546
Distance Learning, up to \$24,150 in each fiscal year shall be 124547
distributed by the Chancellor of Higher Education on a grant basis 124548
to eligible school districts to establish "distance learning" in 124549
the school district. Per an agreement with Ameritech, school 124550
districts are eligible for funds if they are within an Ameritech 124551
service area. Funds to administer the program shall be expended by 124552
the Chancellor of Higher Education up to the amount specified in 124553
the agreement with Ameritech. 124554

Within thirty days after the effective date of this section, 124555
the Director of Budget and Management shall transfer to Fund 4X10 124556
in the Dedicated Purpose Fund Group any investment earnings from 124557
moneys paid by any telephone company as part of a settlement 124558
agreement between the company and the Public Utilities Commission 124559
in fiscal year 1995. 124560

Section 369.453. REGIONAL PARTNERSHIP AND TRAINING CENTER 124561

The foregoing appropriation item 235620, Regional Partnership 124562
and Training Center, shall be used by Ohio University Southern in 124563
Ironton to establish the Higher Education Regional Partnership and 124564
Training Center at the Point Industrial Park to bring necessary 124565

technical degree and training programs to Lawrence County and the surrounding region.

Section 369.455. DEFENSE/AEROSPACE WORKFORCE DEVELOPMENT INITIATIVE

The foregoing appropriation item 235668, Defense/Aerospace Workforce Development Initiative, shall be used by the Applied Research Corporation to collaborate with the aviation, aerospace, and defense industries, to strengthen job training programs, equip Ohio's workforce with needed skills, and strengthen and grow research and educational linkages among Ohio's defense and aerospace aviation industry, federal agencies, state-assisted Ohio universities, and the University System of Ohio. A portion of these funds shall be used to support the Aerospace Professional Development Center to establish processes necessary to link underemployed or unemployed persons to job openings in these industries. The funds appropriated in this appropriation item shall be matched by private industry or educational partners or federal agencies in the aggregate amount of \$4,000,000 over the FY 2016-FY 2017 biennium.

Of the foregoing appropriation item 235668, Defense/Aerospace Workforce Development Initiative, \$100,000 in fiscal year 2016 shall be awarded to the largest Chamber of Commerce in each JobsOhio region to support workforce development and talent attraction efforts for in-demand career opportunities in order to provide parents, students, and teachers with information about the skills needed in targeted industries, with the goal of building a strong regional pipeline of future workers who can fill high-paying, sustainable positions in the key industries of each JobsOhio region. In addition to reaching parents, students, and teachers, the projects shall also work to retain the talent developed by engaging interns and potential employees from outside

the area in the region's quality of life issues and exploration of 124597
in-demand jobs within the region's targeted industries. 124598

Section 369.470. OHIO MEANS JOBS WORKFORCE DEVELOPMENT 124599
REVOLVING LOAN PROGRAM 124600

The foregoing appropriation item 235684, OhioMeansJobs 124601
Workforce Development Revolving Loan Program, shall be used for 124602
the OhioMeansJobs Workforce Development Revolving Loan Program to 124603
provide loans to individuals for workforce training. 124604

Of the foregoing appropriation item 235684, OhioMeansJobs 124605
Workforce Development Revolving Loan Program, up to \$250,000 in 124606
fiscal year 2016 may be used by the Chancellor of Higher Education 124607
to administer the program. 124608

An amount equal to the unexpended, unencumbered portion of 124609
the foregoing appropriation item 235684, OhioMeansJobs Workforce 124610
Development Revolving Loan Program, at the end of fiscal year 2015 124611
is hereby reappropriated to the Treasurer of State appropriation 124612
item, 090610, OhioMeansJobs Workforce Development Revolving Loan 124613
Program, for the same purpose for fiscal year 2016. 124614

Any unexpended and unencumbered portion of the foregoing 124615
appropriation item 235684, OhioMeansJobs Workforce Development 124616
Revolving Loan Program, at the end of fiscal year 2016 is hereby 124617
reappropriated for the same purpose in fiscal year 2017. To the 124618
extent that reappropriated funds are available, of the foregoing 124619
appropriation item 235684, OhioMeansJobs Workforce Development 124620
Revolving Loan Program, up to \$250,000 in fiscal year 2017 may be 124621
used by the Chancellor of Higher Education to administer the 124622
program. 124623

Section 369.473. WORKFORCE AND HIGHER EDUCATION PROGRAMS 124624

Of the foregoing appropriation item 235616, Workforce and 124625
Higher Education Programs, \$750,000 in fiscal year 2016 shall be 124626

used to support the Ohio State University Agricultural Technical 124627
Institute. The Institute shall use these funds to obtain and 124628
upgrade the infrastructure and equipment necessary to offer 124629
distance education courses in agricultural science through the 124630
College Credit Plus Program as established in section 3365.02 of 124631
the Revised Code. 124632

Of the foregoing appropriation item 235616, Workforce and 124633
Higher Education Programs, \$5,000,000 in fiscal year 2017 shall be 124634
allocated to The Ohio State University to collaborate with Wright 124635
Patterson Air Force Base, NASA Glenn Research Center, Ohio's 124636
research universities, and the private sector to align the state's 124637
research assets with emerging missions and job growth 124638
opportunities emanating from the two federal installations, 124639
strengthen related workforce development and technology 124640
commercialization programs, and better position the state's 124641
university system to directly impact new job creation in Ohio. A 124642
portion of the foregoing appropriation item shall be used to 124643
support the growth of small business federal contractors in the 124644
state and expand the participation of Ohio businesses in the 124645
federal Small Business Innovation Research Program and related 124646
federal programs. 124647

Of the foregoing appropriation item 235616, Workforce and 124648
Higher Education Programs, \$750,000 in FY 2017 shall be used by 124649
Southern State Community College to foster meaningful small 124650
business development assistance, to provide various types of 124651
training in an effort to promote sustainable economic growth, and 124652
to create high-quality jobs through the Southern Gateway 124653
Innovation Center located in Circleville. 124654

Of the foregoing appropriation item 235616, Workforce and 124655
Higher Education Programs, \$750,000 in fiscal year 2017 shall be 124656
used for grants for the STEM Public-Private Partnership Program 124657
established in Section 733.20 of H.B. 64 of the 131st General 124658

Assembly. 124659

Of the foregoing appropriation item 235616, Workforce and 124660
Higher Education Programs, \$5,000,000 in each fiscal year shall be 124661
used by the Chancellor of Higher Education to distribute grant 124662
awards under section 3333.70 of the Revised Code. 124663

Of the foregoing appropriation item 235616, Workforce and 124664
Higher Education Programs, up to \$500,000 in each fiscal year 124665
shall be used by the Chancellor of Higher Education to coordinate 124666
a statewide effort to promote workforce grant programs. The 124667
remainder of appropriation item 235616, Workforce and Higher 124668
Education Programs, shall be used by the Chancellor to distribute 124669
the grant awards. 124670

Section 369.475. NCERCMP 124671

The foregoing appropriation item 235673, NCERCMP, shall be 124672
used to support the National Center of Education Research on 124673
Corrosion and Materials Performance at the University of Akron for 124674
development and validation of an FAA-certified process for the 124675
dimensional restoration of parts for commercial aircraft using 124676
Supersonic Particle Deposition. 124677

Section 369.490. STATE NEED-BASED FINANCIAL AID 124678
RECONCILIATION 124679

By the first day of August in each fiscal year, or as soon as 124680
possible thereafter, the Chancellor of Higher Education shall 124681
certify to the Director of Budget and Management the amount 124682
necessary to pay any outstanding prior year obligations to higher 124683
education institutions for the state's need-based financial aid 124684
programs. The amounts certified are hereby appropriated to 124685
appropriation item 235618, State Need-based Financial Aid 124686
Reconciliation, from revenues received in the State Need-based 124687
Financial Aid Reconciliation Fund (Fund 5Y50). 124688

Section 369.500. NURSING LOAN PROGRAM 124689

The foregoing appropriation item 235606, Nursing Loan 124690
Program, shall be used to administer the nurse education 124691
assistance program. Up to \$50,000 in each fiscal year may be used 124692
for operating expenses associated with the program. Any additional 124693
funds needed for the administration of the program are subject to 124694
Controlling Board approval. 124695

Section 369.510. RESEARCH INCENTIVE THIRD FRONTIER FUND 124696

The foregoing appropriation item 235634, Research Incentive 124697
Third Frontier Fund, shall be used by the Chancellor of Higher 124698
Education to advance collaborative research at institutions of 124699
higher education. Of the foregoing appropriation item 235634, 124700
Research Incentive Third Frontier Fund, up to \$2,000,000 in each 124701
fiscal year may be allocated toward research regarding the 124702
improvement of water quality. Of the foregoing appropriation item 124703
235634, Research Incentive Third Frontier Fund, up to \$1,000,000 124704
in each fiscal year may be allocated toward research regarding the 124705
reduction of infant mortality. 124706

Section 369.520. VETERANS PREFERENCES 124707

The Chancellor of Higher Education shall work with the 124708
Department of Veterans Services to develop specific veterans 124709
preference guidelines for higher education institutions. These 124710
guidelines shall ensure that the institutions' hiring practices 124711
are in accordance with the intent of Ohio's veterans preference 124712
laws. 124713

Section 369.530. (A) As used in this section: 124714

(1) "Board of trustees" includes the managing authority of a 124715
university branch district. 124716

(2) "State institution of higher education" has the same 124717
meaning as in section 3345.011 of the Revised Code. 124718

(B) The board of trustees of any state institution of higher 124719
education, notwithstanding any rule of the institution to the 124720
contrary, may adopt a policy providing for mandatory furloughs of 124721
employees, including faculty, to achieve spending reductions 124722
necessitated by institutional budget deficits. 124723

Section 369.540. EFFICIENCY ADVISORY COMMITTEE 124724

The Chancellor of Higher Education shall maintain an 124725
efficiency advisory committee for the purpose of generating 124726
optimal efficiency plans for campuses, identifying shared services 124727
opportunities, streamlining administrative operations, and sharing 124728
best practices in efficiencies among public institutions of higher 124729
education. The committee shall meet at the call of the Chancellor 124730
or the Chancellor's designee. Each state institution of higher 124731
education shall designate an employee to serve as its efficiency 124732
officer responsible for the evaluation and improvement of 124733
operational efficiencies on campus. Each efficiency officer shall 124734
serve on the efficiency advisory committee. 124735

By December 31 of each year, the Chancellor of Higher 124736
Education shall provide a report to the Office of Budget and 124737
Management, the Governor, and the General Assembly compiling 124738
efficiency reports from all public institutions of higher 124739
education and benchmarking efficiency gains realized over the 124740
preceding year. The reports from each institution shall identify 124741
efficiencies at each public institution of higher education, and 124742
quantify revenue enhancements, reallocation of resources, expense 124743
reductions, and cost avoidance where possible in the areas of 124744
general operational functions, academic program delivery, energy 124745
usage, and information technology and procurement reforms. The 124746
reports shall particularly emphasize areas where these reforms are 124747

demonstrating savings or cost avoidance to students. The report 124748
shall also be made available to the public on the Department of 124749
Higher Education's web site. 124750

Section 369.550. AGENCY NAME CHANGE 124751

On the effective date of this section, the office of the 124752
Chancellor of the Board of Regents is renamed the Department of 124753
Higher Education. The office of the Chancellor of the Board of 124754
Regents' functions, and its assets and liabilities, are 124755
transferred to the Department of Higher Education. The Department 124756
of Higher Education is successor to, assumes the obligations and 124757
authority of, and otherwise continues the office of the Chancellor 124758
of the Board of Regents. No right, privilege, or remedy, and no 124759
duty, liability, or obligation, accrued under the office of the 124760
Chancellor of the Board of Regents is impaired or lost by reason 124761
of the renaming and shall be recognized, administered, performed, 124762
or enforced by the Department of Higher Education. 124763

Business commenced but not completed by the office of the 124764
Chancellor of the Board of Regents or by the Chancellor shall be 124765
completed by the Department of Higher Education or the Chancellor 124766
of Higher Education in the same manner, and with the same effect, 124767
as if completed by the office of the Chancellor of the Board of 124768
Regents or the Chancellor. 124769

All of the office of the Chancellor of the Board of Regents' 124770
rules, orders, and determinations continue in effect as rules, 124771
orders, and determinations of the Department of Higher Education 124772
until modified or rescinded by the Department of Higher Education. 124773

All employees of the office of the Chancellor of the Board of 124774
Regents continue with the Department of Higher Education and 124775
retain their positions and all benefits accruing thereto. 124776

Except as otherwise noted in law, whenever the Board of 124777

Regents or the Chancellor of the Board of Regents is referred to 124778
in a statute, contract, or other instrument, the reference is 124779
deemed to refer to the Department of Higher Education or to the 124780
Chancellor of Higher Education, whichever is appropriate in 124781
context. 124782

No pending action or proceeding being prosecuted or defended 124783
in court or before an agency by the office of the Chancellor of 124784
the Board of Regents or by the Chancellor of the Board of Regents 124785
is affected by the renaming and shall be prosecuted or defended in 124786
the name of the Department of Higher Education or the Chancellor 124787
of Higher Education, whichever is appropriate. Upon application to 124788
the court or agency, the Department of Higher Education or the 124789
Chancellor of Higher Education shall be substituted. 124790

Section 369.560. OHIO TASK FORCE ON AFFORDABILITY AND 124791
EFFICIENCY IN HIGHER EDUCATION REPORT 124792

Upon submission of the Ohio task force on affordability and 124793
efficiency in higher education report as established by governor's 124794
executive order, all boards of trustees for state institutions of 124795
higher education as defined in section 3345.011 of the Revised 124796
Code, shall complete, by July 1, 2016, an efficiency review based 124797
on the report and recommendations of the task force, and provide a 124798
report to the Director of Higher Education within 30 days of the 124799
completion of the efficiency review that includes how each 124800
institution will implement the recommendations and any other cost 124801
savings measures. 124802

Section 369.570. WORK EXPERIENCE STRATEGIES 124803

By December 31, 2015, the Chancellor of Higher Education, in 124804
consultation with state institutions of higher education as 124805
defined in section 3345.011 of the Revised Code and nonprofit 124806
institutions of higher education that have certificates of 124807

authorization under Chapter 1713. of the Revised Code, shall 124808
develop implementation strategies to embed work experiences, 124809
including but not limited to internships and cooperatives, into 124810
the curriculum of degree programs starting in the 2016-2017 124811
academic year, to explore ways to increase student participation 124812
in in-demand occupations, including computer sciences, and to 124813
create industry clusters to develop curriculum that can be used 124814
for competency based tests. These implementation strategies shall 124815
also include the use of OhioMeansJobs.com as a central location 124816
for higher education students to access information on work 124817
experiences and career opportunities. By December 31, 2015, each 124818
state institution of higher education as defined in section 124819
3345.011 of the Revised Code and each nonprofit institution of 124820
higher education that has a certificate of authorization under 124821
Chapter 1713. of the Revised Code shall display a link to 124822
OhioMeansJobs.com in a prominent location on the institution's web 124823
site. 124824

The Chancellor shall work with state institutions of higher 124825
education and nonprofit institutions of higher education to have a 124826
career counseling program in place by December 31, 2015. 124827

Section 369.580. TECHNOLOGY TRANSFER AND COMMERCIALIZATION 124828
RECOMMENDATIONS 124829

By July 1, 2016, the Chancellor of Higher Education shall 124830
study and make recommendations regarding ways to improve 124831
technology transfer and commercialization, including the potential 124832
for intellectual property auctions after a set number of years. 124833

Section 369.590. No recommendation of the Ohio Task Force on 124834
Affordability and Efficiency in Higher Education established on 124835
February 10, 2015, by Executive Order 2015-01K of the Governor 124836
shall be implemented without the approval of the General Assembly 124837

or, if a change to Ohio law is necessary for the recommendation to 124838
take effect, without the enactment of the required changes in Ohio 124839
law by the General Assembly. 124840

Section 369.600. (A) The board of trustees of each state 124841
institution of higher education shall develop and implement a plan 124842
to provide all in-state, undergraduate students the opportunity to 124843
reduce the student cost of earning a degree by five per cent. 124844

(B) The plan may include, but shall not be limited to, the 124845
following: 124846

(1) Reducing the credit hours required to complete an 124847
associate or baccalaureate degree offered by the institution; 124848

(2) Offering a tuition discount or rebate to any student that 124849
completes a full load of coursework, as determined by the board of 124850
trustees; 124851

(3) Offering a tuition discount or rebate or reduced tuition 124852
option to students enrolling in a summer semester or quarter; 124853

(4) Offering online courses or degrees; 124854

(5) Reducing the cost of textbooks using cost-saving measures 124855
identified and implemented by the board of trustees; 124856

(6) Incorporation of remediation in the coursework and 124857
curriculum of credit-bearing courses; 124858

(7) Offering a fixed rate of instructional and general fees 124859
for any additional credits taken by students above a full course 124860
load, as determined by the board of trustees; 124861

(8) Offering fast-track degree completion programs; 124862

(9) Eliminating, reducing or freezing auxiliary fees; 124863

(10) Increased participation in the college credit plus 124864
program established in Chapter 3365. of the Revised Code; 124865

(11) Offering programs to reduce or eliminate the need for 124866
remediation coursework. 124867

(C) Not later than October 15, 2015, the board of trustees of 124868
each state institution of higher education shall submit the plan 124869
required under this section to the Chancellor of Higher Education. 124870

(D) As used in this section: 124871

(1) "Auxiliary fees" mean charges assessed by a state 124872
institution of higher education to a student for various 124873
educational expenses including, but not limited to, course-related 124874
fees, laboratory fees, books and supplies, room and board, 124875
transportation, enrollment application fees, and other 124876
miscellaneous charges. "Auxiliary fees" do not include 124877
instructional or general fees uniformly assessed to all students. 124878

(2) "State institution of higher education" has the same 124879
meaning as in section 3345.011 of the Revised Code. 124880

(3) "Tuition" means the instructional and general fees 124881
charged by a state institution of higher education. 124882

Section 369.610. COMPETENCY BASED PILOT PROJECT 124883

The Chancellor of Higher Education shall work with state 124884
institutions of higher education as defined in section 3345.011 of 124885
the Revised Code to develop competency based education programs. 124886
Competency based education programs shall measure student success 124887
based on competencies instead of credit hours earned. Any state 124888
institutions of higher education that choose to offer competency 124889
based education programs may submit plans for how the institution 124890
would design, develop, structure and implement such programs to 124891
the Department of Higher Education by July 1, 2016. State 124892
institutions of higher education that choose to develop and submit 124893
such a plan shall be granted a reasonable period of time to 124894
implement the plan, including the time it takes to seek and 124895

receive the necessary approvals, accreditations, and any other 124896
conditions that must be met in order to set up, operate, and 124897
administer such a program. 124898

Section 369.620. Not later than January 31, 2016, the Human 124899
Trafficking and Social Justice Institute of the University of 124900
Toledo, in conjunction with other state universities, shall 124901
develop and submit to the General Assembly in accordance with 124902
section 101.68 of the Revised Code, the Governor, and the 124903
Chancellor of Higher Education, a plan that outlines how state 124904
universities can work with federal, state, and local officials and 124905
other organizations and groups to respond to the global problem of 124906
human trafficking. The plan shall include methods to ensure that 124907
university-level research, legal information, and educational 124908
programs are available statewide. 124909

Section 371.10. DRC DEPARTMENT OF REHABILITATION AND 124910
CORRECTION 124911

General Revenue Fund 124912

GRF 501321 Institutional \$ 950,215,085 \$ 975,215,085 124913
Operations

GRF 501405 Halfway House \$ 54,369,687 \$ 56,541,437 124914

GRF 501406 Adult Correctional \$ 82,595,700 \$ 79,702,800 124915
Facilities Lease
Rental Bond Payments

GRF 501407 Community \$ 51,477,390 \$ 53,365,890 124916
Nonresidential
Programs

GRF 501408 Community Misdemeanor \$ 14,356,800 \$ 14,356,800 124917
Programs

GRF 501501 Community Residential \$ 74,491,705 \$ 78,329,955 124918
Programs - CBCF

GRF	501503	Residential Grant Program	\$	100,000	\$	100,000	124919
GRF	503321	Parole and Community Operations	\$	73,346,119	\$	75,149,295	124920
GRF	504321	Administrative Operations	\$	21,475,332	\$	21,999,343	124921
GRF	505321	Institution Medical Services	\$	240,000,000	\$	249,000,000	124922
GRF	506321	Institution Education Services	\$	24,586,681	\$	30,454,204	124923
TOTAL GRF General Revenue Fund			\$	1,587,014,499	\$	1,634,214,809	124924
Dedicated Purpose Fund Group							124925
4B00	501601	Sewer Treatment Services	\$	2,393,506	\$	2,420,848	124926
4D40	501603	Prisoner Programs	\$	5,490,000	\$	500,000	124927
4L40	501604	Transitional Control	\$	700,000	\$	700,000	124928
4S50	501608	Education Services	\$	3,432,164	\$	3,490,471	124929
5AF0	501609	State and Non-Federal Awards	\$	2,000,000	\$	2,000,000	124930
5H80	501617	Offender Financial Responsibility	\$	2,000,000	\$	2,000,000	124931
TOTAL DPF Dedicated Purpose Fund Group			\$	16,015,670	\$	11,111,319	124932
Internal Service Activity Fund Group							124933
1480	501602	Institutional Services	\$	3,139,577	\$	3,139,577	124934
2000	501607	Ohio Penal Industries	\$	54,492,119	\$	54,925,441	124935
4830	501605	Leased Property Maintenance & Operating	\$	467,844	\$	469,540	124936
5710	501606	Corrections Training Maintenance &	\$	500,000	\$	500,000	124937

Operating				
5L60	501611	Information	\$ 500,000	\$ 500,000 124938
Technology Services				
TOTAL ISA Internal Activity				124939
Fund Group			\$ 59,099,540	\$ 59,534,558 124940
Federal Fund Group				124941
3230	501619	Federal Grants	\$ 4,200,000	\$ 4,200,000 124942
3CW0	501622	Federal Equitable	\$ 400,000	\$ 400,000 124943
Sharing				
TOTAL FED Federal				124944
Fund Group			\$ 4,600,000	\$ 4,600,000 124945
TOTAL ALL BUDGET FUND GROUPS			\$ 1,666,729,709	\$ 1,709,460,686 124946
ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS				124947
The foregoing appropriation item 501406, Adult Correctional				124948
Facilities Lease Rental Bond Payments, shall be used to meet all				124949
payments during the period from July 1, 2015, through June 30,				124950
2017, by the Department of Rehabilitation and Correction under the				124951
primary leases and agreements for those buildings made under				124952
Chapters 152. and 154. of the Revised Code. These appropriations				124953
are the source of funds pledged for bond service charges on				124954
related obligations issued under Chapters 152. and 154. of the				124955
Revised Code.				124956
RESIDENTIAL GRANT PROGRAM				124957
The foregoing appropriation item 501503, Residential Grant				124958
Program, shall be used by the Department of Rehabilitation and				124959
Correction to conduct a one-year pilot program to award grants in				124960
support of community-based residential programs in several				124961
prisons. The Department shall establish guidelines, procedures,				124962
and forms by which applicants may apply for grants. These				124963
guidelines shall establish that grant eligibility is limited to				124964
faith-based character programs that have been in existence for				124965
five years or longer, that are not operated by the state of Ohio,				124966

and that have a demonstrated record of successful implementation 124967
of residential programs that have been shown to reduce violent 124968
behavior and disciplinary reports of inmate participants while in 124969
prison and significantly reduce recidivism among graduates once 124970
they reenter the outside community. 124971

In administering the one-year pilot program, the Department 124972
shall establish a partnership with an Ohio university or college 124973
which would provide all necessary and appropriate statistical 124974
information concerning the implementation of the program. The 124975
Department shall submit a quarterly report containing that 124976
information to the Speaker of the House of Representatives and the 124977
President of the Senate. 124978

OSU MEDICAL CHARGES 124979

Notwithstanding section 341.192 of the Revised Code, at the 124980
request of the Department of Rehabilitation and Correction, The 124981
Ohio State University Medical Center, including the Arthur G. 124982
James Cancer Hospital and Richard J. Solove Research Institute and 124983
the Richard M. Ross Heart Hospital, shall provide necessary care 124984
to persons who are confined in state adult correctional 124985
facilities. The provision of necessary inpatient care shall be 124986
billed to the Department or the Department of Medicaid at a rate 124987
not to exceed the authorized reimbursement rate for the same 124988
service established by the Department of Medicaid under the 124989
Medicaid Program. 124990

Section 373.10. RCB RESPIRATORY CARE BOARD 124991

Dedicated Purpose Fund Group				124992
4K90 872609 Operating Expenses	\$	572,005	\$	570,123 124993
TOTAL DPF Dedicated Purpose				124994
Fund Group	\$	572,005	\$	570,123 124995
TOTAL ALL BUDGET FUND GROUPS	\$	572,005	\$	570,123 124996

Section 375.10. RDF STATE REVENUE DISTRIBUTIONS				124998
General Revenue Fund Group				124999
GRF 110908	Property Tax	\$ 664,740,000	\$ 675,760,000	125000
	Reimbursement - Local Government			
GRF 200903	Property Tax	\$ 1,181,760,000	\$ 1,201,340,000	125001
	Reimbursement - Education			
TOTAL GRF General Revenue Fund Group		\$ 1,846,500,000	\$ 1,877,100,000	125002
Revenue Distribution Fund Group				125003
5JG0 110633	Gross Casino Revenue County Distribution	\$ 123,500,000	\$ 114,100,000	125004
5JH0 110634	Gross Casino Revenue County Student Distribution	\$ 82,300,000	\$ 76,100,000	125005
5JJ0 110636	Gross Casino Revenue Host City Distribution	\$ 12,100,000	\$ 11,100,000	125006
7047 200902	Property Tax Replacement Phase Out-Education	\$ 361,773,101	\$ 251,560,497	125007
7049 336900	Indigent Drivers Alcohol Treatment	\$ 2,250,000	\$ 2,250,000	125008
7050 762900	International Registration Plan Distribution	\$ 20,000,000	\$ 20,000,000	125009
7051 762901	Auto Registration Distribution	\$ 345,000,000	\$ 345,000,000	125010
7060 110960	Gasoline Excise Tax Fund	\$ 395,000,000	\$ 395,000,000	125011

7065	110965	Public Library Fund	\$	389,520,000	\$	404,310,000	125012
7066	800966	Undivided Liquor Permits	\$	14,100,000	\$	14,100,000	125013
7068	110968	State and Local Government Highway Distributions	\$	196,000,000	\$	196,000,000	125014
7069	110969	Local Government Fund	\$	383,520,000	\$	399,310,000	125015
7081	110907	Property Tax Replacement Phase Out-Local Government	\$	66,070,450	\$	40,444,766	125016
7082	110982	Horse Racing Tax	\$	100,000	\$	100,000	125017
7083	700900	Ohio Fairs Fund	\$	1,200,000	\$	1,200,000	125018
7102	110644	Production Equipment Property Tax Replacement	\$	95,000,000	\$	95,000,000	125019
TOTAL RDF Revenue Distribution							125020
Fund Group				\$ 2,487,433,551	\$ 2,365,575,263		125021
Fiduciary Fund Group							125022
4P80	001698	Cash Management Improvement Fund	\$	3,100,000	\$	3,100,000	125023
6080	001699	Investment Earnings	\$	100,000,000	\$	120,000,000	125024
7001	110996	Horse-Racing Tax Municipality Fund	\$	125,000	\$	125,000	125025
7062	110962	Resort Area Excise Tax Distribution	\$	1,200,000	\$	1,200,000	125026
7063	110963	Permissive Tax Distribution	\$	2,356,000,000	\$	2,475,000,000	125027
7067	110967	School District Income Tax Distribution	\$	430,000,000	\$	453,000,000	125028
7085	800985	Volunteer Firemen's Dependents Fund	\$	300,000	\$	300,000	125029
7093	110640	Next Generation 9-1-1	\$	2,600,000	\$	2,600,000	125030

7094	110641	Wireless 9-1-1	\$	28,200,000	\$	28,200,000	125031
		Government Assistance					
7099	762902	Permissive Tax	\$	184,000,000	\$	184,000,000	125032
		Distribution - Auto					
		Registration					
TOTAL FID	Fiduciary Fund Group		\$	3,105,525,000	\$	3,267,525,000	125033
	Holding Account Fund Group						125034
R045	110617	International Fuel	\$	40,000,000	\$	40,000,000	125035
		Tax Distribution					
TOTAL HLD	Holding Account Fund		\$	40,000,000	\$	40,000,000	125036
	Group						
TOTAL ALL BUDGET FUND GROUPS			\$	7,479,458,551	\$	7,550,200,263	125037
	ADDITIONAL APPROPRIATIONS						125038
	Appropriation items in this section shall be used for the						125039
	purpose of administering and distributing the designated revenue						125040
	distribution funds according to the Revised Code. If it is						125041
	determined that additional appropriations are necessary for this						125042
	purpose, such amounts are hereby appropriated.						125043
	GENERAL REVENUE FUND TRANSFERS						125044
	Notwithstanding any provision of law to the contrary, in						125045
	fiscal year 2016 and fiscal year 2017, the Director of Budget and						125046
	Management may transfer from the General Revenue Fund to the Local						125047
	Government Tangible Property Tax Replacement Fund (Fund 7081) and						125048
	the School District Tangible Property Tax Replacement Fund (Fund						125049
	7047) in the Revenue Distribution Fund Group, those amounts						125050
	necessary to reimburse local taxing units and school districts						125051
	under sections 5709.92 and 5709.93 of the Revised Code. Also, in						125052
	fiscal year 2016 and fiscal year 2017, the Director of Budget and						125053
	Management may make temporary transfers from the General Revenue						125054
	Fund to ensure sufficient balances in the Local Government						125055
	Tangible Property Tax Replacement Fund (Fund 7081) and the School						125056
	District Tangible Property Tax Replacement Fund (Fund 7047) and to						125057

replenish the General Revenue Fund for such transfers. 125058

PROPERTY TAX REIMBURSEMENT - EDUCATION 125059

The Superintendent of Public Instruction shall not request, 125060
and the Controlling Board shall not approve, the transfer of 125061
appropriation from appropriation item 200903, Property Tax 125062
Reimbursement - Education, to any other appropriation item. 125063

The foregoing appropriation item 200903, Property Tax 125064
Reimbursement - Education, is appropriated to pay for the state's 125065
costs incurred because of the homestead exemption, the property 125066
tax rollback, and payments required under division (C) of section 125067
5705.2110 of the Revised Code. In cooperation with the Department 125068
of Taxation, the Department of Education shall distribute these 125069
funds directly to the appropriate school districts of the state, 125070
notwithstanding sections 321.24 and 323.156 of the Revised Code, 125071
which provide for payment of the homestead exemption and property 125072
tax rollback by the Tax Commissioner to the appropriate county 125073
treasurer and the subsequent redistribution of these funds to the 125074
appropriate local taxing districts by the county auditor. 125075

Upon receipt of these amounts, each school district shall 125076
distribute the amount among the proper funds as if it had been 125077
paid as real or tangible personal property taxes. Payments for the 125078
costs of administration shall continue to be paid to the county 125079
treasurer and county auditor as provided for in sections 319.54, 125080
321.26, and 323.156 of the Revised Code. 125081

Any sums, in addition to the amount specifically appropriated 125082
in appropriation item 200903, Property Tax Reimbursement - 125083
Education, for the homestead exemption and the property tax 125084
rollback payments, and payments required under division (C) of 125085
section 5705.2110 of the Revised Code, which are determined to be 125086
necessary for these purposes, are hereby appropriated. 125087

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 125088

The foregoing appropriation item 110908, Property Tax Reimbursement-Local Government, is hereby appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation item 110908, Property Tax Allocation - Local Government, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, which are determined to be necessary for these purposes, are hereby appropriated.

PUBLIC LIBRARY FUND

Notwithstanding the requirement in division (C) of section 131.51 of the Revised Code that the Director of Budget and Management use the percentage calculated in division (A)(2) of section 131.51 of the Revised Code for calculating the credit each month to the Public Library Fund, the Director of Budget and Management shall instead calculate these amounts during fiscal

year 2016 and fiscal year 2017 using 1.70 per cent as the 125121
percentage. 125122

LOCAL GOVERNMENT FUND 125123

Notwithstanding the requirement in division (C) of section 125124
5747.50 of the Revised Code that the Tax Commissioner provide for 125125
payment from the Local Government Fund to each municipal 125126
corporation of an amount calculated using the total amount 125127
available for distribution to municipal corporations during the 125128
current month, as defined in that division, the Tax Commissioner 125129
shall reduce the total amount available for distribution to 125130
municipal corporations during the current month by \$1,000,000 in 125131
each month of fiscal years 2016 and 2017, before calculating the 125132
amount to be distributed to each municipal corporation. 125133

From the amounts not distributed to municipal corporations, 125134
\$833,333.33 in each month of fiscal years 2016 and 2017 shall be 125135
used solely to provide a supplement to townships. The Tax 125136
Commissioner shall determine amounts to be distributed to each 125137
county undivided local government fund. Half is to be divided 125138
among the counties so that each township in the state receives the 125139
same amount, and half is to be apportioned based on township road 125140
miles. The Tax Commissioner shall transfer these amounts, and 125141
shall separately identify to each county treasurer the amount to 125142
be divided equally among townships in the county and the amount to 125143
be divided among the townships based on road miles. Each 125144
appropriate county officer shall transfer cash from the county 125145
undivided local government fund to townships in the county based 125146
on this division of funds. 125147

From the amounts not distributed to municipal corporations, 125148
\$166,666.67 in each month of fiscal years 2016 and 2017 shall be 125149
used solely to provide a supplement to villages with populations 125150
under 1,000 residents in the 2010 Census of Population. The Tax 125151
Commissioner shall determine amounts to be distributed to each 125152

county undivided local government fund. Half is to be divided	125153
among the counties so that each qualifying village in the state	125154
receives the same amount, and half is to be apportioned based on	125155
village road miles. The Tax Commissioner shall transfer these	125156
amounts, and shall separately identify to each county treasurer	125157
the amount to be divided equally among qualifying villages in the	125158
county and the amount to be divided among the qualifying villages	125159
based on road miles. Each appropriate county officer shall	125160
transfer cash from the county undivided local government fund to	125161
qualifying villages in the county based on this division of funds.	125162

Section 377.10. SAN BOARD OF SANITARIAN REGISTRATION 125163

Dedicated Purpose Fund Group				125164
4K90 893609 Operating Expenses	\$	158,250	\$ 153,650	125165
TOTAL DPF Dedicated Purpose				125166
Fund Group	\$	158,250	\$ 153,650	125167
TOTAL ALL BUDGET FUND GROUPS	\$	158,250	\$ 153,650	125168

Section 379.10. OSB OHIO STATE SCHOOL FOR THE BLIND 125170

General Revenue Fund				125171
GRF 226321 Operations	\$	8,100,000	\$ 8,100,000	125172
TOTAL GRF General Revenue Fund	\$	8,100,000	\$ 8,100,000	125173
Dedicated Purpose Fund Group				125174
4H80 226602 Education Reform	\$	27,000	\$ 27,000	125175
Grants				
4M50 226601 Work Study and	\$	461,521	\$ 461,521	125176
Technology Investment				
5NJ0 226622 Food Service Program	\$	9,000	\$ 9,000	125177
TOTAL DPF Dedicated Purpose				125178
Fund Group	\$	497,521	\$ 497,521	125179
Federal Fund Group				125180
3100 226626 Coordinating Unit	\$	2,527,104	\$ 2,527,104	125181

3DT0	226621	Ohio Transition Collaborative	\$	650,000	\$	650,000	125182
3P50	226643	Medicaid Professional Services Reimbursement	\$	50,000	\$	50,000	125183
TOTAL FED Federal Fund Group			\$	3,227,104	\$	3,227,104	125184
TOTAL ALL BUDGET FUND GROUPS			\$	11,824,625	\$	11,824,625	125185

Section 381.10. OSD OHIO SCHOOL FOR THE DEAF 125187

General Revenue Fund 125188

GRF	221321	Operations	\$	9,804,435	\$	10,228,878	125189
TOTAL GRF General Revenue Fund			\$	9,804,435	\$	10,228,878	125190

Dedicated Purpose Fund Group 125191

4M00	221601	Educational Program Expenses	\$	95,000	\$	95,000	125192

4M10	221602	Education Reform Grants	\$	35,000	\$	35,000	125193

5H60	221609	Even Start Fees and Gifts	\$	35,000	\$	35,000	125194

5NK0	221610	Food Service Program	\$	9,000	\$	9,000	125195

TOTAL DPF Dedicated Purpose 125196

Fund Group			\$	174,000	\$	174,000	125197

Federal Fund Group 125198

3110	221625	Coordinating Unit	\$	2,153,246	\$	2,153,246	125199

3R00	221684	Medicaid Professional Services Reimbursement	\$	160,000	\$	160,000	125200

TOTAL FED Federal Fund Group			\$	2,313,246	\$	2,313,246	125201

TOTAL ALL BUDGET FUND GROUPS			\$	12,291,681	\$	12,716,124	125202

Section 383.10. SOS SECRETARY OF STATE 125204

General Revenue Fund 125205

GRF 050321	Operating Expenses	\$	2,144,030	\$	2,144,030	125206
GRF 050407	Poll Workers Training	\$	234,196	\$	234,196	125207
TOTAL GRF	General Revenue Fund	\$	2,378,226	\$	2,378,226	125208
Dedicated Purpose Fund Group						125209
4120 050609	Notary Commission	\$	475,000	\$	475,000	125210
5990 050603	Business Services	\$	14,385,400	\$	14,385,400	125211
Operating Expenses						
TOTAL DPF	Dedicated Purpose Fund Group	\$	14,860,400	\$	14,860,400	125212
Internal Service Activity Fund Group						125213
4S80 050610	Board of Voting Machine Examiners	\$	7,200	\$	7,200	125214
5FG0 050620	BOE Reimbursement and Education	\$	80,000	\$	80,000	125215
TOTAL ISA	Internal Service Activity Fund Group	\$	87,200	\$	87,200	125216
Holding Account Fund Group						125217
R001 050605	Uniform Commercial Code Refunds	\$	30,000	\$	30,000	125218
R002 050606	Corporate/Business Filing Refunds	\$	85,000	\$	85,000	125219
TOTAL HLD	Holding Account Fund Group	\$	115,000	\$	115,000	125220
Federal Fund Group						125221
3AS0 050616	Help America Vote Act (HAVA)	\$	502,000	\$	0	125222
TOTAL FED	Federal Fund Group	\$	502,000	\$	0	125223
TOTAL ALL BUDGET FUND GROUPS		\$	17,942,826	\$	17,440,826	125224
POLL WORKERS TRAINING						125225
The foregoing appropriation item 050407, Poll Workers Training, shall be used to reimburse county boards of elections						125226
						125227

for poll worker training pursuant to section 3501.27 of the Revised Code. At the end of fiscal year 2016, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050407, Poll Workers Training, is hereby reappropriated in fiscal year 2017 for the same purpose.

BOARD OF VOTING MACHINE EXAMINERS

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.

HOLDING ACCOUNT FUND GROUP

The foregoing appropriation items 050605, Uniform Commercial Code Refunds, and 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.

HAVA FUNDS

At the end of fiscal year 2015, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050616, Help America Vote Act (HAVA) is hereby reappropriated in fiscal year 2016 for the same purpose.

At the end of fiscal year 2016, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050616, Help America Vote Act (HAVA), is hereby reappropriated in fiscal year 2017 for the same purpose.

Section 385.10. SEN THE OHIO SENATE				125259
General Revenue Fund				125260
GRF 020321	Operating Expenses	\$ 12,518,143	\$ 12,518,143	125261
TOTAL GRF	General Revenue Fund	\$ 12,518,143	\$ 12,518,143	125262
Internal Service Activity Fund Group				125263
1020 020602	Senate Reimbursement	\$ 425,800	\$ 425,800	125264
4090 020601	Miscellaneous Sales	\$ 34,497	\$ 34,497	125265
TOTAL ISA	Internal Service Activity			125266
Fund Group		\$ 460,297	\$ 460,297	125267
TOTAL ALL BUDGET	FUND GROUPS	\$ 12,978,440	\$ 12,978,440	125268
OPERATING EXPENSES				125269
On July 1, 2015, or as soon as possible thereafter, the Clerk				125270
of the Senate may certify to the Director of Budget and Management				125271
the amount of the unexpended, unencumbered balance of the				125272
foregoing appropriation item 020321, Operating Expenses, at the				125273
end of fiscal year 2015 to be reappropriated to fiscal year 2016.				125274
The amount certified is hereby reappropriated to the same				125275
appropriation item for fiscal year 2016.				125276
On July 1, 2016, or as soon as possible thereafter, the Clerk				125277
of the Senate may certify to the Director of Budget and Management				125278
the amount of the unexpended, unencumbered balance of the				125279
foregoing appropriation item 020321, Operating Expenses, at the				125280
end of fiscal year 2016 to be reappropriated to fiscal year 2017.				125281
The amount certified is hereby reappropriated to the same				125282
appropriation item for fiscal year 2017.				125283
Section 387.20. CSV COMMISSION ON SERVICE AND VOLUNTEERISM				125284
General Revenue Fund				125285
GRF 866321	CSV Operations	\$ 294,072	\$ 294,072	125286
TOTAL GRF	General Revenue Fund	\$ 294,072	\$ 294,072	125287

Dedicated Purpose Fund Group				125288
5GN0 866605 Serve Ohio Support	\$	30,000	\$ 30,000	125289
TOTAL DPF Dedicated Purpose Fund Group	\$	30,000	\$ 30,000	125290
Federal Fund Group				125291
3R70 866617 AmeriCorps Programs	\$	7,182,899	\$ 7,178,630	125292
TOTAL FED Federal Fund Group	\$	7,182,899	\$ 7,178,630	125293
TOTAL ALL BUDGET FUND GROUPS	\$	7,506,971	\$ 7,502,702	125294
Section 389.10. CSF COMMISSIONERS OF THE SINKING FUND				125296
Debt Service Fund Group				125297
7070 155905 Third Frontier Research and Development Bond Retirement Fund	\$	79,091,400	\$ 98,712,000	125298
7072 155902 Highway Capital Improvement Bond Retirement Fund	\$	119,937,500	\$ 134,101,700	125299
7073 155903 Natural Resources Bond Retirement Fund	\$	27,079,900	\$ 26,074,400	125300
7074 155904 Conservation Projects Bond Retirement Fund	\$	34,674,900	\$ 39,225,700	125301
7076 155906 Coal Research and Development Bond Retirement Fund	\$	5,991,400	\$ 5,038,700	125302
7077 155907 State Capital Improvement Bond Retirement Fund	\$	234,437,400	\$ 235,303,200	125303
7078 155908 Common Schools Bond Retirement Fund	\$	375,706,700	\$ 386,754,800	125304
7079 155909 Higher Education Bond Retirement Fund	\$	254,970,800	\$ 261,789,500	125305

7080	155901	Persian Gulf, Afghanistan, and Iraq Conflicts Bond Retirement Fund	\$	9,083,700	\$	23,343,400	125306
7090	155912	Job Ready Site Development Bond Retirement Fund	\$	19,384,000	\$	15,735,900	125307
TOTAL DSF Debt Service Fund Group			\$	1,160,357,700	\$	1,226,079,300	125308
TOTAL ALL BUDGET FUND GROUPS			\$	1,160,357,700	\$	1,226,079,300	125309
ADDITIONAL APPROPRIATIONS							125310
Appropriation items in this section are for the purpose of							125311
paying debt service and financing costs during the period from							125312
July 1, 2015 through June 30, 2017 on bonds or notes of the state							125313
issued under the Ohio Constitution and acts of the General							125314
Assembly. If it is determined that additional amounts are							125315
necessary for this purpose, such amounts are hereby appropriated.							125316
Section 391.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY							125317
DEVELOPMENT FOUNDATION							125318
Dedicated Purpose Fund Group							125319
5M90	945601	Operating Expenses	\$	426,800	\$	426,800	125320
TOTAL DPF Dedicated Purpose Fund			\$	426,800	\$	426,800	125321
Group							
TOTAL ALL BUDGET FUND GROUPS			\$	426,800	\$	426,800	125322
Section 393.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &							125324
AUDIOLOGY							125325
Dedicated Purpose Fund Group							125326
4K90	886609	Operating Expenses	\$	508,660	\$	508,660	125327
TOTAL DPF Dedicated Purpose Fund			\$	508,660	\$	508,660	125328
Group							
TOTAL ALL BUDGET FUND GROUPS			\$	508,660	\$	508,660	125329

Section 395.10. BTA BOARD OF TAX APPEALS				125331
General Revenue Fund				125332
GRF 116321	Operating Expenses	\$ 1,700,000	\$ 1,700,000	125333
TOTAL GRF General Revenue Fund		\$ 1,700,000	\$ 1,700,000	125334
TOTAL ALL BUDGET FUND GROUPS		\$ 1,700,000	\$ 1,700,000	125335
Section 397.10. TAX DEPARTMENT OF TAXATION				125337
General Revenue Fund				125338
GRF 110321	Operating Expenses	\$ 67,777,493	\$ 67,777,493	125339
GRF 110404	Tobacco Settlement	\$ 160,380	\$ 160,380	125340
Enforcement				
TOTAL GRF General Revenue Fund		\$ 67,937,873	\$ 67,937,873	125341
Dedicated Purpose Fund Group				125342
2280 110628	CAT Administration	\$ 16,100,000	\$ 16,100,000	125343
4330 110602	Municipal Data	\$ 175,000	\$ 175,000	125344
Exchange				
Administration				
4350 110607	Local Tax	\$ 19,006,950	\$ 19,006,950	125345
Administration				
4360 110608	Motor Vehicle Audit	\$ 1,459,609	\$ 1,459,609	125346
Administration				
4370 110606	Income Tax Refund	\$ 38,800	\$ 38,800	125347
Contribution				
Administration				
4380 110609	School District	\$ 5,402,044	\$ 5,402,044	125348
Income Tax				
Administration				
4060 110616	International	\$ 682,415	\$ 682,415	125349
Registration Plan				
Administration				
4R60 110610	Tire Tax	\$ 244,193	\$ 244,193	125350

		Administration					
5BP0	110639	Wireless 9-1-1	\$	290,000	\$	290,000	125351
		Administration					
5BW0	110630	Tax Amnesty Promotion	\$	2,500,000	\$	0	125352
		and Administration					
5JM0	110637	Casino Tax	\$	75,000	\$	75,000	125353
		Administration					
5MN0	110638	STARS Development and	\$	3,000,000	\$	3,000,000	125354
		Implementation					
5N50	110605	Municipal Income Tax	\$	150,000	\$	150,000	125355
		Administration					
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	125356
		Administration					
5NY0	110643	Petroleum Activity	\$	1,000,000	\$	1,000,000	125357
		Tax Administration					
5V70	110622	Motor Fuel Tax	\$	5,035,374	\$	5,035,374	125358
		Administration					
5V80	110623	Property Tax	\$	11,178,310	\$	11,178,310	125359
		Administration					
5W70	110627	Exempt Facility	\$	49,500	\$	49,500	125360
		Administration					
6390	110614	Cigarette Tax	\$	1,750,000	\$	1,750,000	125361
		Enforcement					
6880	110615	Local Excise Tax	\$	775,015	\$	775,015	125362
		Administration					
TOTAL	DPF	Dedicated Purpose Fund	\$	69,012,210	\$	66,512,210	125363
		Group					
		Fiduciary Fund Group					125364
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000	125365
5CZ0	110631	Vendor's License	\$	340,000	\$	340,000	125366
		Application					
6420	110613	Ohio Political Party	\$	267,500	\$	265,000	125367
		Distributions					

7095 110995	Municipal Income Tax	\$ 8,100,000	\$ 7,900,000	125368
TOTAL FID	Fiduciary Fund Group	\$ 1,555,507,500	\$ 1,555,305,000	125369
	Holding Account Fund Group			125370
R010 110611	Tax Distributions	\$ 230,000	\$ 230,000	125371
R011 110612	Miscellaneous Income	\$ 50,000	\$ 50,000	125372
	Tax Receipts			
TOTAL HLD	Holding Account Fund Group	\$ 280,000	\$ 280,000	125373
TOTAL ALL BUDGET FUND GROUPS		\$ 1,692,737,583	\$ 1,690,035,083	125374
	MUNICIPAL INCOME TAX			125375
	The foregoing appropriation item 110995, Municipal Income Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.			125376 125377 125378 125379 125380
	TAX REFUNDS			125381
	The foregoing appropriation item 110635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.			125382 125383 125384 125385
	VENDOR'S LICENSE PAYMENTS			125386
	The foregoing appropriation item 110631, Vendor's License Application, shall be used to make payments to county auditors under section 5739.17 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.			125387 125388 125389 125390 125391
	INTERNATIONAL REGISTRATION PLAN ADMINISTRATION			125392
	The foregoing appropriation item 110616, International Registration Plan Administration, shall be used under section 5703.12 of the Revised Code for audits of persons with vehicles			125393 125394 125395

registered under the International Registration Plan.	125396
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	125397
Of the foregoing appropriation item 110607, Local Tax	125398
Administration, the Tax Commissioner may disburse funds, if	125399
available, for the purposes of paying travel expenses incurred by	125400
members of Ohio's delegation to the Streamlined Sales Tax Project,	125401
as appointed under section 5740.02 of the Revised Code. Any travel	125402
expense reimbursement paid for by the Department of Taxation shall	125403
be done in accordance with applicable state laws and guidelines.	125404
TOBACCO SETTLEMENT ENFORCEMENT	125405
The foregoing appropriation item 110404, Tobacco Settlement	125406
Enforcement, shall be used by the Tax Commissioner to pay costs	125407
incurred in the enforcement of divisions (F) and (G) of section	125408
5743.03 of the Revised Code.	125409
CIGARETTE AND OTHER TOBACCO PRODUCTS TAX ENFORCEMENT	125410
In each of fiscal year 2016 and fiscal year 2017, \$250,000 of	125411
the foregoing appropriation item 110321, Operating Expenses, is to	125412
be used to hire employees under section 5743.45 of the Revised	125413
Code to serve as agents for the purposes of enforcing sections	125414
1333.11 to 1333.21 and Chapter 5743. of the Revised Code, and to	125415
support the enforcement activities of such agents.	125416
STARS DEVELOPMENT AND IMPLEMENTATION FUND	125417
The foregoing appropriation item 110638, STARS Development	125418
and Implementation, shall be used to pay costs incurred in the	125419
development and implementation of the department's State Tax	125420
Accounting and Revenue System. The Director of Budget and	125421
Management, under a plan submitted by the Tax Commissioner, or as	125422
otherwise determined by the Director of Budget and Management,	125423
shall set a schedule to transfer cash from the Revenue Enhancement	125424
Fund, Local Sales Tax Administrative Fund, General School District	125425

Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, 125426
Property Tax Administration Fund, and the Motor Fuel Tax 125427
Administration Fund to the credit of the STARS Development and 125428
Implementation Fund (Fund 5MN0). The transfers of cash shall not 125429
exceed \$6,000,000 in the biennium. 125430

TAX AMNESTY PROMOTION AND ADMINISTRATION 125431

The foregoing appropriation item 110630, Tax Amnesty 125432
Promotion and Administration, shall be used to pay expenses 125433
incurred to promote and administer the tax amnesty program to be 125434
conducted from January 1, 2016, to February 15, 2016, by the 125435
Department of Taxation. The Department of Taxation and Attorney 125436
General's Office shall work in close collaboration on promotion 125437
activities in relation to the Tax Amnesty Promotion and 125438
Administration program. 125439

Section 399.10. DOT DEPARTMENT OF TRANSPORTATION 125440

General Revenue Fund 125441

GRF 775451 Public Transportation \$ 7,300,000 \$ 7,300,000 125442
- State

GRF 776465 Rail Development \$ 2,000,000 \$ 2,000,000 125443

GRF 777471 Airport Improvements \$ 6,000,000 \$ 6,000,000 125444
- State

TOTAL GRF General Revenue Fund \$ 15,300,000 \$ 15,300,000 125445

Highway Operating Fund Group 125446

7002 772601 Beachwood Noise Wall \$ 383,000 \$ 0 125447

TOTAL HOF Highway Operating Fund \$ 383,000 \$ 0 125448

Group

TOTAL ALL BUDGET FUND GROUPS \$ 15,683,000 \$ 15,300,000 125449

Section 399.15. PUBLIC TRANSPORTATION - STATE 125451

Of the foregoing appropriation item 775451, Public 125452

Transportation - State, not less than \$500,000 in each fiscal year 125453

shall be allocated to rural transit systems. 125454

AIRPORT IMPROVEMENTS - STATE 125455

The foregoing appropriation item 777471, Airport Improvements 125456
- State, shall be used by the Department of Transportation to 125457
continue the Ohio Airport Grant Program in supporting capital 125458
improvements, maintaining infrastructure, and ensuring safety at 125459
publicly owned, public use airports in the state, provided that 125460
the airports receive neither Federal Aviation Administration Air 125461
Carrier Enplanement Funds nor Air Cargo Entitlements. 125462

Section 399.20. BEACHWOOD NOISE WALL 125463

The foregoing appropriation item 772601, Beachwood Noise 125464
Wall, shall be used to construct a noise wall for a section of 125465
Interstate Route 271 in Beachwood stretching from Shaker Boulevard 125466
to Woodland Road. 125467

Section 401.10. TOS TREASURER OF STATE 125468

General Revenue Fund 125469

GRF 090321	Operating Expenses	\$	7,743,553	\$	7,743,553	125470

GRF 090401	Office of the Sinking	\$	502,304	\$	502,304	125471

Fund

GRF 090402	Continuing Education	\$	377,702	\$	377,702	125472

GRF 090406	Treasury Management	\$	1,117,400	\$	1,116,800	125473

System Lease Rental

Payments

GRF 090524	Police and Fire	\$	5,000	\$	5,000	125474

Disability Pension

Fund

GRF 090534	Police and Fire Ad Hoc	\$	55,000	\$	55,000	125475

Cost of Living

GRF 090554	Police and Fire	\$	443,000	\$	443,000	125476

Survivor Benefits

GRF 090575	Police and Fire Death Benefits	\$	20,000,000	\$	20,000,000	125477
GRF 090613	ABLE Account Administration	\$	2,000,000	\$	2,000,000	125478
TOTAL GRF General Revenue Fund		\$	32,243,959	\$	32,243,359	125479
Dedicated Purpose Fund Group						125480
4E90 090603	Securities Lending Income	\$	5,200,000	\$	5,200,000	125481
5770 090605	Investment Pool Reimbursement	\$	1,050,000	\$	1,050,000	125482
5C50 090602	County Treasurer Education	\$	170,057	\$	170,057	125483
5NH0 090610	OhioMeansJobs Workforce Development Revolving Loan Program	\$	17,000,000	\$	0	125484
6050 090609	Treasurer of State Administrative Fund	\$	700,000	\$	700,000	125485
TOTAL DPF Dedicated Purpose Fund Group		\$	24,120,057	\$	7,120,057	125486 125487
Fiduciary Fund Group						125488
4250 090635	Tax Refunds	\$	6,000,000	\$	6,000,000	125489
TOTAL FID Fiduciary Fund Group		\$	6,000,000	\$	6,000,000	125490
TOTAL ALL BUDGET FUND GROUPS		\$	62,364,016	\$	45,363,416	125491

Section 401.20. OFFICE OF THE SINKING FUND 125493

The foregoing appropriation item 090401, Office of the Sinking Fund, shall be used for costs incurred by or on behalf of the Commissioners of the Sinking Fund and the Ohio Public Facilities Commission with respect to State of Ohio general obligation bonds or notes, and the Treasurer of State with respect to State of Ohio general obligation and special obligation bonds 125494
125495
125496
125497
125498
125499

or notes, including, but not limited to, printing, advertising, 125500
delivery, rating fees and the procurement of ratings, professional 125501
publications, membership in professional organizations, and other 125502
services referred to in division (D) of section 151.01 of the 125503
Revised Code. The General Revenue Fund shall be reimbursed for 125504
such costs relating to the issuance and administration of Highway 125505
Capital Improvement bonds or notes authorized under Ohio 125506
Constitution, Article VIII, Section 2m and Chapter 151. of the 125507
Revised Code. That reimbursement shall be made from appropriation 125508
item 155902, Highway Capital Improvement Bond Retirement Fund, by 125509
intrastate transfer voucher pursuant to a certification by the 125510
Office of the Sinking Fund of the actual amounts used. The amounts 125511
necessary to make such a reimbursement are hereby appropriated 125512
from the Highway Capital Improvement Bond Retirement Fund created 125513
in section 151.06 of the Revised Code. 125514

POLICE AND FIRE DEATH BENEFIT FUND 125515

The foregoing appropriation item 090575, Police and Fire 125516
Death Benefits, shall be disbursed quarterly by the Treasurer of 125517
State at the beginning of each quarter of each fiscal year to the 125518
Board of Trustees of the Ohio Police and Fire Pension Fund. The 125519
Treasurer of State shall certify such amounts quarterly to the 125520
Director of Budget and Management. By the twentieth day of June of 125521
each fiscal year, the Board of Trustees of the Ohio Police and 125522
Fire Pension Fund shall certify to the Treasurer of State the 125523
amount disbursed in the current fiscal year to make the payments 125524
required by section 742.63 of the Revised Code and shall return to 125525
the Treasurer of State moneys received from this appropriation 125526
item but not disbursed. 125527

ABLE ACCOUNT ADMINISTRATION 125528

The foregoing appropriation item 090613, ABLE Account 125529
Administration, shall be used for implementation and 125530
administration of an Achieve a Better Living Experience (ABLE) 125531

account program. 125532

TAX REFUNDS 125533

The foregoing appropriation item 090635, Tax Refunds, shall 125534
be used to pay refunds under section 5703.052 of the Revised Code. 125535
If the Director of Budget and Management determines that 125536
additional amounts are necessary for this purpose, such amounts 125537
are hereby appropriated. 125538

Section 401.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 125539
PAYMENTS 125540

The foregoing appropriation item 090406, Treasury Management 125541
System Lease Rental Payments, shall be used for payments during 125542
the period from July 1, 2015, through June 30, 2017, pursuant to 125543
leases and agreements entered into under Section 701.20 of Am. 125544
Sub. H.B. 497 of the 130th General Assembly with respect to 125545
financing the costs associated with the acquisition and 125546
implementation of the Treasury Management System. If it is 125547
determined that additional appropriations are necessary for this 125548
purpose, the amounts are hereby appropriated. 125549

Section 401.40. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 125550
LOAN PROGRAM 125551

The foregoing appropriation item 090610, OhioMeansJobs 125552
Workforce Development Revolving Loan Program, shall be used for 125553
the OhioMeansJobs Workforce Development Revolving Loan Program to 125554
provide loans to individuals for workforce training. The first 125555
loan under this program shall go to Lorain County Community 125556
College to establish and operate the Ready Mix Truck Driver 125557
Training Program. For this purpose, of the foregoing appropriation 125558
item 090610, OhioMeansJobs Workforce Development Revolving Loan 125559
Program, \$76,350 shall be disbursed in FY 2016 to Lorain County 125560
Community College and shall be used by Lorain County Community 125561

College to establish and operate the Ready Mix Truck Driver Training Program. 125562
125563

Of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, up to \$250,000 in fiscal year 2016 may be used by the Treasurer of State to administer the program. 125564
125565
125566
125567

Any unexpended and unencumbered portion of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, at the end of fiscal year 2016 is hereby reappropriated for the same purpose in fiscal year 2017. To the extent that reappropriated funds are available, of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, up to \$250,000 in fiscal year 2017 may be used by the Treasurer of State to administer the program. To the extent that reappropriated funds are available, of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development Revolving Loan Program, \$76,350 shall be disbursed in FY 2017 to Lorain County Community College and shall be used by Lorain County Community College to operate the Ready Mix Truck Driver Training Program. 125568
125569
125570
125571
125572
125573
125574
125575
125576
125577
125578
125579
125580
125581

Section 403.10. VTO VETERANS' ORGANIZATIONS 125582

General Revenue Fund 125583

VAP AMERICAN EX-PRISONERS OF WAR 125584

GRF 743501 State Support \$ 28,910 \$ 28,910 125585

VAN ARMY AND NAVY UNION, USA, INC. 125586

GRF 746501 State Support \$ 63,539 \$ 63,539 125587

VKW KOREAN WAR VETERANS 125588

GRF 747501 State Support \$ 57,118 \$ 57,118 125589

VJW JEWISH WAR VETERANS 125590

GRF 748501 State Support \$ 34,321 \$ 34,321 125591

VCW CATHOLIC WAR VETERANS 125592

GRF	749501	State Support	\$	66,978	\$	66,978	125593
		VPH MILITARY ORDER OF THE PURPLE HEART					125594
GRF	750501	State Support	\$	65,116	\$	65,116	125595
		VVV VIETNAM VETERANS OF AMERICA					125596
GRF	751501	State Support	\$	214,776	\$	214,776	125597
		VAL AMERICAN LEGION OF OHIO					125598
GRF	752501	State Support	\$	349,189	\$	349,189	125599
		VII AMVETS					125600
GRF	753501	State Support	\$	332,547	\$	332,547	125601
		VAV DISABLED AMERICAN VETERANS					125602
GRF	754501	State Support	\$	249,836	\$	249,836	125603
		VMC MARINE CORPS LEAGUE					125604
GRF	756501	State Support	\$	133,947	\$	133,947	125605
		V37 37TH DIVISION VETERANS' ASSOCIATION					125606
GRF	757501	State Support	\$	6,868	\$	6,868	125607
		VFW VETERANS OF FOREIGN WARS					125608
GRF	758501	State Support	\$	284,841	\$	284,841	125609
TOTAL GRF General Revenue Fund			\$	1,887,986	\$	1,887,986	125610
TOTAL ALL BUDGET FUND GROUPS			\$	1,887,986	\$	1,887,986	125611
RELEASE OF FUNDS							125612
The Director of Budget and Management may release the							125613
foregoing appropriation items 743501, 746501, 747501, 748501,							125614
749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,							125615
and 758501, State Support.							125616
Section 405.10. DVS DEPARTMENT OF VETERANS SERVICES							125617
General Revenue Fund							125618
GRF	900321	Veterans' Homes	\$	26,992,608	\$	26,992,608	125619
GRF	900402	Hall of Fame	\$	107,075	\$	107,075	125620
GRF	900408	Department of	\$	2,567,113	\$	2,567,113	125621
		Veterans Services					
GRF	900901	Veterans Compensation	\$	9,083,700	\$	23,343,400	125622

General Obligation			
Bond Debt Service			
TOTAL GRF General Revenue Fund	\$	38,750,496	\$ 53,010,196 125623
Dedicated Purpose Fund Group			125624
4840 900603 Veterans' Homes	\$	883,523	\$ 985,523 125625
Services			
4E20 900602 Veterans' Homes	\$	12,804,826	\$ 13,139,648 125626
Operating			
5DB0 900643 Military Injury	\$	2,000,000	\$ 2,000,000 125627
Relief Program			
5PH0 900642 Veterans Initiatives	\$	50,000	\$ 50,000 125628
TOTAL DPF Dedicated Purpose Fund	\$	15,738,349	\$ 16,175,171 125629
Group			
Debt Service Fund Group			125630
7041 900615 Veteran Bonus Program	\$	359,173	\$ 359,173 125631
- Administration			
7041 900641 Persian Gulf,	\$	2,173,139	\$ 942,754 125632
Afghanistan, and Iraq			
Compensation			
TOTAL DSF Debt Service			125633
Fund Group	\$	2,532,312	\$ 1,301,927 125634
Federal Fund Group			125635
3680 900614 Veterans Training	\$	730,000	\$ 740,000 125636
3740 900606 Troops to Teachers	\$	150,000	\$ 150,000 125637
3BX0 900609 Medicare Services	\$	2,475,000	\$ 2,846,250 125638
3L20 900601 Veterans' Homes	\$	28,110,159	\$ 29,245,411 125639
Operations - Federal			
TOTAL FED Federal Fund Group	\$	31,465,159	\$ 32,981,661 125640
TOTAL ALL BUDGET FUND GROUPS	\$	88,486,316	\$ 103,468,955 125641
TRAUMATIC BRAIN INJURY PROGRAMS			125642
Of the foregoing appropriation item 900408, Department of			125643
Veterans Services, \$25,000 in each fiscal year shall be			125644

distributed directly to the Resurrecting Lives Foundation to fund 125645
the 2015 Employment Initiative, which aids the transition of 125646
traumatic brain injury affected service members into civilian life 125647
and employment. 125648

Of the foregoing appropriation item 900408, Department of 125649
Veterans Services, \$20,375 in each fiscal year shall be 125650
distributed directly to the Resurrecting Lives Foundation to fund 125651
the Community TBI Education Program, which provides education and 125652
awareness for the legal community and lay community about 125653
traumatic brain injury, its effect on the veteran community, and 125654
the resulting challenges veterans face in the criminal justice 125655
system. 125656

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 125657

The foregoing appropriation item 900901, Veterans 125658
Compensation General Obligation Bond Debt Service, shall be used 125659
to pay all debt service and related financing costs during the 125660
period from July 1, 2015, through June 30, 2017, on obligations 125661
issued under sections 151.01 and 151.12 of the Revised Code. 125662

Section 405.20. Effective July 1, 2015, the Director of 125663
Budget and Management shall cancel any existing encumbrances 125664
against appropriation item 600637, Military Injury Relief 125665
Subsidies, and reestablish them against appropriation item 900643, 125666
Military Injury Relief Subsidies. The reestablished encumbrance 125667
amounts are hereby appropriated. Any business commenced but not 125668
completed under appropriation item 600637 by July 1, 2015, shall 125669
be completed under appropriation item 900643 in the same manner 125670
and with the same effect as if it were completed with regard to 125671
appropriation item 600637. 125672

Section 407.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD 125673
Dedicated Purpose Fund Group 125674

4K90 888609	Operating Expenses	\$	372,195	\$	378,195	125675
TOTAL DPF Dedicated Purpose						125676
Fund Group		\$	372,195	\$	378,195	125677
Internal Service Activity Fund Group						125678
5BU0 888602	Veterinary Student	\$	30,000	\$	30,000	125679
Loan Program						
TOTAL ISA Internal Service Activity						125680
Fund Group		\$	30,000	\$	30,000	125681
TOTAL ALL BUDGET FUND GROUPS						125682
 Section 409.10. DYS DEPARTMENT OF YOUTH SERVICES						125684
General Revenue Fund						125685
GRF 470401	RECLAIM Ohio	\$	153,087,537	\$	153,087,537	125686
GRF 470412	Juvenile Correctional	\$	25,407,400	\$	21,137,700	125687
Facilities Lease						
Rental Bond Payments						
GRF 470510	Youth Services	\$	16,702,728	\$	16,702,728	125688
GRF 472321	Parole Operations	\$	10,950,100	\$	10,950,100	125689
GRF 477321	Administrative	\$	10,855,389	\$	10,855,389	125690
Operations						
TOTAL GRF General Revenue Fund						125691
Dedicated Purpose Fund Group						125692
1470 470612	Vocational Education	\$	1,700,000	\$	1,700,000	125693
1750 470613	Education	\$	3,600,000	\$	3,600,000	125694
Reimbursement						
4790 470609	Employee Food Service	\$	125,000	\$	125,000	125695
4A20 470602	Child Support	\$	250,000	\$	250,000	125696
4G60 470605	Juvenile Special	\$	115,000	\$	115,000	125697
Revenue - Non-Federal						
5BN0 470629	E-Rate Program	\$	349,000	\$	300,000	125698
TOTAL DPF Dedicated Purpose						125699
Fund Group		\$	6,139,000	\$	6,090,000	125700

Federal Fund Group					125701
3210 470601	Education	\$	1,000,000	\$	1,000,000 125702
3210 470603	Juvenile Justice	\$	300,000	\$	300,000 125703
	Prevention				
3210 470606	Nutrition	\$	1,033,947	\$	1,033,947 125704
3210 470614	Title IV-E	\$	3,714,548	\$	3,714,548 125705
	Reimbursements				
3CR0 470639	Federal Juvenile	\$	22,000	\$	7,000 125706
	Programs FFY 10				
3FB0 470641	Federal Juvenile	\$	50,000	\$	5,000 125707
	Programs FFY 11				
3FC0 470642	Federal Juvenile	\$	50,000	\$	5,000 125708
	Programs FFY 12				
3GB0 470643	Federal Juvenile	\$	324,000	\$	59,000 125709
	Programs FFY 13				
3V50 470604	Juvenile	\$	1,720,000	\$	1,720,000 125710
	Justice/Delinquency				
	Prevention				
TOTAL FED Federal					125711
Fund Group		\$	8,214,495	\$	7,844,495 125712
TOTAL ALL BUDGET FUND GROUPS		\$	231,356,649	\$	226,667,949 125713
COMMUNITY PROGRAMS					125714
For purposes of implementing juvenile sentencing reforms, and					125715
notwithstanding any provision of law to the contrary, the					125716
Department of Youth Services may use up to forty-five per cent of					125717
the unexpended, unencumbered balance of the portion of					125718
appropriation item 470401, RECLAIM Ohio, that is allocated to					125719
juvenile correctional facilities in each fiscal year to expand					125720
Targeted RECLAIM, the Behavioral Health Juvenile Justice					125721
Initiative, and other evidence-based community programs.					125722
JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS					125723
The foregoing appropriation item 470412, Juvenile					125724

Correctional Facilities Lease Rental Bond Payments, shall be used 125725
to meet all payments during the period from July 1, 2015, through 125726
June 30, 2017, by the Department of Youth Services under the 125727
leases and agreements for facilities made under Chapters 152. and 125728
154. of the Revised Code. This appropriation is the source of 125729
funds pledged for bond service charges on related obligations 125730
issued under Chapters 152. and 154. of the Revised Code. 125731

EDUCATION REIMBURSEMENT 125732

The foregoing appropriation item 470613, Education 125733
Reimbursement, shall be used to fund the operating expenses of 125734
providing educational services to youth supervised by the 125735
Department of Youth Services. Operating expenses include, but are 125736
not limited to, teachers' salaries, maintenance costs, and 125737
educational equipment. This appropriation item may be used for 125738
capital expenses related to the education program. 125739

EMPLOYEE FOOD SERVICE AND EQUIPMENT 125740

Notwithstanding section 125.14 of the Revised Code, the 125741
foregoing appropriation item 470609, Employee Food Service, may be 125742
used to purchase any food operational items with funds received 125743
into the fund from reimbursements for state surplus property. 125744

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 125745

In collaboration with the county family and children first 125746
council, the juvenile court of that county that receives 125747
allocations from one or both of the foregoing appropriation items 125748
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 125749
portions of those allocations to a flexible funding pool as 125750
authorized by the section of Am. Sub. H.B. 153 of the 129th 125751
General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE 125752
FUNDING POOL." 125753

Section 501.10. All items set forth in this section are 125754

hereby appropriated for the biennium ending on June 30, 2016, out 125755
of any moneys in the state treasury to the credit of the Public 125756
School Building Fund (Fund 7021) that are not otherwise 125757
appropriated. 125758

Appropriations

FCC OHIO FACILITIES CONSTRUCTION COMMISSION 125759
C230W4 Community School Classroom Facilities \$ 25,000,000 125760
Grants
TOTAL Public School Building Fund \$ 25,000,000 125761

COMMUNITY SCHOOL CLASSROOM FACILITIES GRANTS 125762

The foregoing appropriation item C230W4, Community School 125763
Classroom Facilities Grants, may be used by the School Facilities 125764
Commission to provide grant funding to an eligible high-performing 125765
community school established under Chapter 3314. of the Revised 125766
Code. 125767

For purposes of this section, an "eligible high-performing 125768
community school" means a community school that has available and 125769
has certified it will supply, at least fifty per cent of the cost 125770
of the project funded under this section and that meets the 125771
following other conditions: 125772

(A) Except as provided in division (B) or (C) of this 125773
section, the school both: 125774

(1) Has received a grade of "A," "B," or "C" for the 125775
performance index score under division (C)(1)(b) of section 125776
3302.03 of the Revised Code or has increased its performance index 125777
score under division (C)(1)(b) of section 3302.03 of the Revised 125778
Code in each of the previous three years of operation; and 125779

(2) Has received a grade of "A" or "B" for the value-added 125780
progress dimension under division (C)(1)(e) of section 3302.03 of 125781
the Revised Code on its most recent report card rating issued 125782

under that section. 125783

(B) If the school serves only grades kindergarten through 125784
three, the school received a grade of "A" or "B" for making 125785
progress in improving literacy in grades kindergarten through 125786
three under division (C)(1)(g) of section 3302.03 of the Revised 125787
Code on its most recent report card issued under that section. 125788

(C) If the school primarily serves students enrolled in a 125789
dropout prevention and recovery program as described in division 125790
(A)(4)(a) of section 3314.35 of the Revised Code, the school 125791
received a rating of "exceeds standards" on its most recent report 125792
card issued under section 3314.017 of the Revised Code. 125793

Notwithstanding the definition of an eligible high-performing 125794
community school under divisions (A) to (C) of this section, a 125795
newly established community school may be eligible for assistance 125796
under this section, if it is implementing a community school model 125797
that has a track record of high quality academic performance, as 125798
determined by the Department of Education. 125799

The foregoing appropriation may be used for the purchase, 125800
construction, reconstruction, renovation, remodeling, or addition 125801
to classroom facilities. A grant may be awarded to an eligible 125802
high-performing community school that demonstrates that the funds 125803
will be used to purchase or support classroom facilities 125804
construction or modifications that increase the supply of seats in 125805
effective schools, service specific unmet student needs through 125806
community school education, and show innovation in design and 125807
potential as a successful, replicable school model. The School 125808
Facilities Commission may award a grant to an eligible 125809
high-performing community school upon the approval of a grant 125810
application by the Executive Director of the Commission and the 125811
Superintendent of Public Instruction. A facility that is 125812
purchased, constructed, or modified by the grant funds shall be 125813
used for educational purposes for a minimum of ten years after 125814

receiving the grant funds. The School Facilities Commission, in 125815
consultation with the Superintendent of Public Instruction, shall 125816
develop guidelines and may adopt rules under Chapter 111. of the 125817
Revised Code for the administration of the grants, including 125818
provisions for the ownership and disposal of the facilities funded 125819
under this section in the event the community school closes at any 125820
time. Notwithstanding any provision of law to the contrary, all 125821
Revised Code exemptions applicable to grants awarded and projects 125822
administered by the School Facilities Commission or Facilities 125823
Construction Commission shall apply to the grants pursuant to this 125824
section. 125825

Section 503.10. PERSONAL SERVICE EXPENSES 125826

Unless otherwise prohibited by law, any appropriation from 125827
which personal service expenses are paid shall bear the employer's 125828
share of public employees' retirement, workers' compensation, 125829
disabled workers' relief, and insurance programs; and the costs of 125830
centralized financial services, centralized payroll processing, 125831
and related reports and services; centralized human resources 125832
services, including affirmative action and equal employment 125833
opportunity programs; the Office of Collective Bargaining; 125834
centralized information technology management services; 125835
administering the enterprise resource planning system; and 125836
administering the state employee merit system as required by 125837
section 124.07 of the Revised Code. These costs shall be 125838
determined in conformity with the appropriate sections of law and 125839
paid in accordance with procedures specified by the Office of 125840
Budget and Management. Expenditures from appropriation item 125841
070601, Public Audit Expense - Intra-State, may be exempted from 125842
the requirements of this section. 125843

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 125844
AGAINST THE STATE 125845

Except as otherwise provided in this section, an 125846
appropriation in this act or any other act may be used for the 125847
purpose of satisfying judgments, settlements, or administrative 125848
awards ordered or approved by the Court of Claims or by any other 125849
court of competent jurisdiction in connection with civil actions 125850
against the state. This authorization does not apply to 125851
appropriations to be applied to or used for payment of guarantees 125852
by or on behalf of the state, or for payments under lease 125853
agreements relating to, or debt service on, bonds, notes, or other 125854
obligations of the state. Notwithstanding any other statute to the 125855
contrary, this authorization includes appropriations from funds 125856
into which proceeds of direct obligations of the state are 125857
deposited only to the extent that the judgment, settlement, or 125858
administrative award is for, or represents, capital costs for 125859
which the appropriation may otherwise be used and is consistent 125860
with the purpose for which any related obligations were issued or 125861
entered into. Nothing contained in this section is intended to 125862
subject the state to suit in any forum in which it is not 125863
otherwise subject to suit, and is not intended to waive or 125864
compromise any defense or right available to the state in any suit 125865
against it. 125866

Section 503.30. CAPITAL PROJECT SETTLEMENTS 125867

This section specifies an additional and supplemental 125868
procedure to provide for payments of judgments and settlements if 125869
the Director of Budget and Management determines, pursuant to 125870
division (C)(4) of section 2743.19 of the Revised Code, that 125871
sufficient unencumbered moneys do not exist in the fund to support 125872
a particular appropriation to pay the amount of a final judgment 125873
rendered against the state or a state agency, including the 125874
settlement of a claim approved by a court, in an action upon and 125875
arising out of a contractual obligation for the construction or 125876
improvement of a capital facility if the costs under the contract 125877

were payable in whole or in part from a state capital projects 125878
appropriation. In such a case, the Director may either proceed 125879
pursuant to division (C)(4) of section 2743.19 of the Revised Code 125880
or apply to the Controlling Board to increase an appropriation or 125881
create an appropriation out of any unencumbered moneys in the 125882
state treasury to the credit of the capital projects fund from 125883
which the initial state appropriation was made. The amount of an 125884
increase in appropriation or new appropriation approved by the 125885
Controlling Board is hereby appropriated from the applicable 125886
capital projects fund and made available for the payment of the 125887
judgment or settlement. 125888

If the Director does not make the application authorized by 125889
this section or the Controlling Board disapproves the application, 125890
and the Director does not make application under division (C)(4) 125891
of section 2743.19 of the Revised Code, the Director shall for the 125892
purpose of making that payment make a request to the General 125893
Assembly as provided for in division (C)(5) of that section. 125894

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 125895

In order to provide funds for the reissuance of voided 125896
warrants under section 126.37 of the Revised Code, there is hereby 125897
appropriated, out of moneys in the state treasury from the fund 125898
credited as provided in section 126.37 of the Revised Code, that 125899
amount sufficient to pay such warrants when approved by the Office 125900
of Budget and Management. 125901

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 125902
BALANCES OF OPERATING APPROPRIATIONS 125903

(A) An unexpended balance of an operating appropriation or 125904
reappropriation that a state agency lawfully encumbered prior to 125905
the close of a fiscal year is hereby reappropriated on the first 125906
day of July of the following fiscal year from the fund from which 125907

it was originally appropriated or reappropriated for the following 125908
period and shall remain available only for the purpose of 125909
discharging the encumbrance: 125910

(1) For an encumbrance for personal services, maintenance, 125911
equipment, or items for resale, other than an encumbrance for an 125912
item of special order manufacture not available on term contract 125913
or in the open market or for reclamation of land or oil and gas 125914
wells, for a period of not more than five months from the end of 125915
the fiscal year; 125916

(2) For an encumbrance for an item of special order 125917
manufacture not available on term contract or in the open market, 125918
for a period of not more than five months from the end of the 125919
fiscal year or, with the written approval of the Director of 125920
Budget and Management, for a period of not more than twelve months 125921
from the end of the fiscal year; 125922

(3) For an encumbrance for reclamation of land or oil and gas 125923
wells, for a period ending when the encumbered appropriation is 125924
expended or for a period of two years, whichever is less; 125925

(4) For an encumbrance for any other expense, for such period 125926
as the Director approves, provided such period does not exceed two 125927
years. 125928

(B) Any operating appropriations for which unexpended 125929
balances are reappropriated beyond a five-month period from the 125930
end of the fiscal year by division (A)(2) of this section shall be 125931
reported to the Controlling Board by the Director of Budget and 125932
Management by the thirty-first day of December of each year. The 125933
report on each such item shall include the item, the cost of the 125934
item, and the name of the vendor. The report shall be updated on a 125935
quarterly basis for encumbrances remaining open. 125936

(C) Upon the expiration of the reappropriation period set out 125937
in division (A) of this section, a reappropriation made by this 125938

section lapses, and the Director of Budget and Management shall 125939
cancel the encumbrance of the unexpended reappropriation not later 125940
than the end of the weekend following the expiration of the 125941
reappropriation period. 125942

(D) Notwithstanding division (C) of this section, with the 125943
approval of the Director of Budget and Management, an unexpended 125944
balance of an encumbrance that was reappropriated on the first day 125945
of July by this section for a period specified in division (A)(3) 125946
or (4) of this section and that remains encumbered at the close of 125947
the fiscal biennium is hereby reappropriated on the first day of 125948
July of the following fiscal biennium from the fund from which it 125949
was originally appropriated or reappropriated for the applicable 125950
period specified in division (A)(3) or (4) of this section and 125951
shall remain available only for the purpose of discharging the 125952
encumbrance. 125953

(E) The Director of Budget and Management may correct 125954
accounting errors committed by the staff of the Office of Budget 125955
and Management, such as reestablishing encumbrances or 125956
appropriations cancelled in error, during the cancellation of 125957
operating encumbrances in November and of nonoperating 125958
encumbrances in December. 125959

(F) The Director of Budget and Management may at any time 125960
correct accounting errors committed by the staff of a state agency 125961
or state institution of higher education, as defined in section 125962
3345.011 of the Revised Code, such as reestablishing prior year 125963
nonoperating encumbrances canceled or modified in error. The 125964
reestablished encumbrance amounts are hereby appropriated. 125965

(G) If the Controlling Board approved a purchase, that 125966
approval remains in effect so long as the appropriation used to 125967
make that purchase remains encumbered. 125968

Section 503.60. RE-ESTABLISHING ENCUMBRANCES THAT USE 125969

OUTDATED EXPENSE ACCOUNT CODES 125970

On or after January 1, 2015, the Director of Budget and 125971
Management may cancel any existing operating or capital 125972
encumbrances from prior fiscal years that reference outdated 125973
expense account codes and, if needed, reestablish them against the 125974
same appropriation items referencing updated expense account 125975
codes. The reestablished encumbrance amounts are hereby 125976
appropriated. Any business commenced but not completed under the 125977
prior encumbrances by January 1, 2015, shall be completed under 125978
the new encumbrances in the same manner and with the same effect 125979
as if it was completed with regard to the old encumbrances. 125980

Section 503.70. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 125981
RE-ESTABLISHMENT OF ENCUMBRANCES 125982

Any cash transferred by the Director of Budget and Management 125983
under section 126.15 of the Revised Code is hereby appropriated. 125984
Any amounts necessary to re-establish appropriations or 125985
encumbrances under section 126.15 of the Revised Code are hereby 125986
appropriated. 125987

Section 503.80. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 125988

The Director of Budget and Management may transfer 125989
appropriations between the Third Frontier Research and Development 125990
Fund (Fund 7011) and Third Frontier Research and Development 125991
Taxable Bond Fund (Fund 7014) as necessary to maintain the 125992
exclusion from the calculation of gross income for federal income 125993
taxation purposes under the "Internal Revenue Code of 1986," 100 125994
Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations 125995
issued to fund projects appropriated from the Third Frontier 125996
Research and Development Fund (Fund 7011). 125997

The Director may also create new appropriation items within 125998

the Third Frontier Research and Development Taxable Bond Fund 125999
(Fund 7014) and make transfers of appropriations to them for 126000
projects originally funded from appropriations made from the Third 126001
Frontier Research and Development Fund (Fund 7011). 126002

Section 503.90. INCOME TAX DISTRIBUTION TO COUNTIES 126003

There are hereby appropriated out of any moneys in the state 126004
treasury to the credit of the General Revenue Fund, which are not 126005
otherwise appropriated, funds sufficient to make any payment 126006
required by division (B)(2) of section 5747.03 of the Revised 126007
Code. 126008

Section 503.100. EXPENDITURES AND APPROPRIATION INCREASES 126009
APPROVED BY THE CONTROLLING BOARD 126010

Any money that the Controlling Board approves for expenditure 126011
or any increase in appropriation that the Controlling Board 126012
approves under sections 127.14, 131.35, and 131.39 of the Revised 126013
Code or any other provision of law is hereby appropriated for the 126014
period ending June 30, 2017. 126015

Section 503.110. FUNDS RECEIVED FOR USE OF GOVERNOR'S 126016
RESIDENCE 126017

If the Governor's Residence Fund (Fund 4H20) receives payment 126018
for use of the residence pursuant to section 107.40 of the Revised 126019
Code, the amounts so received are hereby appropriated to 126020
appropriation item 100604, Governor's Residence Gift. 126021

Section 503.120. APPROPRIATIONS FOR EMPLOYEE COMPENSATION 126022
CHANGES 126023

Notwithstanding any provision of law to the contrary, 126024
beginning with the pay period that includes July 1, 2015, each 126025
state appointing authority is authorized to make expenditures from 126026

current state operating appropriations contained in this act or 126027
any other act necessary to provide for the one-time pay 126028
supplements and compensation increases pursuant to approved 126029
collective bargaining agreements between employee organizations 126030
and State of Ohio public employers and pursuant to provisions of 126031
law, as amended by this act, for employees exempt from collective 126032
bargaining. 126033

On or before July 10, 2015, an authorized representative of 126034
the Ohio Supreme Court, the General Assembly, the Legislative 126035
Service Commission, the Secretary of State, the Auditor of State, 126036
the Treasurer of State, and the Attorney General each shall notify 126037
the Director of Administrative Services in writing if the 126038
employees of their respective offices should be eligible for the 126039
one-time pay supplement pursuant to the provisions of law as 126040
amended by this act. 126041

Notwithstanding any provision of law to the contrary, on or 126042
after July 1, 2015, the Director of Budget and Management may 126043
authorize increased expenditures from General Revenue Fund and 126044
non-General Revenue Fund appropriation items in this act or any 126045
other appropriations act of the General Assembly to the extent the 126046
Director determines necessary to effectuate one-time pay 126047
supplements and employee compensation increases pursuant to 126048
approved collective bargaining agreements between employee 126049
organizations and State of Ohio public employers and pursuant to 126050
provisions of law, as amended by this act, for employees exempt 126051
from collective bargaining. Any increases in expenditures 126052
authorized pursuant to this section are hereby appropriated. 126053

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 126054

Unless the agency and nuclear electric utility mutually agree 126055
to a higher amount by contract, the maximum amounts that may be 126056
assessed against nuclear electric utilities under division (B)(2) 126057

of section 4937.05 of the Revised Code and deposited into the 126058
specified funds are as follows: 126059

<u>Fund</u>	<u>User</u>	<u>FY 2016</u>	<u>FY 2017</u>	
Utility	Department of	\$ 125,000	\$ 125,000	126061
Radiological	Agriculture			
Safety Fund				
(Fund 4E40)				
Radiation	Department of	\$1,086,098	\$ 1,086,098	126062
Emergency	Health			
Response Fund				
(Fund 6100)				
ER Radiological	Environmental	\$ 298,304	\$ 303,174	126063
Safety Fund	Protection Agency			
(Fund 6440)				
Emergency	Department of	\$1,200,000	\$ 1,200,000	126064
Response Plan	Public Safety			
Fund (Fund 6570)				

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 126065
INTEREST EARNED 126066

Notwithstanding any provision of law to the contrary, the 126067
Director of Budget and Management, through June 30, 2017, may 126068
transfer interest earned by any state fund to the General Revenue 126069
Fund. This section does not apply to funds whose source of revenue 126070
is restricted or protected by the Ohio Constitution, federal tax 126071
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 126072
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 126073

Section 512.13. CASH TRANSFER FROM THE HEALTH CARE/MEDICAID 126074
SUPPORT AND RECOVERIES FUND TO THE GRF 126075

On July 1 of each fiscal year, or as soon as possible 126076
thereafter, the Director of Budget and Management shall transfer 126077

\$7,500,000 cash from the Health Care/Medicaid Support and 126078
Recoveries Fund (Fund 5DL0) to the General Revenue Fund. 126079

Section 512.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 126080
FROM NON-GRF FUNDS 126081

Notwithstanding any provision of law to the contrary, the 126082
Director of Budget and Management may transfer up to \$60,000,000 126083
in each fiscal year in cash from non-General Revenue Funds that 126084
are not constitutionally restricted to the General Revenue Fund in 126085
order to ensure that available General Revenue Fund receipts and 126086
balances are sufficient to support General Revenue Fund 126087
appropriations in each fiscal year. 126088

Section 512.30. FISCAL YEAR 2015 GENERAL REVENUE FUND ENDING 126089
BALANCE 126090

Notwithstanding divisions (B) and (C) of section 131.44 of 126091
the Revised Code, the Director of Budget and Management shall 126092
determine the surplus General Revenue Fund revenue that existed on 126093
June 30, 2015, in excess of the amount required under division 126094
(A)(3) of section 131.44 of the Revised Code, and allocate that 126095
amount, to the extent of the amount so determined, as follows: 126096

(A) First, the Director of Budget and Management shall 126097
reserve in the General Revenue Fund a cash amount of up to 126098
\$393,000,000 to support personal income tax reductions; 126099

(B) Second, the Director shall transfer a cash amount of up 126100
to \$425,500,000 to the Budget Stabilization Fund to increase the 126101
balance of that fund to an amount equal to five per cent of 126102
estimated fiscal year 2017 General Revenue Fund revenue; 126103

(C) Third, the Director shall transfer a cash amount of up to 126104
\$42,250,000 to the Straight A Fund (Fund 5RB0), which is hereby 126105
created in the state treasury. 126106

(D) Fourth, the Director shall transfer a cash amount of up	126107
to \$40,000,000 to the Unemployment Compensation Interest	126108
Contingency Fund (Fund 5HC0) for payment to the United States	126109
Secretary of the Treasury of accrued interest costs related to	126110
federal unemployment account borrowing;	126111
(E) Fifth, the Director shall transfer a cash amount of up to	126112
\$20,000,000 to the Disaster Services Fund (Fund 5E20);	126113
(F) Sixth, the Director shall transfer a cash amount of up to	126114
\$7,500,000 to the Systems Transformation Support Fund (Fund 5QM0);	126115
(G) Seventh, the Director shall transfer a cash amount of up	126116
to \$12,000,000 to the Natural Resources Special Purposes Fund	126117
(Fund 5MW0), which is hereby created in the state treasury;	126118
(H) Eighth, the Director shall transfer a cash amount of up	126119
to \$10,000,000 to the Local Government Innovation Fund (Fund	126120
5KN0).	126121
(I) Ninth, the Director shall transfer a cash amount of up to	126122
\$32,900,000 to the School District TPP Supplement Fund (Fund	126123
5RE0).	126124
(J) Tenth, the Director shall transfer a cash amount of up to	126125
\$50,000,000 to the Health and Human Services Fund.	126126
(K) Eleventh, the Director shall transfer a cash amount of	126127
\$12,750,000 to the Electronic Pollbook Fund (Fund 5RT0).	126128
(L) Twelfth, the Director shall transfer a cash amount of	126129
\$1,250,000 to the Absent Voter's Ballot Fund (Fund 5RU0).	126130
(M) Thirteenth, the Director shall transfer a cash amount of	126131
up to \$31,250,000 to the Workforce and Higher Education Programs	126132
Fund (Fund 5RA0).	126133
(N) Fourteenth, the Director shall transfer a cash amount of	126134
\$20 million to the Local Government Safety Capital Grant Fund	126135
(Fund 5RD0).	126136

(O) Fifteenth, the Director shall transfer a cash amount of 126137
\$11,500,000 to the Healthier Buckeye Fund (Fund 5RC0). 126138

(P) Sixteenth, the Director shall transfer a cash amount of 126139
\$5,000,000 to the Ohio Military Facilities Fund (Fund 5RV0), which 126140
is hereby created in the state treasury. 126141

(Q) Seventeenth, the Director shall transfer a cash amount of 126142
\$4,000,000 to the Community Police Relations Fund (Fund 5RS0), 126143
which is hereby created in the state treasury. 126144

(R) Eighteenth, the Director shall transfer a cash amount of 126145
\$700,000 to the Hope For A Smile Fund (Fund 5RZ0). 126146

(S) Nineteenth, the Director shall transfer a cash amount of 126147
\$500,000 to the ODM Maternal and Child Health Fund (Fund 5SA0), 126148
which is hereby created in the state treasury. 126149

(T) Twentieth, the Director shall transfer a cash amount of 126150
\$350,000 to the Mentor Stormwater Project Fund (Fund 5SA1), which 126151
is hereby created. 126152

(U) Twenty-first, the Director shall transfer a cash amount 126153
of \$250,000 to the Local Public Enhancement Fund (Fund 5SA3), 126154
which is hereby created. 126155

Section 512.33. CASH TRANSFER FROM THE GENERAL REVENUE FUND 126156
TO THE HEALTH AND HUMAN SERVICES FUND 126157

On July 1, 2016, or as soon as possible thereafter, the 126158
Director of Budget and Management shall transfer \$150,000,000 cash 126159
from the General Revenue Fund to the Health and Human Services 126160
Fund. 126161

CASH TRANSFER FROM THE AUDIT SETTLEMENTS AND CONTINGENCY FUND 126162
TO THE HUMAN SERVICES PROJECTS FUND 126163

On July 1, 2015, or as soon as possible thereafter, the 126164
Director of Budget and Management shall transfer up to \$1,000,000 126165

cash from the Audit Settlements and Contingency Fund (Fund 5DM0) 126166
to the Human Services Projects Fund (Fund 5RY0). 126167

Section 512.40. CASINO OPERATOR SETTLEMENT FUND 126168

On July 1, 2015, or as soon as possible thereafter, the 126169
Director of Budget and Management shall transfer \$4,701,620 cash 126170
from the Casino Operator Settlement Fund (Fund 5KT0) to the State 126171
Lottery Fund (Fund 7044). 126172

The Director of Budget and Management, in consultation with 126173
the Executive Director of the Casino Control Commission, shall 126174
establish a schedule of transfers totaling \$4,701,620 to the 126175
Casino Operator Settlement Fund (Fund 5KT0) from the Casino 126176
Control Commission Fund (Fund 5HS0). 126177

Section 512.50. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 126178

There is hereby established in the Highway Operating Fund 126179
(Fund 7002), used by the Department of Transportation, a Diesel 126180
Emissions Reduction Grant Program. The Director of Environmental 126181
Protection shall administer the program and shall solicit, 126182
evaluate, score, and select projects submitted by public and 126183
private entities that are eligible for the federal Congestion 126184
Mitigation and Air Quality (CMAQ) Program. The Director of 126185
Transportation shall process Federal Highway 126186
Administration-approved projects as recommended by the Director of 126187
Environmental Protection. 126188

In addition to the allowable expenditures set forth in 126189
section 122.861 of the Revised Code, Diesel Emissions Reduction 126190
Grant Program funds also may be used to fund projects involving 126191
the purchase or use of hybrid and alternative fuel vehicles that 126192
are allowed under guidance developed by the Federal Highway 126193
Administration for the CMAQ Program. 126194

Public entities eligible to receive funds under section 126195

122.861 of the Revised Code and CMAQ shall be reimbursed from 126196
moneys in Fund 7002 designated for the Department of 126197
Transportation's Diesel Emissions Reduction Grant Program. 126198

Private entities eligible to receive funds under section 126199
122.861 of the Revised Code and CMAQ shall be reimbursed at the 126200
direction of the local public agency sponsor and upon approval of 126201
the Department of Transportation, through direct payments to the 126202
vendor in the prorated share of federal/state participation. These 126203
reimbursements shall be made from moneys in Fund 7002 designated 126204
for the Department of Transportation's Diesel Emissions Reduction 126205
Grant Program. There shall be no new appropriations from Fund 7002 126206
for the Diesel Emissions Reduction Grant Program in fiscal year 126207
2016. New appropriations from Fund 7002 for the Diesel Emissions 126208
Reduction Grant Program shall not exceed \$5,000,000 in fiscal year 126209
2017. 126210

Any allocations under this section represent CMAQ program 126211
moneys within the Department of Transportation for use by the 126212
Diesel Emissions Reduction Grant Program by the Environmental 126213
Protection Agency. These allocations shall not reduce the amount 126214
of such moneys designated for metropolitan planning organizations. 126215

The Director of Environmental Protection, in consultation 126216
with the Director of Transportation, shall develop guidance for 126217
the distribution of funds and for the administration of the Diesel 126218
Emissions Reduction Grant Program. The guidance shall include a 126219
method of prioritization for projects, acceptable technologies, 126220
and procedures for awarding grants. 126221

Section 512.60. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 126222

(A) On July 1, 2015, or as soon as possible thereafter, the 126223
Director of Budget and Management shall transfer the cash balance 126224
from each of the funds as indicated in the table below to the fund 126225
also indicated in the table below. Upon completion of each 126226

transfer and on the effective date of its repeal by this act,	126227	
where applicable, the fund from which the cash balance was	126228	
transferred is hereby abolished.	126229	
User Transfer from:	Transfer to:	126230
Agency Fund	Fund	126231
Code Code Fund Name	Code Fund Name	126232
AGR 5750 Agricultural Financing	GRF General Revenue Fund	126233
Commission		
Administration		
DAS 5HU0 Construction Reform	1880 Equal Opportunity	126234
Demonstration Compliance	Division - Operating	
DAS 4P30 Departmental MIS	1330 Information Technology	126235
DAS 5LA0 Building Operation	1320 Building Management	126236
DPS 5CM0 Investigative Unit -	3GT0 Investigative Unit -	126237
Treasury Contraband	Treasury Contraband	
DSA 5HJ0 Motion Picture Tax	4510 Business Assistance	126238
Credit Program Operating		
DSA 5S80 Rural Development	7037 Facilities	126239
Initiative Program	Establishment	
DSA 5AR0 Industrial Sites	5M50 Advanced Energy Loan	126240
Improvements Program	Program	
DSA 4Z60 Rural Industrial Park	7037 Facilities	126241
Loan	Establishment	
EPA 4U70 Construction and	4K30 Solid Waste	126242
Demolition Debris		
EPA 6600 Infectious Waste	4K30 Solid Waste	126243
Management		
FCC 4T80 Cultural Facilities	7030 Cultural and Sports	126244
Administration Fund	Facilities Building	
FCC N087 Education Facilities	7021 Public School Building	126245
Trust		
FCC 5E30 Ohio School Facilities	7021 Public School Building	126246
Commission Fund		

LOT	2310	Charitable Gaming Oversight	7044	State Lottery	126247
MCD	5Q90	Supplemental Inpatient Hospital	5GF0	Hospital Assessment Fund	126248
MCD	5CR0	Children's Hospital - State	GRF	General Revenue Fund	126249
MCD	5HA0	Health Care Services - Other	GRF	General Revenue Fund	126250
MHA	5DG0	Recovery Assistance	4P90	Mental Health Trust	126251
MHA	4C50	Revolving Loans for Recovery Homes	4P90	Mental Health Trust	126252
MHA	5BR0	Tobacco Use Prevention and Control	4P90	Mental Health Trust	126253
MHA	5DV0	Criminal Justice Prevention and Treatment Collaborative	4P90	Mental Health Trust	126254
MHA	5V20	Non-Federal Grant	4P90	Mental Health Trust	126255
MHA	5JW0	Board Match Reimbursement	4P90	Mental Health Trust	126256
MHA	6920	Mental Health Board Risk	4P90	Mental Health Trust	126257
MHA	3J80	Medicaid Legacy Costs Support	3B10	Community Medicaid	126258
PAY	8140	Cost Savings	8060	Accrued Leave	126259
RAC	5640	Quarter Horse Development	5620	Thoroughbred Race Fund	126260
SOS	4130	Information Systems	5990	Corporate and Uniform Commercial Code Filing	126261

(B) On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against each appropriation item as indicated in the table below and reestablish them against the appropriation item also indicated in the table below. In addition, if any other existing encumbrances must be cancelled and reestablished to

properly close out the funds identified in division (A) of this				126268
section, the Director is hereby authorized to carry out those				126269
necessary transactions. These amounts are hereby appropriated.				126270
Cancel existing encumbrances	Reestablish encumbrances			126271
against:	against:			
Fund	Fund			126272
Code Appropriation Item	Code Appropriation Item			126273
5CM0 767691 - Equitable Share	3GT0 767691 - Equitable Share			126274
Account	Account			
5HU0 100655 - Construction	1880 100649 - Equal			126275
Reform Demo Compliance	Opportunity Division -			
	Operating			
4T80 230603 - Community Project	GRF 230458 - State			126276
Administration	Construction Management			
	Services			
4P30 100603 - DAS Information	1330 100607 - IT Services			126277
Services	Delivery			
5LA0 100660 - Building Operation	1320 100631 - DAS Building			126278
	Management			
6600 715629 - Infectious Waste	4K30 715649 - Solid Waste			126279
Management				
4U70 715660 - Construction and	4K30 715649 - Solid Waste			126280
Demolition Debris				
5E30 230644 - Operating Expenses	GRF 230321 - Operating			126281
	Expenses			
4130 050601 - Information	5990 050603 - Business			126282
Systems	Services Operating			
	Expenses			
(C) The following funds, used by the Department of				126283
Rehabilitation and Corrections, shall be abolished on the				126284
effective date of their repeal by this act: the Laboratory				126285
Services Fund (Fund 5930), the Adult Parole/Probation Service Fund				126286
(Fund 5A30), the Sex Offender Supervision Fund (Fund 5CL0), and				126287

the Confinement Cost Reimbursement Fund (Fund 5D50). 126288

(D) The following funds, used by the Department of Public 126289
Safety shall be abolished on the effective date of their repeal by 126290
this act: the Justice Assistance Grant - FFY06 Fund (Fund 3CB0), 126291
the Justice Assistance Grant - FFY07 Fund (Fund 3CC0), the Justice 126292
Assistance Grant - FFY08 Fund (Fund 3CD0), the Justice Assistance 126293
Grant - FFY09 Fund (Fund 3CE0), the Justice Assistance Grant 126294
Supplemental FFY08 Fund (Fund 3CV0), the Justice Assistance Grant 126295
Fund (Fund 3DE0), and the Federal Stimulus Justice Programs Fund 126296
(Fund 3DH0). 126297

Section 512.70. MEDICAID RESERVE FUND TRANSFERS AND BALANCE 126298

On July 1, 2015, or as soon as possible thereafter, the 126299
Director of Budget and Management shall transfer \$158,000,000 cash 126300
from the Medicaid Reserve Fund (Fund 5Y80) to the General Revenue 126301
Fund and \$72,000,000 cash from Fund 5Y80 to the School District 126302
TPP Supplement Fund (Fund 5RE0), used by the Department of 126303
Education. The remaining balance in Fund 5Y80 shall be transferred 126304
to the Budget Stabilization Fund. 126305

Section 512.90. Notwithstanding any provision of law to the 126306
contrary, not later than thirty days following the effective date 126307
of this section, the Director of Budget and Management shall 126308
transfer \$2,500,000 in cash from the Budget Stabilization Fund 126309
(Fund 7013) to the Tax Amnesty Promotion and Administration Fund 126310
(Fund 5BW0), which is hereby created in the state treasury. The 126311
money shall be used by the Department of Taxation to pay expenses 126312
incurred in promoting and administering the tax amnesty program 126313
that is to be conducted from January 1, 2016, to February 15, 126314
2016, pursuant to Section 757.130 of this act. 126315

After receiving the revenue receipts from the tax amnesty 126316
program, the Director of Budget and Management shall transfer the 126317

first \$2,500,000 in payments from the amnesty program to the 126318
Budget Stabilization Fund as repayment, the next \$10,000,000 to 126319
the General Revenue Fund, and the remaining excess fund balance to 126320
the Budget Stabilization Fund. 126321

Section 515.10. (A) On the effective date of the enactment of 126322
section 3734.49 of the Revised Code by this act, the functions, 126323
together with the assets and liabilities, of the Solid Waste 126324
Management Advisory Council created in section 3734.51 of the 126325
Revised Code, as repealed by this act, and the Recycling and 126326
Litter Prevention Advisory Council created in section 3736.04 of 126327
the Revised Code, as repealed by this act, are transferred to the 126328
Materials Management Advisory Council created in section 3734.49 126329
of the Revised Code, as enacted by this act. 126330

(B) Any business commenced but not completed by the Solid 126331
Waste Management Advisory Council and the Recycling and Litter 126332
Prevention Advisory Council on the effective date of the transfer 126333
shall be completed by the Materials Management Advisory Council. 126334
Any validation, cure, right, privilege, remedy, obligation, or 126335
liability is not lost or impaired solely by reason of the transfer 126336
required by this section and shall be administered by the 126337
Materials Management Advisory Council in accordance with this act. 126338

(C) All of the determinations of the Solid Waste Management 126339
Advisory Council and the Recycling and Litter Prevention Advisory 126340
Council in relation to those Advisory Councils continue in effect 126341
as determinations of the Materials Management Advisory Council 126342
until modified or rescinded by the Materials Management Advisory 126343
Council. 126344

(D) Whenever the Solid Waste Management Advisory Council or 126345
the Recycling and Litter Prevention Advisory Council or the 126346
chairperson of the applicable Advisory Council is referred to in 126347
any law, contract, or other document, the reference shall be 126348

deemed to refer to the Materials Management Advisory Council or to 126349
the chairperson of the Materials Management Advisory Council, 126350
whichever is appropriate in context. 126351

(E) Any action or proceeding pending on the effective date of 126352
the enactment of section 3734.49 of the Revised Code by this act 126353
is not affected by the transfer of the functions of the Solid 126354
Waste Management Advisory Council and the Recycling and Litter 126355
Prevention Advisory Council by this act and shall be prosecuted or 126356
defended in the name of the Materials Management Advisory Council. 126357
In all such actions and proceedings, the Materials Management 126358
Advisory Council, upon application to the court, shall be 126359
substituted as a party. 126360

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 126361

Certain appropriations are in this act for the purpose of 126362
paying debt service and financing costs on general obligation 126363
bonds or notes of the state issued pursuant to the Ohio 126364
Constitution and acts of the General Assembly. If it is determined 126365
that additional appropriations are necessary for this purpose, 126366
such amounts are hereby appropriated. 126367

Section 518.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 126368

Certain appropriations are in this act for the purpose of 126369
making lease rental payments pursuant to leases and agreements 126370
relating to bonds or notes issued by the Treasurer of State, or 126371
previously by the Ohio Building Authority, pursuant to the Ohio 126372
Constitution and acts of the General Assembly. If it is determined 126373
that additional appropriations are necessary for this purpose, 126374
such amounts are hereby appropriated. 126375

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 126376
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 126377

The Office of Budget and Management shall process payments 126378
from general obligation and lease rental payment appropriation 126379
items during the period from July 1, 2015, through June 30, 2017, 126380
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 126381
2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, 126382
and Chapters 151., 152., and 154. of the Revised Code. Payments 126383
shall be made upon certification by the Treasurer of State of the 126384
dates and the amounts due on those dates. 126385

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION 126386

There is hereby appropriated, from those funds designated by 126387
or pursuant to the applicable proceedings authorizing the issuance 126388
of state obligations, amounts computed at the time to represent 126389
the portion of investment income to be rebated or amounts in lieu 126390
of or in addition to any rebate amount to be paid to the federal 126391
government in order to maintain the exclusion from gross income 126392
for federal income tax purposes of interest on those state 126393
obligations under section 148(f) of the Internal Revenue Code. 126394

Rebate payments shall be approved and vouchered by the Office 126395
of Budget and Management. 126396

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 126397

Whenever the Director of Budget and Management determines 126398
that an appropriation made to a state agency from a fund of the 126399
state is insufficient to provide for the recovery of statewide 126400
indirect costs under section 126.12 of the Revised Code, the 126401
amount required for such purpose is hereby appropriated from the 126402
available receipts of such fund. 126403

Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 126404
COST ALLOCATION PLAN 126405

The total transfers made from the General Revenue Fund by the 126406

Director of Budget and Management under this section shall not 126407
exceed the amounts transferred into the General Revenue Fund under 126408
section 126.12 of the Revised Code. 126409

The director of an agency may certify to the Director of 126410
Budget and Management the amount of expenses not allowed to be 126411
included in the Statewide Indirect Cost Allocation Plan under 126412
federal regulations, from any fund included in the Statewide 126413
Indirect Cost Allocation Plan, prepared as required by section 126414
126.12 of the Revised Code. 126415

Upon determining that no alternative source of funding is 126416
available to pay for such expenses, the Director of Budget and 126417
Management may transfer cash from the General Revenue Fund into 126418
the fund for which the certification is made, up to the amount of 126419
the certification. The director of the agency receiving such funds 126420
shall include, as part of the next budget submission prepared 126421
under section 126.02 of the Revised Code, a request for funding 126422
for such activities from an alternative source such that further 126423
federal disallowances would not be required. 126424

The director of an agency may certify to the Director of 126425
Budget and Management the amount of expenses paid in error from a 126426
fund included in the Statewide Indirect Cost Allocation Plan. The 126427
Director of Budget and Management may transfer cash from the fund 126428
from which the expenditure should have been made into the fund 126429
from which the expenses were erroneously paid, up to the amount of 126430
the certification. 126431

The director of an agency may certify to the Director of 126432
Budget and Management the amount of expenses or revenues not 126433
allowed to be included in the Statewide Indirect Cost Allocation 126434
Plan under federal regulations, for any fund included in the 126435
Statewide Indirect Cost Allocation Plan, for which the federal 126436
government requires payment. If the Director of Budget and 126437
Management determines that an appropriation made to a state agency 126438

from a fund of the state is insufficient to pay the amount 126439
required by the federal government, the amount required for such 126440
purpose is hereby appropriated from the available receipts of such 126441
fund, up to the amount of the certification. 126442

Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 126443

Notwithstanding any provision of law to the contrary, on or 126444
before the first day of September of each fiscal year, the 126445
Director of Budget and Management, in order to reduce the payment 126446
of adjustments to the federal government, as determined by the 126447
plan prepared under division (A) of section 126.12 of the Revised 126448
Code, may designate such funds as the Director considers necessary 126449
to retain their own interest earnings. 126450

Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 126451

Pursuant to the plan for compliance with the Federal Cash 126452
Management Improvement Act required by section 131.36 of the 126453
Revised Code, the Director of Budget and Management may cancel and 126454
re-establish all or part of encumbrances in like amounts within 126455
the funds identified by the plan. The amounts necessary to 126456
re-establish all or part of encumbrances are hereby appropriated. 126457

Section 521.60. FISCAL STABILIZATION AND RECOVERY 126458

To ensure the level of accountability and transparency 126459
required by federal law, the Director of Budget and Management may 126460
issue guidelines to any agency applying for federal money made 126461
available to this state for fiscal stabilization and recovery 126462
purposes, and may prescribe the process by which agencies are to 126463
comply with any reporting requirements established by the federal 126464
government. 126465

Section 610.01. That Section 755.40 of Sub. H.B. 53 of the 126466

131st General Assembly be amended to read as follows: 126467

Sec. 755.40. (A) There is hereby created the Joint 126468
Legislative Task Force on Department of Transportation Issues. The 126469
Task Force shall consist of three members of the House Finance and 126470
Appropriations Committee, one of whom is a member of the Minority 126471
party, all of whom shall be appointed by the Speaker of the House 126472
of Representatives; and three members of the Senate Transportation 126473
Committee, one of whom is a member of the Minority party, all of 126474
whom shall be appointed by the President of the Senate. In making 126475
Minority party appointments, the Speaker shall consult with the 126476
Minority Leader of the House of Representatives, and the President 126477
shall consult with the Minority Leader of the Senate. 126478

(B)(1) The Task Force shall study methods for increasing the 126479
speed on, and access to, rural highways and freeways in Ohio. ~~The~~ 126480
~~Task Force also shall study~~ and methods for saving money on 126481
license plates, including specifically a single license plate 126482
requirement. 126483

(2) In addition to the areas of study specified in division 126484
(B)(1) of this section, the Task Force shall study the cost and 126485
feasibility of establishing a limited driving privilege license 126486
that: 126487

(a) Contains embedded information, accessible only to law 126488
enforcement officers, that specifies the period during which the 126489
license holder may exercise limited driving privileges and the 126490
purposes for which limited driving privileges have been granted; 126491

(b) Is issued to any person to whom any of the following 126492
applies: 126493

(i) The person's driver's license has been suspended and the 126494
person has been granted limited driving privileges under section 126495
4510.021 of the Revised Code; 126496

(ii) The person's driver's license was previously suspended, 126497
the period of suspension has ended, and the person is complying 126498
with a Bureau of Motor Vehicles fee installment plan under O.A.C. 126499
4501:1-1-45 in order to pay the person's reinstatement fees; or 126500

(iii) The person's driver's license was previously suspended, 126501
the period of suspension has ended, and the person has been issued 126502
a court order under division (D)(2) of section 4510.10 of the 126503
Revised Code that authorizes the person to operate a vehicle until 126504
the person can pay the reinstatement fees. 126505

(3) Not later than December 15, 2015, the Task Force shall 126506
issue a report containing its findings and recommendations with 126507
regard to the areas of study specified in division (B)(1) and (2) 126508
of this section to the President of the Senate, the Minority 126509
Leader of the Senate, the Speaker of the House of Representatives, 126510
and the Minority Leader of the House of Representatives. 126511

(C)(1) The Task Force shall examine the funding needs of the 126512
Ohio Department of Transportation and shall study specifically the 126513
issue of the effectiveness of the Ohio motor fuel tax in meeting 126514
those funding needs. The Task Force also shall study alternative 126515
methods for funding the construction and maintenance of Ohio's 126516
roadways and infrastructure. 126517

(2) Not later than December 15, 2016, the Task Force shall 126518
issue a report containing its findings and recommendations with 126519
regard to the areas of study specified in division (C)(1) of this 126520
section to the President of the Senate, the Minority Leader of the 126521
Senate, the Speaker of the House of Representatives, and the 126522
Minority Leader of the House of Representatives. At that time, the 126523
Task Force shall cease to exist. 126524

Section 610.02. That existing Section 755.40 of Sub. H.B. 53 126525
of the 131st General Assembly is hereby repealed. 126526

Section 610.10. That Sections 125.10, 125.11, and 733.40 of
Am. Sub. H.B. 59 of the 130th General Assembly be amended to read
as follows:

Sec. 125.10. (A) Sections 5168.01, 5168.02, 5168.03, 5168.04,
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11,
~~5168.12,~~ 5168.13, 5168.99, and 5168.991 of the Revised Code are
hereby repealed, effective October 16, ~~2015~~ 2017.

(B) ~~Any~~ Notwithstanding the repeal by this act of section
5168.12 of the Revised Code, any money remaining in the
Legislative Budget Services Fund on ~~October 16, 2015,~~ the
effective date of the repeal of that section ~~5168.12 of the~~
~~Revised Code is repealed by division (A) of this section,~~ shall be
used solely for the purposes stated in then former section 5168.12
of the Revised Code. When all money in the Legislative Budget
Services Fund has been spent after then former section 5168.12 of
the Revised Code is repealed ~~under division (A) of this section,~~
the fund shall cease to exist.

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23,
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised
Code are hereby repealed, effective October 1, ~~2015~~ 2017.

Sec. 733.40. (A) The Superintendent of Public Instruction
shall appoint three incorporators who are knowledgeable about the
administration of public schools and about the operation of
nonprofit corporations in Ohio.

(B) The incorporators shall do whatever is necessary and
proper to set up a nonprofit corporation under Chapter 1702. of
the Revised Code. The articles of incorporation, in addition to
meeting the requirements of section 1702.04 of the Revised Code,
shall set forth the following provisions:

(1) That the nonprofit corporation is to create and implement a pilot program that provides an alternative path for individuals to receive training and development in the administration of primary and secondary education and leadership, that will enable these individuals to earn a degree in public school administration, that will enable these individuals to obtain licenses in public school administration, and that promotes the placement of these individuals in public schools that have a poverty percentage greater than fifty per cent.

(2) That the Board of Directors are to establish criteria for program costs, participant selection, and continued participation, and metrics to document and measure pilot program activities.

(3) That the name of the nonprofit corporation is "New Leaders for Ohio Schools."

(4) That the Board of Directors is to consist of the following nine directors:

(a) The Governor or the Governor's designee;

(b) The Superintendent of Public Instruction, or the Superintendent's designee;

(c) The Chancellor of the Ohio Board of Regents, or the Chancellor's designee;

(d) Two individuals to represent major business enterprises in Ohio;

(e) Two individuals appointed by the Speaker of the House of Representatives, one of whom shall be an active duty or retired military officer;

(f) Two individuals appointed by the President of the Senate, one of whom shall be a current or retired teacher or principal.

The Dean of The Ohio State University Fisher College of Business and the Dean of The Ohio State University College of

Education and Human Ecology are to serve as ex-officio nonvoting members of the Board. 126586
126587

The individuals on the Board who represent major business enterprises in Ohio are to be appointed by a statewide organization selected by the Governor. The organization is to be nonpartisan and consist of chief executive officers of major corporations organized in Ohio. 126588
126589
126590
126591
126592

(5) That the Board is to elect a chairperson from among its members, and is to appoint a President of the corporation. 126593
126594

(6) That the President of the Corporation, subject to the approval of the Board, is to enter into a contract with The Ohio State University Fisher College of Business. Under the contract, the College is to provide oversight to the corporation, ~~is to serve as fiscal agent for the corporation,~~ and is to provide the corporation with office space, and with office furniture and equipment, as is necessary for the corporation successfully to fulfill its duties. 126595
126596
126597
126598
126599
126600
126601
126602

(7) That the overhead expenses of the corporation are not to exceed fifteen per cent of the annual budget of the corporation. 126603
126604

(8) That the President is to apply for, and is to receive and accept, grants, gifts, bequests, and contributions from private sources. 126605
126606
126607

(9) That the corporation is to submit an annual report to the General Assembly and Governor beginning December 31, 2013. 126608
126609

(10) That state financial support for the corporation shall cease on the date that is five years after ~~the effective date of this section~~ June 30, 2013. 126610
126611
126612

Section 610.11. That existing Sections 125.10, 125.11, and 733.40 of Am. Sub. H.B. 59 of the 130th General Assembly are hereby repealed. 126613
126614
126615

Section 610.14. That Section 745.10 of Am. Sub. H.B. 483 of the 130th General Assembly be amended to read as follows:

Sec. 745.10. (A) There is hereby created the Maritime Port Funding Study Committee. The committee shall consist of the following ten members who shall be appointed not later than thirty days after the effective date of this section:

(1) Two members of the Senate, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party, both appointed by the President of the Senate;

(2) Two members of the House of Representatives, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party, both appointed by the Speaker of the House of Representatives;

(3) Two members appointed by the Governor, one of whom shall be from the Ohio Department of Transportation and be knowledgeable about maritime ports and one of whom shall be from the Development Services Agency;

(4) Four members appointed jointly by the President of the Senate and the Speaker of the House of Representatives, each of whom shall represent maritime port interests on behalf of a major maritime port and none of whom shall represent the same maritime port.

(B) The Committee shall select a chairperson and vice-chairperson from among its members. The Committee first shall meet within one month after the effective date of this section at the call of the President of the Senate. Thereafter, the Committee shall meet at the call of its chairperson as necessary to carry out its duties. Members of the Committee are not entitled to compensation for serving on the Committee, but may continue to receive the compensation and benefits accruing from their regular

offices or employments. 126646

(C) The Committee shall study alternative funding mechanisms 126647
for maritime ports in Ohio that may be utilized beginning in 126648
fiscal year 2016-2017. Not later than January 1, ~~2015~~ 2016, the 126649
Study Committee shall issue a report of its findings and 126650
recommendations to the Governor, the President of the Senate, the 126651
Minority Leader of the Senate, the Speaker of the House of 126652
Representatives, and the Minority Leader of the House of 126653
Representatives. After submitting the report, the Study Committee 126654
shall cease to exist. 126655

Section 610.15. That existing Section 745.10 of Am. Sub. H.B. 126656
483 of the 130th General Assembly is hereby repealed. 126657

Section 610.17. That Section 10 of Am. Sub. H.B. 487 of the 126658
130th General Assembly be amended to read as follows: 126659

Sec. 10. (A) For the 2014-2015 and 2015-2016 school year 126660
years, no school district, community school, STEM school, 126661
college-preparatory boarding school, or chartered nonpublic school 126662
shall be required to administer in an online format any 126663
assessments prescribed by sections 3301.0710 and 3301.0712 of the 126664
Revised Code. However, a district or school may administer any of 126665
those assessments in an online format at the discretion of the 126666
district board or school governing authority, or in any 126667
combination of online and paper formats. The Department of 126668
Education shall furnish, free of charge, all such assessments for 126669
that school year regardless of the format selected by the district 126670
or school. School districts and schools are encouraged to 126671
administer the assessments in an online format. 126672

(B) Not later than December 31, 2014, the Department shall 126673
submit a report to the Governor and the General Assembly, in 126674
accordance with section 101.68 of the Revised Code, on the 126675

security of student data with regard to the administration of 126676
online assessments. 126677

(C) Not later than July 1, 2015, the Department shall publish 126678
the number of districts and schools that administered the 126679
assessments required under sections 3301.0710 and 3301.0712 of the 126680
Revised Code in all of the following formats: 126681

(1) Completely in an online format; 126682

(2) Completely in a paper format; 126683

(3) In any combination of online and paper formats. 126684

Section 610.18. That existing Section 10 of Am. Sub. H.B. 487 126685
of the 130th General Assembly is hereby repealed. 126686

Section 610.20. That Sections 207.70, 207.200, 213.20, 126687
215.10, 221.20, 235.10, 245.10, and 259.10 of Am. H.B. 497 of the 126688
130th General Assembly be amended to read as follows: 126689

Sec. 207.70. CLT CLARK STATE COMMUNITY COLLEGE 126690

Higher Education Improvement Fund (Fund 7034) 126691

C38519 Energy Efficiency Improvements \$ 2,100,000 126692

C38520 Springfield Downtown Parking Facility \$ 250,000 126693

C38521 Springfield UAS Hangar \$ 500,000 126694

C38522 Food and Bioscience Training Center \$ 1,000,000 126695

TOTAL Higher Education Improvement Fund \$ 3,850,000 126696

TOTAL ALL FUNDS \$ 3,850,000 126697

SPRINGFIELD DOWNTOWN PARKING FACILITY 126698

The foregoing appropriation item C38520, Springfield Downtown 126699
Parking Facility, may be used for transportation and community 126700
strategic planning, including, but not limited to, construction of 126701
a parking garage, studies of parking issues, and long-term 126702
strategic community planning. 126703

Sec. 207.200. NCC NORTH CENTRAL TECHNICAL COLLEGE			126704
Higher Education Improvement Fund (Fund 7034)			126705
C38010	Kehoe Center Infrastructure Renovation	\$ 350,000	126706
C38014	IT Data Infrastructure Upgrade Project	\$ 1,400,000	126707
C38015	Crawford County Higher Education Center	\$ 850,000	126708
C38016	MEDAL Talent Innovation Network	\$ 500,000	126709
~~C38017~~	~~Ashland University College of Nursing~~	~~\$ 1,000,000~~	126710
TOTAL Higher Education Improvement Fund		\$ ~~4,100,000~~	126711
		<u>3,100,000</u>	
TOTAL ALL FUNDS		\$ ~~4,100,000~~	126712
		<u>3,100,000</u>	

Sec. 213.20. The Treasurer of State is hereby authorized to 126714
issue and sell, in accordance with Section 2i of Article VIII, 126715
Ohio Constitution, and Chapter 154. and other applicable sections 126716
of the Revised Code, original obligations in an aggregate 126717
principal amount not to exceed ~~\$120,000,000~~ 124,700,000 in 126718
addition to the original issuance of obligations heretofore 126719
authorized by prior acts of the General Assembly. These authorized 126720
obligations shall be issued, subject to applicable constitutional 126721
and statutory limitations, as needed to provide sufficient moneys 126722
to the credit of the Administrative Building Fund (Fund 7026) to 126723
pay costs associated with previously authorized capital facilities 126724
and the appropriations in this act made from Fund 7026. 126725

Sec. 215.10. AGR DEPARTMENT OF AGRICULTURE			126726
Administrative Building Fund (Fund 7026)			126727
C70007	Building and Grounds	\$ 1,200,000	126728
C70020	Agricultural Laboratory Facilities	\$ 400,000	126729
<u>C70022</u>	<u>Agricultural Society Facilities</u>	<u>\$ 4,700,000</u>	126730
TOTAL Administrative Building Fund		\$ ~~1,600,000~~	126731
		<u>6,300,000</u>	

Clean Ohio Agricultural Easement Fund (Fund 7057)		126732
C70009 Clean Ohio Agricultural Easement	\$ 12,500,000	126733
TOTAL Clean Ohio Agricultural Easement	\$ 12,500,000	126734
TOTAL ALL FUNDS	\$ ~~14,100,000~~	126735
	<u>18,800,000</u>	

AGRICULTURAL SOCIETY FACILITIES 126736

The foregoing appropriation item C70022, Agricultural Society 126737
Facilities, shall be distributed evenly to each county and 126738
independent agricultural society in accordance with Section 717.10 126739
of Am. Sub. H.B. 64 of the 131st General Assembly. 126740

Sec. 221.20. The Treasurer of State is hereby authorized to 126741
issue and sell in accordance with Section 2i of Article VIII, Ohio 126742
Constitution, and Chapter 154. of the Revised Code, particularly 126743
section 154.20 of the Revised Code, original obligations in an 126744
aggregate principal amount not to exceed ~~\$40,000,000~~ \$41,000,000 126745
in addition to the original issuance of obligations heretofore 126746
authorized by prior acts of the General Assembly. These authorized 126747
obligations shall be issued, subject to applicable constitutional 126748
and statutory limitations, as needed to provide sufficient moneys 126749
to the credit of the Mental Health Facilities Improvement Fund 126750
(Fund 7033) to pay costs of capital facilities as defined in 126751
section 154.01 of the Revised Code for mental hygiene and 126752
retardation. 126753

Sec. 235.10. DEV DEVELOPMENT SERVICES AGENCY 126754

Coal Research and Development Fund (Fund 7046)		126755
C19505 Coal Research and Development	\$ 3,000,000	126756
TOTAL Coal Research and Development Fund	\$ 3,000,000	126757
<u>Service Station Cleanup Fund (Fund 7100)</u>		126758
<u>C19507 Service Station Cleanup</u>	\$ <u>20,000,000</u>	126759
<u>TOTAL Service Station Cleanup Fund</u>	\$ <u>20,000,000</u>	126760

TOTAL ALL FUNDS	\$	~~3,000,000~~	126761
		<u>23,000,000</u>	
<u>SERVICE STATION CLEANUP FUND</u>			126762
<u>(A) For purposes of this section:</u>			126763
<u>(1) "Political subdivision" means a county, municipal</u>			126764
<u>corporation, township, or port authority.</u>			126765
<u>(2) "Class C release" has the same meaning as in section</u>			126766
<u>3737.87 of the Revised Code.</u>			126767
<u>(3) "Property assessment" means a property assessment</u>			126768
<u>conducted in accordance with section 3746.04 of the Revised Code</u>			126769
<u>or a corrective action process or source investigation process</u>			126770
<u>under section 1301:7-9-13 of the Ohio Administrative Code.</u>			126771
<u>(4) "Property owner" means a political subdivision and an</u>			126772
<u>organization that owns publicly owned lands.</u>			126773
<u>(5) "Cleanup or remediation" means any action at a Class C</u>			126774
<u>release site to contain, remove, or dispose of petroleum or other</u>			126775
<u>hazardous substances or remove underground storage tanks used to</u>			126776
<u>store petroleum or other hazardous substances.</u>			126777
<u>(6) "Publicly owned lands" includes lands that are owned by</u>			126778
<u>an organization that has entered into a relevant agreement with a</u>			126779
<u>political subdivision.</u>			126780
<u>(B) The Abandoned Gas Station Cleanup Grant Program is</u>			126781
<u>established in the Development Services Agency for the purpose of</u>			126782
<u>cleanup and remediation of Class C release sites to provide for</u>			126783
<u>and enable the environmentally safe and productive reuse of</u>			126784
<u>publicly owned lands by the remediation or cleanup, or planning</u>			126785
<u>and assessment for that remediation or cleanup, of contamination</u>			126786
<u>or by addressing property conditions or circumstances that may be</u>			126787
<u>deleterious to public health and safety or the environment or that</u>			126788
<u>preclude or inhibit environmentally sound or economic reuse of the</u>			126789

property as authorized by Section 20 of Article VIII of the Ohio 126790
Constitution. Under this program, the Director of Development 126791
Services may do either or both of the following: 126792

(1) Award a grant of up to \$100,000 to a property owner for 126793
purposes of a property assessment on a Class C release site; 126794

(2) Award a grant of up to \$500,000 to a property owner for 126795
purposes of cleanup or remediation of a Class C release site. 126796

Grants under divisions (B)(1) and (2) of this section shall 126797
be used by a property owner to create a site that provides 126798
opportunities for economic impact through redevelopment. The 126799
Director of Development Services may consult with the 126800
Environmental Protection Agency, the State Fire Marshal, the Ohio 126801
Water Development Authority, and the Ohio Public Works Commission 126802
in connection with this program and the awarding of these grants. 126803
Sections 122.651 to 122.658 of the Revised Code do not apply to 126804
this program. 126805

(C) A property owner applying for a grant under division 126806
(B)(1) or (2) of this section shall submit an application for the 126807
grant on a form prescribed by the Director of Development 126808
Services. 126809

An authorized representative of the property owner shall sign 126810
and submit an affidavit with the application certifying that the 126811
property owner did not cause or contribute to any prior release of 126812
petroleum or other hazardous substances on the site. 126813

Upon receipt of an application, the Director shall examine 126814
the application and all accompanying information to determine if 126815
the application is complete. If the Director determines that the 126816
application is not complete, the Director shall promptly notify 126817
the property owner that the application is not complete, provide a 126818
description of the information that is missing from the 126819
application, and return the application and all accompanying 126820

information to the property owner. The property owner may resubmit 126821
the application. 126822

If the Director approves an application under this section, 126823
the Director may enter into an agreement with the property owner 126824
to award a grant to the property owner. The agreement shall be 126825
executed prior to paying or disbursing any grant funds approved by 126826
the Director under this section. 126827

(D) The Service Station Cleanup Fund (Fund 7100) is hereby 126828
created in the state treasury. The fund shall consist of moneys 126829
transferred to it pursuant to this section from the Clean Ohio 126830
Revitalization Fund (Fund 7003) created in section 122.658 of the 126831
Revised Code. Investment earnings of the fund shall be credited to 126832
the fund. Moneys in the fund shall be used to award grants 126833
pursuant to the Abandoned Gas Station Cleanup Grant Program 126834
established in this section. 126835

(E) At the request of the Director of Development Services 126836
the Director of Budget and Management may transfer up to 126837
\$20,000,000 cash from the Clean Ohio Revitalization Fund (Fund 126838
7003) to the Service Station Cleanup Fund (Fund 7100) as needed to 126839
provide for grants awarded by the Director of Development Services 126840
under this section. 126841

Sec. 245.10. PWC PUBLIC WORKS COMMISSION 126842

State Capital Improvements Fund (Fund 7038) 126843

C15000 Local Public Infrastructure/State CIP \$ 300,000,000 126844

TOTAL State Capital Improvements Fund \$ 300,000,000 126845

State Capital Improvements Revolving Loan Fund (Fund 7040) 126846

C15030 Revolving Loan \$ 69,000,000 126847

TOTAL State Capital Improvements Revolving Loan \$ 69,000,000 126848
Fund

Clean Ohio Conservation Fund (Fund 7056) 126849

C15060	Clean Ohio Conservation Program	\$ 75,000,000	126850
TOTAL	Clean Ohio Conservation Fund	\$ 75,000,000	126851
TOTAL	ALL FUNDS	\$ 444,000,000	126852

LOCAL PUBLIC INFRASTRUCTURE 126853

The foregoing appropriation item C15000, Local Public 126854
Infrastructure/State CIP, shall be used in accordance with 126855
sections 164.01 to 164.12 of the Revised Code. The Director of the 126856
Public Works Commission may certify to the Director of Budget and 126857
Management that a need exists to appropriate investment earnings 126858
to be used in accordance with sections 164.01 to 164.12 of the 126859
Revised Code. If the Director of Budget and Management determines 126860
pursuant to division (D) of section 164.08 and section 164.12 of 126861
the Revised Code that investment earnings are available to support 126862
additional appropriations, such amounts are hereby appropriated. 126863

If the Public Works Commission receives refunds due to 126864
project overpayments that are discovered during a post-project 126865
audit, the Director of the Public Works Commission may certify to 126866
the Director of Budget and Management that refunds have been 126867
received. In certifying the refunds, the Director of the Public 126868
Works Commission shall provide the Director of Budget and 126869
Management information on the project refunds. The certification 126870
shall detail by project the source and amount of project 126871
overpayments received and include any supporting documentation 126872
required or requested by the Director of Budget and Management. 126873
Upon receipt of the certification, the Director of Budget and 126874
Management shall determine if the project refunds are necessary to 126875
support existing appropriations. If the project refunds are 126876
available to support additional appropriations, these amounts are 126877
hereby appropriated to appropriation item C15030, Revolving Loan. 126878

REVOLVING LOAN 126879

The foregoing appropriation item C15030, Revolving Loan, 126880
shall be used in accordance with sections 164.01 to 164.12 of the 126881

Revised Code. 126882

If the Public Works Commission receives refunds due to 126883
project overpayments that are discovered during a post-project 126884
audit, the Director of the Public Works Commission may certify to 126885
the Director of Budget and Management that refunds have been 126886
received. In certifying the refunds, the Director of the Public 126887
Works Commission shall provide the Director of Budget and 126888
Management information on the project refunds. The certification 126889
shall detail by project the source and amount of project 126890
overpayments received and include any supporting documentation 126891
required or requested by the Director of Budget and Management. 126892
Upon receipt of the certification, the Director of Budget and 126893
Management shall determine if the project refunds are necessary to 126894
support existing appropriations. If the project refunds are 126895
available to support additional appropriations, these amounts are 126896
hereby appropriated to appropriation item C15030, Revolving Loan. 126897

STATE CAPITAL IMPROVEMENTS REVOLVING LOAN FUND 126898

Revenues to the State Capital Improvements Revolving Loan 126899
Fund (Fund 7040) shall consist of all repayments of loans made to 126900
local subdivisions for capital improvements, investment earnings 126901
on moneys in the fund, and moneys obtained from federal or private 126902
grants or from other sources for the purpose of making loans for 126903
the purpose of financing or assisting in the financing of the cost 126904
of capital improvement projects of local subdivisions. 126905

If the Public Works Commission receives refunds due to 126906
project overpayments that are discovered during the post-project 126907
audit, the Director of the Public Works Commission may certify to 126908
the Director of Budget and Management that refunds have been 126909
received. If the Director of Budget and Management determines that 126910
the project refunds are available to support additional 126911
appropriations, such amounts are hereby appropriated. 126912

CLEAN OHIO CONSERVATION GRANT REPAYMENTS 126913

Any amount in grant repayments received by the Public Works 126914
Commission and deposited into the Clean Ohio Conservation Fund 126915
pursuant to section 164.261 of the Revised Code is hereby 126916
appropriated through the foregoing appropriation item C15060, 126917
Clean Ohio Conservation. 126918

Reappropriations

Sec. 259.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 126919
Administrative Building Fund (Fund 7026) 126920
C10000 Governor's Residence \$ 376,384 126921
C10010 Office Services Building Renovation \$ 776,561 126922
C10011 Statewide Communications System \$ 199,723 126923
C10015 SOCC Renovations \$ 333,180 126924
C10016 Hamilton St/Local Government Center - \$ 57,500 126925
Plan
C10019 25 S. Front Street Renovations \$ 367,932 126926
C10020 North High Building Complex Renovations \$ 10,685,993 126927
C10021 Office Space Planning \$ 4,796,323 126928
C10022 Governor's Residence Security Upgrade \$ 24,250 126929
C10023 eSecure Ohio \$ 160,043 126930
C10025 eGovernment Infrastructure \$ 82,675 126931
C10026 DAS Building Security \$ 11,067 126932
C10031 Operations Facilities Improvement \$ 191,978 126933
TOTAL Administrative Building Fund \$ 18,063,609 126934
General Revenue Fund (GRF) 126935
C10008 Urban Areas Community Improvement \$ 20,000 126936
TOTAL General Revenue Fund \$ 20,000 126937
TOTAL ALL FUNDS \$ 18,083,609 126938

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 126939

There is hereby continued a Multi-Agency Radio Communications 126940
System (MARCS) Steering Committee consisting of the designees of 126941

the Directors of Administrative Services, Public Safety, Natural 126942
Resources, Transportation, Rehabilitation and Correction, and 126943
Budget and Management, and the State Fire Marshal or the State 126944
Fire Marshal's designee. The Director of Administrative Services 126945
or the Director's designee shall chair the Committee. The 126946
Committee shall provide assistance to the Director of 126947
Administrative Services for effective and efficient implementation 126948
of MARCS as well as develop policies for the ongoing management of 126949
the system. Upon dates prescribed by the Directors of 126950
Administrative Services and Budget and Management, the MARCS 126951
Steering Committee shall report to the Directors on the progress 126952
of MARCS implementation and the development of policies related to 126953
the system. 126954

The Committee may establish a subcommittee to represent MARCS 126955
users on the local government level. If the Committee establishes 126956
such a subcommittee, the chairperson of the subcommittee also may 126957
serve as a member of the MARCS Steering Committee. 126958

The foregoing appropriation item C10011, Statewide 126959
Communications System, shall be used to purchase or construct the 126960
components of MARCS that are not specific to any one agency. The 126961
equipment may include, but is not limited to, multi-agency 126962
equipment at the Emergency Operations Center/Joint Dispatch 126963
Facility, computer and telecommunications equipment used for the 126964
functioning and integration of the system, communications towers, 126965
tower sites, tower equipment, and linkages among towers and 126966
between towers and the State of Ohio Network for Integrated 126967
Communication (SONIC) system. The Director of Administrative 126968
Services shall, with the concurrence of the MARCS Steering 126969
Committee, determine the specific use of funds. 126970

The amount reappropriated for the foregoing appropriation 126971
item C10011, Statewide Communications System, is the unencumbered 126972
and unallotted balance as of June 30, 2014, in appropriation item 126973

C10011, Statewide Communications System, plus \$66,092. Prior to 126974
the expenditure of this reappropriation, the Director of 126975
Administrative Services shall certify to the Director of Budget 126976
and Management canceled encumbrances in the Administrative 126977
Building Fund (Fund 7026) in the amount of at least \$66,092. 126978
Spending from this appropriation item shall not be subject to 126979
Chapters 123. and 153. of the Revised Code. 126980

S OCC RENOVATIONS 126981

The amount reappropriated for the foregoing appropriation 126982
item C10015, SOCC Renovations, is the unencumbered and unallotted 126983
balance as of June 30, 2014, in appropriation item C10015, SOCC 126984
Renovations, plus \$36,166. Prior to the expenditure of this 126985
reappropriation, the Director of Administrative Services shall 126986
certify to the Director of Budget and Management canceled 126987
encumbrances in the Administrative Building Fund (Fund 7026) in 126988
the amount of at least \$36,166. 126989

NORTH HIGH BUILDING COMPLEX RENOVATIONS 126990

The amount reappropriated for the foregoing appropriation 126991
item C10020, North High Building Complex Renovations, is the 126992
unencumbered and unallotted balance as of June 30, 2014, in 126993
appropriation item C10020, North High Building Complex 126994
Renovations, plus \$845,454. Prior to the expenditure of this 126995
reappropriation, the Director of Administrative Services shall 126996
certify to the Director of Budget and Management canceled 126997
encumbrances in the Administrative Building Fund (Fund 7026) in 126998
the amount of at least \$845,454. 126999

OFFICE SPACE PLANNING 127000

The amount reappropriated for the foregoing appropriation 127001
item C10021, Office Space Planning, is the unencumbered and 127002
unallotted balance as of June 30, 2014, in appropriation item 127003
C10021, Office Space Planning, plus \$60,126. Prior to the 127004

expenditure of this reappropriation, the Director of 127005
Administrative Services shall certify to the Director of Budget 127006
and Management canceled encumbrances in the Administrative 127007
Building Fund (Fund 7026) in the amount of at least \$60,126. 127008

ESECURE OHIO 127009

The amount reappropriated for the foregoing appropriation 127010
item C10023, eSecure Ohio, is the unencumbered and unallotted 127011
balance as of June 30, 2014, in appropriation item C10023, eSecure 127012
Ohio, plus \$31,590. Prior to the expenditure of this 127013
reappropriation, the Director of Administrative Services shall 127014
certify to the Director of Budget and Management canceled 127015
encumbrances in the Administrative Building Fund (Fund 7026) in 127016
the amount of at least \$31,590. 127017

Section 610.21. That existing Sections 207.70, 207.200, 127018
213.20, 215.10, 221.20, 235.10, 245.10, and 259.10 of Am. H.B. 497 127019
of the 130th General Assembly are hereby repealed. 127020

Section 610.22. That Section 2 of Am. Sub. S.B. 1 of the 127021
130th General Assembly be amended to read as follows: 127022

Sec. 2. (A) As used in this section: 127023

(1) "Institution" means any of the following: 127024

(a) A state institution of higher education, as defined in 127025
section 3345.011 of the Revised Code; 127026

(b) A private career school, as defined in section 3332.01 of 127027
the Revised Code; 127028

(c) A private, nonprofit institution in this state holding a 127029
certificate of authorization pursuant to Chapter 1713. of the 127030
Revised Code; 127031

(d) A private institution exempt from regulation under 127032

Chapter 3332. of the Revised Code as prescribed in section 127033
3333.046 of the Revised Code, if the program has a certificate of 127034
authorization pursuant to Chapter 1713. of the Revised Code; 127035

(e) A career-technical center, joint vocational school 127036
district, comprehensive career-technical center, or compact 127037
career-technical center offering adult training. 127038

(2) "Workforce training program" includes any of the 127039
following: 127040

(a) Courses, programs, or a degree from an institution; 127041

(b) Vocational education classes offered to adult learners; 127042

(c) Any other training program designed to meet the special 127043
requirements of a particular employer. 127044

(B)(1) The OhioMeansJobs Workforce Development Revolving Loan 127045
Program is hereby established for the purpose of assisting with 127046
job growth and advancement through training and retraining. The 127047
Chancellor of ~~the Ohio Board of Regents~~ Higher Education shall 127048
~~administer the program and shall~~ award funds to an institution 127049
that the institution shall use to award loans to participants in a 127050
workforce training program that is approved by the Chancellor and 127051
that is administered by the institution. 127052

(2) In awarding funds under this section, the Chancellor 127053
shall give a preference to an institution for a workforce training 127054
program in which the institution partners with a business that is 127055
willing to repay all or part of the loan on behalf of a program 127056
participant or with a business that also provides funding for the 127057
program, in comparison to a program that does not have such a 127058
partnership. The Chancellor shall consider a program that has 127059
employment opportunities in areas that are in demand, including, 127060
but not limited to, energy exploration. 127061

(3) The Chancellor also shall consider all of the following 127062

factors when determining whether to award funds under this section 127063
to an institution for a workforce training program, to the extent 127064
that these factors apply to the program: 127065

(a) The success rate of the workforce training program 127066
offered by the institution; 127067

(b) The cost of the workforce training program based upon a 127068
comparison of similar workforce training programs offered in this 127069
state; 127070

(c) The rate that the workforce training program participants 127071
obtain employment in the field in which they receive training 127072
under the program; 127073

(d) The willingness of the institution to assist a 127074
participant in paying for the costs of participating in the 127075
workforce training program; 127076

(e) The extent to which the program has demonstrated support 127077
from business partners. 127078

(4) After the initial funds are awarded to institutions under 127079
this section, the Chancellor, in awarding subsequent funds under 127080
this section, shall give greater weight to the factors listed in 127081
division (B)(3)(a) of this section in comparison to the other 127082
factors listed in division (B)(3) of this section, but shall not 127083
give that factor greater weight than the preference given in 127084
division (B)(2) of this section. 127085

(C) Funds shall be disbursed to successful applicants using 127086
moneys from the OhioMeansJobs Workforce Development Revolving Loan 127087
Fund established in section 6301.14 of the Revised Code. The 127088
Chancellor shall not award to an institution more than one hundred 127089
thousand dollars per workforce training program per year under 127090
this section. An institution receiving funds under this section 127091
shall establish, in consultation with the ~~Board of Regents~~ 127092
Department of Higher Education, eligibility requirements that a 127093

participant in the workforce training program for which the 127094
institution received the funds shall satisfy to receive a loan 127095
under this section, and the institution shall ~~disburse~~ apply the 127096
loan proceeds to program costs for those participants who satisfy 127097
those requirements. A loan ~~awarded~~ applied by an institution to a 127098
program costs for a participant under this section shall not 127099
exceed ten thousand dollars per program in which the participant 127100
participates. 127101

(D) Except as provided in the rules adopted by the ~~Chancellor~~ 127102
Treasurer of State pursuant to division ~~(E)-(3)-(G)~~ of this section, 127103
a loan to a program participant shall remain interest-free until 127104
six months after the date the participant successfully completes 127105
the workforce training program, if the participant also continues 127106
to reside in this state. Beginning on the earlier of the date that 127107
is six months after the individual completes the workforce 127108
training program for which the participant received a loan under 127109
this section, the date the individual terminates enrollment in the 127110
workforce training program without completion, or the date the 127111
participant ceases to reside in this state, the ~~Chancellor~~ 127112
Treasurer of State shall assess a rate of interest of not more 127113
than four per cent per annum on any outstanding principal balance 127114
of that loan. The ~~Chancellor~~ Treasurer of State shall not assess a 127115
zero per cent interest rate. The ~~Chancellor~~ Treasurer of State 127116
shall establish a payment schedule not to exceed seven years after 127117
the date a participant successfully completes the workforce 127118
training program. 127119

(E) The Chancellor shall prescribe, by rule adopted in 127120
accordance with Chapter 119. of the Revised Code, procedures 127121
necessary to carry out this section, including all of the 127122
following: 127123

(1) Application procedures for funds under this section, 127124
which shall require an applicant to include a description of the 127125

workforce training program for which the institution intends to 127126
award loans and the number of individuals who will be 127127
participating in that program; 127128

~~(2) Terms for repayment of a loan;~~ 127129

~~(3) Assessment of interest on loans for a participant who 127130
fails to comply with continuing eligibility requirements, who 127131
fails to complete the workforce training program for which the 127132
participant received the loan, or whose participation in the 127133
program is on a staggered basis;~~ 127134

~~(4) A method to determine the amount of funds awarded to an 127135
institution based on the costs of the workforce training program 127136
for which a program participant receives a loan and the number of 127137
individuals the institution estimates will participate in the 127138
program;~~ 127139

~~(5) Disbursement of funds to an institution;~~ 127140

~~(6)~~(3) The process by which the Chancellor approves workforce 127141
training programs for which loans are granted under this section. 127142

(F) The Treasurer of State shall ~~serve as an agent for the~~ 127143
~~Chancellor in the~~ be responsible for making of deposits and 127144
withdrawals and ~~maintenance of~~ maintaining records pertaining to 127145
the OhioMeansJobs Workforce Development Revolving Loan Fund. 127146

(G)~~(1)~~ The Chancellor may designate either the Treasurer of 127147
State or a third party to serve as the Chancellor's agent in 127148
servicing the loans described in this section. The agent 127149
designated by the Chancellor pursuant to this division is 127150
authorized to take such actions and to enter into such contracts 127151
and to execute all instruments necessary or appropriate to service 127152
loans described in this section. If the Chancellor or an agent of 127153
the Chancellor designated by the Chancellor who is not the 127154
Treasurer of State services the loans described in this section, 127155
the Chancellor shall adopt rules in accordance with Chapter 119. 127156

~~of the Revised Code to establish a fee to be charged to a loan~~ 127157
~~recipient to offset the cost of servicing the loan.~~ 127158

~~(2) If the~~ The Treasurer of State ~~is designated the agent~~ 127159
~~pursuant to this division, the Treasurer of State shall service~~ 127160
the loans described in this section and may designate a third 127161
party to serve as an agent of the Treasurer of State in servicing 127162
the loans. ~~The~~ A third party designated by the Treasurer of State 127163
is authorized to take such actions, to enter into such contracts, 127164
and to execute all instruments necessary or appropriate to service 127165
those loans. ~~If the~~ The Treasurer of State ~~or an agent of the~~ 127166
~~Treasurer of State services the loans pursuant to this division,~~ 127167
~~the Treasurer of State shall adopt rules pursuant to section~~ 127168
111.15 of the Revised Code to ~~establish~~ do all of the following: 127169

(1) Establish a fee to be charged to a loan recipient to 127170
offset the cost of servicing the loan; 127171

(2) Establish terms of repayment for a loan; 127172

(3) Assess interest on loans for a participant who fails to 127173
comply with continuing eligibility requirements, who fails to 127174
complete the workforce training program for which the participant 127175
received the loan, or whose participation in the program is on a 127176
staggered basis; 127177

(4) Disburse funds to an institution. ~~The~~ 127178

(H) The Treasurer of State may adopt any additional rules 127179
pursuant to section 111.15 of the Revised Code that the Treasurer 127180
of State considers necessary to implement ~~this division~~ (G) of 127181
this section. 127182

~~(3)(I)~~ (I) The loan servicing fee established pursuant to 127183
division (G)(1) ~~or (2)~~ of this section shall not exceed the actual 127184
cost of servicing the loan. 127185

~~(H)~~ (J)(1) The Chancellor shall prepare a report outlining the 127186

amount each institution received under this section during the 127187
previous year, including the amount awarded to each individual 127188
workforce training program. ~~The Chancellor may include in the~~ 127189
~~report any recommendations for legislative changes to the Program~~ 127190
~~that the Chancellor determines are necessary to improve the~~ 127191
~~functioning and efficiency of the Program.~~ 127192

(2) Beginning on July 1, 2014, and continuing every year 127193
thereafter for so long as the Chancellor awards funds under the 127194
Program, the Chancellor shall submit the report prepared in 127195
division ~~(H)~~(J)(1) of this section to the Governor, the Speaker 127196
and Minority Leader of the House of Representatives, and the 127197
President and Minority Leader of the Senate. 127198

Section 610.23. That existing Section 2 of Am. Sub. S.B. 1 of 127199
the 130th General Assembly is hereby repealed. 127200

Section 610.30. That Section 5 of Am. Sub. S.B. 314 of the 127201
129th General Assembly be amended to read as follows: 127202

Sec. 5. (A) There is hereby established a five-year pilot 127203
program to test a new funding mechanism for the state's travel and 127204
tourism marketing. The funding mechanism shall begin operation in 127205
fiscal year 2014 and be calculated as follows: 127206

(1)(a) Not later than the twentieth day of October of each 127207
year, starting in 2013 and ending in 2017, the Tax Commissioner 127208
shall calculate the growth in fiscal year sales tax revenue from 127209
certain defined categories that are related to tourism and certify 127210
that amount to the Director of Budget and Management. 127211

(b) Not later than the twentieth day of October of each year, 127212
starting in 2013 and ending in 2017, the Commissioner shall 127213
calculate and certify to the Director the difference, if greater 127214
than zero, between the revenue collected from the tax imposed 127215

under section 5739.02 of the Revised Code during the twelve-month 127216
period ending on the last day of the preceding June and the 127217
revenue collected during the same twelve-month period one year 127218
earlier, for all vendors classified under the industry codes 127219
identified in division (A)(2) of this section. On or before the 127220
last day of October of each year, starting in 2013 and ending in 127221
2017, the Director of Budget and Management shall transfer from 127222
the General Revenue Fund to the Tourism Fund created in section 127223
122.072 of the Revised Code the amount certified by the 127224
Commissioner under this division, except that the transfer shall 127225
not exceed ten million dollars for any fiscal year. 127226

(c) Each fiscal year, beginning in fiscal year 2015, the Tax 127227
Commissioner shall adjust the ten million annual dollar limit on 127228
transfers to the Tourism Fund. The adjustment shall be made by 127229
~~adding to the annual limit the product of~~ multiplying the limit 127230
for the preceding fiscal year by the sum of one plus the 127231
percentage ~~increase~~ change in the Consumer Price Index for all 127232
urban consumers for the Midwest region, as determined by the 127233
United States Bureau of Labor Statistics, for the twelve-month 127234
period corresponding to the preceding fiscal year. The result 127235
shall be rounded to the nearest one thousand dollars. The 127236
calculation of the percentage increase in the Consumer Price Index 127237
shall be done by taking the average index value over the twelve 127238
months of the last completed fiscal year and comparing that to the 127239
average index value over the twelve months of the immediately 127240
preceding fiscal year. 127241

(2) The following industries included in the industrial 127242
classification system used by the Tax Commissioner shall be used 127243
in the computations under division (A)(1) of this section: air 127244
transportation; water transportation; interurban and rural bus 127245
transportation; taxi service; limousine service; other transit and 127246
ground passenger transportation; scenic and sightseeing 127247

transportation; support activities for air transportation; 127248
automotive equipment rental and leasing; travel arrangement and 127249
reservation services; performing arts companies; spectator sports; 127250
independent artists, writers, and performers; museums, historical 127251
sites, and similar institutions; amusement parks and arcades; 127252
gambling industries; hotels and motels; casino hotels; 127253
bed-and-breakfast inns; other travel accommodations; recreational 127254
vehicle parks and recreational camps; full-service restaurants; 127255
limited-service eating places; drinking places (alcoholic 127256
beverages). 127257

(B) The pilot program shall terminate when the last transfer 127258
of funds made in accordance with division (A)(1)(b) of this 127259
section occurs in fiscal year 2018, specifically in October 2017. 127260
At that time, the Director of Development Services, the Director 127261
of Budget and Management, and the Tax Commissioner shall jointly 127262
review the pilot program and make recommendations to the Governor 127263
and the General Assembly on whether to make the funding mechanism 127264
permanent and, if so, whether any changes should be made to it. If 127265
the recommendation is to make the funding mechanism permanent, the 127266
Director of Development Services, the Director of Budget and 127267
Management, and the Tax Commissioner shall also study and make 127268
recommendations to the Governor and the General Assembly as to 127269
whether the Office of TourismOhio and its functions should be 127270
removed from the Development Services Agency and established as a 127271
private nonprofit corporation or a subsidiary corporation of 127272
JobsOhio. 127273

Section 610.31. That existing Section 5 of Am. Sub. S.B. 314 127274
of the 129th General Assembly is hereby repealed. 127275

Section 610.32. That Section 9 of Am. Sub. H.B. 386 of the 127276
129th General Assembly, as amended by Am. Sub. H.B. 59 of the 127277
130th General Assembly, be amended to read as follows: 127278

Sec. 9. (A) As used in this section, ~~"permit:~~ 127279
"Permit holder" and "track" have the same meanings as in 127280
Section 7 of this act. 127281

"Eligible entity" means a municipal corporation or township 127282
that received moneys from the Casino Operator Settlement Fund 127283
under Section 10 of Am. Sub. H.B. 386 of the 129th General 127284
Assembly, as subsequently amended. 127285

~~(B) The Governor, in consultation with the State Racing~~ 127286
~~Commission, shall discuss, negotiate in good faith, and reach an~~ 127287
~~agreement with necessary parties regarding providing five hundred~~ 127288
~~thousand dollars per year, with the first payment by December 31,~~ 127289
~~2014, and annually thereafter, to the municipal corporations or~~ 127290
~~townships receiving moneys from the Casino Operator Settlement~~ 127291
~~Fund under Section 10 of Am. Sub. H.B. 386 of the 129th General~~ 127292
~~Assembly, as subsequently amended~~ Each eligible entity shall 127293
receive a total of one million dollars in the following manner: 127294

(1) The State of Ohio, in accordance with Section 235.20 of 127295
this act, shall pay five hundred thousand dollars to each eligible 127296
entity; 127297

(2) The permit holder of a track located in an eligible 127298
entity shall pay two hundred fifty thousand dollars to each 127299
eligible entity not later than December 31, 2015; and 127300

(3) The permit holder of a track located in an eligible 127301
entity shall pay two hundred fifty thousand dollars to each 127302
eligible entity not later than December 31, 2016. 127303

(C) It is the intent of the General Assembly that all 127304
payments made according to this section and Section 233.10 of this 127305
act are made in full, complete, and total satisfaction of any 127306
payment contemplated or required by any version of this section. 127307

Section 610.33. That existing Section 9 of Am. Sub. H.B. 386 of the 129th General Assembly, as amended by Am. Sub. H.B. 59 of the 130th General Assembly, is hereby repealed.

Section 610.35. That Section 7 of Sub. H.B. 532 of the 129th General Assembly be amended to read as follows:

Sec. 7. (A) This section applies only to a city school district that currently leases an athletic field to the governing authority of a chartered nonpublic school.

(B) Notwithstanding ~~section~~ sections 3313.41 and 3313.413 of the Revised Code, the board of education of a school district to which this section applies may offer for sale an athletic field that it owns in its corporate capacity to the chartered nonpublic school that is the current leaseholder of that property prior to offering that property for sale under the provisions of ~~section~~ sections 3313.41 and 3313.413 of the Revised Code.

(C) This section shall expire on December 31, ~~2015~~ 2017.

Section 610.36. That existing Section 7 of Sub. H.B. 532 of the 129th General Assembly is hereby repealed.

Section 610.37. That Section 4 of Sub. S.B. 171 of the 129th General Assembly, as most recently amended by Am. Sub. H.B. 59 of the 130th General Assembly, be amended to read as follows:

Sec. 4. The following agencies are retained under division (D) of section 101.83 of the Revised Code and expire on December 31, 2016:

AGENCY NAME	REVISED CODE OR UNCODIFIED SECTION

Academic Distress Commission	3302.10	127333
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	127334
Advisory Board to Assist and Advise in the Operation of the Ohio Center for Autism and Low Incidence	3323.33, 3323.34	127335
Advisory Council on Amusement Ride Safety	1711.51, 1711.52	127336
Office of Enterprise Development Advisory Board	5145.162	127337
Advisory Council for Wild, Scenic, or Recreational River Area(s)	1547.84	127338
Advisory Committee on Livestock Exhibitions	901.71	127339
Agricultural Commodity Marketing Programs Operating Committees	924.07	127340
Agricultural Commodity Marketing Programs Coordinating Committee	924.14	127341
Alternative Energy Advisory Committee	4928.64(D)	127342
AMBER Alert Advisory Committee	5502.521	127343
Apprenticeship Council	Chapter 4139.	127344
Armory Board of Control	5911.09, 5911.12	127345
Automated Title Processing Board	4505.09(C)(1)	127346
Backflow Advisory Board	3703.21	127347
Banking Commission	1123.01	127348
Board of Directors of the Great Lakes Protection Fund	1506.22 (6161.04)	127349
Board of Directors of the Medical Liability Underwriting Association Stabilization Fund	3929.631	127350
Board of Directors of the Ohio Appalachian Center for Higher Education	3333.58	127351
Board of Directors of the Ohio Health Reinsurance Program	3924.08 - 3924.11	127352
Board of Governors of the Commercial Insurance Joint Underwriting Association	3930.03	127353
Board of Governors of the Medical Liability	3929.64	127354

Underwriting Association		
Board of Voting Machines Examiners	3506.05	127355
Budget Planning and Management Commission	Section 509.10, H.B. 1, 128th G.A.	127356
Brain Injury Advisory Committee	3304.231	127357
Bureau of Workers' Compensation Board of Directors	4121.12	127358
Capitol Square Review and Advisory Board	105.41	127359
Child Care Advisory Council	5104.08	127360
Child Support Guideline Advisory Council	3119.024	127361
Children's Trust Fund Board	3109.15 - 3109.17	127362
Citizen's Advisory Council	5123.092, 5123.093	127363
Clean Ohio Trail Advisory Board	1519.06	127364
Coastal Resources Advisory Council	1506.12	127365
Commission on African-American Males	4112.12, 4112.13	127366
Commission on Hispanic-Latino Affairs	121.31	127367
Commission on Minority Health	3701.78	127368
Committee on Prescriptive Governance	4723.49 - 4723.492	127369
Commodity Advisory Commission	926.32	127370
Consumer Advisory Committee to the Opportunities for Ohioans with Disabilities Commission	3304.16 (3304.14), Section 803.40	127371
Continuing Education Committee	109.80(B)	127372
Council on Alcohol and Drug Addiction Services	3793.09	127373
Council on Unreclaimed Strip Mined Lands	1513.29	127374
County Sheriff's Standard Car Marking and Uniform Commission	311.25 - 311.27	127375
Credential Review Board	3319.65	127376
Credit Union Council	1733.329	127377

Criminal Sentencing Advisory Committee	181.22	127378
Data Collection and Analysis Group	3727.32	127379
Dentist Loan Repayment Advisory Board	3702.92	127380
Department Advisory Council(s)	107.18, 121.13	127381
Development Financing Advisory Council	122.40, 122.41	127382
Early Childhood Advisory Council	3301.90	127383
Education Commission of the States (Interstate Compact for Education)	3301.48, 3301.49	127384
Education Management Information System Advisory Board	3301.0713	127385
Educator Standards Board	3319.60	127386
Electrical Safety Inspector Advisory Committee	3783.08	127387
Emergency Response Commission	3750.02	127388
Engineering Experiment Station Advisory Committee	3335.27	127389
Environmental Education Council	3745.21	127390
Environmental Protection Agency Advisory Board(s)	121.13, 3704.03, 3745.01	127391
Broadcast Educational Media Commission	3353.02 - 3353.04	127392
Ex-Offender Reentry Coalition	5120.07	127393
Farmland Preservation Advisory Board	901.23	127394
Financial Planning and Supervision Commission(s) for Municipal Corporation, County, or Township	118.05	127395
Financial Planning and Supervision Commission for a school district	3316.05	127396
Forestry Advisory Council	1503.40	127397
Governance Authority for a State University or College	3345.75	127398
Governor's Council on People with Disabilities	3303.41	127399
Governor's Policy Information Working Group	Section 313, H.B. 420, 127th G.A.	127400
Governor's Residence Advisory Commission	107.40	127401

Grain Marketing Program Operating Committee	924.20 - 924.30	127402
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	127403
Gubernatorial Transition Committee	107.29, 126.26	127404
Help Me Grow Advisory Council	3701.611	127405
Hemophilia Advisory Subcommittee of the Medically Handicapped Children's Medical Advisory Council	3701.0210	127406
Homeland Security Advisory Council	5502.011(E)	127407
Hospital Measures Advisory Council	3727.31	127408
Housing Trust Fund Advisory Committee	174.06	127409
Industrial Commission Nominating Council	4121.04	127410
Industrial Technology and Enterprise Advisory Council	122.29, 122.30	127411
Infant Hearing Screening Subcommittee	3701.507	127412
Infection Control Group	3727.312(D)	127413
Insurance Agent Education Advisory Council	3905.483	127414
Interstate Rail Passenger Advisory Council	4981.35	127415
Joint Select Committee on Volume Cap	133.021	127416
Labor-Management Government Advisory Council	4121.70	127417
Legislative Programming Committee of the Ohio Government Telecommunications Service	3353.07	127418
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	127419
Maternity and Newborn Advisory Council	3711.20, 3711.21	127420
Medically Handicapped Children's Medical Advisory Council	3701.025	127421
Midwest Interstate Passenger Rail Compact Commission	4981.361	127422
Milk Sanitation Board	917.03 - 917.032	127423
Mine Subsidence Insurance Governing Board	3929.51	127424
Minority Development Financing Advisory Board	122.72, 122.73	127425
Multi-Agency Radio Communications System (MARCS) Steering Committee	Section 15.02, H.B. 640, 123rd	127426

	G.A.	
National Museum of Afro-American History and Culture Planning Committee	149.303	127427
New African Immigrants Commission	4112.31, 4112.32	127428
Ohio Accountability Task Force	3302.021(E)	127429
Ohio Advisory Council for the Aging	173.03	127430
Ohio Agriculture License Plate Scholarship Fund Board	901.90	127431
Ohio Arts Council	Chapter 3379.	127432
Ohio Business Gateway Steering Committee	5703.57	127433
Ohio Cemetery Dispute Resolution Commission	4767.05, 4767.06	127434
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)(4)	127435
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	127436
Ohio Commission on Dispute Resolution and Conflict Management	179.02 - 179.04	127437
Ohio Commission on Fatherhood	5101.34	127438
Ohio Community Service Council	121.40 - 121.404	127439
Ohio Council for Interstate Adult Offender Supervision	5149.22	127440
Ohio Cultural Facilities Commission	Chapter 3383.	127441
Ohio Cystic Fibrosis Legislative Task Force	101.38	127442
Ohio Developmental Disabilities Council	5123.35	127443
Ohio Expositions Commission	991.02	127444
Ohio Family and Children First Cabinet Council	121.37	127445
Ohio Geographically Referenced Information Program Council	125.901, 125.902	127446
Ohio Geology Advisory Council	1501.11	127447
Ohio Grape Industries Committee	924.51 - 924.55	127448
Ohio Historic Site Preservation Advisory Board	149.301	127449
Ohio Historical Society Board of Trustees	149.30	127450
Ohio Judicial Conference	105.91 - 105.97	127451

Ohio Lake Erie Commission	1506.21	127452
Ohio Legislative Commission on the Education and Preservation of State History	Section 701.05, H.B. 1, 128th G.A.	127453
Ohio Medical Quality Foundation	3701.89	127454
Ohio Parks and Recreation Council	1541.40	127455
Ohio Peace Officer Training Commission	109.71, 109.72	127456
Ohio Private Investigation and Security Services Commission	4749.021, 4743.01	127457
Ohio Public Defender Commission	120.01 - 120.03	127458
Ohio Public Library Information Network Board of Trustees	3375.65, 3375.66	127459
Ohio Quarter Horse Development Commission	3769.086	127460
Ohio Small Government Capital Improvements Commission	164.02(C)(D)	127461
Ohio Soil and Water Conservation Commission	1515.02	127462
Ohio Standardbred Development Commission	3769.085	127463
~~Ohio Subrogation Rights Commission~~	~~2323.44~~	127464
Ohio Thoroughbred Racing Advisory Committee	3769.084	127465
Ohio Transportation Finance Commission	5531.12(B) to (D)	127466
Ohio Tuition Trust Authority	3334.03, 3334.08	127467
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10, 3337.11	127468
Ohio Vendors Representative Committee	3304.34, 20 USC 107	127469
Ohio War Orphans Scholarship Board	5910.02 - 5910.06	127470
Ohio Water Advisory Council	1521.031	127471
Ohio Water Resources Council Advisory Group	1521.19	127472
Ohio Water Resources Council	1521.19	127473
Oil and Gas Commission	1509.35	127474
Operating Committee of the Oil and Gas Marketing	1510.06, 1510.11	127475

Program		
Organized Crime Investigations Commission	177.01	127476
Pharmacy and Therapeutics Committee of the Department of Medicaid	5164.7510	127477
Physician Assistant Policy Committee of the State Medical Board	4730.05, 4730.06	127478
Physician Loan Repayment Advisory Board	3702.81	127479
Power Siting Board	4906.02	127480
Prequalification Review Board	5525.07	127481
Private Water Systems Advisory Council	3701.346	127482
Public Utilities Commission Nominating Council	4901.021	127483
Public Utility Property Tax Study Committee	5727.85(K)	127484
Radiation Advisory Council	3748.20	127485
Reclamation Commission	1513.05	127486
Reclamation Forfeiture Fund Advisory Board	1513.182	127487
Recreation and Resources Commission	1501.04	127488
Recycling and Litter Prevention Advisory Council	1502.04	127489
School and Ministerial Lands Divestiture Committee	501.041	127490
Savings and Loan Associations and Savings Banks Board	1181.16	127491
Second Chance Trust Fund Advisory Committee	2108.35	127492
Service Coordination Workgroup	Section 751.20, H.B. 1, 128th G.A.	127493
Ski Tramway Board	4169.02	127494
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	127495
Solid Waste Management Advisory Council	3734.51	127496
Special Commission to Consider the Suspension of Local Government Officials	3.16	127497
Speed to Scale Task Force	Section 375.60.80, H.B.	127498

	119, 128th G.A.	
State Agency Coordinating Group	1521.19	127499
State Audit Committee	126.46	127500
State Council of Uniform State Laws	105.21 - 105.27	127501
State Criminal Sentencing Commission	181.22 - 181.26	127502
State Fire Council	3737.81	127503
State Library Board	3375.01	127504
State Victims Assistance Advisory Council	109.91(B) and (C)	127505
Statewide Consortium of County Law Library Resource Boards	3375.481	127506
STEM Committee	3326.02	127507
Student Tuition Recovery Authority	3332.081	127508
Sunset Review Committee	101.84 - 101.87	127509
Tax Credit Authority	122.17(M)	127510
Technical Advisory Committee to Assist Director of the Ohio Coal Development Office	1551.35	127511
Technical Advisory Council on Oil and Gas	1509.38	127512
Transportation Review Advisory Council	5512.07 - 5512.09	127513
Unemployment Compensation Advisory Council	4141.08	127514
Unemployment Compensation Review Commission	4141.06	127515
Veterans Advisory Committee	5902.02(K)	127516
Volunteer Fire Fighters' Dependents Fund Boards (private volunteer)	146.02 - 146.06	127517
Volunteer Fire Fighters' Dependents Fund Boards (public)	146.02 - 146.06	127518
Water and Sewer Commission	1525.11(C)	127519
Waterways Safety Council	1547.73	127520
Wildlife Council	1531.03 - 1531.05	127521
Workers' Compensation Board of Directors Nominating Committee	4121.123	127522

Section 610.38. That existing Section 4 of Sub. S.B. 171 of the 129th General Assembly, as most recently amended by Am. Sub. H.B. 59 of the 130th General Assembly, is hereby repealed.

Section 610.40. That Section 20.15 of H.B. 215 of the 122nd General Assembly be amended to read as follows:

Sec. 20.15. Departmental MIS

The foregoing appropriation item 100-603, Departmental MIS Services, may be used to pay operating expenses of Management Information Systems activities in the Department of Administrative Services.

Notwithstanding any other language to the contrary, the Director of Budget and Management may transfer in total up to \$683,000 cash from any fund administered by the Department of Administrative Services in the General Services Fund Group or Intragovernmental Service Fund Group to the Departmental MIS Services Fund (Fund 4P3) to pay operating costs of the Departmental MIS program.

After final payments are made from fiscal year 1997 encumbrances in the Computer Services Fund, the Department of Administrative Services shall reconcile fiscal year 1997 financial activity in the Computer Services Fund and determine the amount of the fund cash balance due to Management Information System program operations.

Not later than June 30, 1998, the Director of Administrative Services shall make a determination of any cash transfer which is required to finalize the transfer of Management Information Systems program operations from the Computer Services Fund to the Departmental MIS Services Fund. Upon concurrence with this determination, the Director of Budget and Management may transfer

this amount between the Computer Services Fund and the 127552
Departmental MIS Fund. 127553

Notwithstanding any other language to the contrary, the 127554
Director of Budget and Management may transfer up to \$1,530,643 of 127555
fiscal year 1998 appropriations and up to \$1,837,860 of fiscal 127556
year 1999 appropriations from appropriation item 100-603 to any 127557
Department of Administrative Services appropriation item in the 127558
General Services or Intragovernmental Service Fund Groups. The 127559
appropriations transferred shall be used to make payments for 127560
Management Information Systems services. 127561

Notwithstanding any other language to the contrary, the 127562
Director of Budget and Management may transfer up to \$696,104 of 127563
fiscal year 1998 appropriations and up to \$715,287 of fiscal year 127564
1999 appropriations from appropriation item 100-409, Departmental 127565
Information Services, to any Department of Administrative Services 127566
appropriation item in the General Revenue Fund. The appropriations 127567
transferred shall be used to make payments for Management 127568
Information Systems services. The Department of Administrative 127569
Services shall establish charges for recovering the costs of 127570
Management Information Systems activities. These charges shall be 127571
deposited to the credit of the ~~Departmental MIS Information~~ 127572
Technology Fund (Fund 4P3 1330), ~~which is hereby created in~~ 127573
section 125.15 of the Revised Code. 127574

Section 610.41. That existing Section 20.15 of H.B. 215 of 127575
the 122nd General Assembly is hereby repealed. 127576

Section 610.50. That Sections 221.10, 223.10, and 223.40 of 127577
Am. H.B. 497 of the 130th General Assembly, as amended by Am. Sub. 127578
H.B. 483 of the 130th General Assembly, be amended to read as 127579
follows: 127580

Sec. 221.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 127581

SERVICES			127582
Mental Health Facilities Improvement Fund (Fund 7033)			127583
C58001	Community Assistance Projects	\$ 15,000,000	127584
C58007	Infrastructure Renovations	\$ 2,000,000	127585
C58021	Providence House	\$ 191,640	127586
C58022	Talbert House	\$ 300,000	127587
C58023	Cornerstone of Hope Butterfly Treehouse	\$ 40,000	127588
C58024	Bellefaire Jewish Children's Home	\$ 1,500,000	127589
C58025	Nancy's Place Replacement	\$ 500,000	127590
C58026	Cocoon Shelter	\$ 47,500	127591
<u>C58027</u>	<u>Ashland University College of Nursing</u>	<u>\$ 1,000,000</u>	127592
TOTAL Mental Health Facilities Improvement Fund		\$ ~~19,579,140~~	127593
		<u>20,579,140</u>	
TOTAL ALL FUNDS		\$ ~~19,579,140~~	127594
		<u>20,579,140</u>	
COMMUNITY ASSISTANCE PROJECTS			127595
The foregoing appropriation for the Department of Mental			127596
Health and Addiction Services, C58001, Community Assistance			127597
Projects, may be used for facilities constructed or to be			127598
constructed pursuant to Chapter 340., 3793., 5119., 5123., or			127599
5126. of the Revised Code or the authority granted by section			127600
154.20 of the Revised Code and the rules issued pursuant to those			127601
chapters and shall be distributed by the Department of Mental			127602
Health and Addiction Services subject to Controlling Board			127603
approval. Of the forgoing appropriation item C58001, Community			127604
Assistance Projects, \$5,000,000 shall be used to expand access to			127605
recovery housing in accordance with the guidelines contained in			127606
Section 327.83 of Am. Sub. H.B. 59 of the 130th General Assembly,			127607
as amended by Am. Sub. H.B. 483 of the 130th General Assembly.			127608
Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES			127609

Wildlife Fund (Fund 7015)			127610
C725K9 Wildlife Area Building	\$	6,400,000	127611
Development/Renovations			
TOTAL Wildlife Fund	\$	6,400,000	127612
Administrative Building Fund (Fund 7026)			127613
C725D5 Fountain Square Telephone Improvements	\$	2,250,000	127614
C725D7 MARCS Equipment	\$	2,490,150	127615
C725E0 DNR Fairgrounds Areas Upgrading	\$	485,000	127616
C725N7 District Office Renovations	\$	2,000,000	127617
TOTAL Administrative Building Fund	\$	7,225,150	127618
Ohio Parks and Natural Resources Fund (Fund 7031)			127619
C72549 Facilities Development	\$	1,250,000	127620
C725C2 Canals Hydraulics Work and Support	\$	200,000	127621
Facilities			
C725E1 Local Parks Projects Statewide	\$	7,945,485	127622
C725E5 Project Planning	\$	2,749,000	127623
C725J0 Natural Areas/Preserves	\$	1,000,000	127624
Maintenance/Facilities			
C725K0 State Park Renovations/Upgrading	\$	1,027,940	127625
C725N5 Wastewater/Water Systems Upgrades	\$	12,055,000	127626
C725N8 Operations Facilities Development	\$	2,500,000	127627
C72501 The Wilds	\$	500,000	127628
C725T3 Healthy Lake Erie Initiative	\$	10,000,000	127629
C725U0 Cleveland Zoological Society Savannah	\$	500,000	127630
Ridge Project			
TOTAL Ohio Parks and Natural Resources Fund	\$	39,727,425	127631
Parks and Recreation Improvement Fund (Fund 7035)			127632
C725A0 State Parks, Campgrounds, Lodges, Cabins	\$	44,650,000	127633
C725B2 State Park Maintenance Facility	\$	3,000,000	127634
Development			
C725B5 Buckeye Lake Dam Rehabilitation	\$	~~4,000,000~~	127635
		<u>29,000,000</u>	

C725E2	Local Parks Projects	\$	47,006,120	127636
C725E6	Project Planning	\$	5,901,000	127637
C725M5	Lake Erie Island State Park/Middle Bass	\$	6,000,000	127638
	Island State Park			
C725R3	State Park Renovations Upgrades	\$	12,000,000	127639
C725R4	Dam Rehabilitation - Parks	\$	41,100,000	127640
TOTAL Parks and Recreation Improvement Fund		\$	~~163,657,120~~	127641
			<u>188,657,120</u>	
Clean Ohio Trail Fund (Fund 7061)				127642
C72514	Clean Ohio Trail Fund	\$	12,500,000	127643
TOTAL Clean Ohio Trail Fund		\$	12,500,000	127644
Waterways Safety Fund (Fund 7086)				127645
C725A7	Cooperative Funding for Boating	\$	9,200,000	127646
	Facilities			
C725N9	Operations Facilities Development	\$	820,000	127647
C725Q6	Facilities Development	\$	5,363,274	127648
TOTAL Waterways Safety Fund		\$	15,383,274	127649
TOTAL ALL FUNDS		\$	~~244,892,969~~	127650
			<u>269,892,969</u>	

FEDERAL REIMBURSEMENT 127651

All reimbursements received from the federal government for 127652
any expenditures made pursuant to this section shall be deposited 127653
in the state treasury to the credit of the fund from which the 127654
expenditure originated. 127655

Of the foregoing appropriation item C725B5, Buckeye Lake Dam 127656
Rehabilitation, up to \$25,000,000 shall be used by the Director of 127657
Natural Resources for dam construction projects at Buckeye Lake. 127658
The Director may enter into contracts with qualified construction 127659
companies to complete dam construction projects. Any such contract 127660
shall include incentives for the early completion of construction 127661
projects. 127662

LOCAL PARKS PROJECTS 127663

Of the foregoing appropriation item C725E2, Local Parks 127664
Projects, an amount equal to two per cent of the projects listed 127665
may be used by the Department of Natural Resources for the 127666
administration of local projects, \$15,000,000 shall be used for 127667
the Veterans Memorial, \$5,000,000 shall be used for the City of 127668
Cleveland - Lakefront Access Project, \$4,000,000 shall be used for 127669
the Banks Project - Phase IIIA, \$1,500,000 shall be used for the 127670
Fifth Third Field Sports Plaza, \$1,500,000 shall be used for the 127671
Lima Stadium Park, \$1,000,000 shall be used for the Little Miami 127672
Scenic Trail- Bridge Construction, \$500,000 shall be used for the 127673
Shaker Heights Van Aken District, \$500,000 shall be used for the 127674
Cascade Plaza Renovation, \$500,000 shall be used for the Olentangy 127675
Greenway Trail Highbanks Connector, \$500,000 shall be used for 127676
Hilliard Station Park, \$500,000 shall be used for the MidPointe 127677
Crossing - Swift Park, \$500,000 shall be used for the Smale 127678
Riverfront Park, \$500,000 shall be used for the Green Township 127679
Harrison Avenue Hike/Bike Fitness Trail, \$300,000 shall be used 127680
for the Historic Loveland Bike Trail Parking Spur, \$400,000 shall 127681
be used for the City of Sylvania River Trail, \$285,545 shall be 127682
used for the Celina Westview Park Quad, \$250,000 shall be used for 127683
the New Bremen Lions Park Development, \$250,000 shall be used for 127684
the Montgomery County Agricultural Facility Improvements, \$250,000 127685
shall be used for Northam Park, \$250,000 shall be used for the 127686
Urban Youth Academy - Roselawn Park, \$250,000 shall be used for 127687
the Miamisburg Riverfront Park, \$218,000 shall be used for Laurel 127688
Park, Winesburg, \$165,000 shall be used for the Fredericktown Bike 127689
Path, \$150,000 shall be used for the Logan County Agricultural 127690
Facility Improvements, \$150,000 shall be used for the Help All 127691
Kids Play Hilliard Fields Sports Complex, \$150,000 shall be used 127692
for York Township Park, \$150,000 shall be used for Eastview Park, 127693
\$120,000 shall be used for the Shelby County Agricultural Facility 127694
Improvements, \$100,000 shall be used for the Ohio to Erie Trail, 127695

\$100,000 shall be used for Mt. Vernon Foundation Park, \$100,000	127696
shall be used for the Shanes Park Expansion, \$92,000 shall be used	127697
for the Defiance County Agricultural Facility Improvements,	127698
\$50,000 shall be used for the Moonville Rail Trail Bridges and	127699
Construction, \$50,000 shall be used for the All-Pro Freight	127700
Stadium Improvements, \$50,000 shall be used for the Bowling Green	127701
Nature Center, \$49,000 shall be used for the Lynchburg Old School	127702
Park, \$45,000 shall be used for the Bruce L. Chapin Bridge -	127703
Northcoast Inland Trail, \$40,000 shall be used for Pyramid Hill	127704
Sculpture Park, \$35,000 shall be used for Coldwater Memorial Park,	127705
\$32,300 shall be used for the Norwalk Soccer Shelter, \$30,000	127706
shall be used for the Round Town Bike Trail, and \$27,750 shall be	127707
used for the Shalersville Park Walking Trail, \$3,500,000 shall be	127708
used for the Flats East Gateway and Riverfront Park, \$1,000,000	127709
shall be used for the City of Celina Boardwalk, \$1,000,000 shall	127710
be used for the Middletown River Center, \$1,000,000 shall be used	127711
for the Voice of America Multi-Purpose Field and Athletic Complex,	127712
\$1,000,000 shall be used for the Euclid Waterfront Improvements	127713
Plan - Phase II Implementation, \$875,000 shall be used for the	127714
Preble County Agricultural Facility Improvements, \$500,000 shall	127715
be used for the New Economy Neighborhood - Phase II, \$500,000	127716
shall be used for the Nimisila Spillway Replacement Project,	127717
\$350,000 shall be used for the Perry Township Park Lakeshore	127718
Stabilization, \$300,000 shall be used for the Fairfield Sports	127719
Complex Entrance, \$250,000 shall be used for the Riverfront	127720
Enhancement, \$250,000 shall be used for the Earl Thomas Conley	127721
Riverside Park ~~Campground~~ <u>Waterpark</u> , \$150,000 shall be used for	127722
the Treasure Island River Corridor Improvement, \$150,000 shall be	127723
used for the Russ Nature Reserve, \$100,000 shall be used for the	127724
Hillsboro North High Trail and Pedestrian Bridge, \$100,000 shall	127725
be used for the PASA Field Lighting, \$100,000 shall be used for	127726
the Gallipolis Riverfront Project - Phase I, \$80,000 shall be used	127727
for the Black River Landing Pavilion, \$50,000 shall be used for	127728

the Loudonville Public Swimming Pool, \$35,000 shall be used for 127729
the A.S.K. Playground, \$30,000 shall be used for the Medina 127730
Community Recreation Center, \$25,000 shall be used for the Newbury 127731
Veterans' Memorial Park, and \$21,525 shall be used for the Black 127732
Swamp Education Center Parking Lot. 127733

Sec. 223.40. The Treasurer of State is hereby authorized to 127734
issue and sell, in accordance with Section 2i of Article VIII, 127735
Ohio Constitution, and Chapter 154. of the Revised Code, 127736
particularly section 154.22 of the Revised Code, original 127737
obligations in an aggregate principal amount not to exceed 127738
~~\$165,000,000~~ \$190,000,000, in addition to the original issuance of 127739
obligations heretofore authorized by prior acts of the General 127740
Assembly. These authorized obligations shall be issued, subject to 127741
applicable constitutional and statutory limitations, as needed to 127742
provide sufficient moneys to the credit of the Parks and 127743
Recreation Improvement Fund (Fund 7035) to pay the costs of 127744
capital facilities for parks and recreation as defined in section 127745
154.01 of the Revised Code. 127746

Section 610.51. That existing Sections 221.10, 223.10, and 127747
223.40 of Am. H.B. 497 of the 130th General Assembly, as amended 127748
by Am. Sub. H.B. 483 of the 130th General Assembly, are hereby 127749
repealed. 127750

Section 610.53. That Section 239.10 of Am. H.B. 497 of the 127751
130th General Assembly, as most recently amended by Am. Sub. S.B. 127752
243 of the 130th General Assembly, be amended to read as follows: 127753

Sec. 239.10. FCC FACILITIES CONSTRUCTION COMMISSION 127754
Lottery Profits Education Fund (Fund 7017) 127755
C23014 Classroom Facilities Assistance Program \$ 100,000,000 127756
- Lottery Profits

TOTAL Lottery Profits Education Fund	\$	100,000,000	127757
Public School Building Fund (Fund 7021)			127758
C230V9 School Security Grants	\$	17,345,000	127759
TOTAL Public School Building Fund	\$	17,345,000	127760
Administrative Building Fund (Fund 7026)			127761
C23016 Energy Conservation Projects	\$	3,000,000	127762
C230E5 State Agency Planning/Assessment	\$	500,000	127763
TOTAL Administrative Building Fund	\$	3,500,000	127764
Cultural and Sports Facilities Building Fund (Fund 7030)			127765
C23022 Woodward Opera House Redevelopment	\$	100,000	127766
C23023 OHS - Ohio History Center Exhibit Replacement	\$	840,750	127767
C23024 OHS - Statewide Site Exhibit Renovation	\$	420,000	127768
C23025 OHS - Statewide Site Repairs	\$	1,152,700	127769
C23027 OHS - Zoar Village Building Restoration	\$	502,500	127770
C23028 OHS - Basic Renovations and Emergency Repairs	\$	850,000	127771
C23030 OHS - Rankin House State Memorial	\$	653,000	127772
C23031 OHS - Harding Home State Memorial	\$	250,000	127773
C23032 OHS - Ohio Historical Center Rehabilitation	\$	985,000	127774
C23033 OHS - Stowe House State Memorial	\$	300,000	127775
C23038 OHS - Fort Amanda State Memorial	\$	395,000	127776
C23042 Tecumseh - Sugarloaf Mountain Amphitheatre	\$	33,500	127777
C23044 OHS - Ohio River Museum	\$	52,200	127778
C23045 OHS - Lockington Locks Stabilization	\$	358,900	127779
C23057 OHS - Online Portal to Ohio's Heritage	\$	1,246,000	127780
C23059 Lake Erie Nature and Science Center	\$	300,000	127781
C23068 Huntington House	\$	75,000	127782
C23077 Columbus Museum of Art: Expansion and Renovation Phase 3	\$	1,101,000	127783

C23083	Stan Hywet Hall & Gardens Restoration	\$	1,560,522	127784
C23091	Ohio Theatre - Toledo	\$	201,000	127785
C23098	Twin City Opera House	\$	400,000	127786
C230A1	Preble County Historical Society	\$	50,000	127787
C230A6	Secrest Auditorium Renovation	\$	125,000	127788
C230B1	Karamu House	\$	1,060,522	127789
C230C5	OHS - Collections Storage Facility	\$	212,000	127790
	Object Evaluation			
C230C6	OHS - Historic Site Signage	\$	300,000	127791
C230C8	OHS - Serpent Mound	\$	397,900	127792
C230D1	OHS - Great Circle Earthworks	\$	75,000	127793
C230D4	OHS - Fort Laurens	\$	45,000	127794
C230E6	OHS - Exhibits for Native American Sites	\$	500,000	127795
C230E7	OHS - Hayes Presidential Center	\$	50,000	127796
C230E8	OHS - Armstrong Air and Space Museum	~~\$45,000~~	<u>295,000</u>	127797
C230E9	OHS - Museum of Ceramics	\$	223,850	127798
C230F1	OHS - Campus Martius Museum	\$	145,200	127799
C230F2	Second Century Project	\$	200,000	127800
C230F3	Stuart's Opera House	\$	500,000	127801
~~C230F4~~	~~The Gordon, Hauss, Folk Company Mill~~	~~\$~~	~~250,000~~	127802
C230F5	Thatcher Temple Art Building	\$	37,500	127803
C230F6	Fitton Center for Creative Arts	\$	100,000	127804
C230F7	Oxford Community Arts Center	\$	450,000	127805
C230F8	Gammon House Improvements	\$	75,000	127806
C230F9	Clark State Community College Performing Arts Center	\$	275,000	127807
C230G1	Murphy Theatre	\$	150,000	127808
C230G2	Johnson-Humrick House Museum	\$	57,960	127809
C230G3	Public artPARK	\$	200,000	127810
C230G4	Schines Art Park	\$	357,500	127811
C230G5	Bedford Historical Society	\$	100,000	127812
C230G6	Rainey Institute - Safe Parking	\$	125,000	127813
C230G7	Ukrainian Museum - Archives	\$	125,000	127814

C230G8	Cleveland African American Museum Restoration and Expansion	\$	150,000	127815
C230G9	Great Lakes Science Center Omnimax Theatre	\$	500,000	127816
C230H1	Cleveland Music School Settlement - Burke Mansion Performing Arts Center	\$	255,000	127817
C230H2	Cozad Bates House	\$	365,131	127818
C230H3	Beck Center	\$	402,349	127819
C230H7	Western Reserve Historical Society	\$	750,000	127820
C230H9	Gordon Square Arts District	\$	1,000,000	127821
C230J4	Cleveland Museum of Natural History	\$	2,500,000	127822
C230J5	Phillis Wheatley - Hunter's Cove House	\$	350,000	127823
C230J6	West Side Market Renovation	\$	500,000	127824
C230J7	Cardinal Center	\$	75,000	127825
C230J8	War of 1812 Bicentennial Native American Bowery Education Center	\$	24,913	127826
C230J9	St. Clair Memorial Hall	\$	500,000	127827
C230K1	Historic Strand Theatre Renovation	\$	150,000	127828
C230K2	Delaware Veterans Memorial Plaza	\$	320,000	127829
C230K3	African-American Legacy Project	\$	75,000	127830
C230K4	Ohio Glass Museum Furnace System	\$	10,000	127831
C230K5	Saylor House and Reese-Peters House Preservation	\$	20,000	127832
C230K6	Victoria Opera House Restoration Phase 2	\$	30,000	127833
C230K7	Georgian Museum Storage Facility	\$	30,000	127834
C230K8	Sherman House Museum	\$	35,000	127835
C230K9	Washington Court House Auditorium Project	\$	100,000	127836
C230L1	McCoy Community Center of the Arts - Video Projection System	\$	50,000	127837
C230L2	Glass Axis Relocation	\$	150,000	127838
C230L3	Harmony Project	\$	300,000	127839
C230L4	CCAD Cinematic Arts and Motion Capture	\$	750,000	127840

	Studio and Auditorium			
C230L5	Columbus Theater-Based Community Development Project	\$	1,000,000	127841
C230L6	Franklin Park Conservatory Joint Recreation District	\$	1,000,000	127842
C230L7	Sauder Village - 1920 Homestead	\$	300,000	127843
C230L8	Fulton County Visitor and Heritage Center	\$	1,000,000	127844
C230L9	Ariel-Ann Carson Dater Performing Arts Centre	\$	100,000	127845
C230M1	French Art Colony/Riverby Theatre Guild	\$	100,000	127846
C230M2	Geauga County Historical Society	\$	56,000	127847
C230M3	Chardon Lyric Theatre	\$	50,000	127848
C230M4	Chardon Heritage House	\$	200,000	127849
C230M5	Incline Theater Project	\$	550,000	127850
C230M6	Cincinnati Art Museum - Make Room for Art	\$	825,000	127851
C230M7	Hamilton County Memorial Hall	\$	2,000,000	127852
C230M8	Cincinnati Zoo	\$	2,000,000	127853
C230M9	Union Terminal Restoration	\$	5,000,000	127854
C230N1	Cincinnati Music Hall Revitalization	\$	5,000,000	127855
C230N2	Kan Du Community Arts Center	\$	520,000	127856
C230N3	Findlay Central Auditorium	\$	1,000,000	127857
C230N4	Appalachian Forest Museum	\$	100,000	127858
C230N5	Logan Theater	\$	25,000	127859
C230N6	Willard Train Viewing Platform	\$	50,000	127860
C230N7	Markay Theatre Renovation	\$	150,000	127861
C230N8	Grand Theater Restoration Project	\$	140,000	127862
C230N9	South Leroy Historic Meeting House Restoration	\$	15,000	127863
C230P1	Willoughby Fine Arts Association - Facility Expansion	\$	500,000	127864
C230P2	Ironton Cultural Arts Operations	\$	100,000	127865

	Facility			
C230P3	Sterling Theater Revitalization Project	\$	200,000	127866
C230P4	Logan County Veterans' Memorial Hall	\$	250,000	127867
C230P5	Columbia Station 1812 Block House	\$	28,000	127868
	Project			
C230P6	Avon Isle Renovation Phase 2	\$	82,775	127869
C230P7	Oberlin Gasholder Building/Underground	\$	200,000	127870
	Railroad Center			
C230P8	Carnegie Building Renovation	\$	500,000	127871
C230P9	Toledo Zoo	\$	750,000	127872
C230Q1	Imagination Station Improvements	\$	695,000	127873
C230Q2	War of 1812 Exhibit	\$	35,000	127874
C230Q3	Columbus Zoo and Aquarium	\$	1,000,000	127875
C230Q4	Toledo Repertoire Theatre	\$	150,000	127876
C230Q5	Valentine Theatre Initiative	\$	136,000	127877
C230Q6	Southern Park Historic District	\$	250,000	127878
C230Q7	Butler Institute of Art	\$	279,717	127879
C230Q8	Stambaugh Auditorium	\$	500,000	127880
C230Q9	Marion Palace Theatre	\$	731,000	127881
C230R1	Bradford Rail Museum	\$	275,000	127882
C230R2	K12 and TEJAS Building Project	\$	50,000	127883
C230R3	River Run Murals Project	\$	82,500	127884
C230R4	Dayton Contemporary Dance Company Studio	\$	125,000	127885
	Renovations			
C230R5	Wright Company Factory Project	\$	250,000	127886
C230R6	Victoria Theatre and Metropolitan Arts	\$	825,000	127887
	Center			
C230R7	Preserving & Updating the Historic	\$	2,198,500	127888
	Dayton Art Institute			
C230R8	National Ceramic Museum and Heritage	\$	100,000	127889
	Center Renovation			
C230R9	Opera House Project	\$	100,000	127890
C230S1	Tecumseh Theater - Opera House	\$	140,000	127891

	Restoration			
C230S2	Perry County Historical and Cultural Arts Center	\$	341,600	127892
C230S3	Hayden Auditorium - Hiram	\$	260,854	127893
C230S4	Majestic Theater Renovation	\$	36,000	127894
C230S5	Lucy Webb Hayes Heritage Center Exterior Replacement and Restoration	\$	100,000	127895
C230S6	Pumphouse Center for the Arts	\$	130,000	127896
C230S7	Historic Sidney Theatre	\$	500,000	127897
C230S8	Pro Football Hall of Fame	\$	10,000,000	127898
C230S9	Park Theater Renovation	\$	159,078	127899
C230T1	Akron Civic Theater	\$	530,261	127900
C230T2	John Brown House and Grounds	\$	50,000	127901
C230T3	Hale Farm	\$	500,000	127902
C230T4	Urichsville Clay Museum	\$	150,000	127903
C230T5	Mason Historical Society	\$	350,000	127904
C230T6	Cincinnati Zoo - Big Cat Facility	\$	1,000,000	127905
C230T7	Historic Theatre Restoration	\$	500,000	127906
C230T8	County Line Historical Society	\$	46,000	127907
C230T9	Pemberville Opera House Elevator Project	\$	220,000	127908
C230U1	Wood County Historical Center & Museum Accessibility Project	\$	600,000	127909
C230U2	Avon Lake - Folger House	\$	150,000	127910
C230U3	DeYor Performing Arts Center	\$	100,000	127911
TOTAL	Cultural and Sports Facilities Building Fund	\$	74,840,182	127912
	School Building Program Assistance Fund (Fund 7032)			127913
C23002	School Building Program Assistance	\$	575,000,000	127914
TOTAL	School Building Program Assistance Fund	\$	575,000,000	127915
TOTAL ALL FUNDS		\$	770,685,182	127916
	SCHOOL SECURITY GRANTS			127917
	The foregoing appropriation item C230V9, School Security Grants, shall be used by the School Facilities Commission to			127918 127919

provide funding to all public and chartered nonpublic schools for 127920
the purchase and installation of one Multi-Agency Radio 127921
Communications System (MARCS) unit per school building and a 127922
security door system, consisting of a security camera, an 127923
intercom, and remote access, at one main entrance per school 127924
building. If law enforcement agencies with jurisdiction over all 127925
or a portion of the geographical area of a public or chartered 127926
nonpublic school do not use MARCS, a public or chartered nonpublic 127927
school may purchase one emergency communications system compatible 127928
with the system or systems in use by law enforcement agencies with 127929
jurisdiction over the school territory. A public or chartered 127930
nonpublic school may apply to the School Facilities Commission for 127931
reimbursement up to \$2,000 for one MARCS unit or other emergency 127932
communications system per school building and up to \$5,000 for 127933
costs incurred with the purchase of a security door system 127934
installed on or after January 1, 2013. A public or chartered 127935
nonpublic school may receive reimbursement for either a MARCS unit 127936
or another emergency communications system, but not both. A school 127937
previously awarded funds for one of the grant items under this 127938
program may not receive a second award for that same grant item. 127939

STATE AGENCY PLANNING/ASSESSMENT 127940

The foregoing appropriation item C230E5, State Agency 127941
Planning/Assessment, shall be used by the Facilities Construction 127942
Commission to provide assistance to any state agency for 127943
assessment, capital planning, and maintenance management. 127944

GEAUGA COUNTY HISTORICAL SOCIETY 127945

Of the foregoing appropriation item C230M2, Geauga County 127946
Historical Society, \$12,000 shall be used for Geauga Historical 127947
Society - White Barn Restoration, \$18,000 shall be used for Geauga 127948
Historical Society - Maple Museum, and \$26,000 shall be used for 127949
Gauga Historical Society - Lennah Bond Center. 127950

SCHOOL BUILDING PROGRAM ASSISTANCE 127951

The foregoing appropriation item C23002, School Building 127952
Program Assistance, shall be used by the School Facilities 127953
Commission to provide funding to school districts that receive 127954
conditional approval from the Commission pursuant to Chapter 3318. 127955
of the Revised Code. 127956

Section 610.54. That existing Section 239.10 of Am. H.B. 497 127957
of the 130th General Assembly, as most recently amended by Am. 127958
Sub. S.B. 243 of the 130th General Assembly, is hereby repealed. 127959

Section 690.10. That Sections 701.10 and 701.61 of Am. Sub. 127960
H.B. 59 of the 130th General Assembly, Section 13 of Sub. H.B. 477 127961
of the 130th General Assembly, Sections 551.10 and 733.20 of Am. 127962
Sub. H.B. 483 of the 130th General Assembly, and Section 13 of Am. 127963
Sub. H.B. 487 of the 130th General Assembly are hereby repealed. 127964

Section 695.10. That Section 5 of Am. Sub. H.B. 486 of the 127965
130th General Assembly is hereby repealed. 127966

Section 701.05. There is the Grace Commission, a joint 127967
committee of the General Assembly, to review all expenditures of 127968
the state government for fiscal year 2015. The committee shall: 127969

(A) Identify opportunities for increased efficiency and 127970
reduced costs achievable by executive action or legislation; 127971

(B) Determine areas where managerial accountability can be 127972
enhanced and administrative controls improved; 127973

(C) Suggest short-term and long-term managerial operating 127974
improvements; and 127975

(D) Specify areas where further study can be justified by 127976
potential savings. 127977

The commission shall present its findings not later than 127978
eight months after the effective date of this section, in a 127979
written report to the General Assembly and to the Governor. 127980

The commission shall consist of ten appointed members. The 127981
President of the Senate shall appoint one member of the Senate and 127982
four other individuals to the commission. The Speaker of the House 127983
of Representatives shall appoint one member of the House of 127984
Representatives and four other individuals to the commission. The 127985
vice-chairperson of the Senate finance committee and the 127986
vice-chairperson of the House finance committee shall be 127987
ex-officio members of the commission, and shall be co-chairpersons 127988
of the commission. 127989

Members shall be appointed not later than one month after the 127990
effective date of this section. 127991

The commission shall convene as summoned by the chairperson. 127992
The first meeting of the commission shall occur within two months 127993
after the effective date of this section. Thereafter, the 127994
commission shall meet not less often than once per month. 127995

The House of Representatives shall provide the commission 127996
with meeting space and clerical staff support. 127997

Section 701.07. The Speaker of the House of Representatives 127998
and the President of the Senate shall make the initial 127999
appointments to the Joint Education Oversight Committee not later 128000
than thirty days after the effective date of section 103.50 of the 128001
Revised Code. 128002

Section 701.20. CLASSIFICATION PLAN RULE RESCISSION 128003

The following Ohio Administrative Code rules in effect on 128004
June 30, 2015, are hereby permanently rescinded upon the effective 128005
date of the amendments to sections 124.14 and 124.15 of the 128006
Revised Code: 128007

Ohio Administrative Code rule 123:1-7-15 (State managerial and supervisory classifications); 128008
128009

Ohio Administrative Code rule 123:1-7-21 (Classifications for the office of the Attorney General); 128010
128011

Ohio Administrative Code rule 123:1-7-24 (Classifications for the office of the Secretary of State); 128012
128013

Ohio Administrative Code rule 123:1-7-25 (Classifications for the Auditor of State); 128014
128015

Ohio Administrative Code rule 123:1-7-26 (Classifications for the office of the Treasurer of State). 128016
128017

Section 701.30. TORT LIABILITY SELF-INSURANCE STUDY 128018

The Department of Administrative Services shall conduct a 128019
study of the state's current liability insurance program to 128020
determine, generally, whether its statutory framework is 128021
protecting and maintaining the financial integrity of the state's 128022
assets compared to similar programs in other states. The study 128023
shall examine the possibility of expanding the state's 128024
self-insurance program to include non-vehicle tort liability 128025
claims, including those for which private insurance is either 128026
unavailable or is cost-prohibitive, in addition to identifying 128027
which types of claims should be covered by a self-insured tort 128028
liability program. The study may include an analysis of the 128029
current practice by which state agencies pay for unplanned losses 128030
from operating funds. Additionally, the study shall include an 128031
actuarial analysis of the Risk Management Reserve Fund to 128032
determine required reserves should additional tort liability 128033
claims be investigated, settled, and paid through the fund. The 128034
analysis shall include estimated premium allocations to be paid by 128035
state agencies based on each agency's history of paid losses. The 128036
study may recommend changes to the current statutory framework to 128037

allow the Office of Risk Management to settle or compromise 128038
non-vehicle tort liability claims. 128039

Section 701.40. The Ohio Geographically Referenced 128040
Information Program Council, as revised by the amendments of this 128041
act to section 125.901 of the Revised Code, constitutes a 128042
continuation of the Ohio Geographically Referenced Information 128043
Program Council established by section 125.901 of the Revised Code 128044
as that section existed prior to the effective date of those 128045
amendments. 128046

Section 701.80. JOINT LEGISLATIVE COMMITTEE ON MULTI-SYSTEM 128047
YOUTH 128048

(A) As used in this section, "multi-system youth" is a youth 128049
that is in need of services from two or more of the following: 128050

(1) The child welfare system; 128051

(2) The mental health and addiction services system; 128052

(3) The developmental disabilities services system; 128053

(4) The juvenile court system. 128054

(B) There is hereby created the Joint Legislative Committee 128055
on Multi-system Youth consisting of the following members: 128056

(1) Five members appointed by the President of the Senate, 128057
three from the majority party and two from the minority party; 128058

(2) Five members appointed by the Speaker of the House of 128059
Representatives, three from the majority party and two from the 128060
minority party. 128061

(C) The Committee shall: 128062

(1) Identify the services currently provided to multi-system 128063
youths and the costs and outcomes of those services; 128064

(2) Identify existing best practices to eliminate custody 128065

relinquishment as a means of gaining access to services for	128066
multi-system youths;	128067
(3) Identify the best methods for person-centered care	128068
coordination related to behavioral health, developmental	128069
disabilities, juvenile justice, and employment;	128070
(4) Identify a system of accountability to monitor the	128071
progress of multi-system youths in residential placement; and	128072
(5) Recommend an equitable, adequate, sustainable funding and	128073
service delivery system to meet the needs of all multi-system	128074
youths.	128075
(D) The Committee, in the performance of its duties, may	128076
consult with any of the following:	128077
(1) The Directors of the following:	128078
(a) Office of Health Transformation;	128079
(b) Department of Youth Services;	128080
(c) Department of Mental Health and Addiction Services;	128081
(d) Department of Medicaid;	128082
(e) Department of Developmental Disabilities;	128083
(f) Department of Job and Family Services;	128084
(g) Office of Human Services Innovation;	128085
(h) Ohio Family and Children First Cabinet Council;	128086
(i) Department of Insurance.	128087
(2) The Superintendent of Public Instruction;	128088
(3) Representatives of any of the following organizations:	128089
(a) Public Children Services Association of Ohio;	128090
(b) Ohio Association of Child Caring Agencies;	128091
(c) National Alliance on Mental Illness of Ohio;	128092

(d) Autism Society of Ohio;	128093
(e) Ohio Association of County Boards Serving People with Developmental Disabilities;	128094 128095
(f) Ohio Council of Behavioral Health and Family Services Providers;	128096 128097
(g) Ohio Association of County Behavioral Health Authorities;	128098
(h) Juvenile Justice Coalition;	128099
(i) Children's Defense Fund-Ohio;	128100
(j) Ohio Family Care Association;	128101
(k) Ohio Children's Hospital Association;	128102
(l) County Commissioners Association of Ohio;	128103
(m) Center for Innovative Practices;	128104
(n) Disability Rights Ohio;	128105
(o) The ARC of Ohio.	128106
(E) Appointments to the Committee shall be made not later than fifteen days after the effective date of this section.	128107 128108
Appointments to fill vacancies shall be filled in the same manner as the original appointments.	128109 128110
(F) Meetings of the Committee shall take place at the call of the chairperson, and the first meeting shall occur not later than forty-five days after the effective date of this section. At the first meeting, the Committee shall elect a chairperson and vice-chairperson.	128111 128112 128113 128114 128115
(G) The departments listed in division (D)(1) of this section and the Department of Education shall cooperate with the Committee and provide, upon request, any information that will assist the Committee in the performance of its duties.	128116 128117 128118 128119
(H) Not later than December 31, 2015, the Committee shall	128120

prepare a report of its findings and recommendations and submit 128121
the report to the General Assembly and the Governor. Upon 128122
submission of its report, the Committee shall cease to exist. 128123

Section 701.83. (A) The Sunset Review Committee, which is 128124
convened to operate in calendar years 2015 and 2016, shall hold 128125
hearings to receive the testimony of the public and of the chief 128126
executive officer of each agency listed below, and otherwise shall 128127
consider and evaluate the usefulness, performance, and 128128
effectiveness of the agency: 128129

(1) Motor Vehicle Repair Board; 128130

(2) Ohio Landscape Architects Board; 128131

(3) Architects Board; 128132

(4) State Board of Optometry; 128133

(5) Ohio Optical Dispensers Board; 128134

(6) Barber Board; 128135

(7) State Board of Cosmetology; and 128136

(8) Board of Trustees of the Ohioana Library Association, 128137
Martha Kinney Cooper Memorial. 128138

(B) The Committee specifically shall consider and make 128139
recommendations to the General Assembly, by June 1, 2016, 128140
regarding whether or not continuation of the Motor Vehicle Repair 128141
Board is necessary or if the board should be eliminated; whether 128142
or not the Ohio Landscape Architects Board and the Architects 128143
Board should be combined to improve efficiency and save costs; and 128144
whether or not the State Board of Optometry and the Ohio Optical 128145
Dispensers Board should be combined to improve efficiency and save 128146
costs. 128147

(C) After the completion of the committee's consideration and 128148
evaluation under this section, the committee shall prepare and 128149

publish a report of its findings and recommendations. The 128150
committee shall furnish a copy of the report to the President of 128151
the Senate, the Speaker of the House of Representatives, the 128152
Governor, and each affected agency. The report shall be made 128153
available to the public in the offices of the House and Senate 128154
Clerks during reasonable hours. The committee's report may be in 128155
the form of a bill prepared for introduction in the Senate or in 128156
the House of Representatives. 128157

Section 701.90. The Third Frontier Commission shall operate, 128158
for fiscal years 2016 and 2017, the Ohio Third Frontier Internship 128159
Program to contribute to the expansion of a technologically 128160
proficient workforce in Ohio, and to encourage the retention in 128161
Ohio of highly knowledgeable and talented students through 128162
employing them upon graduation at for-profit companies doing 128163
business in Ohio. 128164

Section 701.120. (A) There is hereby established the Local 128165
Government Safety Capital Grant Program to be administered by the 128166
Local Government Innovation Council created in section 189.03 of 128167
the Revised Code. Under the program, the Council may award grants 128168
to political subdivisions to be used for the purchase of vehicles, 128169
equipment, facilities, or systems needed to enhance public safety. 128170
Applications shall be submitted to the Development Services Agency 128171
on a form specified by the Director of Development Services. The 128172
Agency shall provide the application to the Council for evaluation 128173
and selection. The Council shall award not more than one hundred 128174
thousand dollars in total grants to an individual political 128175
subdivision. 128176

(B) Grants awarded under this section shall be made from the 128177
Local Government Safety Capital Fund, which is hereby created in 128178
the state treasury. The fund shall consist of money appropriated 128179
to it. 128180

Section 703.10. The amendments to sections 349.01, 349.03, 128181
349.04, 349.06, 349.07, and 349.14 of the Revised Code enacted by 128182
this act apply to any proceedings commenced after the amendments' 128183
effective date, and, so far as their provisions support the 128184
actions taken, also apply to proceedings that on their effective 128185
date are pending, in progress, or completed, notwithstanding the 128186
applicable law previously in effect or any provision to the 128187
contrary in a prior resolution, ordinance, order, advertisement, 128188
notice, or other proceeding. Any proceedings pending or in 128189
progress on the effective date of those amendments shall be deemed 128190
to have been taken in conformity with the amendment. 128191

Section 707.10. (A) Notwithstanding anything to the contrary 128192
in sections 709.24 and 709.27 of the Revised Code, until January 128193
1, 2017, in a chartered county with a population of at least one 128194
million, petitions presented to the legislative authority for an 128195
annexation under section 709.24 of the Revised Code shall be 128196
signed by resident electors who voted at the last regular 128197
municipal election, numbering not less than ten per cent of the 128198
electors who voted in such election in the territory proposed to 128199
be annexed. 128200

(B) If, within thirty days after receipt of a certified copy 128201
of an ordinance from a municipal corporation proposing annexation 128202
designating its three commissioners, the legislative authority of 128203
the municipal corporation with which annexation is proposed fails 128204
to pass an ordinance designating three commissioners to represent 128205
it in annexation negotiations, then, on receipt of a petition 128206
signed by resident electors of a number not less than ten per cent 128207
of the number of electors voting at the last regular municipal 128208
election of the municipal corporation with which annexation is 128209
proposed, petitioning the legislative authority to take such 128210
action as is necessary to initiate proceedings and to appoint 128211

three commissioners to represent it therein, the legislative 128212
authority shall pass an ordinance appointing those commissioners. 128213

Section 709.20. For purposes of the transfer by this act of 128214
the Agricultural Soil and Water Conservation Program established 128215
prior to the effective date of the amendment of the statutes 128216
governing the Program by this act under Chapter 1511. of the 128217
Revised Code from the Department of Natural Resources to the 128218
Department of Agriculture, all of the following apply: 128219

(A) The Director of Natural Resources shall enter into a 128220
memorandum of understanding with the Director of Agriculture 128221
regarding the transfer of the Program. The Director of Natural 128222
Resources shall identify in the memorandum of understanding all 128223
applicable rules regarding the Program. 128224

(B) On the date on which the two Directors sign a memorandum 128225
of understanding under division (A) of this section, the Director 128226
of Natural Resources shall provide the Director of Agriculture 128227
with both of the following: 128228

(1) Copies of all operation and management plans, or 128229
applicable portions of such plans, developed or approved by the 128230
Chief of the Division of Soil and Water Resources under Chapter 128231
1511. of the Revised Code or the supervisors of a soil and water 128232
conservation district under Chapter 1515. of the Revised Code for 128233
the abatement of the degradation of the waters of the state by 128234
residual farm products, manure, and soil sediment, including 128235
attached substances, that were developed or approved prior to the 128236
effective date of the amendment of the statutes governing the 128237
Program by this act; 128238

(2) Copies of all operation and management plans, or 128239
applicable portions of such plans, and accompanying information 128240
that were submitted for approval by the Chief or the supervisors 128241
of a soil and water conservation district under Chapter 1511. or 128242

1515. of the Revised Code, as applicable, prior to the effective 128243
date of the amendment of the statutes governing the Program by 128244
this act for the abatement of the degradation of the waters of the 128245
state by residual farm products, manure, and soil sediment, 128246
including attached substances. 128247

(C) The Director of Agriculture shall adopt rules in 128248
accordance with Chapter 119. of the Revised Code that are 128249
identical to the rules that are identified in the memorandum of 128250
understanding signed under this section, except that references to 128251
the Division of Soil and Water Resources in the Department of 128252
Natural Resources shall be replaced with references to the 128253
Department of Agriculture, and references to the Chief of the 128254
Division of Soil and Water Resources in the Department of Natural 128255
Resources shall be replaced with references to the Director of 128256
Agriculture. If necessary to ensure the integrity of the numbering 128257
system of the Administrative Code, the Director of the Legislative 128258
Service Commission shall renumber the rules to reflect their 128259
transfer to the Department of Agriculture. 128260

On the effective date of the rules adopted by the Director of 128261
Agriculture, the rules adopted by the Chief of the Division of 128262
Soil and Water Resources as identified in the memorandum of 128263
understanding are abolished. 128264

(D) Any business commenced but not completed by the Chief of 128265
the Division of Soil and Water Resources relating to the Program 128266
on the effective date of the amendment of the statutes governing 128267
the Program by this act shall be completed by the Director of 128268
Agriculture. Any validation, cure, right, privilege, remedy, 128269
obligation, or liability is not lost or impaired solely by reason 128270
of the transfer required by this act and shall be administered by 128271
the Director of Agriculture in accordance with this act. 128272

(E) All of the orders and determinations of the Chief of the 128273
Division of Soil and Water Resources relating to the Program 128274

continue in effect as orders and determinations of the Director of 128275
Agriculture until modified or rescinded by the Director. 128276

(F) Subject to the layoff provisions of sections 124.321 to 128277
124.328 of the Revised Code or the applicable collective 128278
bargaining agreement, all of the employees of the Division of Soil 128279
and Water Resources in the Department of Natural Resources 128280
relating to the Program are transferred to the Department of 128281
Agriculture and retain their same positions and all benefits 128282
accruing thereto. 128283

(G) All equipment and assets relating to the Program are 128284
transferred from the Division of Soil and Water Resources to the 128285
Department of Agriculture. 128286

(H) Whenever the Division of Soil and Water Resources or the 128287
Chief of the Division of Soil and Water Resources, in relation to 128288
the Program, is referred to in any law, contract, or other 128289
document, the reference shall be deemed to refer to the Department 128290
of Agriculture or to the Director of Agriculture, whichever is 128291
appropriate in context. 128292

(I) Any action or proceeding pending on the effective date of 128293
the amendment of the statutes governing the Program by this act is 128294
not affected by the transfer of the functions of that Program by 128295
this act and shall be prosecuted or defended in the name of the 128296
Department of Agriculture. In all such actions and proceedings, 128297
the Department of Agriculture, upon application to the court, 128298
shall be substituted as a party. 128299

(J) As used in this section: 128300

(1) "Soil and water conservation district" has the same 128301
meaning as in section 940.01 of the Revised Code as amended by 128302
this act. 128303

(2) "Manure," "residual farm products," "operation and 128304
management plan," and "waters of the state" have the same meanings 128305

as in section 939.01 of the Revised Code as enacted by this act. 128306

Section 709.30. Operation and management plans that were 128307
developed or approved under Chapter 1511. or 1515. of the Revised 128308
Code prior to the amendment of those chapters by this act continue 128309
in effect as operation and management plans under Chapter 939. or 128310
940. of the Revised Code as enacted or amended by this act, as 128311
applicable. 128312

Section 709.40. The Agricultural Pollution Abatement Fund 128313
that is created in section 939.10 of the Revised Code, as enacted 128314
by this act, is a continuation of the Agricultural Pollution 128315
Abatement Fund that was created in section 1511.071 of the Revised 128316
Code prior to its repeal by this act. Money credited to the Fund 128317
under section 1511.071 of the Revised Code, as repealed by this 128318
act, shall be used for the purposes specified in section 939.10 of 128319
the Revised Code, as enacted by this act. 128320

Section 709.50. The Ohio Soil and Water Conservation 128321
Commission created within the Department of Agriculture by section 128322
940.02 of the Revised Code, as amended and renumbered by this act, 128323
is a continuation of the Ohio Soil and Water Conservation 128324
Commission created within the Department of Natural Resources by 128325
section 1515.02 of the Revised Code prior to its amendment and 128326
renumbering by this act. 128327

Section 715.20. On the effective date of this section and for 128328
the purposes of Chapters 1521., 1522., and 1523. of the Revised 128329
Code, as amended by this act, all of the following apply: 128330

(A) The Division of Soil and Water Resources in the 128331
Department of Natural Resources is renamed the Division of Water 128332
Resources. 128333

(B) The Division of Soil and Water Resources' functions, and 128334

its assets and liabilities, are transferred to the Division of 128335
Water Resources. 128336

(C) The Division of Water Resources is successor to, assumes 128337
the obligations and authority of, and otherwise continues the 128338
Division of Soil and Water Resources. No right, privilege, or 128339
remedy, and no duty, liability, or obligation, accrued under the 128340
Division of Soil and Water Resources is impaired or lost by reason 128341
of the renaming and shall be recognized, administered, performed, 128342
or enforced by the Division of Water Resources. 128343

(D) Business commenced but not completed by the Division of 128344
Soil and Water Resources or by the Chief of the Division of Soil 128345
and Water Resources shall be completed by the Division of Water 128346
Resources or the Chief of the Division of Water Resources in the 128347
same manner, and with the same effect, as if completed by the 128348
Division of Soil and Water Resources or the Chief of the Division 128349
of Soil and Water Resources. 128350

(E) All of the Division of Soil and Water Resources' rules, 128351
orders, and determinations continue in effect as rules, orders, 128352
and determinations of the Division of Water Resources until 128353
modified or rescinded by the Division of Water Resources. 128354

(F) The Director of Budget and Management shall determine the 128355
amount of unexpended balances in the appropriation accounts that 128356
pertain to the Division of Soil and Water Resources and shall 128357
recommend to the Controlling Board their transfer to the 128358
appropriation accounts that pertain to the Division of Water 128359
Resources. The Chief of the Division of Soil and Water Resources 128360
shall provide full and timely information to the Controlling Board 128361
to facilitate the transfer. 128362

(G) Whenever the Division of Soil and Water Resources or the 128363
Chief of the Division of Soil and Water Resources is referred to 128364
in a statute, contract, or other instrument, the reference is 128365

deemed to refer to the Division of Water Resources or to the Chief 128366
of the Division of Water Resources, whichever is appropriate in 128367
context. 128368

(H) No pending action or proceeding being prosecuted or 128369
defended in court or before an agency by the Division of Soil and 128370
Water Resources or the Chief of the Division of Soil and Water 128371
Resources is affected by the renaming and shall be prosecuted or 128372
defended in the name of the Division of Water Resources or the 128373
Chief of the Division of Water Resources, whichever is 128374
appropriate. Upon application to the court or agency, the Division 128375
of Water Resources or the Chief of the Division of Water Resources 128376
shall be substituted. 128377

Section 715.30. For purposes of the transfer of the 128378
Silvicultural Assistance Program established prior to the 128379
effective date of the amendment of the statutes governing the 128380
Program by this act under Chapter 1511. of the Revised Code from 128381
the Division of Soil and Water Resources in the Department of 128382
Natural Resources to the Division of Forestry in that Department, 128383
all of the following apply: 128384

(A) On the effective date of this section, the Chief of the 128385
Division of Soil and Water Resources shall provide the Chief of 128386
the Division of Forestry with both of the following: 128387

(1) Copies of all operation and management plans, or 128388
applicable portions of such plans, developed or approved by the 128389
Chief of the Division of Soil and Water Resources under Chapter 128390
1511. of the Revised Code or the supervisors of a soil and water 128391
conservation district under Chapter 1515. of the Revised Code for 128392
the abatement of the degradation of the waters of the state by 128393
soil sediment, including attached substances, from silvicultural 128394
operations that were developed or approved prior to the effective 128395
date of the amendment of the statutes governing the Program by 128396

this act; 128397

(2) Copies of all operation and management plans, or 128398
applicable portions of such plans, and accompanying information 128399
that were submitted for approval by the Chief or the supervisors 128400
of a soil and water conservation district under Chapter 1511. or 128401
1515. of the Revised Code, as applicable, prior to the effective 128402
date of the amendment of the statutes governing the Program by 128403
this act for the abatement of the degradation of the waters of the 128404
state by soil sediment, including attached substances, from 128405
silvicultural operations. 128406

(B) The Chief of the Division of Soil and Water Resources 128407
shall identify all applicable rules regarding the Program. The 128408
Chief of the Division of Forestry shall adopt rules in accordance 128409
with Chapter 119. of the Revised Code that are identical to the 128410
rules that are identified by the Chief of the Division of Soil and 128411
Water Resources under this section, except that references to the 128412
Division of Soil and Water Resources shall be replaced with 128413
references to the Division of Forestry, and references to the 128414
Chief of the Division of Soil and Water Resources shall be 128415
replaced with references to the Chief of the Division of Forestry. 128416
If necessary to ensure the integrity of the numbering system of 128417
the Administrative Code, the Director of the Legislative Service 128418
Commission shall renumber the rules to reflect their transfer to 128419
the Division of Forestry. 128420

On the effective date of the rules adopted by the Chief of 128421
the Division of Forestry, the rules adopted by the Chief of the 128422
Division of Soil and Water Resources as identified by the Chief 128423
under this section are abolished. 128424

(C) Any business commenced but not completed by the Chief of 128425
the Division of Soil and Water Resources relating to the Program 128426
on the effective date of the amendment of the statutes governing 128427
the Program by this act shall be completed by the Chief of the 128428

Division of Forestry. Any validation, cure, right, privilege, 128429
remedy, obligation, or liability is not lost or impaired solely by 128430
reason of the transfer required by this act and shall be 128431
administered by the Chief of the Division of Forestry in 128432
accordance with this act. 128433

(D) All of the orders and determinations of the Chief of the 128434
Division of Soil and Water Resources relating to the Program 128435
continue in effect as orders and determinations of the Chief of 128436
the Division of Forestry until modified or rescinded by that 128437
Chief. 128438

(E) Whenever the Division of Soil and Water Resources or the 128439
Chief of the Division of Soil and Water Resources, in relation to 128440
the Program, is referred to in any law, contract, or other 128441
document, the reference shall be deemed to refer to the Division 128442
of Forestry or to the Chief of the Division of Forestry, whichever 128443
is appropriate in context. 128444

(F) Any action or proceeding pending on the effective date of 128445
the amendment of the statutes governing the Program by this act is 128446
not affected by the transfer of the functions of that Program by 128447
this act and shall be prosecuted or defended in the name of the 128448
Division of Forestry. In all such actions and proceedings, the 128449
Division of Forestry, upon application to the court, shall be 128450
substituted as a party. 128451

(G) As used in this section: 128452

(1) "Soil and water conservation district" has the same 128453
meaning as in section 940.01 of the Revised Code as amended by 128454
this act. 128455

(2) "Operation and management plan" and "waters of the state" 128456
have the same meanings as in section 939.01 of the Revised Code as 128457
enacted by this act. 128458

Section 715.40. Operation and management plans regarding 128459
silvicultural operations that were developed or approved under 128460
Chapter 1511. or 1515. of the Revised Code prior to the amendment 128461
of those chapters by this act continue in effect as timber harvest 128462
plans under sections 1503.50 to 1503.55 and 1503.99 of the Revised 128463
Code as enacted by this act. 128464

Section 717.10. (A) The Agricultural Society Facilities Grant 128465
Program is hereby created for fiscal years 2016 and 2017 to 128466
provide grants to county agricultural societies established under 128467
section 1711.01 of the Revised Code and independent agricultural 128468
societies established under section 1711.02 of the Revised Code to 128469
support capital projects that enhance the use and enjoyment of 128470
agricultural society facilities by individuals. Agricultural 128471
societies may apply to the Director of Agriculture for monetary 128472
assistance for the acquisition, construction, reconstruction, 128473
expansion, improvement, planning, and equipping of such 128474
facilities. Except as provided in division (D) of this section, 128475
each county agricultural society and each independent agricultural 128476
society that applies for assistance shall receive an equal amount 128477
appropriated for those purposes. 128478

(B) Not later than ninety days after the effective date of 128479
this section and subject to division (D) of this section, the 128480
Director of Agriculture or the Director's designee shall establish 128481
requirements and procedures for the administration of the 128482
Agricultural Society Facilities Grant Program, including 128483
establishing a grant application form, procedures for reviewing an 128484
application, procedures for awarding grant money, and any other 128485
requirements and procedures the Director or the Director's 128486
designee determines to be necessary to administer this section. 128487
The requirements shall include a requirement that each 128488
agricultural society provide a matching grant. The matching grant 128489

may be any combination of funding, materials, and donated labor. 128490
Documentation of the matching grant shall be submitted with the 128491
grant application. 128492

(C) An agricultural society that applies for a grant under 128493
the Program established in division (A) of this section shall 128494
submit the grant application and matching grant documentation to 128495
the Director or the Director's designee not later than July 1, 128496
2016, in accordance with the requirements and procedures 128497
established by the Director or the Director's designee and this 128498
section. 128499

(D) After reviewing a grant application and matching grant 128500
documentation, the Director or the Director's designee shall 128501
approve the application unless one of the following applies: 128502

(1) The project or facility that is the subject of the 128503
application is not a bondable capital improvement project. 128504

(2) The agricultural society does not provide a matching 128505
grant as required in division (B) of this section. 128506

The Director or the Director's designee shall award all 128507
grants not later than August 1, 2016, and shall so notify each 128508
grant recipient. 128509

Section 731.10. On the effective date of this section, all 128510
child abuse and child neglect prevention advisory boards 128511
established under section 3109.18 of the Revised Code are 128512
abolished. The board or boards of county commissioners that 128513
oversee operation of an advisory board shall provide procedures 128514
for the transfer of any advisory board assets and liabilities. 128515

Any business commenced but not completed by the effective 128516
date of this section by an advisory board shall be completed by 128517
the appropriate board or boards of county commissioners. The board 128518
or boards of county commissioners may delegate to a child abuse 128519

and child neglect regional prevention council any of the duties 128520
described in this section. 128521

Section 733.13. (A) The STEM Public-Private Partnership Pilot 128522
Program is hereby created. The program shall operate for fiscal 128523
year 2017 to encourage public-private partnerships between high 128524
schools, colleges, and the community to provide high school 128525
students the opportunity to receive education and training in a 128526
targeted industry, as defined by JobsOhio established under 128527
section 187.01 of the Revised Code, while simultaneously earning 128528
high school and college credit for the course. The Chancellor of 128529
Higher Education shall administer the program and select five 128530
partnerships, one from each quadrant of the state and one from the 128531
central part of the state, each to receive a grant of \$150,000. 128532

(B) The Chancellor shall adopt rules for the implementation 128533
of the STEM Public-Private Partnership Pilot Program, including 128534
the requirements for applying for program approval. The rules also 128535
shall include, but not be limited to, all of the following 128536
operational requirements for the program: 128537

(1) Partnerships shall consist of one community college or 128538
state community college, one or more private companies, and one or 128539
more high schools, either public or private. 128540

(2) For purposes of the program, the partnering community 128541
college or state community college shall pursue one targeted 128542
industry during the pilot period. However, the college may partner 128543
with multiple private companies within that industry. 128544

(3) Students that take courses offered under the program 128545
shall earn college credit for that class from the community or 128546
state community college. 128547

(4) Students, high schools, and colleges that participate in 128548
this program shall do so under the College Credit Plus Program 128549

established under Chapter 3365. of the Revised Code. 128550

(5) The curriculum offered by the program shall be developed 128551
by and agreed upon by all members of the partnership. 128552

(6) The private company or companies that are part of the 128553
partnership shall provide full- or part-time facilities to be used 128554
as classroom space. 128555

(C) The Chancellor shall develop an application and review 128556
process to select the five partnerships to receive grants under 128557
the program. The community college or state community college 128558
shall be responsible for submitting the application for the 128559
partnership to the Chancellor. The application shall include a 128560
proposed budget for the program. 128561

(D) The Chancellor shall select the five partnerships for the 128562
program based on the following considerations: 128563

(1) Whether the partnership existed before the application 128564
was submitted; 128565

(2) Whether the program is oriented toward a targeted 128566
industry; 128567

(3) The likelihood of a student gaining employment upon 128568
graduating from high school or upon completing a two-year degree 128569
in the industry to which the program is oriented in relation to 128570
its geographic region; 128571

(4) The number of students projected to be served; 128572

(5) The program's cost-per-student; 128573

(6) The sustainability of the program beyond the duration of 128574
the two-year pilot program; 128575

(7) The level of investment made by the private company 128576
partner or partners in the program, including use of facilities, 128577
equipment, and staff and financially. 128578

(E) The partnerships selected may use the grants awarded 128579
under this section for only the following: 128580

(1) Transportation; 128581

(2) Classroom supplies, including, but not limited to, 128582
textbooks, furniture, and technology; 128583

(3) Primary instructors for a course offered under the 128584
program, including, but not limited to, faculty from participating 128585
high schools and community colleges or state community colleges, 128586
including adjunct faculty. 128587

Section 733.30. (A) The Competency-Based Education Pilot 128588
Program is hereby established. Under the Program, the Department 128589
of Education shall provide grants to city, local, and exempted 128590
village school districts, including municipal school districts as 128591
defined in section 3311.71 of the Revised Code, joint vocational 128592
school districts, community schools established under Chapter 128593
3314. of the Revised Code, and STEM schools established under 128594
Chapter 3326. of the Revised Code, and consortia of one or more 128595
school districts, community schools, and STEM schools led by one 128596
or more educational service centers for designing and implementing 128597
competency-based models of education for their students during the 128598
2016-2017, 2017-2018, and 2018-2019 school years. 128599

(B)(1) A district, community school, STEM school, or 128600
consortium shall submit an application to participate in the 128601
Competency-Based Education Pilot Program to the Department not 128602
later than November 1, 2015. The application shall be submitted in 128603
a form and manner prescribed by the Department. 128604

(2) Not later than March 1, 2016, the Department shall select 128605
not more than five districts, schools, or consortia to participate 128606
in the Program. The Department shall require a district, school, 128607
or consortium to agree to an annual performance review conducted 128608

by the Department as a condition of participating in the Program. 128609

(C) The competency-based education offered by a district, 128610
school, or consortium selected to participate in the Program under 128611
division (B) of this section shall satisfy all of the following 128612
requirements: 128613

(1) Students shall advance upon mastery. 128614

(2) Competencies shall include clear, measurable, 128615
transferable learning objectives that empower students. 128616

(3) Assessments shall be meaningful and a positive learning 128617
experience for students. 128618

(4) Students shall receive timely, differentiated support 128619
based on their individual learning needs. 128620

(5) Learning outcomes shall emphasize competencies that 128621
include application and creation of knowledge, along with the 128622
development of work-ready skills. 128623

(6) It shall incorporate partnerships with post-secondary 128624
institutions and members of industry. 128625

(D) A district, school, or consortium selected to participate 128626
in the Program under division (B) of this section shall remain 128627
subject to all accountability requirements in state and federal 128628
law that are applicable to that district, school, or consortium. 128629

(E)(1) If a district is selected to participate in the 128630
Program or is selected to participate in the Program as part of a 128631
consortium under division (B) of this section, each student 128632
enrolled in the district who is participating in competency-based 128633
education shall be considered to be a full-time equivalent student 128634
while participating in competency-based education for purposes of 128635
funding under Chapter 3317. of the Revised Code, as determined by 128636
the Department. 128637

(2) If a community school is selected to participate in the 128638

Program or is selected to participate in the Program as part of a 128639
consortium under division (B) of this section, each student 128640
enrolled in the school who is participating in competency-based 128641
education shall be considered to be a full-time equivalent student 128642
while participating in competency-based education for purposes of 128643
funding under Chapter 3314. of the Revised Code, as determined by 128644
the Department. 128645

(3) If a STEM school is selected to participate in the 128646
Program or is selected to participate in the Program as part of a 128647
consortium under division (B) of this section, each student 128648
enrolled in the school who is participating in competency-based 128649
education shall be considered to be a full-time equivalent student 128650
while participating in competency-based education for purposes of 128651
funding under Chapter 3326. of the Revised Code, as determined by 128652
the Department. 128653

(F)(1) Not later than January 31, 2017, the Department shall 128654
post on its web site a preliminary report that examines the 128655
planning and implementation of competency-based education in the 128656
districts, schools, and consortia selected to participate in the 128657
Program under division (B) of this section. 128658

(2) Not later than December 31, 2018, the Department shall 128659
post on its web site a report that includes all of the following: 128660

(a) A review of the competency-based education offered by the 128661
districts, schools, and consortia selected to participate in the 128662
Program under division (B) of this section; 128663

(b) An evaluation of the implementation of competency-based 128664
education by the districts, schools, and consortia selected to 128665
participate in the Program and student outcomes resulting from 128666
that competency-based education; 128667

(c) A determination of the feasibility of a funding model 128668
that reflects student achievement outcomes as demonstrated through 128669

competency-based education. 128670

Section 733.40. Notwithstanding section 3305.062 of the 128671
Revised Code, as enacted by this act, if between July 1, 2015, and 128672
the effective date of section 3305.062 of the Revised Code, as 128673
enacted by this act, the State Teachers Retirement Board increases 128674
the percentage of an electing employee's compensation contributed 128675
to the State Teachers Retirement System by a public institution of 128676
higher education under division (D) of section 3305.06 of the 128677
Revised Code, all of the following are the case: 128678

(A) The percentage is four per cent until the amount 128679
specified in division (B) of this section is repaid to each public 128680
institution employing an electing employee. 128681

(B) The Board shall repay to each public institution 128682
employing an electing employee an amount equal to the difference 128683
between the percentage established by the Board during the time 128684
period described in this section and the percentage specified 128685
under section 3305.062 of the Revised Code. 128686

(C) The public institution that employs an electing employee 128687
shall credit the amount specified in division (B) of this section 128688
to the investment provider the employee has selected under section 128689
3305.053 of the Revised Code. 128690

(D) The Board shall reimburse each public institution 128691
employing an electing employee an amount equal to the reasonable 128692
costs of reprogramming the institution's computers and other 128693
administrative expenses related to increasing the percentage. 128694

Section 737.10. The Legislative Committee on Public Health 128695
Futures is re-established. The committee shall review the June 128696
2012 report of the Public Health Futures Project Steering 128697
Committee of the Association of Ohio Health Commissioners, and the 128698
October 2012 report of the previous Legislative Committee on 128699

Public Health Futures that was established by Am. Sub. H.B. 487 of 128700
the 129th General Assembly. The Legislative Committee shall review 128701
the effectiveness of recommendations from those reports that are 128702
being or that have been implemented. And, based on the knowledge 128703
and insight gained from its reviews, the Legislative Committee 128704
shall make legislative and fiscal policy recommendations that it 128705
believes would improve local public health services in Ohio. 128706

The Legislative Committee, not later than January 31, 2016, 128707
shall prepare a report that describes its review of the reports 128708
and its review of the recommendations that are being or that have 128709
been implemented, and that states and provides explanations of the 128710
Committee's new policy recommendations. 128711

The Legislative Committee shall transmit a copy of its report 128712
to the Governor, the President and Minority Leader of the Senate, 128713
and the Speaker and Minority Leader of the House of 128714
Representatives. Upon transmitting its report, the Legislative 128715
Committee ceases to exist. 128716

Each of the following associations shall appoint one 128717
individual to the Legislative Committee: the County Commissioners 128718
Association of Ohio, the Ohio Township Association, the Department 128719
of Health, the Ohio Public Health Association, the Ohio 128720
Environmental Health Association, the Ohio Boards of Health 128721
Association, the Ohio Municipal League, and the Ohio Hospital 128722
Association. The Association of Ohio Health Commissioners shall 128723
appoint two individuals to the Legislative Committee. The 128724
President and Minority Leader of the Senate each shall appoint two 128725
members to the Legislative Committee. The Speaker and Minority 128726
Leader of the House of Representatives each shall appoint two 128727
members to the Legislative Committee. Of the two appointments made 128728
by each legislative leader, one shall be a member of the General 128729
Assembly from the appointing member's chamber. Appointments shall 128730

be made as soon as possible but not later than thirty days after 128731
the effective date of this section. Vacancies on the Legislative 128732
Committee shall be filled in the same manner as the original 128733
appointment. 128734

As soon as all members have been appointed to the Legislative 128735
Committee, the President of the Senate shall fix a time and place 128736
for the committee to hold its first meeting. At that meeting, the 128737
committee shall elect from among its membership a chairperson, a 128738
vice-chairperson, and a secretary. The Director of Health shall 128739
provide the Legislative Committee with meeting and office space, 128740
equipment, and professional, technical, and clerical staff as are 128741
necessary to enable the Legislative Committee successfully to 128742
complete its work. 128743

Section 737.13. Not later than sixty days after the effective 128744
date of this section, the director of health shall grant or deny 128745
all variance applications under section 3702.304 of the Revised 128746
Code that are pending on that effective date. A variance 128747
application that has not been granted within sixty days of the 128748
effective date of this section is considered denied. 128749

Section 737.20. The Board of Building Standards shall adopt 128750
rules pursuant to section 3781.106 of the Revised Code not later 128751
than one hundred eighty days after the effective date of this 128752
section. 128753

Section 737.30. Any provision of the State Fire Code that is 128754
in conflict with the amendments by this act to section 3737.84 of 128755
the Revised Code is unenforceable. 128756

Section 737.40. For purposes of the transfer by this act of 128757
the Storm Water Management Program established prior to the 128758
effective date of the amendment of the statutes governing the 128759

Program by this act under Chapter 1511. of the Revised Code from 128760
the Department of Natural Resources to the Environmental 128761
Protection Agency, all of the following apply: 128762

(A) The Director of Natural Resources may enter into a 128763
memorandum of understanding with the Director of Environmental 128764
Protection regarding the transfer of the Program. 128765

(B) The Director of Natural Resources shall rescind rules in 128766
accordance with Chapter 119. of the Revised Code regarding the 128767
Program that were in effect immediately preceding the effective 128768
date of this section. 128769

(C) Any business commenced but not completed by the Chief of 128770
the Division of Soil and Water Resources relating to the Program 128771
on the effective date of the amendment of the statutes governing 128772
the Program by this act shall be completed by the Director of 128773
Environmental Protection. Any validation, cure, right, privilege, 128774
remedy, obligation, or liability is not lost or impaired solely by 128775
reason of the transfer required by this act and shall be 128776
administered by the Director in accordance with this act. 128777

(D) All of the orders and determinations of the Chief of the 128778
Division of Soil and Water Resources relating to the Program 128779
continue in effect as orders and determinations of the Director of 128780
Environmental Protection until modified or rescinded by the 128781
Director. 128782

(E) Subject to the layoff provisions of sections 124.321 to 128783
124.328 of the Revised Code or the applicable collective 128784
bargaining agreement, all of the employees of the Division of Soil 128785
and Water Resources in the Department of Natural Resources 128786
relating to the Program are transferred to the Environmental 128787
Protection Agency and retain their same positions and all benefits 128788
accruing thereto. 128789

(F) All equipment and assets relating to the Program are 128790
transferred from the Division of Soil and Water Resources to the 128791
Environmental Protection Agency. 128792

(G) Whenever the Division of Soil and Water Resources or the 128793
Chief of the Division of Soil and Water Resources, in relation to 128794
the Program, is referred to in any law, contract, or other 128795
document, the reference shall be deemed to refer to the 128796
Environmental Protection Agency or to the Director of 128797
Environmental Protection, whichever is appropriate in context. 128798

(H) Any action or proceeding pending on the effective date of 128799
the amendment of the statutes governing the Program by this act is 128800
not affected by the transfer of the functions of that Program by 128801
this act and shall be prosecuted or defended in the name of the 128802
Environmental Protection Agency. In all such actions and 128803
proceedings, the Environmental Protection Agency, upon application 128804
to the court, shall be substituted as a party. 128805

Section 745.10. (A) There is hereby created the Deputy 128806
Registrar Funding Study Committee. The Committee shall consist of 128807
six members, three of whom are appointed by the President of the 128808
Senate and three of whom are appointed by the Speaker of the House 128809
of Representatives. The President and Speaker, respectively, shall 128810
appoint the members not later than thirty days after the effective 128811
date of this section. 128812

(B) The Committee shall select a chairperson and 128813
vice-chairperson from among its members. The Committee first shall 128814
meet within one month after the effective date of this section at 128815
the call of the President of the Senate. Thereafter, the Committee 128816
shall meet at the call of its chairperson as necessary to carry 128817
out its duties. Members of the Committee are not entitled to 128818
compensation for serving on the Committee, but may continue to 128819
receive the compensation and benefits accruing from their regular 128820

offices or employments. 128821

(C) The Committee shall study the long-term financial 128822
solvency of deputy registrars in this state and whether the 128823
existing statutory charges that may be levied by deputy registrars 128824
are sufficient. Not later than six months after the effective date 128825
of this section, the Committee shall issue a report of its 128826
findings and recommendations to the Governor, the President of the 128827
Senate, the Minority Leader of the Senate, the Speaker of the 128828
House of Representatives, and the Minority Leader of the House of 128829
Representatives. After submitting the report, the Committee shall 128830
cease to exist. 128831

Section 745.20. The Director of Transportation shall relocate 128832
the traffic light that is currently located at the intersection of 128833
the off ramp of the northeast bound lanes of interstate route 128834
seventy-one and state route seventy-three to the intersection of 128835
state route seventy-three and state route three hundred eighty. 128836

Section 745.30. The Department of Transportation shall submit 128837
a quarterly report on MBE/EDGE compliance to the majority and 128838
minority leaders of the General Assembly and the Governor to 128839
reaffirm compliance with federal and state mandates. 128840

Section 747.10. The intent of the General Assembly, when 128841
enacting Am. Sub. H.B. 394 of the 130th General Assembly, was to 128842
amend section 4731.22 of the Revised Code. The inclusion of the 128843
section in H.B. 394's first repeal clause (Section 2) as an 128844
outright repeal was a typographical error. The General Assembly's 128845
intent that section 4731.22 of the Revised Code be amended, rather 128846
than repealed outright, is demonstrated in H.B. 394's title, the 128847
first amending clause (Section 1), and the portion of the first 128848
repeal clause (Section 2) that listed the section among other 128849
Revised Code sections that were being repealed only to the extent 128850

that their existing versions were being replaced by amended 128851
versions. This intent is further demonstrated by H.B. 394's 128852
amendment of a future version of section 4731.22 of the Revised 128853
Code, effective April 1, 2015 (Sections 3 and 4). 128854

Section 747.20. The two hours of study in prepackaged soft 128855
contact lens dispensing required by division (A)(1) of section 128856
4725.411 of the Revised Code shall satisfy the requirements of 128857
division (A)(1)(a)(ii) of section 4725.51 of the Revised Code. 128858

Section 749.10. (A) Not later than ninety days after the 128859
effective date of this section, the Public Utilities Commission 128860
shall establish a collaborative process with all of the following, 128861
to address the internet-protocol-network transition: 128862

(1) Incumbent local exchange carriers; 128863

(2) Any competitive local exchange carriers that provide 128864
basic local exchange service and are affected by the transition; 128865

(3) The Office of the Ohio Consumers' Counsel; 128866

(4) A representative of cable operators, as defined in 128867
section 1332.21 of the Revised Code; 128868

(5) At the invitation of the Commission, other interested 128869
parties and members of the General Assembly. 128870

(B) The collaborative process shall focus on the 128871
internet-protocol-network transition processes underway at the 128872
Federal Communications Commission and the issues of universal 128873
connectivity, consumer protection, public safety, reliability, 128874
expanded availability of advanced services, affordability, and 128875
competition. The collaborative process shall ensure that public 128876
education concerning the transition is thorough. 128877

(C) The collaborative process shall include a review of the 128878
number and characteristics of basic-local-exchange-service 128879

customers in Ohio, an evaluation of what alternatives are 128880
available to them, including both wireline and wireless 128881
alternatives, and the prospect for the availability of 128882
alternatives where none currently exist. The collaborative process 128883
shall embark on an education campaign plan for those customers' 128884
eventual transition to advanced services. If the collaborative 128885
process identifies residential basic-local-exchange-service 128886
customers who will be unable to obtain voice service upon the 128887
withdrawal or abandonment of basic local exchange service, the 128888
Public Utilities Commission may find those customers to be 128889
eligible for the process under division (B) of section 4927.10 of 128890
the Revised Code, regardless of whether they have filed petitions 128891
under that division. 128892

(D) The collaborative process shall, pursuant to the rules of 128893
the Public Utilities Commission, respect the confidentiality of 128894
any data shared with those involved in the process. 128895

(E) All officers, boards, or commissions of this state and 128896
any political subdivision of this state shall furnish to the 128897
Public Utilities Commission, upon request, any data or information 128898
that will assist the commission in carrying out this section. 128899

Section 749.20. Notwithstanding division (B)(2)(b)(ii) of 128900
section 4906.20 of the Revised Code and division (B)(2) of section 128901
4906.201 of the Revised Code, the setback requirement that applies 128902
to the existing certificate for an electric generating plant, as 128903
described in section 4906.201 of the Revised Code, or for an 128904
economically significant wind farm, as defined in section 4906.13 128905
of the Revised Code, shall apply to an amendment to that 128906
certificate if all of the following apply regarding the amendment: 128907

(A) The sole purpose of the amendment is to make changes to 128908
one or more turbines that are approved under the existing 128909
certificate but have not yet been installed. 128910

(B) The amendment does not increase the number of turbines to be installed under the existing certificate.

(C) The person seeking the amendment applies to make the amendment on or after the effective date of this section but not later than one hundred eighty days after that date.

(D) The type of turbine to be installed is more efficient or otherwise more technologically advanced, as determined by the Power Siting Board, than the type planned to be installed under the existing certificate.

(E) The type of turbine to be installed is not more than eight per cent taller, as measured from its base to the tip of its highest blade, than the height of the type of turbine, measured in the same manner, that is approved to be installed under the existing certificate.

(F) The amendment applies to an economically significant wind farm or an electric generating plant, as applicable, that is obligated by contract to provide wind energy to one mercantile customer that consumes at least seven million kilowatt-hours per year. For purposes of this section, "mercantile customer" has the same meaning as in section 4928.01 of the Revised Code.

(G) The turbine or turbines to be installed will be installed in the same spot where it is or they are approved to be installed under the existing certificate.

Section 751.10. INDEPENDENT PROVIDER STUDY

(A) As used in this section, "independent provider" means a provider who provides any of the following services on a self-employed basis and does not employ, directly or through contract, another person to provide those services:

(1) Aide services, as defined in section 5164.77 of the Revised Code;

(2) Nursing services, as defined in section 5164.77 of the Revised Code; 128941
128942

(3) Services covered by a home and community-based services Medicaid waiver component, as defined in section 5166.01 of the Revised Code; 128943
128944
128945

(4) Services covered by the Helping Ohioans Move, Expanding (HOME) Choice demonstration component, as authorized by section 5164.90 of the Revised Code. 128946
128947
128948

(B) It is the intent of the General Assembly to study the issue of Medicaid provider agreements with independent providers and to resolve the issue not later than December 31, 2015. 128949
128950
128951

Section 751.20. Not later than January 1, 2017, the Ohio Department of Medicaid shall submit to the General Assembly, in accordance with section 101.68 of the Revised Code, a report evaluating the Medicaid program's effect on clinical care and outcomes for the group described in section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII), including the effects on physical and mental health, health care utilization and access, and financial hardship. 128952
128953
128954
128955
128956
128957
128958
128959
128960

Section 751.30. There is hereby created the Workgroup to Study the Feasibility of Medicaid Recipients' ID and Benefits Cards. The Workgroup shall consist of the following members: 128961
128962
128963

(1) The Director of Public Safety or the Director's designee; 128964

(2) The Medicaid Director or the Director's designee; 128965

(3) The Director of Aging or the Director's designee; 128966

(4) The Director of Development Services or the Director's designee; 128967
128968

(5) The Director of Developmental Disabilities or the 128969

Director's designee; 128970

(6) The Superintendent of Public Instruction or the 128971
Superintendent's designee; 128972

(7) The Director of Health or the Director's designee; 128973

(8) The Director of Insurance or the Director's designee; 128974

(9) The Director of Job and Family Services or the Director's 128975
designee; 128976

(10) The Director of Mental Health and Addiction Services or 128977
the Director's designee; 128978

(11) The Executive Director of Opportunities for Ohioans with 128979
Disabilities or the Executive Director's designee. 128980

The Director of Public Safety or the Director's designee 128981
shall serve as chairperson of the Workgroup. The Department of 128982
Public Safety shall provide staff and all other support functions 128983
for the Workgroup. 128984

In order to reduce enrollee and provider fraud and abuse, the 128985
Workgroup shall evaluate the feasibility of using state-issued 128986
licenses and identification cards to establish an individual's 128987
eligibility for all state public assistance programs and benefits 128988
under them, such as Medicaid, the Home Energy Assistance Program, 128989
the Supplemental Nutrition Assistance Program, the Temporary 128990
Assistance for Needy Families program, and child care. Upon 128991
conclusion of such evaluation, the Workgroup shall develop 128992
findings and formulate recommendations. 128993

Not later than July 1, 2018, the Workgroup shall submit a 128994
report that contains its findings and recommendations to the 128995
General Assembly. The Workgroup shall submit the report in 128996
accordance with section 101.68 of the Revised Code. Upon 128997
submission of the report, the Workgroup shall cease to exist. 128998

Section 751.40. There is hereby created in the state treasury 128999
the Health and Human Services Fund. The Fund shall consist of 129000
money appropriated or transferred to it. The Fund shall be used to 129001
pay any costs associated with programs or services provided by the 129002
state to enhance the public health and overall health care quality 129003
of citizens of this state. 129004

If any unexpended, unobligated cash remains in the Fund as of 129005
June 30, 2017, that cash shall be transferred by the Director of 129006
Budget and Management to the Budget Stabilization Fund. 129007

Section 751.61. The Department of Job and Family Services 129008
shall enter into an agreement with The Ohio Wilderness Boys Camp, 129009
registered as a 501(c)(3) wilderness camp at 44642 Zerger Quarry 129010
Road, Summerfield, Ohio, 43788. This agreement shall authorize the 129011
wilderness camp to operate. This agreement shall be in effect from 129012
the date of execution and shall terminate ninety days after the 129013
effective date of the rules adopted under sections 5103.50 to 129014
5103.55 of the Revised Code. The agreement shall be prepared by 129015
the Department and upon mutual agreement to terms signed by both 129016
parties. 129017

As part of this agreement, the wilderness camp shall provide 129018
a copy of the executed agreement to the placing parent or legal 129019
guardian. Acknowledgment of receipt of the agreement by the parent 129020
or legal guardian must be placed in each child's file. 129021

If the provider fails to comply with any terms or condition 129022
of the agreement, the Department may immediately terminate the 129023
agreement. 129024

This agreement to temporarily operate a wilderness camp 129025
serves as an exception to the certification requirement under 129026
section 5103.03 of the Revised Code for the period prior to the 129027
adoption of rules under sections 5103.50 to 5103.55 of the Revised 129028

Code and ninety days after the effective date of the rules. 129029

Section 753.10. (A) The Governor is hereby authorized to 129030
execute a release of any and all rights of reversion for the 129031
benefit of the state and any deed restrictions and covenants with 129032
respect to the construction on or use of certain real estate 129033
located in the City of Moraine, Montgomery County, Ohio, described 129034
in the deed from the state as follows: 129035

That certain Director's Deed to The City of Moraine, 129036
Montgomery County, Ohio, as grantee, dated October 4, 1978, and 129037
recorded in Deed Microfiche 78-578E02 of the Montgomery County, 129038
Ohio, Records, including rights of reversion, covenants, and 129039
restrictions set forth in said deed or any prior deeds. 129040

(B) The Auditor of State, with the assistance of the Attorney 129041
General, shall prepare the release. The release shall be executed 129042
by the Governor in the name of the state, countersigned by the 129043
Secretary of State, sealed with the Great Seal of the State, 129044
presented in the Office of the Auditor of State for recording, and 129045
delivered to The City of Moraine, Montgomery County, Ohio. The 129046
City of Moraine, Montgomery County, Ohio, or its designee shall 129047
present the release for recording in the office of the Montgomery 129048
County Recorder. 129049

(C) This section expires one year after its effective date. 129050

Section 753.20. (A) The Governor may execute a deed in the 129051
name of the state ("grantor") conveying to the City of Toledo or 129052
to a grantee to be determined, and to the grantee's heirs and 129053
assigns or successors and assigns, all of the state's right, 129054
title, and interest in the following described real estate: 129055

Situate in the City of Toledo, County of Lucas, State of 129056
Ohio: 129057

All of Lots Number 1051, 1052 and 1053 AND All of Lots 1057, 129058

1058, 1059, and 1409½ in the VISTULA DIVISION in the CITY OF 129059
TOLEDO, LUCAS COUNTY, OHIO. 129060

Subject to right-of-way, easements and restrictions of 129061
record. 129062

Prior Instrument Reference: 20120229-0009405 Lucas County, 129063
Ohio Recorder's Office. 129064

Parcel Number: 15-48072 129065

The foregoing description may be adjusted by the Department 129066
of Administrative Services to accommodate any corrections 129067
necessary to facilitate recordation of the deed. 129068

The real estate shall be sold as an entire tract and not in 129069
parcels. 129070

(B)(1) The conveyance shall include improvements and chattels 129071
situated on the real property, and is subject to all leases, 129072
easements, covenants, conditions, and restrictions of record; all 129073
legal highways and public rights-of-way; zoning, building, and 129074
other laws, ordinances, restrictions, and regulations; and real 129075
estate taxes and assessments not yet due and payable. The real 129076
property shall be conveyed in "as-is, where-is, with all faults" 129077
condition. 129078

(2) The deed may contain restrictions, exceptions, 129079
reservations, reversionary interests, and other terms and 129080
conditions the Director of Administrative Services determines to 129081
be in the best interest of the state. 129082

(3) Subsequent to the conveyance, any restrictions, 129083
exceptions, reservations, reversionary interests, or other terms 129084
and conditions contained in the deed may be released by the state 129085
or the Department of Administrative Services without the necessity 129086
of further legislation. 129087

(4) If conveyed to the City of Toledo, the deed to the real 129088

estate shall include the following deed restriction: 129089

Subsequent to the transfer of the deed to Grantee, in the 129090
event Grantee determines the real estate interest herein described 129091
shall no longer be needed for Grantee's use and purpose, Grantee 129092
shall notify Grantor and offer to return title of the real estate 129093
herein described to Grantor conditioned upon written agreement 129094
from Grantor to accept said title. Should Grantor decline to 129095
accept this reversion of title interest not later than ninety days 129096
after receipt of notice, Grantee shall be authorized to proceed 129097
with any subsequent transfer, conveyance, or disposal of the real 129098
estate Grantee determines to be in its best interest. 129099

(C) The Director of Administrative Services shall offer the 129100
real estate to the City of Toledo, or to a grantee to be 129101
determined, through a real estate purchase agreement prepared by 129102
the Department of Administrative Services. Consideration for the 129103
conveyance of the real estate shall be at a price acceptable to 129104
the Director. 129105

If the City of Toledo, or the grantee to be determined, does 129106
not complete the purchase of the real estate within the time 129107
period provided in the real estate purchase agreement, the 129108
Director of Administrative Services may offer to sell the real 129109
estate to an alternate grantee, through a real estate purchase 129110
agreement prepared by the Department of Administrative Services. 129111
Consideration for the conveyance of the real estate to an 129112
alternate grantee shall be at a price acceptable to the Director. 129113

(D) The grantee shall pay all costs associated with the 129114
purchase, closing, and conveyance, including surveys, title 129115
evidence, title insurance, transfer costs and fees, recording 129116
costs and fees, taxes, and any other fees, assessments, and costs 129117
that may be imposed. 129118

(E) The net proceeds of the sale shall be deposited into the 129119

state treasury to the credit of the General Revenue Fund. 129120

(F) Upon payment of the purchase price, the Auditor of State, 129121
with the assistance of the Attorney General, shall prepare a deed 129122
to the subject real estate. The deed shall state the consideration 129123
and shall be executed by the Governor in the name of the state, 129124
countersigned by the Secretary of State, sealed with the Great 129125
Seal of the State, presented in the Office of the Auditor of State 129126
for recording, and delivered to the grantee. The grantee shall 129127
present the deed for recording in the office of the Lucas County 129128
Recorder. 129129

(G) This section expires three years after its effective 129130
date. 129131

Section 757.10. For the purpose of division (A)(18)(d) of 129132
section 5709.93 of the Revised Code as enacted by this act, the 129133
county auditor of each county shall certify to the Tax 129134
Commissioner not later than July 31, 2015, the amount distributed 129135
from the county library fund in 2014 to each public library that 129136
received a distribution under section 5727.86 or 5751.22 of the 129137
Revised Code in 2014. 129138

Section 757.20. For the purpose of sections 5709.92 and 129139
5709.93 of the Revised Code as enacted by this act, a school 129140
district, joint vocational school district, public library, or 129141
local taxing unit may appeal a levy classification or any amount 129142
used in the calculation of total resources as defined under those 129143
sections. Such an appeal shall be filed in writing, including via 129144
electronic mail, with the Tax Commissioner. Upon receiving such an 129145
appeal, the Tax Commissioner shall make a determination of the 129146
merits of the appeal and, if the appeal is upheld, make necessary 129147
changes within the classifications or calculations. The 129148
determination of the Tax Commissioner is final and not subject to 129149

appeal. After June 30, 2016, no changes shall be made in the 129150
classifications or calculations. 129151

Section 757.40. The Tax Commissioner shall evaluate the 129152
effectiveness of any measures the Commissioner uses to reduce 129153
fraud with respect to the tax levied under section 5747.02 of the 129154
Revised Code by requiring a taxpayer to verify information about 129155
the taxpayer for the purpose of verifying the taxpayer's identity. 129156
On or before August 30, 2016, the Commissioner shall submit a 129157
report of that evaluation and recommended improvements to such 129158
measures to the Speaker of the House of Representatives, the 129159
President of the Senate, and each member of the House of 129160
Representatives and Senate standing committees dealing primarily 129161
with issues related to taxation. 129162

Section 757.50. (A) There is hereby created the Ohio 2020 Tax 129163
Policy Study Commission to review the state's tax structure and 129164
policies and make recommendations to the General Assembly on how 129165
to maximize Ohio's competitiveness by the year 2020, on how to 129166
transition Ohio's personal income tax to a flat tax of three and 129167
one-half per cent or three and three-quarters per cent beginning 129168
in tax year 2018, on how to make the tax credit authorized in 129169
section 149.311 of the Revised Code more efficient and effective, 129170
including converting it to a refundable tax credit or grant 129171
program, and on how to reform Ohio's severance tax in a way that 129172
maximizes competitiveness and enhances the general welfare of the 129173
state. The Commission shall also review and evaluate every credit 129174
against a tax levied by the state and authorized in the Revised 129175
Code. The Commission shall consist of the following members: 129176

(1) Three members of the House of Representatives appointed 129177
by the Speaker of the House of Representatives who meet the 129178
following requirements: 129179

(a) Two shall be members of the majority party, one of whom shall be the Chairperson of the House Ways and Means Committee; (a) Two shall be members of the majority party, one of whom shall be the Chairperson of the Senate Ways and Means Committee; (b) One shall be a member of the minority party. (2) Three members of the Senate appointed by the President of the Senate who meet the following requirements: (a) Two shall be members of the majority party, one of whom shall be the Chairperson of the Senate Ways and Means Committee; (b) One shall be a member of the minority party. (3) One person appointed by the governor. (B)(1) The Chairpersons of the House and Senate Ways and Means Committees shall serve jointly as Co-chairpersons of the Commission. (2) Members of the Commission shall serve without compensation or reimbursement. (3) Vacancies on the Commission shall be filled in the same manner as original appointments. (C) The Legislative Service Commission shall provide necessary services to the Commission. (D) To aid in its review, the Commission shall utilize dynamic analytical tools. Not later than October 1, 2015, the Commission shall publish its findings and recommendations regarding Ohio's severance tax and submit its report to the members of the General Assembly. Not later than October 31, 2016, the Commission shall publish its findings and recommendations regarding the tax credit authorized in section 149.311 of the Revised Code and submit its report to members of the General Assembly. Not later than October 1, 2017, the Commission shall publish its findings and recommendations regarding all other matters before the Commission and submit its report to the members of the General Assembly. Upon submission of all three reports, the

Commission shall cease to exist. 129210

Section 757.60. The Director of Transportation, in 129211
collaboration with the aviation industry and other interested 129212
parties, shall prepare draft legislation to require that all 129213
revenue from the sales and use tax on sales of aviation fuel be 129214
used exclusively for the airport improvement-related purposes 129215
described in section 399.15 of this act. The Director shall submit 129216
the draft legislation to the Ohio Aerospace and Aviation 129217
Technology Committee not later than June 30, 2016. 129218

Section 757.90. The amendment by this act of section 5727.80 129219
and division (A) of section 5727.031 of the Revised Code is 129220
intended to clarify and be declaratory of the law as it existed 129221
before such amendments. 129222

Section 757.100. (A) On or before August 1, 2015, the Tax 129223
Commissioner, in consultation with the Director of Budget and 129224
Management, shall do all of the following: 129225

(1) Identify every provision, including every appropriation, 129226
of this act that was vetoed by the Governor and that would have 129227
required an expenditure from the General Revenue Fund of at least 129228
five million dollars in fiscal year 2016 and at least six million 129229
dollars in fiscal year 2017; 129230

(2) Determine the total amount of expenditures that will not 129231
be made as a result of the veto of the provisions identified in 129232
division (A)(1) of this section; 129233

(3) Determine the percentage that the amount determined in 129234
division (A)(2) of this section is of the amount of revenue the 129235
Director and Commissioner estimate will be received from the tax 129236
levied under section 5747.02 of the Revised Code in the current 129237
fiscal biennium without regard to any reduction in rates under 129238

this section or division (B) of that section. 129239

(B) The income tax rates prescribed in section 5747.02 of the 129240
Revised Code as amended by this act shall be reduced by the 129241
percentage certified under division (A)(3) of this section. The 129242
reduction shall apply to all taxable years beginning on or after 129243
January 1, 2015. The reduction shall not apply to the rates at 129244
which employers are required to withhold taxes under section 129245
5747.06 of the Revised Code before July 1, 2017. 129246

(C) Nothing in this section shall affect the right of the 129247
General Assembly to reconsider and repass any provision of this 129248
act in accordance with Section 16, Article II of the Ohio 129249
Constitution. 129250

Section 757.110. (A) The amendment by this act of division 129251
(B)(42) of section 5739.02 of the Revised Code applies on and 129252
after the effective date of this section. 129253

(B)(1) Except as provided in division (B)(2) of this section, 129254
the Tax Commissioner shall abate any unpaid taxes, penalties, and 129255
interest charged and payable under Chapters 5739. and 5741. of the 129256
Revised Code for transactions described by division (B)(42)(p) of 129257
section 5739.02 of the Revised Code occurring before the effective 129258
date of this section regardless of whether an assessment has been 129259
issued therefor. The Commissioner shall not make an assessment 129260
under Chapter 5739. or 5741. of the Revised Code for taxes, 129261
penalties, and interest charged and payable with respect to 129262
transactions described by division (B)(42)(p) of section 5739.02 129263
of the Revised Code and occurring before the effective date of 129264
this section. 129265

(2) Division (B)(1) of this section does not apply to any 129266
person that has not, as of September 1, 2015, paid all taxes, 129267
penalties, and interest charged and payable on or before that date 129268
under Chapters 5739. and 5741. of the Revised Code for 129269

transactions other than those described by division (B)(42)(p) of 129270
section 5739.02 of the Revised Code. 129271

Section 757.120. The amendment by this act of division 129272
(A)(31) of section 5747.01 of the Revised Code shall not affect 129273
the additional deduction authorized by Section 512.70 of Am. Sub. 129274
H.B. 59 of the 130th General Assembly as amended by Section 610.20 129275
of Am. Sub. H.B. 483 of the 130th General Assembly. 129276

Section 757.130. (A) As used in this section: 129277

(1) "Qualifying delinquent taxes" means any tax levied under 129278
Title LVII of the Revised Code, including the taxes required to be 129279
withheld under Chapters 5747. and 5748. of the Revised Code, which 129280
were due and payable from any person as of May 1, 2015, were 129281
unreported or underreported, and remain unpaid. 129282

(2) "Qualifying delinquent personal property taxes" means a 129283
tax for which a return is filed under section 5711.02 of the 129284
Revised Code. 129285

(3) "Qualifying delinquent taxes" and "qualifying delinquent 129286
personal property taxes" do not include any tax for which a notice 129287
of assessment or audit has been issued, for which a bill has been 129288
issued, which relates to a tax period that ends after the 129289
effective date of this section, or for which an audit has been 129290
conducted or is currently being conducted. 129291

(B) The Tax Commissioner shall establish and administer a tax 129292
amnesty program with respect to qualifying delinquent taxes and 129293
qualifying delinquent personal property taxes. The program shall 129294
commence on January 1, 2016, and shall conclude on February 15, 129295
2016. The Tax Commissioner shall issue forms and instructions and 129296
take other actions necessary to implement the program. The Tax 129297
Commissioner shall publicize the program so as to maximize public 129298
awareness and participation in the program. 129299

(C)(1) During the program, if a person pays the full amount of qualifying delinquent taxes owed by that person and one-half of any interest that has accrued as a result of the person failing to pay those taxes in a timely fashion, the Tax Commissioner shall waive or abate all applicable penalties and one-half of any interest that accrued on the qualifying delinquent taxes.

(2) During the program, if a person who owes qualifying delinquent personal property taxes files a return with the Tax Commissioner, in the form and manner prescribed by the Tax Commissioner, listing all taxable property that was required to be listed on the return required to be filed under section 5711.02 of the Revised Code, the Tax Commissioner shall issue a preliminary assessment certificate to the appropriate county auditor. Upon receiving a preliminary assessment certificate issued by the Tax Commissioner pursuant to this division, the county auditor shall compute the amount of qualifying delinquent personal property taxes owed by the person and shall add to that amount one-half of the interest prescribed under sections 5711.32 and 5719.041 of the Revised Code. The county treasurer shall collect the amount of tax and interest computed by the county auditor under this division by preparing and mailing a tax bill to the person as prescribed in section 5711.32 of the Revised Code. If the person pays the full amount of tax and interest thereon on or before the date shown on the tax bill all applicable penalties and one-half of any interest that accrued on the qualifying delinquent personal property taxes shall be waived.

(3) No payment required under division (G) of section 321.24 of the Revised Code shall be made with respect to any person who pays qualifying delinquent personal property taxes under division (C)(2) of this section.

(4) Notwithstanding any contrary provision of the Revised Code, the Tax Commissioner shall not furnish to the county auditor

any information pertaining to the exemption from taxation under 129332
division (C)(3) of section 5709.01 of the Revised Code insofar as 129333
that information pertains to any person who pays qualifying 129334
delinquent personal property taxes under division (C)(2) of this 129335
section. 129336

(D) The Tax Commissioner may require a person participating 129337
in the program to file returns or reports, including amended 129338
returns and reports, in connection with the person's payment of 129339
qualifying delinquent taxes or qualifying delinquent personal 129340
property taxes. 129341

(E) A person who participates in the program and pays in full 129342
any outstanding qualifying delinquent tax or qualifying delinquent 129343
personal property tax and the interest payable on such tax in 129344
accordance with this section shall not be subject to any criminal 129345
prosecution or any civil action with respect to that tax, and no 129346
assessment shall thereafter be issued against that person with 129347
respect to that tax. 129348

(F) Taxes and interest collected under the program shall be 129349
considered as revenue arising from the tax to which the payment 129350
relates, and shall be distributed accordingly. 129351

Section 757.140. The amendment by this act of section 5726.01 129352
of the Revised Code is remedial in nature and is intended to 129353
clarify the law as it existed prior to the amendment of that 129354
section by this act. The amendment of that section shall apply to 129355
tax years beginning on and after January 1, 2014. 129356

Section 757.150. The amendment by this act of section 5736.01 129357
of the Revised Code applies to tax periods beginning on or after 129358
July 1, 2015. 129359

Section 757.160. The amendment by this act of section 5736.02 129360

of the Revised Code applies to tax periods beginning on or after 129361
July 1, 2015. 129362

Section 757.170. (A) As used in this section: 129363

(1) "Certificate owner" and "qualified rehabilitation 129364
expenditures" have the same meanings as in section 149.311 of the 129365
Revised Code. 129366

(2) "Taxpayer," "tax period," "excluded person," "combined 129367
taxpayer," and "consolidated elected taxpayer," have the same 129368
meanings as in section 5751.01 of the Revised Code. 129369

(3) "Pass-through entity" has the same meaning as in section 129370
5733.04 of the Revised Code. 129371

(B) A taxpayer that is the certificate owner of a 129372
rehabilitation tax credit certificate issued under section 149.311 129373
of the Revised Code may claim a credit against the tax levied by 129374
section 5751.02 of the Revised Code for tax periods ending on or 129375
before June 30, 2017, provided that the taxpayer is unable to 129376
claim the credit under section 5725.151, 5725.34, 5726.52, 129377
5729.17, 5733.47, or 5747.76 of the Revised Code. 129378

The credit shall equal the lesser of twenty-five per cent of 129379
the dollar amount of the qualified rehabilitation expenditures 129380
indicated on the certificate or five million dollars. The credit 129381
shall be claimed for the calendar year specified in the 129382
certificate and after the credits authorized in divisions (A)(1) 129383
to (4) of section 5751.98 of the Revised Code, but before the 129384
credits authorized in divisions (A)(5) to (7) of that section. 129385

If the credit allowed for any calendar year exceeds the tax 129386
otherwise due under section 5751.02 of the Revised Code, after 129387
allowing for any other credits preceding the credit in the order 129388
prescribed by this section, the excess shall be refunded to the 129389
taxpayer. However, if any amount of the credit is refunded, the 129390

sum of the amount refunded and the amount applied to reduce the 129391
tax otherwise due for that year shall not exceed three million 129392
dollars. The taxpayer may carry forward any balance of the credit 129393
in excess of the amount claimed for that year for not more than 129394
five calendar years after the calendar year specified in the 129395
certificate, and shall deduct any amount claimed in any such year 129396
from the amount claimed in an ensuing year. 129397

A person that is an excluded person may file a return under 129398
section 5751.051 of the Revised Code for the purpose of claiming 129399
the credit authorized in this section. 129400

If the certificate owner is a pass-through entity, the credit 129401
may not be allocated among the entity's owners in proportions or 129402
amounts as the owners mutually agree unless either the owners are 129403
part of the same combined or consolidated elected taxpayer as the 129404
pass-through entity or the director of development services issued 129405
the certificate in the name of the pass-through entity's owners in 129406
the agreed-upon proportions or amounts. If the credit is allocated 129407
among those owners, an owner may claim the credit authorized in 129408
this section only if that owner is a corporation or an association 129409
taxed as a corporation for federal income tax purposes and is not 129410
a corporation that has made an election under Subchapter S of 129411
Chapter 1 of Subtitle A of the Internal Revenue Code. 129412

The credit authorized in this section may be claimed only on 129413
the basis of a rehabilitation tax credit certificate with an 129414
effective date after December 31, 2013, but before June 30, 2017. 129415

A person claiming a credit under this section shall retain 129416
the rehabilitation tax credit certificate for four years following 129417
the end of the latest calendar year in which the credit was 129418
applied, and shall make the certificate available for inspection 129419
by the tax commissioner upon request. 129420

Section 757.180. As used in this section, "qualified" 129421

property" means territory leased by the state under section 129422
1506.11 of the Revised Code, the lease of which has been assigned 129423
to a municipal corporation as lessee, and having unpaid taxes, 129424
penalties, and interest charged against it exceeding the assessed 129425
value of the property for tax year 2014. 129426

Notwithstanding section 5713.081 and division (F) of section 129427
1506.11 of the Revised Code, when qualified property used 129428
exclusively for a public purpose for the purposes of section 129429
5709.08 of the Revised Code has not received tax exemption under 129430
that section, the lessee municipal corporation, at any time on or 129431
before December 31, 2015, may file with the Tax Commissioner an 129432
application requesting that the property be placed on the 129433
tax-exempt list and that unpaid taxes, penalties, and interest 129434
charged and payable after December 31, 1999, on the property be 129435
abated, provided that taxes, penalties, and interest charged and 129436
payable for any tax year the property was used in the operation of 129437
a business may not be abated. 129438

The application shall be made on the form prescribed by the 129439
Tax Commissioner under section 5715.27 of the Revised Code and 129440
shall list the name of the county in which the property is 129441
located; the property's parcel number or legal description; its 129442
assessed value; the amount in dollars of the unpaid taxes, 129443
penalties, and interest charged and payable after December 31, 129444
1999; and any other information required by the Tax Commissioner. 129445
The county auditor shall supply the required information upon 129446
request of the applicant. 129447

After receiving and considering the application, the 129448
Commissioner shall determine if the applicant meets the 129449
qualifications set forth in this section. If so, the Commissioner 129450
shall issue an order directing that the property be placed on the 129451
tax-exempt list of the county and that unpaid taxes, penalties, 129452

and interest charged and payable after December 31, 1999, be 129453
abated except for taxes, penalties, and interest charged and 129454
payable for any tax year that the property was used in the 129455
operation of a business. Such taxes, penalties, and interest shall 129456
be abated even if the property was subject to more than one lease 129457
during the period for which the abatement was requested. If the 129458
Commissioner finds that the property is not now being used for an 129459
exempt purpose or is otherwise ineligible for abatement of taxes, 129460
penalties, and interest under this section, the Commissioner shall 129461
issue an order denying the application. 129462

If the Commissioner finds that the property is not entitled 129463
to tax exemption and the abatement of unpaid taxes, penalties, and 129464
interest, the Commissioner shall order the county treasurer of the 129465
county in which the property is located to collect all taxes, 129466
penalties, and interest due on the property in accordance with 129467
law. 129468

The Commissioner may apply this section to any qualified 129469
property that is the subject of an application for exemption 129470
pending before the Commissioner on the effective date of this 129471
section without requiring the property owner to file an additional 129472
application. 129473

Section 757.190. The amendment by this act of section 5709.17 129474
of the Revised Code applies to applications for exemption that are 129475
pending on, or are filed on or after, the effective date of this 129476
section. 129477

Section 759.10. (A) The Director of Veterans Services shall 129478
adopt rules as required by section 5101.98 (5902.05) of the 129479
Revised Code as amended by this act. Upon the taking effect of 129480
those rules, rules 5101:10-2-01 and 5101:10-2-02 of the 129481
Administrative Code are void. 129482

(B) Pending the taking effect of rules adopted by the 129483
Director of Veterans Services under division (A) of this section, 129484
rules 5101:10-2-01 and 5101:10-2-02 of the Administrative Code 129485
remain in effect, but the Director and Department of Veterans 129486
Services, rather than the Director and Department of Job and 129487
Family Services, shall administer the rules, and references in the 129488
rules to the Director of Job and Family Services shall be read as 129489
if they referred to the Director or Department of Veterans 129490
Services. In applying the rules, the Director of Veterans Services 129491
shall read the eligibility of an individual for a grant from the 129492
Military Injury Relief Fund as if it had been expanded to include 129493
individuals who served after October 7, 2001. 129494

Section 763.10. (A) There is hereby established the 129495
Montgomery County Workforce Study Committee, which shall study all 129496
of the following: 129497

(1) Workforce development system options for in-demand jobs 129498
in the Montgomery County region; 129499

(2) Establishing a workforce sector network to develop a 129500
common agenda and shared performance measures in aerospace and 129501
manufacturing; 129502

(3) Identifying the supply and demand of in-demand job areas 129503
over multi-time horizons and using this data to establish 129504
short-term and long-term targets for the Montgomery County 129505
region's in-demand jobs that are approved and shared by the 129506
network's partners; 129507

(4) Identifying and implementing clear pathways and 129508
incentives for meeting educational and experiential objectives; 129509

(5) Identifying a collaborative strategy to expand the number 129510
of internships that are available and to recommend targeted 129511
matching or seed funding to complement existing efforts or to 129512

generate new "gap filler" efforts for students interested in 129513
careers in aerospace and manufacturing industries; 129514

(6) Creating innovative loan forgiveness programs and 129515
providing targeted matching or seed funding to complement existing 129516
efforts or generating new "gap filler" efforts for students who 129517
are completing a post-secondary credential in a high-demand 129518
workforce area. 129519

(B) Not later than June 30, 2017, the Committee shall issue a 129520
report of its findings and shall deliver that report to the 129521
Governor, the President and Minority Leader of the Senate, and the 129522
Speaker and Minority Leader of the House of Representatives. 129523

(C) The Committee shall consist of the following members: 129524

(1) Four representatives of the manufacturing industry, two 129525
of whom shall be appointed by the President of the Senate and two 129526
of whom shall be appointed by the Speaker of the House of 129527
Representatives; 129528

(2) Four representatives of the aerospace industry, two of 129529
whom shall be appointed by the President of the Senate and two of 129530
whom shall be appointed by the Speaker of the House of 129531
Representatives; 129532

(3) Six representatives from institutions of higher 129533
education, three of whom shall be appointed by the President of 129534
the Senate and three of whom shall be appointed by the Speaker of 129535
the House of Representatives; 129536

(4) Four representatives of the Department of Higher 129537
Education, the Governor's Office of Workforce Transformation, the 129538
Montgomery County Educational Services Center, OhioMeansJobs - 129539
Montgomery County, or another state or county agency involved with 129540
education or workforce development, two of whom shall be appointed 129541
by the President of the Senate and two of whom shall be appointed 129542
by the Speaker of the House of Representatives. 129543

(D) The President of the Senate and Speaker of the House 129544
shall appoint members in accordance with division (C) of this 129545
section within thirty days after the effective date of this 129546
section. Within thirty days after the last appointment is made to 129547
the Committee, the Committee shall meet and select a chairperson 129548
and vice chairperson from among its members. Thereafter, the 129549
Committee shall meet at the call of its chairperson as necessary 129550
to carry out its duties. 129551

(E) Members of the Committee are not entitled to compensation 129552
for serving on the Committee but may continue to receive the 129553
compensation and benefits accruing to them from their regular 129554
offices or employment. 129555

(F) The Committee may hire staff in consultation with Learn 129556
to Earn Dayton. 129557

(G) The Montgomery County Educational Services Center shall 129558
be the Committee's fiscal agent. 129559

(H) Upon submission of the report required under division (B) 129560
of this section, the Committee is abolished. 129561

Section 803.01. The amendment by this act of section 718.01 129562
of the Revised Code applies to municipal taxable years beginning 129563
on or after January 1, 2016. 129564

Section 803.03. The amendment by this act of section 718.05 129565
of the Revised Code applies to municipal taxable years beginning 129566
on or after January 1, 2016. 129567

Section 803.05. The amendment of section 5124.67 of the 129568
Revised Code is not intended to supersede the earlier repeal, with 129569
delayed effective date, of that section. 129570

Section 803.07. The amendment by this act of section 5725.22 129571

of the Revised Code applies to taxable years ending in and after 2016. 129572
129573

Section 803.70. The amendment by this act of sections 129574
5747.01, 5747.05, 5747.055, 5747.08, 5747.21, 5747.37, 5747.71, 129575
and 5747.98 of the Revised Code applies to taxable years beginning 129576
on or after January 1, 2015. 129577

Section 803.140. The amendment by this act of section 5713.30 129578
of the Revised Code applies to tax year 2015 and every tax year 129579
thereafter. 129580

Section 803.160. The amendment by this act of sections 129581
718.01, 718.04, and 718.05 of the Revised Code is not intended to 129582
accelerate the application of the amendment of those sections by 129583
H.B. 5 of the 130th General Assembly as provided by Section 3 of 129584
that act. 129585

Section 803.170. The repeal by this act of section 5739.212 129586
of the Revised Code applies to any tax or rate increase imposed 129587
under section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 129588
5741.023 of the Revised Code on or after July 1, 2015. 129589

Section 803.180. The amendment or enactment by this act of 129590
sections 5703.057, 5703.36, and 5703.361 of the Revised Code apply 129591
on and after January 1, 2016. 129592

Section 803.210. The amendment by this act of sections 129593
3769.03, 3769.08, 3769.083, 3769.086, 3769.087, and 3769.101 of 129594
the Revised Code apply on and after January 1, 2016. 129595

Section 803.220. (A) As used in this section, "net additional 129596
tax" means, in the case of a wholesale dealer, the net additional 129597
amount of tax resulting from the amendment by this act of section 129598

5743.02 of the Revised Code, less the discount allowed under 129599
section 5743.05 of the Revised Code as a commission for affixing 129600
stamps, that is due on all packages of Ohio stamped cigarettes and 129601
on all unaffixed Ohio cigarette tax stamps that the wholesale 129602
dealer has on hand as of the beginning of business on July 1, 129603
2015, and, in the case of a retail dealer, means the net 129604
additional amount of tax resulting from the amendment by this act 129605
of section 5743.02 of the Revised Code that is due on all packages 129606
of Ohio stamped cigarettes that the retail dealer has on hand as 129607
of the beginning of business on July 1, 2015. 129608

(B) In addition to the return required under section 5743.03 129609
of the Revised Code, each wholesale dealer and each retail dealer 129610
shall make and file a return on forms prescribed by the Tax 129611
Commissioner showing the net additional tax due and any other 129612
information that the commissioner considers necessary to apply 129613
sections 5743.01 to 5743.20 of the Revised Code in the 129614
administration of the net additional tax. On or before September 129615
30, 2015, each wholesale dealer and each retail dealer shall 129616
deliver the return to the Commissioner, together with remittance 129617
of the net additional tax. 129618

(C) Any wholesale or retail dealer who fails to file a return 129619
or remit net additional tax as required under this section shall 129620
forfeit and pay into the state treasury a late charge equal to 129621
fifty dollars or ten per cent of the net additional tax due, 129622
whichever is greater. 129623

(D) Unpaid or unreported net additional taxes and late 129624
charges may be collected by assessment in the manner prescribed 129625
under sections 5743.081 and 5743.082 of the Revised Code. 129626

(E) All amounts collected under this section shall be 129627
considered revenue arising from the tax imposed by section 5743.02 129628
of the Revised Code. 129629

Section 803.230. The amendment by this act of sections 129630
5743.02 and 5743.32 of the Revised Code applies on and after July 129631
1, 2015. 129632

Section 803.240. As used in this section, "tax incentive" has 129633
the same meaning as in division (B) of section 122.942 of the 129634
Revised Code. 129635

The amendment by this act of section 122.942 of the Revised 129636
Code applies to all tax incentives approved by the tax credit 129637
authority on or after the effective date of this section. 129638

Section 803.250. The amendments by this act to division (K) 129639
of section 122.17 and division (J) of section 122.171 of the 129640
Revised Code apply only to original agreements approved by the tax 129641
credit authority on or after January 1, 2014, and amendments to 129642
such agreements under division (R) of section 122.17 of the 129643
Revised Code. 129644

Section 803.260. The amendment by this act of division (I) of 129645
section 5741.01 and section 5741.17 of the Revised Code applies on 129646
and after July 1, 2015. 129647

Section 803.290. Notwithstanding any other provision of 129648
Chapter 718. of the Revised Code, the deadline for filing an 129649
ordinance or resolution to levy the tax authorized in division (G) 129650
of section 718.04 of the Revised Code with the board of elections 129651
for the election to be held on November 3, 2015, shall be fifteen 129652
days after the effective date of the amendment of that section. 129653

Section 803.300. The amendment by this act of section 129654
5747.113 of the Revised Code applies to taxable years beginning on 129655
or after January 1, 2015. 129656

Section 803.310. Subject to the limitations on the time to 129657
apply for a refund or issue an assessment under section 5751.08 or 129658
5751.09 of the Revised Code, respectively, the amendment by this 129659
act of division (F)(2)(jj) of section 5751.01 of the Revised Code 129660
applies to tax periods beginning on or after July 1, 2011, and 129661
shall be construed as clarifying the law as it existed prior to 129662
the effective date of that amendment. 129663

Section 803.330. The amendment by this act of division (II) 129664
of section 5739.01 of the Revised Code applies on and after 129665
October 1, 2015. 129666

Section 803.350. Notwithstanding division (C) of section 129667
5736.02 of the Revised Code as amended by this act, the Department 129668
of Taxation shall post the first average wholesale price of a 129669
gallon of propane not later than July 31, 2015, for the calendar 129670
quarter that begins July 1, 2015. 129671

Section 803.353. The amendment by this act of sections 129672
5727.06, 5727.11, 5727.15, and 5727.75 and divisions (B) and (C) 129673
of section 5727.031 of the Revised Code applies to tax years 129674
beginning on or after January 1, 2016. 129675

Section 803.360. The developmental center closure process, 129676
established in the amendment by this act to section 5123.032 of 129677
the Revised Code, applies to a developmental center for which the 129678
Governor has given notice of the Governor's intention to close the 129679
developmental center, but for which the closure of the center has 129680
not been completed. Not later than seven days after the effective 129681
date of the amendment to section 5123.032 of the Revised Code by 129682
this act, the officials who are to appoint members to a 129683
developmental center closure commission shall appoint members to a 129684
developmental center closure commission for each center for which 129685

the Governor has given the closure notice. 129686

Section 803.370. The amendment by this act adding division 129687
(A)(32) to section 5747.01 of the Revised Code applies to taxable 129688
years beginning on or after January 1, 2015. 129689

Section 806.10. The items of law contained in this act, and 129690
their applications, are severable. If any item of law contained in 129691
this act, or if any application of any item of law contained in 129692
this act, is held invalid, the invalidity does not affect other 129693
items of law contained in this act and their applications that can 129694
be given effect without the invalid item of law or application. 129695

Section 809.10. An item of law, other than an amending, 129696
enacting, or repealing clause, that composes the whole or part of 129697
an uncodified section contained in this act has no effect after 129698
June 30, 2017, unless its context clearly indicates otherwise. 129699

Section 812.10. Except as otherwise provided in this act, the 129700
amendment, enactment, or repeal by this act of a section is 129701
subject to the referendum under Ohio Constitution, Article II, 129702
section 1c and therefore takes effect on the ninety-first day 129703
after this act is filed with the Secretary of State or, if a later 129704
effective date is specified below, on that date. 129705

The amendment of sections 173.47, 5165.15, 5165.151, 129706
5165.152, 5165.192, and 5165.23 of the Revised Code takes effect 129707
July 1, 2016. 129708

The amendment of section 4501.01 of the Revised Code in 129709
Section 101.01 of this act takes effect January 1, 2016. 129710

For multiple employer welfare arrangements that have a valid 129711
certificate of authority from the superintendent of insurance on 129712
the effective date of the amendments to section 1739.13 of the 129713

Revised Code, the requirements imposed by that section as amended 129714
by this act shall take effect two years from the effective date of 129715
those amendments. 129716

The enactment of new section 5165.25 of the Revised Code 129717
takes effect July 1, 2016. 129718

The repeal of sections 5165.25 and 5165.26 of the Revised 129719
Code takes effect July 1, 2016. 129720

The amendment or enactment of sections 145.56, 145.571, 129721
742.462, 742.47, 2919.21, 3115.101 3115.102, 3115.103, 3115.104, 129722
3115.105, 3115.201, 3115.202, 3115.203, 3115.204, 3115.205, 129723
3115.206, 3115.207, 3115.208, 3115.209, 3115.210, 3115.211, 129724
3115.301, 3115.302, 3115.303, 3115.304, 3115.305, 3115.306, 129725
3115.307, 3115.308, 3115.309, 3115.310, 3115.311, 3115.312, 129726
3115.313, 3115.314, 3115.315, 3115.316, 3115.317, 3115.318, 129727
3115.319, 3115.401, 3115.402, 3115.501, 3115.502, 3115.503, 129728
3115.504, 3115.505, 3115.506, 3115.507, 3115.601, 3115.602, 129729
3115.603, 3115.604, 3115.605, 3115.606, 3115.607, 3115.608, 129730
3115.609, 3115.610, 3115.611, 3115.612, 3115.613, 3115.614, 129731
3115.615, 3115.616, 3115.701, 3115.702, 3115.703, 3115.704, 129732
3115.705, 3115.706, 3115.707, 3115.708, 3115.709, 3115.710, 129733
3115.711, 3115.712, 3115.713, 3115.801, 3115.802, 3115.901, 129734
3115.902, 3115.903, 3305.08, 3305.21, 3307.371, 3307.41, 3309.66, 129735
3309.671, 5505.22, and 5505.261 and the repeal of sections 129736
3115.01, 3115.02, 3115.03, 3115.031, 3115.04, 3115.05, 3115.06, 129737
3115.07, 3115.08, 3115.09, 3115.10, 3115.11, 3115.12, 3115.13, 129738
3115.14, 3115.15, 3115.16, 3115.17, 3115.18, 3115.19, 3115.20, 129739
3115.21, 3115.22, 3115.23, 3115.24, 3115.25, 3115.26, 3115.27, 129740
3115.28, 3115.29, 3115.30, 3115.31, 3115.32, 3115.33, 3115.34, 129741
3115.35, 3115.36, 3115.37, 3115.38, 3115.39, 3115.40, 3115.41, 129742
3115.42, 3115.43, 3115.44, 3115.45, 3115.46, 3115.47, 3115.48, 129743
3115.49, 3115.50, 3115.51, 3115.52, 3115.53, 3115.54, 3115.55, 129744
3115.56, 3115.57, 3115.58, and 3115.59 of the Revised Code take 129745

effect on January 1, 2016. 129746

Section 812.20. This paragraph does not apply to the 129747
amendment by this act of Section 2 of Am. Sub. S.B. 1 of the 130th 129748
General Assembly. The amendment, enactment, or repeal by this act 129749
of the sections listed below is exempt from the referendum under 129750
Ohio Constitution, Article II, section 1d and section 1.471 of the 129751
Revised Code and therefore takes effect immediately when this act 129752
becomes law or, if a later effective date is specified below, on 129753
that date. 129754

Sections 5709.92, 5709.93, 5727.81, 5727.811, 5727.84, 129755
5727.85, 5727.86, 5751.02, 5751.20, 5751.21, and 5751.22 of the 129756
Revised Code and Sections 757.10 and 757.20 of this act take 129757
effect July 1, 2015. 129758

Sections 5741.01 and 5741.03 of the Revised Code take effect 129759
July 1, 2015. 129760

Sections 5743.02 and 5743.32 of the Revised Code and Section 129761
803.220 of this act take effect July 1, 2015. 129762

Sections of this act prefixed with section numbers in the 129763
200s, 300s, 400s, 500s, and 600s. 129764

Sections or parts of sections that state that referenced 129765
sections in whole or in part are exempt from the referendum. 129766

Section 812.40. Section 340.034 of the Revised Code takes 129767
effect September 15, 2016. 129768

Section 812.70. (A) The amendment, enactment, or repeal of 129769
sections 121.04, 305.31, 717.01, 901.08, 901.21, 901.22, 903.082, 129770
905.31, 905.323, 931.01, 931.02, 939.01, 939.07, 941.14, 953.22, 129771
1501.022, 1501.04, 1503.50, 1503.51, 1503.52, 1503.53, 1503.54, 129772
1503.55, 1503.99, 1506.01, 1511.01, 1511.04, 1511.06, 1511.07, 129773
1511.08, 1511.99, 1514.08, 1514.13, 1521.03, 1521.031, 1521.04, 129774

1521.05, 1521.06, 1521.061, 1521.062, 1521.063, 1521.064, 1521.07, 129775
1521.10, 1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 129776
1521.18, 1521.19, 1522.03, 1522.05, 1522.11, 1522.12, 1522.13, 129777
1522.131, 1522.15, 1522.16, 1522.17, 1522.18, 1522.20, 1522.21, 129778
1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 1523.07, 129779
1523.08, 1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 1523.14, 129780
1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 3701.344, 129781
3714.073, 3718.03, 3734.029, 3745.70, 4115.03, 5301.68, 5301.69, 129782
5537.05, 6109.21, 6111.03, 6111.04, 6111.044, 6111.12, 6111.44, 129783
and 6131.23 of the Revised Code and Sections 709.20, 709.30, 129784
709.40, 709.50, 715.20, 715.30, 715.40, and 737.50 of this act 129785
take effect on January 1, 2016. 129786

(B) The amendment, amendment for the purpose of adopting new 129787
section numbers as indicated in parentheses, or both of sections 129788
1511.02 (939.02), 1511.021 (939.03), 1511.022 (939.04), 1511.03 129789
(939.06), 1511.05 (939.05), 1511.071 (939.10), 1511.10 (939.08), 129790
1511.11 (939.09), 1515.01 (940.01), 1515.02 (940.02), 1515.03 129791
(940.03), 1515.05 (940.04), 1515.07 (940.05), 1515.08 (940.06), 129792
1515.081 (940.07), 1515.09 (940.08), 1515.091 (940.09), 1515.092 129793
(940.10), 1515.093 (940.11), 1515.10 (940.12), 1515.11 (940.13), 129794
1515.13 (940.14), 1515.14 (940.15), 1515.15 (940.16), 1515.16 129795
(940.17), 1515.17 (940.18), 1515.18 (940.19), 1515.181 (940.20), 129796
1515.182 (940.21), 1515.183 (940.22), 1515.184 (940.23), 1515.185 129797
(940.24), 1515.19 (940.25), 1515.191 (940.26), 1515.192 (940.27), 129798
1515.193 (940.28), 1515.21 (940.29), 1515.211 (940.30), 1515.22 129799
(940.31), 1515.23 (940.32), 1515.24 (940.33), 1515.28 (940.34), 129800
and 1515.29 (940.35) of the Revised Code takes effect on January 129801
1, 2016. 129802

(C) The amendment of division (D) of section 3734.02, 129803
division (VV) of section 5705.19, division (M) of section 6111.01, 129804
and division (T) of section 6111.03 of the Revised Code takes 129805
effect on January 1, 2016. 129806

(D) The following amendments take effect on January 1, 2016: 129807

(1) "Chapter ~~1515.~~ 940." in section 505.101 of the Revised 129808
Code; 129809

(2) "~~the division of soil and water resources in the~~ 129810
~~department of natural resources,~~" and "Chapter ~~1515.~~ 940." in 129811
division (A) of section 903.11 of the Revised Code; 129812

(3) "~~1511.01 939.01~~", "~~chief of the division of soil and~~ 129813
~~water resources in the department of natural resources under~~ 129814
~~section 1511.02~~ director of agriculture under section 939.02", and 129815
"~~1515.08 939.02~~" in section 903.25 of the Revised Code; 129816

(4) "~~1515.14 940.15~~" in division (A)(2) of section 3734.901 129817
of the Revised Code; 129818

(5) All of the amendments to section 1501.011 of the Revised 129819
Code, except a notice published by the department of natural 129820
resources regarding an activity, project, or improvement shall be 129821
published as contemplated in section 7.16 of the Revised Code. 129822

(6) Renumbering of sections 1515.14 to 940.15 of the Revised 129823
Code; and "natural resources agriculture", "~~local~~", "~~1515.10~~ 129824
940.12", "~~local~~", "~~1515.10 940.12~~", and "~~local~~" in division (A) of 129825
renumbered section 940.15 of the Revised Code. 129826

Section 815.10. The General Assembly, applying the principle 129827
stated in division (B) of section 1.52 of the Revised Code that 129828
amendments are to be harmonized if reasonably capable of 129829
simultaneous operation, finds that the following sections, 129830
presented in this act as composites of the sections as amended by 129831
the acts indicated, are the resulting versions of the sections in 129832
effect prior to the effective date of the sections as presented in 129833
this act: 129834

Section 109.572 of the Revised Code as amended by both Am. 129835
Sub. H.B. 483 and Am. Sub. S.B. 143 of the 130th General Assembly. 129836

Section 122.85 of the Revised Code as amended by both Am.	129837
Sub. H.B. 508 and Am. Sub. H.B. 510 of the 129th General Assembly.	129838
Section 124.181 of the Revised Code as amended by both Am.	129839
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.	129840
Section 124.392 of the Revised Code as amended by both Am.	129841
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.	129842
Section 321.24 of the Revised Code as amended by both Sub.	129843
S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 of the	129844
128th General Assembly.	129845
Section 2151.421 of the Revised Code as amended by both Am.	129846
Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th General Assembly.	129847
Section 3301.57 of the Revised Code as amended by both Am.	129848
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	129849
Section 3314.03 of the Revised Code as amended by Sub. H.B.	129850
264, Sub. H.B. 362, Sub. H.B. 393, and Am. Sub. H.B. 487, all of	129851
the 130th General Assembly.	129852
Section 3314.08 of the Revised Code as amended by both Am.	129853
Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly.	129854
Section 3319.22 of the Revised Code as amended by both Am.	129855
Sub. H.B. 487 and Am. Sub. S.B. 3 of the 130th General Assembly.	129856
Section 3326.11 of the Revised Code as amended by Sub. H.B.	129857
264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th	129858
General Assembly.	129859
Section 3328.24 of the Revised Code as amended by Sub. H.B.	129860
264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th	129861
General Assembly.	129862
Section 3333.048 of the Revised Code as amended by both Sub.	129863
H.B. 484 and Am. Sub. S.B. 3 of the 130th General Assembly.	129864
Section 3333.0411 of the Revised Code as amended by both Am.	129865

Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	129866
Section 3501.01 of the Revised Code as amended by Am. Sub.	129867
H.B. 59, Am. Sub. S.B. 109, and Am. Sub. S.B. 193 all of the 130th	129868
General Assembly.	129869
Section 3714.073 of the Revised Code as amended by both Am.	129870
Sub. H.B. 487 and Sub. S.B. 294 of the 129th General Assembly.	129871
Section 4501.21 of the Revised Code as amended by Am. Sub.	129872
H.B. 23, Sub. H.B. 206, Am. H.B. 474, and Am. S.B. 186, all of the	129873
130th General Assembly.	129874
Section 5104.09 of the Revised Code as amended by both Am.	129875
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	129876
Section 5104.38 of the Revised Code as amended by both Am.	129877
Sub. S.B. 316 of the 129th General Assembly and Am. Sub. H.B. 483	129878
of the 130th General Assembly.	129879
Section 5705.34 of the Revised Code as amended by both Am.	129880
Sub. H.B. 487 and Am. S.B. 321 of the 129th General Assembly.	129881
Section 5747.113 of the Revised Code as amended by both Am.	129882
Sub. H.B. 59 and Am. H.B. 112 of the 130th General Assembly.	129883